

**State of Mississippi
Mississippi Department of
Environmental Quality (MDEQ)
Office of Pollution Control (OPC)
Water Pollution Control
STORM WATER
SMALL CONSTRUCTION GENERAL PERMIT**

THIS CERTIFIES THAT

**SMALL CONSTRUCTION PROJECTS (EQUAL TO OR GREATER THAN ONE
ACRE AND LESS THAN FIVE ACRES) ARE GRANTED PERMISSION TO
DISCHARGE STORM WATER ASSOCIATED WITH CONSTRUCTION ACTIVITY
UNDER THE TERMS AND CONDITIONS OF THIS PERMIT**

INTO

WATERS OF THE STATE OF MISSISSIPPI

in accordance with effluent limitations, inspection requirements and other conditions set forth in Parts I through VII hereof. This permit is issued in accordance with the provisions of the Mississippi Water Pollution Control Law (Section 49-17-1 et seq., Mississippi Code of 1972), and the regulations and standards adopted and promulgated thereunder, and under authority granted pursuant to Section 402(b) of the Federal Water Pollution Control Act.

MISSISSIPPI ENVIRONMENTAL QUALITY PERMIT BOARD

AUTHORIZED SIGNATURE

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

**Permit Issued: March 11, 2003
Permit Expires: February 29, 2008**

Permit No. MSR15

**STORM WATER SMALL CONSTRUCTION
GENERAL NPDES PERMIT**

TABLE OF CONTENTS

		<u>Page</u>
Part I.	Permit Applicability and Authorization	
	A. Permit Area.....	3
	B. Covered Discharges.....	3
	C. Obtaining Authorization.....	3
	D. On-going Construction Activities.....	3
	E. Allowable Non-Storm Water Discharges.....	3
	F. Responsibility for Permit Compliance.....	4
	G. This Permit Does Not Authorize.....	4
	H. Requiring an Individual Permit.....	4
Part II.	Small Construction Notice of Intent (SCNOI)	
	A. Small Construction Notice of Intent (SCNOI).....	4
	B. Where to Submit the Small Construction Notice of Intent if Requested.....	5
Part III.	Storm Water Pollution Prevention Plan (SWPPP)	
	A. SWPPP Development.....	5
	B. Compliance with Local Storm Water Ordinances.....	5
	C. SWPPP Details	
	1. Owner or Operator.....	5
	2. Erosion and Sediment Controls.....	5
	3. Non-Storm Water Discharges.....	6
	4. Housekeeping Practices.....	6
	5. Prepare Scaled Site Map.....	7
	6. Implementation Sequence.....	7
Part IV.	Limitations and Requirements	
	A. Non-Numeric Limitations.....	7
	B. Implementation Requirements.....	7
	C. Inspection Requirements.....	8
	D. Documentation of Inspections.....	8
	E. Retention of Records.....	8
	F. Noncompliance Reporting.....	8
	G. Termination of Permit Requirements.....	8
Part V.	Other Permit Conditions	
	A. Duty to Comply.....	8
	B. Continuation of the Expired General Permit and Coverages under the Permit.....	9
	C. Duty to Mitigate.....	9
	D. Duty to Provide Information.....	9
	E. Signatory Requirements.....	9
	F. Duly Authorized Representative.....	9
	G. Changes to Authorization.....	9
	H. Certification.....	9
	I. Oil and Hazardous Substance Liability.....	9
	J. Property Rights.....	9
	K. Transfers.....	10
	L. Severability.....	10
	M. Proper Operation and Maintenance.....	10
	N. Bypass Prohibition.....	10
	O. Upset Conditions.....	10
	P. Inspection and Entry.....	10
	Q. Permit Actions.....	10
Part VI.	Reopener Clause	
	A. Requirement to Obtain Individual Permit.....	10
	B. Permit Modification.....	10
Part VII.	Definitions	11
Part VIII.	Transfer of Small Construction General Permit Coverage and/or Name Change	13
Part IX.	Inspection and Certification Form for Small Construction Erosion and Sediment	15
Part X.	Small Construction Notice of Intent (SCNOI)	17

