
**UNITED STATES VIRGIN ISLANDS
DEPARTMENT OF PLANNING AND NATURAL RESOURCES**



TERRITORIAL POLLUTION DISCHARGE ELIMINATION SYSTEM

GENERAL PERMIT NUMBER VIGSA0000

**AUTHORIZATION FOR STORM WATER DISCHARGES ASSOCIATED WITH
CONSTRUCTION ACTIVITY**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et. seq., (hereafter CWA), as amended by the Water Quality Act of 1987, P.L. 100-4, and the Virgin Islands Water Pollution Control Act, 12 V.I. CODE ANN. §184 (1998 & Supp. 2004) et. Seq., operators of large and small construction activities that are described in Part 1.1 of this Territorial Pollutant Discharge Elimination System (TPDES) Virgin Island Construction General Permit (VI CGP), except for those activities excluded from authorization of discharge in Part 1.3 of this permit, are authorized by the Virgin Islands Department of Planning And Natural Resources, hereafter referred to as VIDPNR, to discharge pollutants to waters of the United States Virgin Islands in accordance with the effluent limitations and conditions set forth herein. Permit coverage is required from the "commencement of construction activities" (see Appendix A) until one of the conditions for terminating VI CGP coverage has been met (see Part 8.2).

This permit is conditioned upon payment of applicable fees, submittal of a complete Notice of Intent (NOI) application form and written approval of coverage from the director of Division of Environmental Protection of VIDPNR, in accordance with 12 V.I. CODE ANN. §184 (1998 & Supp. 2004).

This permit becomes effective on 12:00 am, **TBD**.

This permit and the authorization to discharge expire at 11:59pm, **TBD**.

Honorable Jean-Pierre L. Oriol
Commissioner

Date

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1 HOW TO OBTAIN COVERAGE UNDER THE VIRGIN ISLANDS CONSTRUCTION GENERAL PERMIT (VI CGP)

The Virgin Islands Construction General Permit (VI CGP) applies to the entire Territory of the United States Virgin Islands. To be covered under this permit, you must meet the eligibility conditions and follow the requirements for obtaining permit coverage in this Part.

1.1 ELIGIBILITY CONDITIONS

1.1.1 You are an “operator” of a construction site for which discharges will be covered under this permit. For the purposes of this permit and in the context of stormwater discharges associated with construction activity, an “operator” is any party associated with a construction project that meets either of the following two criteria:

- a.** The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
- b.** The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

Where there are multiple operators associated with the same project, all operators must obtain permit coverage.¹ Subcontractors generally are not considered operators for the purposes of this permit.

1.1.2 Your site’s construction activities:

- a.** Will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale (as defined in Appendix A) that will ultimately disturb one or more acres of land; or
- b.** Have been designated by VIDPNR as needing permit coverage under 12 V.I.R.R §184-45(a)(1)(viii) or 40 CFR §122.26(b)(15)(ii);

1.1.3 Discharges from your site are not:

- a.** Already covered by a different TPDES permit for the same discharge; or
- b.** In the process of having coverage under a different TPDES permit for the same discharge denied, terminated, or revoked.^{2, 3}

1.1.4 You can demonstrate you meet one of the criteria in the Endangered Species Protection section of the Notice of Intent (NOI) that you submit for coverage under this permit, per Part 1.4, with respect to the protection of species that are either locally-listed under the U.S. Virgin Islands Indigenous and Endangered Species Act (IESA) of 1990 and will not

¹ If the operator of a “construction support activity” (see Part 1.2.1c) is different than the operator of the main site, that operator must also obtain permit coverage. See Part 7.1 for clarification on the sharing of permit-related functions between and among operators on the same site and for conditions that apply to developing a SWPPP for multiple operators associated with the same site.

² Parts 1.1.3a and 1.1.3b do not include sites currently covered under the 2012 VI CGP (VIGSA0000) that are in the process of obtaining coverage under this permit, nor sites covered under this permit that are transferring coverage to a different operator.

³ Notwithstanding a site being made ineligible for coverage under this permit because it falls under the description of Parts 1.1.3a or 1.1.3b, above, DPNR-DEP may waive the applicable eligibility requirement after specific review if it determines that coverage under this permit is appropriate.

result in adverse modification or destruction of habitat that is locally designated as "critical habitat" under the IESA or Federally listed as endangered or threatened species ("listed") and will not result in the adverse modification or destruction of habitat that is Federally designated critical habitat under the Endangered Species Act (ESA).

- 1.1.5** You have completed the screening process in Appendix D relating to the protection of historic properties; and
- 1.1.6** For "new sources" (as defined in Appendix A) only:
- a.** VIDPNR has not, prior to authorization under this permit, determined that discharges from your site will not meet applicable water quality standards. Where such a determination is made prior to authorization, VIDPNR may notify you that an individual permit application is necessary. However, VIDPNR may authorize your coverage under this permit after you have included appropriate controls and implementation procedures designed to bring your discharge into compliance with this permit, specifically the requirement to meet water quality standards. In the absence of information demonstrating otherwise, VIDPNR expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3, will result in discharges that meet applicable water quality standards.
 - b.** Discharges from your site to a Class A water⁴ will not lower the water quality of the applicable water. In the absence of information demonstrating otherwise, VIDPNR expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3.2, will result in discharges that will not lower the water quality of such waters.
- 1.1.7** If you plan to add "cationic treatment chemicals" (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, you may not submit your NOI until you notify VIDPNR (see Appendix J) in advance and VIDPNR authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will result in discharges that meet applicable water quality standards.

1.2 TYPES OF DISCHARGES AUTHORIZED⁵

- 1.2.1** The following stormwater discharges are authorized under this permit provided that appropriate stormwater controls are designed, installed, and maintained (see Parts 2 and 3):
- a.** Stormwater discharges, including stormwater runoff and surface runoff and drainage, associated with construction activity under 12 V.I.R.R. §184-45(b)(1)(ii);

⁴ Note: Your site will be considered to discharge to a Class A water if the first receiving water to which you discharge is identified by VIDPNR as a Class A water. For discharges that enter a storm sewer system prior to discharge, the first receiving water to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system..

⁵ See "Discharge" as defined in Appendix A. Note: Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA Section 402(k) by disclosure to VIDPNR after issuance of this permit via any means, including the NOI to be covered by the permit, the SWPPP, or during an inspection.

- b.** Stormwater discharges designated by VIDPNR as needing a permit under 12 V.I.R.R §184-45(a)(1)(viii) or 40 CFR §122.26(b)(15)(ii);
 - c.** Stormwater discharges from on or off-site construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that:
 - i.** The support activity is directly related to the construction site required to have permit coverage for stormwater discharges;
 - ii.** The support activity is not a commercial operation, nor does it serve multiple unrelated construction sites;
 - iii.** The support activity does not continue to operate beyond the completion of the construction activity at the site it supports; and
 - iv.** Stormwater controls are implemented in accordance with Part 2 and Part 3 for discharges from the support activity areas; and
- 1.2.2** The following non-stormwater discharges associated with your construction activity are authorized under this permit provided that, with the exception of water used to control dust and to irrigate vegetation in stabilized areas, these discharges are not routed to areas of exposed soil on your site and you comply with any applicable requirements for these discharges in Parts 2 and 3:
- a.** Discharges from emergency fire-fighting activities;
 - b.** Fire hydrant flushings;
 - c.** Landscape irrigation;
 - d.** Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
 - e.** Water used to control dust;
 - f.** Potable water including uncontaminated water line flushings;
 - g.** External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances (as defined in Appendix A) (e.g., paint or caulk containing polychlorinated biphenyls (PCBs));
 - h.** Pavement wash waters, provided spills or leaks of toxic or hazardous substances have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used. You are prohibited from directing pavement wash waters directly into any receiving water, storm drain inlet, or constructed or natural site drainage features, unless the feature is connected to a sediment basin, sediment trap, or similarly effective control;
 - i.** Uncontaminated air conditioning or compressor condensate;
 - j.** Uncontaminated, non-turbid discharges of ground water or spring water;
 - k.** Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and

I. Uncontaminated construction dewatering water⁶ discharged in accordance with Part 2.4.

1.2.3 Also authorized under this permit are discharges of stormwater listed above in Part 1.2.1, or authorized non-stormwater discharges listed above in Part 1.2.2, commingled with a discharge authorized by a different TPDES permit and/or a discharge that does not require TPDES permit authorization.

1.3 PROHIBITED DISCHARGES⁷

The discharges listed in this Part are prohibited outright or authorized only under the identified conditions. To prevent the discharges in Parts 1.3.1 through 1.3.5, operators must comply with the applicable pollution prevention requirements in Part 2.3 or ensure the discharge is authorized by another TPDES permit consistent with Part 1.2.3 for commingled discharges.

1.3.1 Wastewater from washout of concrete, unless managed by an appropriate control as described in Part 2.2.4;

1.3.2 Wastewater from washout and/or cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;

1.3.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;

1.3.4 Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; and

1.3.5 Toxic or hazardous substances from a spill or other release.

1.4 SUBMITTING YOUR NOTICE OF INTENT (NOI)

All "operators" (as defined in Appendix A) associated with your construction site who meet the Part 1.1 eligibility conditions, and who seek coverage under this permit, must submit to VIDPNR a complete and accurate NOI in accordance with the deadlines in Table 1 prior to commencement of construction activities (as defined in Appendix A).

Exception: If you are conducting construction activities in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services, you may discharge on the condition that a complete and accurate NOI is submitted within 30 calendar days after commencing construction activities (see Table 1) establishing that you are eligible for coverage under this permit. You must also provide documentation in your Stormwater Pollution Prevention Plan (SWPPP) to substantiate the occurrence of the public emergency pursuant to Part 7.2.3i.

⁶ VIDPNR notes that operators may need to comply with additional procedures to verify that the dewatering discharge is uncontaminated.

⁷ VIDPNR includes these prohibited non-stormwater discharges here as a reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2. Any unauthorized non-stormwater discharges must be covered under an individual permit or alternative general permit.

1.4.1 Prerequisite for Submitting Your NOI

You must develop a SWPPP consistent with Part 7 and submit your completed SWPPP to VIDPNR for review at the time you submit your NOI for coverage under this permit pursuant to Part 1.4.2.

1.4.2 How to Submit Your NOI

- a. Until [placeholder for date in 2024 that is 1 year beyond GP reissuance], you are required to complete and submit VIDPNR's NOI form specific to this permit, found in Appendix H.
- b. Effective [placeholder for date in 2024 that is 1 year beyond GP reissuance], you are required to use VIDPNR's NOI system (accessible at [placeholder for website address]) to prepare and submit your NOI electronically. However, if the VIDPNR grants you a waiver to use a paper NOI form, and you elect to use it, you must complete and submit the NOI form found in Appendix H.
- c. If pursuant to 1.4.2a or 1.4.2b, you are submitting a paper NOI form, you must submit the form to one of the following VIDPNR offices, corresponding with the island on which the construction activity covered is located. :

ST. CROIX

Virgin Islands Department of Planning and Natural Resources
Water Pollution Control Program
ATTN: TPDES Program
45 Estate Mars Hill
Frederiksted, VI 00840

ST. THOMAS & ST. JOHN

Virgin Islands Department of Planning and Natural Resources
Water Pollution Control Program
ATTN: TPDES Program
4611 Tutu Park Mall, Suite 300, Second Floor
St. Thomas, VI 00802

1.4.3 Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage

Table 1 provides the deadlines for submitting your NOI and the official start date of your permit coverage, which differ depending on when you commence construction activities.

Table 1 NOI Submittal Deadlines and Official Start Date for Permit Coverage.