Total Pages with Cover - 17

Part I. Permit Applicability and Authorization

- A. Permit Area.** The permit covers all areas of the State of Mississippi.
- B. Covered Discharges.** Discharges composed entirely of storm water from small construction activities, except as noted in Part 1. E., including clearing, grading, excavating and other land disturbing activities equal to or greater than one (1) acre and less than five (5) acres.¹ These discharges are automatically designated as small construction activities under the National Pollutant Discharge Elimination System (NPDES) storm water program and are automatically covered under this permit. Small construction activities disturbing less than one (1) acre are designated if:
- The project is part of a larger common plan of development or sale with a cumulative planned disturbance of equal to or greater than one (1) acre and less than five (5) acres (for example, individual or commercial lots that are part of a subdivision or a commercial development that initially impacts less than one (1) acre but will ultimately exceed the one (1) acre threshold²), or
 - The Executive Director of the Mississippi Department of Environmental Quality (MDEQ) designates the construction activity based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the State.
- Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility (for example, existing ditches, channels, or other similar storm water conveyances, as well as routine grading of existing dirt roads, asphalt overlays of existing roads, and other similar maintenance activities).
- C. Obtaining Authorization.** Owners or operators are authorized to discharge storm water associated with small construction activity under the terms and conditions of this permit upon commencement of small construction land disturbing activities (i.e., Construction may begin after development of the required Storm Water Pollution Prevention Plan (SWPPP) and the completion of the Small Construction Notice of Intent (SCNOI)).
- D. On-going Construction Activities.** Projects that are on-going as of March 10, 2003 and are equal to or greater than one (1) acre and less than five (5) and do not have coverage under Construction General Permit MSR10 must obtain coverage by complying with the terms and conditions of this permit.
- E. Allowable Non-Storm Water Discharges.** Owner or operators are authorized for the following non-storm water discharges. Except for flows from fire fighting activities, sources of non-storm water below that are combined with storm water discharges associated with construction activity must be identified in the Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.
- Discharges from fire-fighting activities
 - Fire hydrant flushings
 - Waters used to wash vehicles where detergents are not used
 - Water used to control dust
 - Potable water sources including water line flushings
 - Routine external building wash down that does not use detergents
 - Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used
 - Uncontaminated air conditioning or compressor condensate
 - Uncontaminated ground water or spring water
 - Foundation or footing drains where flows are not contaminated with process materials such as solvents

¹This includes the total area disturbed over the course of the project. For home sites - a minimum of 10,000 ft² per home site or the entire lot, if smaller, shall be included.

²For subdivision development, if the total acreage disturbed for the entire development is 5 acres or greater then all lots are covered by Mississippi's Storm Water Construction General Permit for construction activity over 5 acres (Large Construction).

F. **Responsibility for Permit Compliance.** The owner(s) of the property and any operator(s) associated with small construction activity on the property shall have joint and several responsibility for compliance with this permit.

G. **This Permit Does Not Authorize:**

- **Discharges of hazardous substances or oil.** This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.
- **Post Construction Discharges.** This permit does not authorize storm water discharges that originate from the site after construction activities have been completed and the site has undergone final stabilization.
- **Discharges Covered by Another Permit.** This permit does not authorize storm water discharges associated with construction activity that have been covered under an individual permit in accordance with Part I. H. of this permit.
- **Discharges Threatening Water Quality.** This permit does not authorize storm water discharges from construction sites that the Executive Director determines will cause, or have reasonable potential to cause or contribute to, violations of water quality standards. Where such determinations have been made, the Mississippi Environmental Quality Permit Board (Permit Board) may notify the owner or operator that an individual permit application is necessary in accordance with Part I. H. of this permit. However, the Permit Board may authorize coverage under this permit after appropriate controls and implementation procedures designed to bring the discharges into compliance with water quality standards have been included in the Storm Water Pollution Prevention Plan.
- **Discharges to Impaired Receiving Waters.** The SWPPP must specifically identify Best Management Practices (BMPs) which ensure storm water will not cause or contribute to non-attainment of a water quality standard. In cases where the Permit Board becomes aware of potential impairment due to small construction activities, the Permit Board may require the submittal of the SWPPP in order to ascertain whether the selected BMPs are sufficient to comply with requirements of this permit or any other requirements of the Permit Board. The list of impaired receiving waters may be found on the MDEQ web site at www.deq.state.ms.us or by calling 601-961-5171.

H. **Requiring an Individual Permit**

Upon notification of a small construction project, the Permit Board may require an alternate permit. The Permit Board may require any owner or operator of land disturbing activities of equal to or greater than one (1) acre and less than five (5) acres to apply for and obtain an individual NPDES permit. Any interested person may petition the Permit Board to take action under this paragraph. The Permit Board may require any small construction owner or operator to apply for an individual NPDES permit only if the owner or operator has been notified in writing. This notice shall include reasons for this decision, an application form and a filing deadline. The Permit Board may grant additional time upon request.

Part II. Small Construction Notice of Intent (SCNOI)

A. **Small Construction Notice of Intent (SCNOI).** Prior to the commencement of small construction activity, the owner or operator must complete a Small Construction Notice of Intent (SCNOI). The SCNOI and SWPPP described in Part III shall be submitted to the Mississippi Department of Environmental Quality (MDEQ) **only upon request from MDEQ**; however, the SCNOI and SWPPP must be maintained at the permitted site or locally available in case inspector review is necessary. Failure to complete a SCNOI prior to the commencement of construction activity or to submit a SCNOI when requested is a violation of State regulations. The SCNOI shall be retained by the owner or operator as required by Part IV. E. of this permit. Attachments to the SCNOI must include: a U.S. Geological Survey quadrangle map or copy (**only if required to be submitted to MDEQ**) showing site location and a Storm Water Pollution Prevention Plan (SWPPP).

- B. Where to Submit the Small Construction Notice of Intent, if Requested.** Complete and appropriately signed SCNOI forms must be submitted to:

**Chief, Environmental Permits Division
MS Dept of Environmental Quality, Office of Pollution Control
P.O. Box 10385
Jackson, Mississippi 39289-0385**

Part III. Storm Water Pollution Prevention Plan (SWPPP)

- A. SWPPP Development.** A SWPPP shall be developed and implemented by the owner or operator of a small construction project. The SWPPP must include a description of appropriate control measures (i.e., BMPs) that will be implemented as part of the construction activity to control pollutants in storm water discharges.
1. The SWPPP shall be retained at the permitted site or locally available. A copy of the SWPPP must be made available to the MDEQ inspectors for review at the time of an on-site inspection.
 2. BMPs shall be in place upon commencement of construction.
 3. The Executive Director of MDEQ may notify the owner or operator at any time that the SWPPP does not meet the minimum requirements of this permit. After notification, the owner or operator shall amend the SWPPP, implement the changes and certify in writing to the Executive Director that the requested changes have been made. Unless otherwise provided by the Executive Director, the requested changes shall be made within 15 days.
 4. The owner or operator shall amend the SWPPP and implement the changes before there is a change in construction, operation, or maintenance, which may potentially effect the discharge of pollutants to State waters.
 5. The owner or operator shall amend the SWPPP and implement the changes if the SWPPP proves to be ineffective in controlling storm water pollutants including, but not limited to, significant sediment leaving the site and non-functioning BMPs.
- B. Compliance with Local Storm Water Ordinances.**
1. In addition to the requirements of this permit, the SWPPP shall be in compliance with all local storm water ordinances and shall provide a brief description of applicable local erosion and sediment controls and post-construction BMPs.
 2. When storm water discharges into a municipal storm sewer system, the owner or operator must make the SWPPP available to the municipal authority upon request.
- C. SWPPP Details.**
1. **Owner or Operator.** The SWPPP shall identify the “owner or operator” as defined in Part VII. of this permit. The operator’s name, complete mailing address and telephone number(s) shall be identified on the plan.
 2. **Erosion and Sediment Controls.** The owner or operator shall list and describe controls appropriate for the construction activities and the procedures for implementing such controls. Controls shall be designed to retain sediment onsite and should:
 - Divert upslope water around disturbed areas
 - Limit exposure of disturbed areas to the shortest time possible
 - Disturb the smallest area possible
 - Preserve existing vegetation where possible, especially trees
 - Preserve vegetated buffer zones around any creek, drain, lake, pond or wetland
 - Slow rainfall runoff velocities to prevent erosive flows

- Avoid disturbing sensitive areas such as:
 - Steep and/or unstable slopes
 - Land upslope of surface waters
 - Areas with erodible soils
 - Existing drainage channels
- Transport runoff down steep slopes through lined channels or piping
- Minimize the amount of cut and fill
- Re-vegetate disturbed areas as soon as possible
- Implement best management practices to mitigate adverse impacts from storm water runoff; and
- Remove sediment from storm water before it leaves the site by allowing runoff to pond in controlled areas to drop out sediment
- Filter runoff by using natural vegetation, brush barriers, silt fences, hay bales, etc.