Type of Operator	NOI Submittal Deadline ⁸	Permit Authorization Date ⁹
<p>Operator of a new site (i.e., a site where construction activities commence on or after TBD.)</p>	<p>At least 90 calendar days before commencing construction activities.</p>	<p>At least 75 calendar days after VIDPNR notifies you that it has received a complete NOI, to allow for a review of your submitted SWPPP, and upon VIDPNR notifying you of permit authorization unless VIDPNR notifies you that your authorization is delayed or denied.</p>
<p>Operator of an existing site (i.e., a site with 2012 VI CGP coverage where construction activities commenced prior to TBD.)</p>	<p>No later than TBD.</p>	<p>14 calendar days after VIDPNR notifies you that it has received a complete NOI, unless VIDPNR notifies you that your authorization is delayed or denied.</p> <p>Provided you submit your NOI no later than TBD your authorization under the 2012 VI CGP is automatically continued until you have been granted coverage under this permit or an alternative TPDES permit, or coverage is otherwise terminated.</p>
<p>New operator of a permitted site (i.e., an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site that is either a "new site" or an "existing site")</p>	<p>At least 14 calendar days before the date the transfer to the new operator will take place.</p>	<p>14 calendar days after VIDPNR notifies you that it has received a complete NOI, unless VIDPNR notifies you that your authorization is delayed or denied.</p>
<p>Operator of an "emergency-related project" (i.e., a project initiated in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services)</p>	<p>No later than 30 calendar days after commencing construction activities.</p>	<p>You are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered 14 calendar days after VIDPNR notifies you that it has received a complete NOI, unless VIDPNR notifies you that your authorization is delayed or denied.</p>

⁸ If you miss the deadline to submit your NOI, any and all discharges from your construction activities will continue to be unauthorized under the CWA until they are covered by this or a different TPDES permit. VIDPNR may take enforcement action for any unpermitted discharges that occur between the commencement of construction activities and discharge authorization.

⁹ Discharges are not authorized if your NOI is incomplete or inaccurate or if you are not eligible for permit coverage.

1.4.4 Modifying your NOI

If after submitting your NOI you need to correct or update any fields, indicate any NOI changes on the same NOI form in Appendix H and resubmit the NOI form as directed in Part 1.4.2c, or following the procedures specified by VIDPNR if VIDPNR has provided notice that electronic submission of NOIs is required under Part 1.4.2.

When there is a change to the site's operator, the new operator must submit a new NOI, and the previous operator must submit a Notice of Termination (NOT) form as specified in Part 8.3.

The following modifications to an NOI form will result in a minimum 14-day review process:

- Changes to the name of the operator;
- Changes to the project or site name;
- Changes to the estimated area to be disturbed;
- Changes to the name of the receiving water¹⁰, or additions to the applicable receiving waters;
- Changes to eligibility information related to endangered species protection or historic preservation;
- Changes to information provided related to the use of chemical treatment at your site; and
- Changes to answers provided regarding the demolition of structures over 10,000 square feet of floor space built or renovated before January 1, 1980.

During the minimum 14-day review process, you may continue to operate based on the information provided in your original NOI, but you must wait until the review period has ended before you may commence or continue activities on any portion of your site that would be affected by any of the above modifications, unless VIDPNR notifies you that the authorization is delayed or denied.

1.4.5 Your Official End Date of Permit Coverage

Once covered under this permit, your coverage will last until the date that:

- a. You terminate permit coverage consistent with Part 8; or
- b. You receive permit coverage under a different TPDES permit or a reissued or replacement version of this permit after expiring on **TBD** or
- c. You fail to submit an NOI for coverage under a reissued or replacement version of this permit before the deadline for existing construction sites where construction activities continue after this permit has expired.

1.5 REQUIREMENT TO POST A NOTICE OF YOUR PERMIT COVERAGE

You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so it is visible from the public road that is nearest to the active part of the construction

¹⁰ As defined in Appendix A, a "receiving water" is "a "Water of the United States Virgin Islands" as defined in 12 V.I.R.R. § 184-2 into which the regulated stormwater discharges.

site, and it must use a font large enough to be readily viewed from a public right-of-way.¹¹ At a minimum, the notice must include:

- a. The TPDES ID (i.e., permit tracking number assigned to your NOI);
- b. A contact name and phone number for obtaining additional construction site information;
- c. The Uniform Resource Locator (URL) for the SWPPP (if available), or the following statement using the VIDNPR office corresponding with the island on which the construction activity covered is located: "If you would like to obtain a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this site, contact VIDPNR by phone at (340) 774-3320 for sites on St. Thomas or St. John or (340) 773-1082 for sites on St. Croix;" and
- d. The following statement using the VIDPNR office corresponding with the island on which the construction activity covered is located: "If you observe indicators of stormwater pollutants in the discharge or in the receiving water, contact VIDPNR by phone at (340) 774-3320 [for sites on St. Thomas or St. John] or (340) 773-1082 [for sites on St. Croix]."

2 TECHNOLOGY-BASED EFFLUENT LIMITATIONS

You must comply with the following technology-based effluent limitations in this Part for all authorized discharges.¹²

2.1 GENERAL STORMWATER CONTROL DESIGN, INSTALLATION, AND MAINTENANCE REQUIREMENTS

You must design, install, and maintain stormwater controls required in Parts 2.2, 2.3, and 2.4 to minimize the discharge of pollutants in stormwater from construction activities.¹³ To meet this requirement, you must:

2.1.1 Account for the following factors in designing your stormwater controls:

- a. The expected amount, frequency, intensity, and duration of precipitation;¹⁴
- b. The nature of stormwater runoff (i.e., flow) and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. You must design stormwater controls to control stormwater volume, velocity, and peak flow rates to minimize discharges of pollutants in stormwater and to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points; and

¹¹ If the active part of the construction site is not visible from a public road, then place the notice of permit coverage in a position that is visible from the nearest public road and as close as possible to the construction site.

¹² For each of the effluent limits in Part 2, as applicable to your site, you must include in your SWPPP (1) a description of the specific control(s) to be implemented to meet the effluent limit; (2) any applicable design specifications; (3) routine maintenance specifications; and (4) the projected schedule for installation/implementation. See Part 7.2.6.

¹³ The permit does not recommend or endorse specific products or vendors.

¹⁴ Stormwater controls must be designed using the most recent data available to account for recent precipitation patterns and trends.

- c. The soil type and range of soil particle sizes expected to be present on the site.

If your site is exposed to or has previously experienced major storms, such as hurricanes, storm surge, extreme/heavy precipitation, and flood events, you should also include consideration of and contingencies for whether implementing structural improvements, enhanced/resilient stormwater controls, and other mitigation measures may help minimize impacts from stormwater discharges from such major storm events.

2.1.2 Design and install all stormwater controls in accordance with good engineering practices, including applicable design specifications.¹⁵

For the purposes of this permit, VIDPNR considers “good engineering practices” and “applicable design specifications” to mean being able to meet the minimum requirements found in the most recent version of the Virgin Islands Environmental Protection Handbook (VIEPH), unless the manufacturer’s specifications are more stringent, in which case you must follow the more stringent design and installation requirements.

2.1.3 Complete installation of stormwater controls by the time each phase of construction activities has begun.

- a. By the time construction activity in any given portion of the site begins, install and make operational any downgradient sediment controls (e.g., buffers, perimeter controls, exit point controls, storm drain inlet protection) that control discharges from the initial site clearing, grading, excavating, and other earth-disturbing activities.¹⁶
- b. Following the installation of these initial controls, install and make operational all stormwater controls needed to control discharges prior to subsequent earth-disturbing activities.

2.1.4 Ensure all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.

- a. Comply with any specific maintenance requirements for the stormwater controls listed in this permit, as well as any recommended by the manufacturer.¹⁷
- b. If at any time you find that a stormwater control needs routine maintenance (i.e., minor repairs or other upkeep performed to ensure the site’s stormwater controls remain in effective operating condition, not including significant repairs or the need to install a new or replacement control), you must immediately initiate the needed work, and complete such work by the close of the next business day. If it is infeasible to complete the routine maintenance by the close of the next business day, you must document why this is the case and why the repair or other upkeep to be performed

¹⁵ Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practices and must be explained in your SWPPP. You must also comply with any additional design and installation requirements specified for the effluent limits in Parts 2.2, 2.3, and 2.4.

¹⁶ Note that the requirement to install stormwater controls prior to each phase of construction activities for the site does not apply to the earth disturbance associated with the actual installation of these controls. Operators should take all reasonable actions to minimize the discharges of pollutants during the installation of stormwater controls.

¹⁷ Any departures from such maintenance recommendations made by the manufacturer must reflect good engineering practices and must be explained in your SWPPP.

should still be considered routine maintenance in your inspection report under Part 4.7.1c and complete such work no later than seven (7) calendar days from the time of discovery of the condition requiring maintenance.

- c. If you must repeatedly (i.e., three (3) or more times) make the same routine maintenance fixes to the same control at the same location, even if the fix can be completed by the close of the next business day, you must either:
 - i. Complete work to fix any subsequent repeat occurrences of this same problem under the corrective action procedures in Part 5, including keeping any records of the condition and how it was corrected under Part 5.4; or
 - ii. Document in your inspection report under Part 4.7.1c why the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under this Part.¹⁸
- d. If at any time you find that a stormwater control needs a significant repair or that a new or replacement control is needed, you must comply with the corrective action deadlines for completing such work in in Part 5.2.1c.

2.2 EROSION AND SEDIMENT CONTROL REQUIREMENTS

You must implement erosion and sediment controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater from construction activities.

2.2.1 Provide and maintain natural buffers and/or equivalent erosion and sediment controls for discharges to any receiving waters that is located within 50 feet of the site's earth disturbances.

- a. **Compliance Alternatives.** For any discharges to receiving waters located within 50 feet of your site's earth disturbances, you must comply with one of the following alternatives:
 - i. Provide and maintain a 50-foot undisturbed natural buffer; or
 - ii. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or
 - iii. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

See Appendix F, Part F.2 for additional conditions applicable to each compliance alternative.

- b. **Exceptions.** See Appendix F, Part F.2 for exceptions to the compliance alternatives.

¹⁸ Such documentation could include, for example, that minor repairs completed within the required timeframe are all that is necessary to ensure that the stormwater control continues to operate as designed and installed and that the stormwater control remains appropriate for the flow reaching it.

2.2.2 Direct stormwater to vegetated areas and maximize stormwater infiltration and filtering to reduce pollutant discharges, unless infiltration would be inadvisable due to the underlying geology (e.g., karst topography) and ground water contamination concerns, or infeasible due to site conditions.¹⁹

2.2.3 Install sediment controls along any perimeter areas of the site that are downslope from any exposed soil or other disturbed areas.²⁰

- a.** The perimeter control must be installed upgradient of any natural buffers established under Part 2.2.1, unless the control is being implemented pursuant to Part 2.2.1a.ii-iii;
- b.** To prevent stormwater from circumventing the edge of the perimeter control, install the perimeter control on the contour of the slope and extend both ends of the control up slope (e.g., at 45 degrees) forming a crescent rather than a straight line;
- c.** After installation, to ensure that perimeter controls continue to work effectively:
 - i.** Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control; and
 - ii.** After a storm event, if there is evidence of stormwater circumventing or undercutting the perimeter control, extend controls and/or repair undercut areas to fix the problem.
- d. Exception.** For areas at “linear construction sites” (as defined in Appendix A) where perimeter controls are infeasible (e.g., due to a limited or restricted right-of-way), implement other practices as necessary to minimize pollutant discharges to perimeter areas of the site.

2.2.4 Minimize sediment track-out.

- a.** Restrict vehicle use to properly designated exit points;
- b.** Use appropriate stabilization techniques²¹ at all points that exit onto paved roads;
 - i. Exception:** Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls²² are implemented to minimize sediment track-out;

¹⁹ Operators should consider whether factors such as specific contaminant concerns from the construction site, the underlying soils or geology, hydrology, depth to the ground water table, or proximity to source water or wellhead protection area(s) make the site unsuitable for infiltrating construction stormwater. Site conditions that may be of particular concern include proximity to: a current or future drinking water aquifer; a drinking water well or spring (including private/household wells); highly conductive geology such as karst; known pollutant hot spots, such as hazardous waste sites, landfills, gas stations, brownfields; an on-site sewage system or underground storage tank; or soils that do not allow for infiltration. Operators may find it helpful to consult EPA's [Drinking Water Mapping Application to Protect Source Waters \(DWMAPS\)](#). DWMAPS is an online mapping tool that can be used to locate drinking water providers, potential sources of contamination, polluted waterways, and information on protection initiatives in the site area.