At a minimum, the controls must be in accordance with the standards set forth in " Planning and Design Manual for the Control of Erosion, Sediment & Stormwater," or other recognized manual of design as appropriate for Mississippi. The planning and design manual can be obtained by calling 601/961-5171 or may be found electronically at Mississippi State's educational web site at <http://abe.msstate.edu/csd/p-dm/>. In addition, Mississippi's "Storm Water Pollution Prevention Plan (SWPPP) Guidance Manual for Construction Activities" is available by calling 601/961-5171 or on the MDEQ website at www.deq.state.ms.us. The erosion and sediment controls shall address the following minimum components.

- a. **Vegetative practices** shall be designed to preserve existing vegetation where possible and re-vegetate disturbed areas as soon as practicable after grading or construction. Such practices may include surface roughening, temporary seeding, permanent seeding, mulching, sod stabilization, vegetative buffer strips, and protection of trees.
 - b. **Structural practices** shall divert flows from exposed soils, store flows or otherwise limit runoff from exposed areas. Such practices may include construction entrance/exit, straw bale dikes, silt fences, earth dikes, brush barriers, drainage swales, check dams, subsurface drains, pipe slope drains, level spreaders, drain inlet protection, outlet protection, detention/retention basins, sediment traps, temporary sediment basins or equivalent sediment controls.
 - c. **Post construction control measures** shall be installed to control pollutants in storm water after construction is complete. These controls include, but are not limited to on-site infiltration of runoff, flow attenuation using open vegetated swales, exfiltration trenches and natural depressions, constructed wetlands and retention/detention structures. Where needed, velocity dissipation devices shall be placed at detention or retention pond outfalls and along the outfall channel to provide a non-erosive flow.
3. **Non-Storm Water Discharges.** Except for flows from fire fighting activities, sources of non-storm water listed in Part I. E. of this permit that are combined with storm water discharges associated with construction activity must be identified in the SWPPP. The SWPPP must identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.
 4. **Housekeeping Practices.** The owner or operator shall describe and list practices appropriate to prevent pollutants from entering storm water from construction sites due to poor housekeeping. The owner or operator shall:
 - designate areas for equipment maintenance and repair and concrete chute wash off;
 - provide waste receptacles at convenient locations;
 - provide regular collection of waste;
 - provide protected storage areas for chemicals, paints, solvents, fertilizers, and other potentially toxic materials;
 - provide adequately maintained sanitary facilities; and
 - provide secondary containment around on-site fuel tanks.

Releases into the environment of hazardous substances, oil, and pollutants or contaminants, which pose a threat to applicable water quality standards or causes a film, sheen or discoloration of State waters, shall be reported to the:

- Mississippi Emergency Management Agency (601) 352-9100
- National Response Center 1-800-424-8802

5. **Prepare Scaled Site Map.** The owner or operator shall prepare a scaled site map showing total area of the site, original and proposed contours (if practicable), direction of flow of storm water runoff, adjacent receiving water bodies, north arrow, all erosion & sediment controls (vegetative and structural), post construction control measures as described in Part III. C. 2. of this permit, and an estimate of the pre and post construction runoff coefficients of the site (see runoff coefficients in Part VII.) and the increase in impervious area.
6. **Implementation Sequence.** The owner or operator shall prepare an orderly listing which coordinates the timing of all major land-disturbing activities together with the necessary erosion and sedimentation control measures planned for the project.

Part IV. Limitations and Requirements

A. Non-Numeric Limitations.

Storm water discharges shall be free from:

1. debris, oil, scum, and other floating materials other than in trace amounts
2. eroded soils and other materials that will settle to form objectionable deposits in receiving waters
3. suspended solids, turbidity and color at levels inconsistent with the receiving waters
4. chemicals in concentrations that would cause violation of State Water Quality Criteria in the receiving waters

B. Implementation Requirements.

The owner or operator shall:

1. implement the SWPPP as required;
2. install downslope and perimeter controls before any major land disturbing activities;
3. install needed erosion controls even if they may be located in the way of subsequent activities, such as utility installation, grading or construction. It shall not be an acceptable defense that controls were not installed because subsequent activities would require their replacement or cause their destruction;
4. implement controls as needed to prevent erosion and adverse impacts to receiving streams and shall install additional and/or alternative erosion and sediment controls when existing controls prove to be ineffective in preventing sediment from leaving the site;
5. maintain all erosion and sediment controls. As a minimum accumulated sediment shall be removed from controls when it reaches 1/3 to 1/2 the height of the control and properly disposed. Non-functioning controls shall be repaired, replaced or supplemented with functional controls within 24 hours of discovery or as soon as field conditions allow;
6. implement the appropriate temporary or permanent vegetative practices within seven calendar days when a disturbed area will be left undisturbed for thirty days or more;
7. minimize off-site vehicle tracking of sediments;

8. remove any off-site accumulations of sediment at a frequency sufficient to minimize offsite impacts (e.g., fugitive sediment in street could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets); and
9. comply with applicable State or local waste disposal, sanitary sewer or septic system regulations.

C. Inspection Requirements. Inspection of all erosion controls and other SWPPP requirements shall be performed during land disturbing activities. Inspections shall be performed:

1. at least once a week;
2. within 24 hours of the end of a storm event of a half-inch or greater;
3. as often as is necessary to ensure that appropriate erosion and sediment controls have been properly constructed and maintained and determine if additional or alternative control measures are required.

D. Documentation of Inspections. All inspections required by Part IV. C. of this permit must be documented and certified according to Part V. H. of this permit (see Part IX Inspection Form). Documentation must include the day and time the inspection was performed, who performed the inspection, any deficiencies noted, and corrective action needed. Documentation of all inspections must be kept with the SWPPP. Inspections must continue until such time that planned construction activities have been completed, land disturbing activities have ceased and disturbed areas have been stabilized with no significant erosion occurring.

E. Retention of Records. All records, reports and information resulting from activities required by this permit shall be retained by the owner or operator, on-site if practicable, for a period of at least three years from the date construction was completed.

F. Noncompliance Reporting.

1. **Anticipated Noncompliance.** The owner or operator shall give at least 10 days advance notice, if possible, before any planned noncompliance with permit requirements. Giving notice of planned or anticipated noncompliance does not immunize the owner or operator from enforcement for that noncompliance.
2. **Unanticipated Noncompliance.** The owner or operator shall notify the MDEQ orally within 24 hours from the time he or she becomes aware of unanticipated noncompliance. A written report shall be provided to the MDEQ within 5 working days of the time he or she becomes aware of the circumstances. The report shall describe the cause, the exact dates and times, steps taken or planned to reduce, eliminate, or prevent reoccurrence and, if the noncompliance has not ceased, the anticipated time for correction.

G. Termination of Permit Requirements.

1. **If a SCNOI has not been requested by the Permit Board (SCNOI not submitted to MDEQ).** Upon successful completion of all permanent erosion and sediment controls, inspections and reporting requirements are no longer required. The owner or operator must record the date of completion of all permanent erosion and sediment controls on the final inspection report.
2. **If a SCNOI has been requested by the Permit Board (SCNOI submitted to MDEQ).** Upon successful completion of all permanent erosion and sediment controls for a small construction project a written notification of such shall be submitted to the MDEQ. All inspection forms described in Part IV. D. of this permit and provided in Part IX of this permit must be attached. Coverage is not terminated until done so in writing by the MDEQ.

Part V. Other Permit Conditions

A. Duty to Comply. Any permit noncompliance constitutes a violation of the Mississippi Air and Water Pollution Control Law and is grounds for enforcement action or requiring permit application in accordance with Part I. H. of this permit. It shall not be a defense in an enforcement action that it would have been necessary to halt or reduce the regulated activity in order to maintain compliance with the conditions of this permit.