²⁰ Examples of perimeter controls include filter berms; different types of silt fence such as wire-backed silt fence, super silt fence, or multi-layer geotextile silt fence; compost filter socks; gravel barriers; and temporary diversion dikes.

²¹ Examples of appropriate stabilization techniques include the use of aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats.

²² Examples of other exit point controls include preventing the use of exit points during wet periods;

- c. Implement additional track-out controls²³ as necessary to ensure that sediment removal occurs prior to vehicle exit; and
- d. Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. 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 constructed or natural site drainage feature, storm drain inlet, or receiving water.²⁴

2.2.5 Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil:²⁵

- a. Locate the piles outside of any natural buffers established under Part 2.2.1 and away from any constructed or natural site drainage features, storm drain inlets, and areas where stormwater flow is concentrated;
- b. Install a sediment barrier along all downgradient perimeter areas of stockpiled soil or land clearing debris piles;²⁶
- c. For piles that will be unused for 14 or more days, provide cover²⁷ or appropriate temporary stabilization (consistent with Part 2.2.14);
- d. You are prohibited from hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any constructed or natural site drainage feature, storm drain inlet, or receiving water.

2.2.6 Minimize dust. On areas of exposed soil, minimize dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged in stormwater from the site.

2.2.7 Minimize steep slope disturbances. Minimize the disturbance of “steep slopes” (as defined in Appendix A).²⁸

minimizing exit point use by keeping vehicles on site to the extent possible; limiting exit point size to the width needed for vehicle and equipment usage; using scarifying and compaction techniques on the soil; and avoiding establishing exit points in environmentally sensitive areas (e.g., *karst areas*; *steep slopes*).

²³ Examples of additional track-out controls include the use of wheel washing, rumble strips, and rattle plates.

²⁴ Fine grains that remain visible (e.g., staining) on the surfaces of off-site streets, other paved areas, and sidewalks after you have implemented sediment removal practices are not a violation of Part 2.2.4.

²⁵ The requirements in Part 2.2.5 do not apply to the storage of rock, such as rip rap, landscape rock, pipe bedding gravel, and boulders. Refer to Part 2.3.3a for the requirements that apply to these types of materials.

²⁶ Examples of sediment barriers include berms, dikes, fiber rolls, silt fences, sandbags, gravel bags, or straw bale.

²⁷ Examples of cover include tarps, blown straw and hydroseeding.

²⁸ Where disturbance to steep slopes cannot be avoided, operators should consider implementing controls suitable for steep slope disturbances that are effective at minimizing erosion and sediment discharge (e.g., preservation of existing vegetation, hydraulic mulch, geotextiles and mats, compost blankets, earth dikes or

2.2.8 Preserve native topsoil, unless infeasible.²⁹

2.2.9 Minimize soil compaction.³⁰ In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed:

- a. Restrict vehicle and equipment use in these locations to avoid soil compaction; and
- b. Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.

2.2.10 Protect storm drain inlets.

- a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater from your site to a receiving water, provided you have authority to access the storm drain inlet.³¹ Inlet protection measures are not required for storm drain inlets that are conveyed to a sediment basin, sediment trap, or similarly effective control; and
- b. Clean, or remove and replace, the inlet 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, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.

2.2.11 Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.³²

2.2.12 If you install a sediment basin or similar impoundment:

- a. Situate the basin or impoundment outside of any receiving water, and any natural buffers established under Part 2.2.1;
- b. Design the basin or impoundment to avoid collecting water from wetlands;
- c. Design the basin or impoundment to provide storage for either:

drainage swales, terraces, velocity dissipation devices). To identify slopes and soil types that are of comparatively higher risk for sediment discharge operators can use Table F-2 in Appendix F .

²⁹ Stockpiling topsoil at off-site locations, or transferring topsoil to other locations, is an example of a practice that is consistent with the requirements in Part 2.2.8. Preserving native topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. For example, some sites may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain, or may not have space to stockpile native topsoil on site for later use, in which case it may not be feasible to preserve topsoil.

³⁰ Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.

³¹ Inlet protection measures can be removed in the event of flood conditions or to prevent erosion.

³² Examples of stormwater controls that can be used to comply with this requirement include the use of erosion controls and/or velocity dissipation devices (e.g., check dams, sediment traps), within and along the length of a constructed site drainage feature and at the outfall to slow down stormwater.

- i. The calculated volume of runoff from a 2-year, 24-hour storm;³³ or
- ii. 3,600 cubic feet per acre drained.
- d. Utilize outlet structures that withdraw water from the surface of the sediment basin or similar impoundment, unless infeasible;³⁴
- e. Use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets; and
- f. Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition.

2.2.13 If using treatment chemicals (e.g., polymers, flocculants, coagulants):

- a. **Use conventional erosion and sediment controls before and after the application of treatment chemicals.** Chemicals may only be applied where treated stormwater is directed to a sediment control (e.g., *sediment basin, perimeter control*) before discharge.
- b. **Select appropriate treatment chemicals.** Chemicals must be appropriately suited to the types of soils likely to be exposed during construction and present in the discharges being treated (i.e., *the expected turbidity, pH, and flow rate of stormwater flowing into the chemical treatment system or area*).
- c. **Minimize discharge risk from stored chemicals.** Store all treatment chemicals in leak-proof containers that are kept under storm-resistant cover and surrounded by secondary containment structures (e.g., *spill berms, dikes, spill containment pallets*), or provide equivalent measures designed and maintained to minimize the potential discharge of treatment chemicals in stormwater or by any other means (e.g., *storing chemicals in a covered area, having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill*).
- d. **Comply with Territorial/Federal requirements.** Comply with all other applicable Federal or Territorial requirements regarding the use of treatment chemicals.
- e. **Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier.** Use treatment chemicals and chemical treatment systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document in your SWPPP specific departures from these specifications and how they reflect good engineering practice.
- f. **Ensure proper training.** Ensure all persons who handle and use treatment chemicals at the construction site are provided with appropriate, product-specific training prior

³³ Operators may refer to <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates> for guidance on determining the volume of precipitation associated with their site's local 2-year, 24-hour storm event.

³⁴ The circumstances in which it is infeasible to design outlet structures in this manner are rare. If you determine that it is infeasible to meet this requirement, you must provide documentation in your SWPPP to support your determination, including the specific conditions or time periods when this exception will apply.

to beginning application of treatment chemicals. Among other things, the training must cover proper dosing requirements.

- g. Perform additional measures specified by the VIDPNR for the authorized use of cationic chemicals.** If you have been authorized to use cationic chemicals at your site pursuant to Part 1.1.7, you must perform all additional measures as conditioned by your authorization to ensure the use of such chemicals will not result in discharges that do not meet water quality standards.

2.2.14 Stabilize exposed portions of the site. Implement and maintain stabilization measures (e.g., seeding protected by erosion controls until vegetation is established,³⁵ sodding, mulching, erosion control blankets, hydromulch, gravel) that minimize erosion from any areas of exposed soil on the site in accordance with Part.

³⁵ If you will be evaluating the use of some type of erosion control netting to the site as part of your site stabilization, VIDPNR encourages you to consider employing products that have been shown to minimize impacts on wildlife. For instance, the U.S. Fish & Wildlife Service provides recommendations on the type of netting practices that are considered “wildlife friendly,” including those that use natural fiber or 100 percent biodegradable materials and that use a loose weave with a non-welded, movable jointed netting, as well as those products that are not wildlife friendly including square plastic netting that are degradable (e.g., photodegradable, UV-degradable, oxo-degradable), netting made from polypropylene, nylon, polyethylene, or polyester. Other recommendations include removing the netting product when it is no longer needed. See https://www.fws.gov/midwest/eastlansing/library/pdf/WildlifeFriendlyErosionControlProducts_revised.pdf for further information. There also may be local requirements about using wildlife friendly erosion control products.

a. Stabilization Deadlines:³⁶

Table 2 Deadlines for Initiating and Completing Site Stabilization.

Total Amount of Land Disturbance Occurring At Any One Time ³⁷	Deadline
<p>i. Five acres or less (≤ 5.0)</p> <p>Note: this includes sites disturbing more than five acres (>5.0) total over the course of a project, but that limit disturbance at any one time (i.e., phase the disturbance) to five acres or less (≤ 5.0)</p>	<ul style="list-style-type: none"> • Initiate the installation of stabilization measures immediately³⁸ in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;³⁹ and • Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days after stabilization has been initiated.⁴⁰
<p>ii. More than five acres (>5.0)</p>	<ul style="list-style-type: none"> • Initiate the installation of stabilization measures immediately⁴¹ in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;⁴² and • Complete the installation of stabilization measures as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.⁴³

³⁶ VIDPNR may determine, based on an inspection carried out under Part 4.8 and corrective actions required under Part 5.3, that the level of sediment discharge on the site makes it necessary to require a faster schedule for completing stabilization. For instance, if sediment discharges from an area of exposed soil that is required to be stabilized are compromising the performance of existing stormwater controls, VIDPNR may require stabilization to correct this problem.

³⁷ Limiting disturbances to five (5) acres or less at any one time means that at no time during the project do the cumulative earth disturbances exceed five (5) acres. The following examples would qualify as limiting disturbances at any one time to five (5) acres or less:

1. The total area of disturbance for a project is five (5) acres or less.
2. The total area of disturbance for a project will exceed five (5) acres, but the operator ensures that no more than five (5) acres will be disturbed at any one time through implementation of stabilization measures. In this way, site stabilization can be used to “free up” land that can be disturbed without exceeding the five (5)-acre cap to qualify for the 14-day stabilization deadline. For instance, if an operator completes stabilization of two (2) acres of land on a five (5)-acre disturbance, then two (2) additional acres could be disturbed while still qualifying for the longer 14-day stabilization deadline.

³⁸ The following are examples of activities that would constitute the immediate initiation of stabilization:

1. Prepping the soil for vegetative or non-vegetative stabilization as long as seeding, planting, and/or installation of non-vegetative stabilization products takes place as soon as practicable, but no later than one (1) calendar day of completing soil preparation;
2. Applying mulch or other non-vegetative product to the exposed area;
3. Seeding or planting the exposed area;
4. Starting any of the activities in # 1 – 3 on a portion of the entire area that will be stabilized; and
5. Finalizing arrangements to have stabilization product fully installed in compliance with the deadlines for completing stabilization.

³⁹ The requirement to initiate stabilization immediately is triggered as soon as you know that construction work on a portion of the site is temporarily ceased and will not resume for 14 or more days, or as soon as you know that construction work is permanently ceased. In the context of this provision, “immediately” means as soon as practicable, but no later than the end of the next business day, following the day when the construction activities have temporarily or permanently ceased.

b. Exceptions:

- i. Unforeseen circumstances.** Operators that are affected by unforeseen circumstances⁴⁴ that delay the initiation and/or completion of vegetative stabilization:
 - (a) Immediately initiate and, within 14 calendar days, complete the installation of temporary non-vegetative stabilization measures to prevent erosion;
 - (b) Complete all soil conditioning, seeding, watering or irrigation installation, mulching, and other required activities related to the planting and initial establishment of vegetation as soon as conditions or circumstances allow it on your site; and
 - (c) Document in the SWPPP the circumstances that prevent you from meeting the deadlines in Part 2.2.14a and the schedule you will follow for initiating and completing stabilization.
 - ii. Discharges to a sediment- or nutrient-impaired water or to a water that is identified by VIDPNR as Class A for antidegradation purposes.** Complete stabilization as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.
- c. Final Stabilization Criteria** (for any areas not covered by permanent structures):
- i.** Establish uniform, perennial vegetation (*i.e., evenly distributed, without large bare areas*) to provide 70 percent or more of the vegetative cover native to local undisturbed areas; and/or
 - ii.** Implement permanent non-vegetative stabilization measures⁴⁵ to provide effective cover of any areas of exposed soil.
 - iii. Exceptions:**
 - (a) **Disturbed areas on agricultural land that are restored to their preconstruction agricultural use.** The Part 2.2.14c final stabilization criteria do not apply.
 - (b) **Areas that need to remain disturbed.** In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed, and only the minimum area needed remains disturbed (*e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, materials*).

⁴⁰ If vegetative stabilization measures are being implemented, stabilization is considered "installed" when all activities necessary to seed or plant the area are completed, including the application of any non-vegetative protective cover (*e.g., mulch, erosion control blanket*), if applicable. If non-vegetative stabilization measures are being implemented, stabilization is considered "installed" when all such measures are implemented or applied.

⁴¹ See footnote 38.

⁴² See footnote 39.

⁴³ See footnote 40.

⁴⁴ Examples include problems with the supply of seed stock or with the availability of specialized equipment and unsuitability of soil conditions due to excessive precipitation and/or flooding.

⁴⁵ Examples of permanent non-vegetative stabilization measures include riprap, gravel, gabions, and geotextiles.

2.3 POLLUTION PREVENTION REQUIREMENTS⁴⁶

You must implement pollution prevention controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater and to prevent the discharge of pollutants from spilled or leaked materials from construction activities.

2.3.1 For equipment and vehicle fueling and maintenance:

- a. Provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuels and oils, from these activities;⁴⁷
- b. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR part 112 and Section 311 of the CWA;
- c. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;
- d. Use drip pans and absorbents under or around leaky vehicles;
- e. Dispose of or recycle oil and oily wastes in accordance with other Federal or Territorial requirements; and
- f. Clean up spills or contaminated surfaces immediately, using dry clean up measures (do not clean contaminated surfaces by hosing the area down), and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

2.3.2 For equipment and vehicle washing:

- a. Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of wash waters;⁴⁸
- b. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water; and
- c. For storage of soaps, detergents, or solvents, provide either (1) cover (e.g., *plastic sheeting, temporary roofs*) to minimize the exposure of these detergents to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

⁴⁶ Under this permit, you are not required to minimize exposure for any products or materials where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

⁴⁷ Examples of effective means include:

- Locating activities away from receiving waters, storm drain inlets, and constructed or natural site drainage feature so that stormwater coming into contact with these activities cannot reach waters of the United States Virgin Islands;
- Providing secondary containment (e.g., *spill berms, dikes, spill containment pallets*) and cover where appropriate; and
- Having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill.

⁴⁸ Examples of effective means include locating activities away from receiving waters and storm drain inlets or constructed or natural site drainage features 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.

2.3.3 For storage, handling, and disposal of building products, materials, and wastes:⁴⁹

- a.** For building materials and building products,⁵⁰ provide either (1) cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these products to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

Exception: Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

- b.** For pesticides, herbicides, insecticides, fertilizers, and landscape materials:
- i.** In storage areas, provide either (1) cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these chemicals to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas; and
 - ii.** Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label (see also Part 2.3.5).
- c.** For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals: The following requirements apply to the storage and handling of chemicals on your site. If you are already implementing controls as part of an SPCC or other spill prevention plan that meet or exceed the requirements of this Part, you may continue to do so and be considered in compliance with these provisions provided you reference the applicable parts of the SPCC or other plans in your SWPPP as required in Part 7.2.6b.viii.
- i.** If any chemical container has a storage capacity of less than 55 gallons:
 - (a) The containers must be water-tight, and must be kept closed, sealed, and secured when not being actively used;
 - (b) If stored outside, use a spill containment pallet or similar device to capture small leaks or spills; and
 - (c) Have a spill kit available on site that is in good working condition (i.e., not damaged, expired, or used up) and ensure personnel are available to respond immediately in the event of a leak or spill.
 - ii.** If any chemical container has a storage capacity of 55 gallons or more:
 - (a) The containers must be water-tight, and must be kept closed, sealed, and secured when not being actively used;
 - (b) Store containers a minimum of 50 feet from receiving waters, constructed or natural site drainage features, and storm drain inlets. If infeasible due to site constraints, store containers as far away from these features as the site

⁴⁹ Compliance with the requirements of this permit does not relieve compliance requirements with respect to Federal or Territorial laws and regulations governing the storage, handling, and disposal of solid, hazardous, or toxic wastes and materials.

⁵⁰ Examples of building materials and building products typically present at construction sites include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.

permits. If site constraints prevent you from storing containers 50 feet away from receiving waters or the other features identified, you must document in your SWPPP the specific reasons why the 50-foot setback is infeasible, and how you will store containers as far away as the site permits;

- (c) Provide either (1) cover (e.g., temporary roofs) to minimize the exposure of these containers to precipitation and to stormwater, or (2) secondary containment (e.g., curbing, spill berms, dikes, spill containment pallets, double-wall, above-ground storage tank); and
- (d) Have a spill kit available on site that is in good working condition (i.e., not damaged, expired, or used up) and ensure personnel are available to respond immediately in the event of a leak or spill. Additional secondary containment measures are listed at 40 CFR §112.7(c)(1).
- iii. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.
- d. *For hazardous or toxic wastes:*⁵¹
 - i. Separate hazardous or toxic waste from construction and domestic waste;
 - ii. Store waste in sealed containers, constructed of suitable materials to prevent leakage and corrosion, and labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable Federal or Territorial requirements;
 - iii. Store all outside containers within appropriately-sized secondary containment (e.g., *spill berms, dikes, spill containment pallets*) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., *storing chemicals in a covered area, having a spill kit available on site*);
 - iv. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with Federal and Territorial requirements;
 - v. Clean up spills immediately, using dry clean-up methods, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and
 - vi. Follow all other Federal and Territorial requirements regarding hazardous or toxic waste.
- e. *For construction and domestic wastes:*⁵²

⁵¹ Examples of hazardous or toxic waste that may be present at construction sites include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.

⁵² Examples of construction and domestic wastes include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, demolition debris; and other trash or discarded materials.

- i.** Provide waste containers (e.g., *dumpster, trash receptacle*) of sufficient size and number to contain construction and domestic wastes;

 - (a) For waste containers with lids, keep waste container lids closed when not in use, and close lids at the end of the business day and during storm events. For waste containers without lids, provide either (1) cover (e.g., *a tarp, plastic sheeting, temporary roof*) to minimize exposure of wastes to precipitation, or (2) a similarly effective means designed to minimize the discharge of pollutants (e.g., *secondary containment*);
 - (b) On business days, clean up and dispose of waste in designated waste containers; and
 - (c) Clean up immediately if containers overflow, and if there is litter elsewhere on the site from escaped trash.
- ii.** Waste containers are not required for the waste remnant or unused portions of construction materials or final products that are covered by the exception in Part 2.2.3a provided that:

 - (a) These wastes are stored separately from other construction or domestic wastes addressed by Part 2.3.3e.i (i.e., wastes not covered by the exception in Part 2.3.3a). If the wastes are mixed, they must be stored in waste containers as required in Part 2.3.3e.i; and
 - (b) These wastes are stored in designated areas of the site, the wastes are described in the SWPPP (see Part 7.2.6b.ix), and identified in the site plan (see Part 7.2.4i).
- f.** For sanitary waste, position portable toilets so they are secure and will not be tipped or knocked over, and are located away from receiving waters, storm drain inlets, and constructed or natural site drainage features.

2.3.4 For washing applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials:

- a.** Direct wash water into a leak-proof container or leak-proof and lined pit designed so no overflows can occur due to inadequate sizing or precipitation;
- b.** Handle washout or cleanout wastes as follows:

 - i.** For liquid wastes:

 - (a) Do not dump liquid wastes or allow them to enter into constructed or natural site drainage features, storm inlets, or receiving waters;
 - (b) Do not allow liquid wastes to be disposed of through infiltration or to otherwise be disposed of on the ground;
 - (c) Comply with applicable Territorial requirements for disposal
 - ii.** Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part 2.3.3e; and
- c.** Locate any washout or cleanout activities as far away as possible from receiving waters, constructed or natural site drainage features, and storm drain inlets, and, to the extent feasible, designate areas to be used for these activities and conduct such activities only in these areas.

2.3.5 For the application of fertilizers:

- a.** Apply at a rate and in amounts consistent with manufacturer's specifications, or document in the SWPPP departures from the manufacturer specifications where appropriate in accordance with Part 7.2.6b.x;
- b.** Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;
- c.** Avoid applying before heavy rains that could cause excess nutrients to be discharged;
- d.** Never apply to constructed or natural site drainage features; and
- e.** Follow all other Federal and Territorial requirements regarding fertilizer application.

2.3.6 Emergency Spill Notification Requirements

Discharges of toxic or hazardous substances from a spill or other release are prohibited, consistent with Part 1.3.5. 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 established under either 40 CFR part 110, 40 CFR part 117, or 40 CFR part 302 occurs during a 24-hour period, you must notify VIDPNR at (340) 774-3320 for sites located on St. Thomas and St. John or (340) 773-1082 for sites located on St. Croix and the National Response Center (NRC) at (800) 424-8802 as soon as you have knowledge of the release. You must also, within seven (7) calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release.

2.4 CONSTRUCTION DEWATERING REQUIREMENTS

Comply with the following requirements to minimize the discharge of pollutants from dewatering⁵³ operations.

- 2.4.1** Route dewatering water through a sediment control (e.g., sediment trap or basin, pumped water filter bag) designed to prevent discharges with visual turbidity;⁵⁴
- 2.4.2** Do not discharge visible floating solids or foam;
- 2.4.3** The discharge must not cause the formation of a visible sheen on the water surface, or visible oily deposits on the bottom or shoreline of the receiving water. Use an oil-water separator or suitable filtration device (such as a cartridge filter) designed to remove oil, grease, or other products if dewatering water is found to or expected to contain these materials;
- 2.4.4** To the extent feasible, use well-vegetated (e.g., grassy or wooded), upland areas of the site to infiltrate dewatering water before discharge.⁵⁵ You are prohibited from using receiving waters as part of the treatment area;

⁵³ "Dewatering" is defined in Appendix A as "the act of draining accumulated stormwater and/or ground water from building foundations, vaults, and trenches, or other similar points of accumulation."

⁵⁴ For the purposes of this permit, visual turbidity is present where there is a sediment plume in the discharge or the discharge appears cloudy, or opaque, or has a visible contrast that can be identified by an observer.

⁵⁵ See footnote 19.

- 2.4.5** To prevent dewatering-related erosion and related sediment discharges:
- a.** Use stable, erosion-resistant surfaces (e.g., well-vegetated grassy areas, clean filter stone, geotextile underlayment) to discharge from dewatering controls;
 - b.** Do not place dewatering controls, such as pumped water filter bags, on steep slopes (as defined in Appendix A); and
 - c.** At all points where dewatering water is discharged, comply with the buffer requirements of Part 2.2.1 and the velocity dissipation requirements of Part 2.2.11.
- 2.4.6** For backwash water, either haul it away for disposal or return it to the beginning of the treatment process;
- 2.4.7** Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications; and
- 2.4.8** Comply with dewatering-specific inspection requirements in Part 4.

3 WATER QUALITY-BASED EFFLUENT LIMITATIONS

3.1 GENERAL EFFLUENT LIMITATION TO MEET APPLICABLE WATER QUALITY STANDARDS

Discharges must be controlled as necessary to meet applicable water quality standards.

In the absence of information demonstrating otherwise, VIDPNR expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards. If at any time you become aware, or VIDPNR determines, that discharges are not being controlled as necessary to meet applicable water quality standards, you must take corrective action as required in Parts 5.1 and 5.2, and document the corrective actions as required in Part 5.4.

VIDPNR may insist that you install additional controls (to meet the narrative water quality-based effluent limit above) on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards. This includes situations where additional controls are necessary to comply with a wasteload allocation in a VIDPNR-established or approved TMDL.

If during your coverage under a previous permit, you were required to install and maintain stormwater controls specifically to meet the assumptions and requirements of a VIDPNR-approved or established TMDL (for any parameter) or to otherwise control your discharge to meet water quality standards, you must continue to implement such controls as part of your coverage under this permit.

3.2 WATER QUALITY-BASED CONDITIONS FOR SITES DISCHARGING TO CERTAIN IMPAIRED AND HIGH QUALITY RECEIVING WATERS

For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by VIDPNR as Class A for antidegradation purposes,⁵⁶ you must

⁵⁶ Refer to Appendix A for definitions of "impaired water" and "Class A" waters. See Appendix E for a list of Class A waters.

comply with the inspection frequency specified in Part 4.3 and you must comply with the stabilization deadline specified in Part 2.2.14b.ii.⁵⁷

If you discharge to a water that is impaired for a parameter other than a sediment-related parameter or nutrients, VIDPNR will inform you if any additional controls are necessary for your discharge to be controlled as necessary to meet water quality standards. These controls might include those necessary for your discharge to be consistent with the assumptions of any available wasteload allocation in any applicable TMDL. In addition, VIDPNR may require you to apply for and obtain coverage under an individual VIDPNR permit.

In addition, on a case-by-case basis, VIDPNR may notify operators of new sites or operators of existing sites with increased discharges that additional analyses, stormwater controls, and/or other measures are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary.

If you discharge to a water that is impaired for polychlorinated biphenyls (PCBs) and are engaging in demolition of any structure with at least 10,000 square feet of floor space built or renovated before January 1, 1980, you must:

- a. Implement controls⁵⁸ to minimize the exposure of PCB-containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures, to precipitation and to stormwater; and
- b. Ensure that disposal of such materials is performed in compliance with applicable Federal and Territorial laws.

3.3 TURBIDITY BENCHMARK MONITORING FOR SITES DISCHARGING DEWATERING WATER TO PROTECT THE WATER QUALITY OF SURFACE WATERS

For sites discharging dewatering water to surface waters, you are required to comply with the benchmark monitoring requirements in this Part and document the procedures you will use at your site in your SWPPP pursuant to Part 7.2.8. A summary of these requirements is included in Table 1.

VIDPNR notes that the benchmark threshold is not an effluent limitation, rather it is an indicator that the dewatering controls may not be working to protect water quality, which the operator must investigate and correct as appropriate. A benchmark exceedance is not a permit violation. However, if a benchmark exceedance triggers corrective action in Part 5.1.5a, failure to conduct any required action is a permit violation.

Where there are multiple operators associated with the same site, the operators may coordinate with one another to carry out the monitoring requirements of this Part in order to avoid duplicating efforts. Such coordinating arrangements must be described in the SWPPP consistent with Part 7.2.8. Regardless of how the operators divide the

⁵⁷ If you qualify for any of the reduced inspection frequencies in Part 4.4, you may conduct inspections in accordance with Part 4.4 for any portion of your site that discharges to a sensitive water.

⁵⁸ Examples of controls to minimize exposure of PCBs to precipitation and stormwater include separating work areas from non-work areas and selecting appropriate personal protective equipment and tools, constructing a containment area so that all dust or debris generated by the work remains within the protected area, and using tools that minimize dust and heat (<212°F). For additional information, refer to Part III Summary of Permit Changes in VI CGP Fact Sheet.

responsibilities for monitoring and reporting, each operator remains responsible for compliance with these requirements.⁵⁹

3.3.1 Turbidity monitoring requirements⁶⁰

- a. **Sampling frequency.** You must collect at least one turbidity sample from your dewatering discharge each day a discharge occurs.
- b. **Sampling location.** Samples must be taken at all points where dewatering water is discharged. Samples must be taken after the dewatering water has been treated by installed treatment devices pursuant to Parts 2.4.1 and 2.4.3 and prior to its discharge off site into a receiving water, constructed or natural site drainage feature, or storm drain inlet.
- c. **Representative samples.** Samples taken must be representative of the dewatering discharge for any given day as required in Appendix G (standard permit conditions), Part G.10.2.
- d. **Test methods.** Samples must be measured using a turbidity meter that reports results in nephelometric turbidity units (NTUs) and conforms with a Part 136-approved method (e.g., methods 180.1 and 2130). You are required to use the meter, and conduct a calibration verification prior to each day's use, consistent with the manufacturer's instructions.

3.3.2 Turbidity benchmark

- a. The benchmark threshold for turbidity for this permit is 1 NTU for dewatering discharges to marine and coastal waters where coral reef systems are located and the effective turbidity water quality criterion is 1 NTU under 12 V.I.C. §186-4(b);
- b. The benchmark threshold for turbidity for this permit is 3 NTU for dewatering discharges to marine and coastal waters where coral reef ecosystems are not located and the effective turbidity water quality criterion is 3 NTU under 12 V.I.C. §186-4(b);
- c. The benchmark threshold for turbidity for this permit is 50 NTU for dewatering discharges to all other surface waters not subject to Part 3.3.2a or b.

⁵⁹ For instance, if Operator A relies on Operator B to meet the Part 3.3.1 turbidity monitoring requirements, the Part 3.3.4 reporting and recordkeeping requirements, and the Part 5.2.2 corrective action provisions when applicable, Operator A does not have to duplicate these same functions if Operator B is implementing them for both operators to be in compliance with the permit. However, Operator A remains responsible for complying with these permit requirements if Operator B fails to take actions that were necessary for Operator A to comply with the permit. See also footnote 76. VIDPNR notes that both Operator A and B are required to submit turbidity monitoring reports as required under Part 3.3.4, however, Operator A's report does not need to include the data collected by Operator B as long as Operator B submits the required data and Operator A's report indicates that it is relying on Operator B to report the data. See Part 3.3.4a.

⁶⁰ Operators may find it useful to consult EPA's *Monitoring and Inspection Guide for Construction Dewatering*, available at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>, which provides guidelines on how to correctly monitor for turbidity, determine if the weekly average exceeds the benchmark, and, if so, how to proceed with corrective action.

3.3.3 Comparison of turbidity samples to benchmark. Compare the weekly average⁶¹ of your turbidity monitoring results to the applicable benchmark pursuant to Part 3.3.2.

- a. If the weekly average of your turbidity monitoring results exceeds the benchmark, you are required to conduct follow-up corrective action in accordance with Part 5.2.2 and document any corrective action taken in your corrective action log in accordance with Part 5.4.
- b. For averaging purposes, a "monitoring week" starts with a Monday and ends on Sunday. Once a new monitoring week starts, you will need to calculate a new average for that week of turbidity monitoring results.⁶² A weekly average may consist of one or more turbidity monitoring results.
- c. Although you are not required to collect and analyze more than one turbidity sample per day from your dewatering discharge, if you do collect and analyze more than one sample on any given day, you must include any additional results in the calculation of your weekly average (i.e., add all individual results for that monitoring week and divide by the total number of samples).⁶³
- d. If you are conducting turbidity monitoring for more than one dewatering discharge point, you must calculate a weekly average turbidity value for each discharge point and compare each to the turbidity benchmark.

3.3.4 Reporting and recordkeeping.

- a. You must submit reports of your weekly average turbidity data to VIDPNR no later than 30 days following the end of each monitoring quarter. If there are monitoring weeks in which there was no dewatering discharge, or if there is a monitoring quarter with no dewatering discharge, indicate this in your turbidity monitoring report. If another operator associated with your same site is conducting turbidity monitoring on your behalf pursuant to Part **Error! Reference source not found.**, indicate this in your turbidity monitoring report.
- b. For the purposes of this permit, the following monitoring quarters and reporting deadlines apply:

⁶¹ A "weekly average" is defined as the sum of all of the turbidity samples taken during a "monitoring week" divided by the number of samples measured during that week. Average values should be calculated to the nearest whole number.

⁶² For example, if turbidity samples from your dewatering discharge in week 1 result in values of 30 NTU on Tuesday, 40 NTU on Wednesday, and 45 NTU on Thursday, your weekly average turbidity value would be 38.33 NTU $((30+40+45) \div 3 = 38 \text{ NTU})$. If in week 2, your turbidity samples resulted in values of 45 NTU on Monday, 30 NTU on Tuesday, 25 NTU on Wednesday, and 15 NTU on Thursday, you would calculate a new average for that week, which would yield an average turbidity value of 28.75 NTU $((45+30+25+15) \div 4 = 29 \text{ NTU})$. By comparison, if your samples on consecutive days from Friday to Monday were 60 NTU, 45 NTU, 40 NTU, and 43 NTU, respectively, and there are no other dewatering discharges for the remainder of the week, you would calculate one weekly average for the Friday to Sunday to be 48 NTU $((60+45+40) \div 3 = 48 \text{ NTU})$, and a separate weekly average for the one Monday to be 43 NTU $(43 \div 1 = 43 \text{ NTU})$.

⁶³ For example, if during a monitoring week you take two turbidity samples on Tuesday with a value of 30 NTU and 35 NTU, three samples on Wednesday with a value of 40 NTU, 45 NTU, and 48 NTU, and one sample on Thursday with a value of 45 NTU, your weekly average turbidity value for this week would be 41 NTU $((30+35+40+45+48+45) \div 6 = 41 \text{ NTU})$.

Table 3. Monitoring Quarters and Deadlines for Reporting Turbidity Benchmark Monitoring Data.

Monitoring Quarter #	Months	Reporting Deadline (no later than 30 days after end of the monitoring quarter)
1	January 1 – March 31	April 30
2	April 1 – June 30	July 30
3	July 1 – September 30	October 30
4	October 1 – December 31	January 30

- c. Until VIDPNR provides notice that electronic submission is required, you must submit your quarterly turbidity data to VIDPNR at the addresses listed in Part 1.4.2. You must complete the form in Appendix K.
- d. For each day in which you are required to monitor, you must record the monitoring information required by Appendix G, Parts G.10.2 and G.10.3 and retain all such information for a period of at least three years from the date this permit expires or from the date your authorization is terminated.

Table 4. Summary of Turbidity Benchmark Monitoring Requirements.

Applicability	Sampling Requirement	Turbidity Benchmark	Corrective Action	Reporting
Sites discharging dewatering water to any surface water.	Collect at least one turbidity sample per day, from each discharge point, on any day there is a dewatering discharge. Use turbidity sampling procedures specified in Part 3.3.1.	Compare the weekly average of your turbidity monitoring results to the applicable benchmark pursuant to Part 3.3.2.	If the weekly average of turbidity monitoring results exceeds the applicable benchmark pursuant to Part 3.3.2., you are required to take follow-up corrective action in accordance with Part 5.2.2.	Report all weekly average turbidity monitoring results on a quarterly basis using the paper monitoring form in Appendix K no later than 30 days following the end of each monitoring quarter.

4 INSPECTION REQUIREMENTS

4.1 PERSON(S) RESPONSIBLE FOR CONDUCTING SITE AND DEWATERING INSPECTIONS

The person(s) inspecting your site may be a person on your staff or a third party you hire to conduct such inspections. You are responsible for ensuring that any person conducting inspections pursuant to this Part is a “qualified person.” A qualified person is someone who has completed the training required by Part 6.3.

4.2 FREQUENCY OF INSPECTIONS.⁶⁴

At a minimum, you must conduct a site inspection in accordance with the schedule listed below, unless you are subject to the Part 4.3 site inspection frequency for

⁶⁴ Inspections are only required during the site’s normal working hours.

discharges to sediment or nutrient-impaired or high quality waters, or qualify for a Part 4.4 reduction in the inspection frequency:

4.2.1 At least once every seven (7) calendar days; or

4.2.2 Once every 14 calendar days *and* within 24 hours⁶⁵ of the occurrence of:

A storm event that produces 0.25 inches or more of rain within a 24-hour period.

- i. If a storm event produces 0.25 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.25 inches but together produce 0.25 inches or more in 24 hours), you are required to conduct one inspection within 24 hours of when 0.25 inches of rain or more has fallen.
- ii. If a storm event produces 0.25 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.25 inches or more of rain on subsequent days, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.25 inches or more of rain (i.e., only two inspections would be required for such a storm event).⁶⁶

4.2.3 To determine whether a storm event meets the threshold in Part 4.2.2:

You must either keep a properly maintained rain gauge on your site or obtain the storm event information from a weather station that is representative of your location. For any 24-hour period during which there is 0.25 inches or more of rainfall, you must record the total rainfall measured for that day in accordance with Part 4.7.1c.

4.3 INCREASE IN INSPECTION FREQUENCY FOR CERTAIN SITES.

The increased inspection frequencies established in this Part take the place of the Part 4.2 inspection frequencies for the portion of the site affected.

4.3.1 For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by VIDPNR as Class A for antidegradation purposes (see Part 3.2), you must conduct an once every seven (7) calendar days *and* within 24 hours of the occurrence of a storm event that produces 0.25 inches or more of rain within a 24-hour period.

Refer to Part 0 for the requirements to determine if a storm event produces enough rain to trigger the inspection requirement.

4.3.2 For sites discharging dewatering water, you must conduct an inspection in accordance with Part 4.6.3 during the discharge once per day on which the discharge occurs. The

⁶⁵ For the purposes of the inspection requirements in this Part, conducting an inspection “within 24 hours” means that once the conditions in Parts 0 are met you have 24 hours from that time to conduct an inspection. For clarification, the 24 hours is counted as a continuous passage of time, and not counted by business hours (e.g., 3 business days of 8 hours each). When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.

⁶⁶ For example, if 0.30 inches of rain falls on Day 1, 0.25 inches of rain falls on Day 2, and 0.10 inches of rain fall on Day 3, you would be required to conduct a first inspection within 24 hours of the Day 1 rainfall and a second inspection within 24 hours of the Day 2 rainfall, but a third inspection would not be required within 24 hours of the Day 3 rainfall.

Part 4.2 inspection frequency still applies to all other portions of the site, unless the site is affected by either the increased frequency in Part 4.3.1 or the reduced frequency in Part 4.4.

4.4 REDUCTIONS IN INSPECTION FREQUENCY

4.4.1 Stabilized areas.

- a.** You may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, then once per month until permit coverage is terminated consistent with Part 8 in any area of your site where the stabilization steps in Part 2.2.14a have been completed. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Parts 4.2 and 4.3, as applicable. You must document the beginning and ending dates of this period in your SWPPP.
- b. Exception.** For "linear construction sites" (as defined in Appendix A) where disturbed portions have undergone final stabilization at the same time active construction continues on others, you may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, in any area of your site where the stabilization steps in Part 2.2.14a have been completed. After the first month, inspect once more within 24 hours of the occurrence of a storm event that produces 0.25 inches of rain or more within a 24-hour period. If there are no issues or evidence of stabilization problems, you may suspend further inspections. If "wash-out" of stabilization materials and/or sediment is observed, following re-stabilization, inspections must resume at the inspection frequency required in Part 4.4.1a. Inspections must continue until final stabilization is visually confirmed following a storm event that produces 0.25 inches of rain or more within a 24-hour period.

4.5 AREAS THAT MUST BE INSPECTED

During your site inspection, you must at a minimum inspect the following areas of your site:

- 4.5.1** All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part 2.2.14a;
- 4.5.2** All stormwater controls, including pollution prevention controls, installed at the site to comply with this permit;⁶⁷
- 4.5.3** Material, waste, borrow, and equipment storage and maintenance areas that are covered by this permit;
- 4.5.4** All areas where stormwater typically flows within the site, including constructed or natural site drainage features designed to divert, convey, and/or treat stormwater;
- 4.5.5** All areas where construction dewatering is taking place, including controls to treat the dewatering discharge and any channelized flow of water to and from those controls;
- 4.5.6** All points of discharge from the site; and
- 4.5.7** All locations where stabilization measures have been implemented.

⁶⁷ This includes the requirement to inspect for sediment that has been tracked out from the site onto paved roads, sidewalks, or other paved areas consistent with Part 2.2.4.

You are not required to inspect areas that, at the time of the inspection, are considered unsafe to your inspection personnel.

4.6 REQUIREMENTS FOR INSPECTIONS

4.6.1 During each site inspection, you must at a minimum:

- a.** Check whether all stormwater controls (*i.e., erosion and sediment controls and pollution prevention controls*) are properly installed, appear to be operational, and are working as intended to minimize pollutant discharges.
- b.** Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site.
- c.** Identify any locations where new or modified stormwater controls are necessary to meet the requirements of Parts 2 and/or 3.
- d.** Check for signs of visible erosion and sedimentation (*i.e., sediment deposits*) that have occurred and are attributable to your discharge at points of discharge and, if applicable, on the banks of any receiving waters flowing within or immediately adjacent to the site;
- e.** Check for signs of sediment deposition that are visible from your site and attributable to your discharge (e.g., sand bars with no vegetation growing on top in receiving waters or in other constructed or natural site drainage features, or the buildup of sediment deposits on nearby streets, curbs, or open conveyance channels).
- f.** Identify any incidents of noncompliance observed.

4.6.2 If a discharge is occurring during your inspection:

- a.** Identify all discharge points at the site; and
- b.** Observe and document the visual quality of the discharge, and take note of the characteristics of the stormwater discharge, including color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of stormwater pollutants. Check also for signs of these same pollutant characteristics that are visible from your site and attributable to your discharge in receiving waters or in other constructed or natural site drainage features.

4.6.3 For dewatering inspections conducted pursuant to Parts 4.3.2, record the following in a report within 24 hours of completing the inspection:

- a.** The inspection date;
- b.** Names and titles of personnel making the inspection;
- c.** Approximate times that the dewatering discharge began and ended on the day of inspection;⁶⁸
- d.** Estimates of the rate (in gallons per day) of discharge on the day of inspection;
- e.** Whether or not any of the following indications of pollutant discharge were observed at the point of discharge to any receiving waters flowing through or immediately

⁶⁸ If the dewatering discharge is a continuous discharge that continues after normal business hours, indicate that the discharge is continuous.

adjacent to the site and/or to constructed or natural site drainage features or storm drain inlets;⁶⁹

- i. a sediment plume, suspended solids, unusual color, presence of odor, decreased clarity, or presence of foam; and/or
 - ii. a visible sheen on the water surface or visible oily deposits on the bottom or shoreline of the receiving water; and
- f. Photographs of (1) the dewatering water prior to treatment by a dewatering control(s) and the final discharge after treatment; (2) the dewatering control(s); and (3) the point of discharge to any receiving waters flowing through or immediately adjacent to the site and/or to constructed or natural site drainage features, storm drain inlets, and other conveyances to receiving waters.

You must also comply with the Part 4.7.2, 4.7.3, and 4.7.4 requirements for signing the reports, keeping them available on site, and retaining copies.

4.6.4 Based on the results of your inspection:

- a. Complete any necessary maintenance repairs or replacements under Part 2.1.4 or under Part 5, whichever applies; and
- b. Modify your SWPPP site map in accordance with Part 7.4.1 to reflect changes to your stormwater controls that are no longer accurately reflected on the current site map.

4.7 INSPECTION REPORT

4.7.1 You must complete an inspection report within 24 hours of completing any site inspection. Each inspection report (except for dewatering inspection reports, which are covered in Part 4.6.3) must include the following:

- a. The inspection date;
- b. Names and titles of personnel making the inspection;
- c. A summary of your inspection findings, covering at a minimum the observations you made in accordance with Part 4.6, including any problems found during your inspection that make it necessary to perform routine maintenance pursuant to Part 2.1.4b or corrective action pursuant to Part 5. Include also any documentation as to why the corrective action procedures under Part 5 are unnecessary to fix a problem that repeatedly occurs as described in Part 2.1.4b;
- d. If you are inspecting your site at the frequency specified in Part 4.2.2, Part 4.3, or Part 4.4.1b, and you conducted an inspection because of a storm event that produced rainfall measuring 0.25 inches or more within a 24-hour period, you must include the applicable rain gauge or weather station readings that triggered the inspection; and
- e. If you determined that it is unsafe to inspect a portion of your site, you must describe the reason you found it to be unsafe and specify the locations to which this condition applies.

4.7.2 Signature Requirements. Each inspection report must be signed by the operator's signatory in accordance with Appendix G, Part G.11 of this permit.

⁶⁹ If the operator observes any of these indicators of pollutant discharge, corrective action is required consistent with Parts 5.1.5b and 5.2.2.

4.7.3 Record Keeping Requirements. You must keep a copy of all inspection reports at the site or at an easily accessible location, so that it can be made immediately available at the time of an on-site inspection or upon request by VIDPNR.⁷⁰

4.7.4 Report Retention Requirements. You must retain all inspection reports completed for this Part for at least three (3) years from the date that your permit coverage expires or is terminated.

4.8 INSPECTIONS BY VIDPNR

You must allow VIDPNR, or an authorized representative of VIDPNR, to conduct the following activities at reasonable times. To the extent that you are utilizing shared controls, that are not on site, to comply with this permit, you must make arrangements for VIDPNR to have access at all reasonable times to those areas where the shared controls are located.

4.8.1 Site Entry. Enter onto all areas of the site, including any construction support activity areas covered by this permit, any off-site areas where shared controls are utilized to comply with this permit, discharge locations, adjoining waterbodies, and locations where records are kept under the conditions of this permit;

4.8.2 Record Access. Access and copy any records that must be kept under the conditions of this permit;

4.8.3 Site Inspection. Inspect your construction site, including any construction support activity areas covered by this permit (see Part 1.2.1c), any stormwater controls installed and maintained at the site, and any off-site shared controls utilized to comply with this permit; and

4.8.4 Sampling. Sample or monitor for the purpose of ensuring compliance.

5 CORRECTIVE ACTIONS

5.1 CONDITIONS TRIGGERING CORRECTIVE ACTION.

You must take corrective action to address any of the following conditions identified at your site:

5.1.1 A stormwater control needs a significant repair or a new or replacement control is needed, or, in accordance with Part 2.1.4d, you find it necessary to repeatedly (i.e., three (3) or more times) conduct the same routine maintenance fix to the same control at the same location (unless you document in your inspection report under Part 4.7.1c that the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under Part 2.1.4); or

5.1.2 A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or

5.1.3 Your discharges are not meeting applicable water quality standards;

⁷⁰ Inspection reports may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of inspection report records, refer to the Fact Sheet discussion related to Part 4.7.3.

- 5.1.4 A prohibited discharge has occurred (see Part 1.3); or
- 5.1.5 During discharge from site dewatering activities:
 - a. The weekly average of your turbidity monitoring results exceeds the applicable benchmark pursuant to Part **Error! Reference source not found.**); or
 - b. You observe or you are informed by VIDPNR of the presence of the conditions specified in Part 4.6.3e.

5.2 CORRECTIVE ACTION DEADLINES

- 5.2.1 If responding to any of the Part 5.1.1, 5.1.2, 5.1.3, or 5.1.4 triggering conditions, you must:
 - a. Immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events; and
 - b. When the problem does not require a new or replacement control or significant repair, the corrective action must be completed by the close of the next business day; or
 - c. When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 7-day timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven (7) calendar days of completing this work.
- 5.2.2 If responding to either of the Part 5.1.5 triggering conditions related to site dewatering activities, you must:
 - a. Immediately take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a solution, including shutting off the dewatering discharge as soon as possible depending on the severity of the condition⁷¹ taking safety considerations into account;
 - b. Determine whether the dewatering controls are operating effectively and whether they are causing the conditions; and
 - c. Make any necessary adjustments, repairs, or replacements to the dewatering controls to lower the turbidity levels below the benchmark or remove the visible plume or sheen.

When you have completed these steps and made any changes deemed necessary, you may resume discharging from your dewatering activities.

⁷¹ For instance, if the weekly average of your turbidity monitoring results or a single sample is extremely high (e.g., a single turbidity sample results in 355 NTUs or higher), you should take action to safely shut off the discharge so that you can evaluate the cause of the high turbidity. Note: A single turbidity sample of 355 NTUs or higher means that the weekly average turbidity value will exceed 50 NTU regardless of the turbidity values the other days during the week.

5.3 CORRECTIVE ACTION REQUIRED BY VIDPNR

You must comply with any corrective actions required by VIDPNR as a result of permit violations found during an inspection carried out under Part 4.8.

5.4 CORRECTIVE ACTION LOG

5.4.1 For each corrective action taken in accordance with this Part, you must record the following in a corrective action log:

- a. Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time it was identified.
- b. Within 24 hours of completing the corrective action (in accordance with the deadlines in Part 5.2), document the actions taken to address the condition, including whether any SWPPP modifications are required.

5.4.2 Signature Requirements. Each entry into the corrective action log, consisting of the information required by both Parts 5.4.1a and 5.4.1b, must be signed by the operator's signatory in accordance with Appendix G, Part G.11.2 of this permit.

5.4.3 Record Keeping Requirements. You must keep a copy of the corrective action log at the site or at an easily accessible location, so that it can be made immediately available at the time of an on-site inspection or upon request by VIDPNR.⁷²

5.4.4 Record Retention Requirements. You must retain the corrective action log for at least three (3) years from the date that your permit coverage expires or is terminated.

6 STORMWATER TEAM FORMATION/STAFF TRAINING REQUIREMENTS

6.1 STORMWATER TEAM

Each operator, or group of multiple operators, must assemble a "stormwater team" that will be responsible for carrying out activities necessary to comply with this permit. The stormwater team must include the following people:

- a. Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls);
- b. Personnel responsible for the application and storage of treatment chemicals (if applicable);
- c. Personnel who are responsible for conducting inspections as required in Part 4.1; and
- d. Personnel who are responsible for taking corrective actions as required in Part 5.

Members of the stormwater team must be identified in the SWPPP pursuant to Part 7.2.2.

⁷² The corrective action log may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of corrective action log records, refer to the Fact Sheet discussion related to Part 4.7.3.

6.2 GENERAL TRAINING REQUIREMENTS FOR STORMWATER TEAM MEMBERS

Prior to the commencement of construction activities, you must ensure that all persons⁷³ assigned to the stormwater team understand the requirements of this permit and their specific responsibilities with respect to those requirements, including the following related to the scope of their job duties:

- a. The permit requirements and deadlines associated with installation, maintenance, and removal of stormwater controls, as well as site stabilization;
- b. The location of all stormwater controls on the site required by this permit and how they are to be maintained;
- c. The proper procedures to follow with respect to the permit's pollution prevention requirements; and
- d. When and how to conduct inspections, record applicable findings, and take corrective actions. Specific training requirements for persons conducting site inspections are included in Part 6.3.

You are responsible for ensuring that all activities on the site comply with the requirements of this permit. You are not required to provide or document formal training for subcontractors or other outside service providers (unless the subcontractors or outside service providers are responsible for conducting the inspections required in Part 4, in which case you must provide such documentation consistent with Part 7.2.2), but you must ensure that such personnel understand any requirements of this permit that may be affected by the work they are subcontracted to perform.

6.3 TRAINING REQUIREMENTS FOR PERSONS CONDUCTING INSPECTIONS

To be considered a qualified person under Part 4.1 for conducting inspections under Part 4, you must, at a minimum, either:

- a. Have completed the EPA construction inspection course developed for this permit and have passed the exam; or
- b. Hold a current valid construction inspection certification or license from a program that, at a minimum, covers the following:⁷⁴
 - i. Principles and practices of erosion and sediment control and pollution prevention practices at construction sites;
 - ii. Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites; and
 - iii. Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4.

⁷³ If the person requiring training is a new employee who starts after you commence construction activities, you must ensure that this person has the proper understanding as required above prior to assuming particular responsibilities related to compliance with this permit. For emergency-related projects, the requirement to train personnel prior to commencement of construction activities does not apply, however, such personnel must have the required training prior to NOI submission.

⁷⁴ If one of the following topics (e.g., installation and maintenance of pollution prevention practices) is not covered by the non-EPA training program, you may consider supplementing the training with the analogous module of the EPA course (e.g., Module 4) that covers the missing topic.

6.4 STORMWATER TEAM'S ACCESS TO PERMIT DOCUMENTS

Each member of the stormwater team must have easy access to an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

7 STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

7.1 GENERAL REQUIREMENTS

All operators associated with a construction site under this permit must develop a SWPPP consistent with the requirements in Part 7 prior to their submittal of the NOI.^{75, 76, 77} The SWPPP must be kept up-to-date throughout coverage under this permit.

If a SWPPP was prepared under a previous version of this permit, the operator must review and update the SWPPP to ensure that this permit's requirements are addressed prior to submitting an NOI for coverage under this permit.

7.2 SWPPP CONTENTS

At a minimum, the SWPPP must include the information specified in this Part and as specified in other parts of this permit.

7.2.1 All Site Operators. Include a list of all other operators who will be engaged in construction activities at the site, and the areas of the site over which each operator has control.

7.2.2 Stormwater Team. Identify the personnel (by name and position) that you have made part of the stormwater team pursuant to Part 6.1, as well as their individual responsibilities, including which members are responsible for conducting inspections.

Include verification that each member of the stormwater team has received the training required by Part 6.2. Include documentation that members of the stormwater team responsible for conducting inspections pursuant to Part 4 have received the training required by Part 6.3. If personnel on your team elect to complete the EPA inspector training program pursuant to Part 6.3a, you must include copies of the certificate showing that the relevant personnel have completed the training and passed the exam. If personnel on your team elect to complete a non-EPA inspector training program pursuant to Part 6.3b, you must include documentation showing that these persons have successfully completed the program and their certification or license is still current. You

⁷⁵ The SWPPP does not establish the effluent limits and/or other permit terms and conditions that apply to your site's discharges; these limits, terms, and conditions are established in this permit.

⁷⁶ Where there are multiple operators associated with the same site, they may develop a group SWPPP instead of multiple individual SWPPPs. Regardless of whether there is a group SWPPP or multiple individual SWPPPs, each operator is responsible for compliance with the permit's terms and conditions. In other words, if Operator A relies on Operator B to satisfy its permit obligations, Operator A does not have to duplicate those permit-related functions if Operator B is implementing them such that both operators are in compliance with the permit. However, Operator A remains responsible for permit compliance if Operator B fails to take actions necessary for Operator A to comply with the permit. In addition, all operators must ensure, either directly or through coordination with other operators, that their activities do not cause a violation or compromise any other operators' controls and/or any shared controls.

⁷⁷ There are a number of commercially available products to assist operators in developing the SWPPP, as well as companies that can be hired to help develop a site-specific SWPPP. The permit does not state which are recommended, nor does VIDPNR endorse any specific products or vendors. Where operators choose to rely on these products or services, the choice of which ones to use to comply with the requirements of this Part is a decision for the operator alone.

must also confirm that the non-EPA inspector training program satisfies the minimum elements for such programs in Part 6.3b.

7.2.3 Nature of Construction Activities. Include the following:

- a. A description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition;
- b. The size of the property (in acres or length in miles if a linear construction site);
- c. The total area expected to be disturbed by the construction activities (to the nearest quarter acre or nearest quarter mile if a linear construction site);
- d. A description of any on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c);
- e. The maximum area expected to be disturbed at any one time, including on-site and off-site construction support activity areas;
- f. A description and projected schedule for the following:⁷⁸
 - i. Commencement of construction activities in each portion of the site, including clearing and grubbing, mass grading, demolition activities, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;
 - ii. Temporary or permanent cessation of construction activities in each portion of the site;
 - iii. Temporary or final stabilization of exposed areas for each portion of the site; and
 - iv. Removal of temporary stormwater controls and construction equipment or vehicles, and the cessation of construction-related pollutant-generating activities.
- g. A list and description of all pollutant-generating activities⁷⁹ on the site. For each pollutant-generating activity, include an inventory of pollutants or pollutant constituents (e.g., *sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels*) associated with that activity, which could be discharged in stormwater from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed or removed during construction;
- h. Business days and hours for the project;
- i. If you are conducting construction activities in response to a public emergency (see Part 1.4), a description of the cause of the public emergency (e.g., *mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services*), information substantiating its occurrence (e.g., *Territorial disaster*

⁷⁸ If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant to “lock in” the operator to meeting these dates. When departures from initial projections are necessary, this should be documented in the SWPPP itself, or in associated records, as appropriate.

⁷⁹ Examples of pollutant-generating activities include paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering activities.

declaration or similar declaration), and a description of the construction necessary to reestablish affected public services.

- 7.2.4 Site Map.** Include a legible map, or series of maps, showing the following features of the site:
- a.** Boundaries of the property;
 - b.** Locations where construction activities will occur, including:
 - i.** Locations where earth-disturbing activities will occur (note any phasing), including any demolition activities;
 - ii.** Approximate slopes before and after major grading activities (note any steep slopes (as defined in Appendix A));
 - iii.** Locations where sediment, soil, or other construction materials will be stockpiled;
 - iv.** Any receiving water crossings;
 - v.** Designated points where vehicles will exit onto paved roads;
 - vi.** Locations of structures and other impervious surfaces upon completion of construction; and
 - vii.** Locations of on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c).
 - c.** Locations of any receiving waters within the site and all receiving waters within one mile downstream of the site's discharge point(s). Also identify if any of these receiving waters are listed as impaired or are identified by VIDPNR as Class A waters;
 - d.** Any areas of Federally listed or locally-listed critical habitat within the action area of the site as defined in Appendix A;
 - e.** Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures);
 - f.** Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities;
 - g.** Stormwater and authorized non-stormwater discharge locations, including:
 - i.** Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets, including a notation of whether the inlet conveys stormwater to a sediment basin, sediment trap, or similarly effective control;⁸⁰
 - ii.** Locations where stormwater or authorized non-stormwater will be discharged directly to receiving waters (i.e., not via a storm drain inlet); and
 - iii.** Locations where turbidity benchmark monitoring will take place to comply with Part **Error! Reference source not found.**, if applicable to your site.
 - h.** Locations of all potential pollutant-generating activities identified in Part 7.2.3g;
 - i.** Designated areas where construction wastes that are covered by the exception in Part 2.3.3e.ii because they are not pollutant-generating will be stored;

⁸⁰ The requirement to show storm drain inlets in the immediate vicinity of the site on your site map only applies to those inlets that are easily identifiable from your site or from a publicly accessible area immediately adjacent to your site.

- j. Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit; and
- k. Locations where polymers, flocculants, or other treatment chemicals will be used and stored.

7.2.5 Non-Stormwater Discharges. Identify all authorized non-stormwater discharges in Part 1.2.2 that will or may occur.

7.2.6 Description of Stormwater Controls.

- a. For each of the Part 2.2 erosion and sediment control requirements, Part 2.3 pollution prevention requirements, and Part 2.4 construction dewatering requirements, as applicable to your site, you must include the following:
 - i. A description of the specific control(s) to be implemented to meet these requirements;
 - ii. The design specifications for controls described in Part 7.2.6a.i (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon);⁸¹
 - iii. Routine stormwater control maintenance specifications; and
 - iv. The projected schedule for stormwater control installation/implementation.
- b. You must also include any of the following additional information as applicable.
 - i. **Natural buffers and/or equivalent sediment controls** (see Part 2.2.1 and Appendix F). You must include the following:
 - (a) The compliance alternative to be implemented;
 - (b) If complying with alternative 2, the width of natural buffer retained;
 - (c) If complying with alternative 2 or 3, the erosion and sediment control(s) you will use to achieve an equivalent sediment reduction, and any information you relied upon to demonstrate the equivalency;
 - (d) If complying with alternative 3, a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size;
 - (e) For “linear construction sites” where it is infeasible to implement compliance alternative 1, 2, or 3, a rationale for this determination, and a description of any buffer width retained and/or supplemental erosion and sediment controls installed; and
 - (f) A description of any disturbances that are exempt under Part 2.2.1 that occur within 50 feet of a receiving water.
 - ii. **Perimeter controls for a “linear construction site”** (see Part 2.2.3d). For areas where perimeter controls are not feasible, include documentation to support this determination and a description of the other practices that will be implemented

⁸¹ Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practice and must be explained in the SWPPP.

to minimize discharges of pollutants in stormwater associated with construction activities.

Note: Routine maintenance specifications for perimeter controls documented in the SWPPP must include the Part 2.2.3c.i requirement that sediment be removed before it has accumulated to one-half of the above-ground height of any perimeter control.

- iii. **Sediment track-out controls** (see Parts 2.2.4b and 2.2.4c). Document the specific stabilization techniques and/or controls that will be implemented to remove sediment prior to vehicle exit.
- iv. **Inlet protection measures** (see Part 2.2.10a). Where inlet protection measures are not required because the storm drain inlets to which your site discharges are conveyed to a sediment basin, sediment trap, or similarly effective control, include a short description of the control that receives the stormwater flow from the site.
- v. **Sediment basins** (see Part 2.2.12). In circumstances where it is infeasible to utilize outlet structures that withdraw water from the surface, include documentation to support this determination, including the specific conditions or time periods when this exception will apply.
- vi. **Treatment chemicals** (see Part 2.2.13), you must include the following:
 - (a) A listing of the soil types that are expected to be exposed during construction in areas of the project that will drain to chemical treatment systems. Also include a listing of soil types expected to be found in fill material to be used in these same areas, to the extent you have this information prior to construction;
 - (b) A listing of all treatment chemicals to be used at the site and why the selection of these chemicals is suited to the soil characteristics of your site;
 - (c) If you have been authorized by VIDPNR to use cationic treatment chemicals for sediment control, include the specific controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a discharge that does not meet water quality standards;
 - (d) The dosage of all treatment chemicals to be used at the site or the methodology to be used to determine dosage;
 - (e) Information from any applicable Safety Data Sheet (SDS);
 - (f) Schematic drawings of any chemically enhanced stormwater controls or chemical treatment systems to be used for application of the treatment chemicals;
 - (g) A description of how chemicals will be stored consistent with Part 2.2.13c;
 - (h) References to applicable Territorial 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; and

- (i) A description of the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to use of the treatment chemicals at your site.

vii. Stabilization measures (see Part 2.2.14). You must include the following:

- (a) The specific vegetative and/or non-vegetative practices that will be used;
- (b) The stabilization deadline that will be met in accordance with Part 2.2.14;
- (c) If complying with deadlines for sites affected by unforeseen circumstances that delay the initiation and/or completion of vegetative stabilization, document the circumstances and the schedule for initiating and completing stabilization.

viii. Spill prevention and response procedures (see Parts 1.3.5, 2.3.3c, 2.3.3d, and 2.3.6). You must include the following:

- (a) Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for detection and response of spills or leaks; and
- (b) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 2.3.6 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 to all employees.

You may also reference the existence of SPCC plans developed for the construction activity under Section 311 of the CWA, or spill control programs otherwise required by an TPDES permit for the construction activity, provided that you keep a copy of that other plan on site.⁸²

ix. Waste management procedures (see Part 2.3.3). Describe the procedures you will follow for handling, storing, and disposing of all wastes generated at your site consistent with all applicable Federal and Territorial requirements, including clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

You must also include the following additional information:

- (a) If site constraints prevent you from storing chemical containers 50 feet away from receiving waters or the other site drainage features as required in Part 2.3.3c.ii(b), document in your SWPPP the specific reasons why the 50-foot setback is not feasible, and how you will store containers as far away as the site permits; and

⁸² Even if you already have an SPCC or other spill prevention plan in existence, your plans will only be considered adequate if they meet all of the requirements of this Part, either as part of your existing plan or supplemented as part of the SWPPP.

(b) If there are construction wastes that are subject to the exception in Part 2.3.3e.ii, describe the specific wastes that will be stored on your site.

x. **Application of fertilizers** (see Part 2.3.5). Document any departures from the manufacturer specifications where appropriate.

7.2.7 Procedures for Inspection, Maintenance, and Corrective Action. Describe the procedures you will follow for maintaining your stormwater controls, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Part 2.1.4, Part 4, and Part 5 of this permit, accordingly. Also include:

- a. The inspection schedule you will follow, which is based on whether your site is subject to Part 4.2 or Part 4.3, or whether your site qualifies for any of the reduced inspection frequencies in Part 4.4;
- b. If you will be conducting inspections in accordance with the inspection schedule in Part 4.2.2, Part 4.3, or Part 4.4.1b, the location of the rain gauge or the address of the weather station you will be using to obtain rainfall data;
- c. Any maintenance or inspection checklists or other forms that will be used.

7.2.8 Procedures for Turbidity Benchmark Monitoring from Dewatering Discharges (if applicable). If you are required to comply with the Part **Error! Reference source not found.** turbidity benchmark monitoring requirements, describe the procedures you will follow to collect and evaluate samples, report results to VIDPNR and keep records of monitoring information, and take corrective action when necessary. Include the specific type of turbidity meter you will use for monitoring, as well as any manuals or manufacturer instructions on how to operate and calibrate the meter. Describe any coordinating arrangement you may have with any other permitted operators on the same site with respect to compliance with the turbidity monitoring requirements, including which parties are tasked with specific responsibilities.

7.2.9 Compliance with Other Requirements.

- a. **Threatened and Endangered Species Protection.** Include documentation required in the ESA worksheet in Appendix C, supporting your eligibility with regard to the protection of threatened and endangered species and designated critical habitat.
- b. **Historic Properties.** Include documentation required in Appendix D supporting your eligibility with regard to the protection of historic properties.
- c. **Safe Drinking Water Act Underground Injection Control (UIC) Requirements for Certain Subsurface Stormwater Controls.** If you are using any of the following stormwater controls at your site, document any contact you have had with VIDPNR and your file shall be reviewed by the 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 §144 -147. Such controls would generally be considered Class V UIC wells:
 - i. 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);

- ii. Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow; and
- iii. 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).

7.2.10 SWPPP Certification. Your signatory must sign and date your SWPPP in accordance with Appendix G, Part G.11.

7.2.11 Post-Authorization Additions to the SWPPP. Once you are authorized for coverage under this permit, you must include the following documents as part of your SWPPP:

- a. A copy of your NOI submitted to VIDPNR along with any correspondence exchanged between you and VIDPNR related to coverage under this permit;
- b. A copy of the coverage letter you receive from VIDPNR assigning your TPDES ID (i.e., *permit tracking number*);
- c. A copy of this permit (an electronic copy easily available to the stormwater team is also acceptable).

7.3 ON-SITE AVAILABILITY OF YOUR SWPPP

You must keep a current copy of your SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by VIDPNR or EPA; the operator of a storm sewer system receiving discharges from the site; or representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).⁸³

VIDPNR may provide access to portions of your SWPPP to a member of the public upon request. Confidential Business Information (CBI) will be withheld from the public, but may not be withheld from VIDPNR, USFWS, or NMFS.⁸⁴

If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of your construction site.

7.4 SWPPP MODIFICATIONS

7.4.1 You must modify your SWPPP, including the site map(s), within seven (7) days of any of the following conditions:

⁸³ The SWPPP may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of the SWPPP, refer to the Fact Sheet discussion related to Part 4.7.3.

⁸⁴ Information covered by a claim of confidentiality will be disclosed by VIDPNR only to the extent of, and by means of, the procedures set forth in 40 CFR part 2, Subpart B. In general, submitted information protected by a business confidentiality claim may be disclosed to other employees, officers, or authorized representatives of the United States concerned with implementing the CWA. The authorized representatives, including employees of other executive branch agencies, may review CBI during the course of reviewing draft regulations.

- a. Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions triggered under Part 5. You do not need to modify your SWPPP if the estimated dates in Part 7.2.3f change during the course of construction;
 - b. To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;
 - c. If inspections or investigations by VIDPNR or EPA determine that SWPPP modifications are necessary for compliance with this permit;
 - d. Where VIDPNR determines it is necessary to install and/or implement additional controls at your site in order to meet the requirements of this permit, the following must be included in your SWPPP:
 - i. A copy of any correspondence describing such measures and requirements; and
 - ii. A description of the controls that will be used to meet such requirements.
 - e. To reflect any revisions to applicable Federal, Territorial, or local requirements that affect the stormwater controls implemented at the site; and
 - f. 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.
- 7.4.2** You must maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part 7.2.10 above) and a brief summary of all changes.
- 7.4.3** All modifications made to the SWPPP consistent with Part 7.4 must be authorized by a person identified in Appendix G, Part G.11.b.
- 7.4.4** Upon determining that a modification to your SWPPP is required, if there are multiple operators covered under this permit, you must immediately notify any operators who may be impacted by the change to the SWPPP.

8 HOW TO TERMINATE COVERAGE

Until you terminate coverage under this permit, you must comply with all conditions and effluent limitations in the permit. To terminate permit coverage, you must submit to VIDPNR a complete and accurate Notice of Termination (NOT), which certifies that you have met the requirements for terminating in Part 8.

8.1 MINIMUM INFORMATION REQUIRED IN NOT

- 8.1.1** TPDES ID (i.e., *permit tracking number*) provided by VIDPNR when you received coverage under this permit;
- 8.1.2** **Termination Basis.** Basis for submission of the NOT (see Part 8.2);
- 8.1.3** **Contact Information.** Operator contact information;
- 8.1.4** **Site Name and Address.** Name of site and address (or a description of location if no street address is available); and
- 8.1.5** **Signature and Certification.** NOT certification.

8.2 CONDITIONS FOR TERMINATING VI CGP COVERAGE

You may terminate VI CGP coverage only if one or more of the conditions in Parts 8.2.1, 8.2.2, or 8.2.3 has occurred. Until your termination is effective consistent with Part 8.5, you must continue to comply with the conditions of this permit.

8.2.1 Completion of Construction Activities. You have completed all construction activities at your site and, if applicable, construction support activities covered by this permit (see Part 1.2.1c), and you have met all of the following requirements:

- a. For any areas that (1) were disturbed during construction, (2) are not covered by permanent structures, and (3) over which you had control during the construction activities, you have met the requirements for final vegetative or non-vegetative stabilization in Part 2.2.14c.

To document that you have met these stabilization requirements, you must take either ground or aerial photographs that show your site's compliance with the Part 2.2.14 stabilization requirements and submit them with your NOT. If any portion of your site is covered by one of the exceptions in Part 2.2.14c.iii, indicate which exception applies and include a supplementary explanation with your photographs that provides the necessary context for why this portion of the site is in compliance with the final stabilization criteria even though it appears to be unstabilized. You are not required to take photographs of every distinct part of your site that is being stabilized, however, the conditions of the site portrayed in any photographs that are submitted must be substantially similar⁸⁵ to those of the areas that are not photographed. You must also comply with the following related to these photographs:

- i. Take photographs both before and after the site has met the final stabilization criteria in Part 2.2.14c;
 - ii. All photographs must be clear and in focus, and in the original format and resolution; and
 - iii. Include the date each photograph was taken, and a brief description of the area of the site captured by the photograph (e.g., photo shows application of seed and erosion control mats to remaining exposed surfaces on northeast corner of site).
- b. You have removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long-term use following your termination of permit coverage;
 - c. You have removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following your termination of permit coverage or those that are biodegradable (as defined in Appendix A); and
 - d. You have removed all potential pollutants and pollutant-generating activities associated with construction, unless needed for long-term use following your termination of permit coverage; or

⁸⁵ Stabilization conditions that are substantially similar would include areas that are using the same type of stabilization measures and that have similar slopes, soils, and topography, and have achieved the same level of stabilization.

8.2.2 Transfer of Site Control / Change of Operator. You have transferred control of all areas of the site for which you are responsible under this permit to another operator, and that operator has submitted an NOI and obtained coverage under this permit; or

8.2.3 Transfer to Alternate Permit. Coverage under an individual or alternative general TPDES permit has been obtained.

8.3 HOW TO SUBMIT YOUR NOT

- a. Until [placeholder for date in 2024 that is 1 year beyond GP reissuance], you must complete the paper NOT form in Appendix I, and sign in accordance with Appendix G, Part 11.
- b. Effective [placeholder for date in 2024 that is 1 year beyond GP reissuance], you must use VIDPNR's NOT system (accessible at [placeholder for website address]) to prepare and submit your NOT electronically. However, if the VIDPNR grants you a waiver to use a paper NOT form, and you elect to use it, you must complete and submit the NOT form found in Appendix I.
- c. If pursuant to 8.3a or 8.3b, you are submitting a paper NOT form, you must submit the form to one of the following VIDPNR offices, corresponding with the island on which the construction activity covered is located.

ST. CROIX

Virgin Islands Department of Planning and Natural Resources
Water Pollution Control Program
ATTN: TPDES Program
45 Estate Mars Hill
Frederiksted, VI 00840

ST. THOMAS & ST. JOHN

Virgin Islands Department of Planning and Natural Resources
Water Pollution Control Program
ATTN: TPDES Program
4611 Tutu Park Mall, Suite 300
St. Thomas, VI 00802

8.4 DEADLINE FOR SUBMITTING THE NOT

You must submit an NOT within 30 calendar days after any one of the conditions in Part 8.2 occurs.

8.5 EFFECTIVE DATE OF TERMINATION OF COVERAGE

Your authorization to discharge under this permit terminates at midnight of the date of the NOT approval letter sent to you by VIDPNR (after NOT processing).