- B. Continuation of the Expired General Permit and Coverages under the Permit.** All general permits and coverages shall remain in full force and effect until the Permit Board makes a final determination regarding any reissuance, modification, or revocation.
- C. Duty to Mitigate.** The owner or operator shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which is likely to adversely affect human health or the environment.
- D. Duty to Provide Information.** The owner or operator shall furnish to the Permit Board, within a reasonable time, any information that the Permit Board may request to determine compliance with this permit.
- E. Signatory Requirements.** All SCNOIs shall be signed as follows:
- 1. For a corporation** by a responsible corporate officer. For this permit, a responsible corporate officer means: **(a)** a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or **(b)** the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - 2. For a partnership or sole proprietorship** by a general partner or the proprietor, respectively; or
 - 3. For a municipal, State, Federal, or other public agency** by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: **(a)** the chief executive officer of the agency, or **(b)** a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- F. Duly Authorized Representative.** All reports required by this permit and other information requested by the Permit Board shall be signed by a person described in Part V. E., above, or by a duly authorized representative of that person. A person is duly authorized representative when:
- 1.** the authorization is made in writing by a person described in Part V. E., above, and submitted to the Permit Board, if requested;
 - 2.** the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated activity, such as manager, owner or operator, superintendent or one having overall environmental responsibility (a duly authorized representative may be a named individual or any individual occupying a named position).
- G. Changes to Authorization.** If an authorization is no longer accurate because a different individual or position has permit responsibility, a new authorization satisfying the above requirements must be submitted to the Permit Board prior to or together with any reports, information or applications signed by the representative.
- H. Certification.** Any person signing documents under this section shall make the following certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
- I. Oil and Hazardous Substance Liability.** Nothing in this permit shall relieve the owner or operator from responsibilities, liabilities, or penalties under Section 311 of the Clean Water Act (CWA).
- J. Property Rights.** The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

- K. Transfers.** Coverage under this permit is transferable after the former coverage recipient and new coverage recipient complete Form VIII. This form must be kept with your records. Submit to MDEQ only if an SCNOI has been submitted.
- L. Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- M. Proper Operation and Maintenance.** The owner or operator shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the owner or operator to achieve compliance with the conditions of this permit including the storm water pollution prevention plan. Proper operation and maintenance includes adequate laboratory controls with appropriate quality assurance procedures and requires the operation of backup or auxiliary facilities when necessary to achieve compliance with permit conditions.
- N. Bypass Prohibition.** Bypass (see 40 CFR 122.41(m)) is prohibited and enforcement action may be taken against a owner or operator for a bypass, unless: **(a)** The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; **(b)** There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the owner or operator should, in the exercise of reasonable engineering judgement, have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and **(c)** The owner or operator submitted notices per Part IV. G. of this permit.
- O. Upset Conditions.** An upset (see 40 CFR 122.41(n)) constitutes an affirmative defense to an action brought for noncompliance with technology-based permit limitations if a permittee shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that: **(1)** An upset occurred and the permittee can identify the specific cause(s) of the upset, **(2)** The permitted facility was at the time being properly operated, **(3)** The permittee submitted notices per Part IV. G. 2. of this permit, and **(4)** The permittee took remedial measures as required under Part V. C. of this permit. In any enforcement proceeding, the permittee has the burden of proof that an upset occurred. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- P. Inspection and Entry.** The owner or operator shall allow the MDEQ staff or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to;
1. enter upon the premises where a regulated activity is located or conducted or where records must be kept under the conditions of this permit;
 2. have access to and copy at reasonable times any records that must be kept under the conditions of this permit; and
 3. inspect at reasonable times any facilities, equipment or project site.
- Q. Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. A request by the owner or operator for permit modification, revocation and reissuance, or termination, or a certification of planned changes or anticipated noncompliance does not stay any permit condition.

Part VI. Reopener Clause

- A. Requirement to Obtain Individual Permit.** If there is evidence indicating potential or realized impacts on water quality due to storm water discharge covered by this permit, the owner or operator may be required to obtain individual permit in accordance with Part I. H. of this permit.
- B. Permit Modification.** Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5.

Part VII. Definitions

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practice to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Control Measure as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

Commencement of Construction Activities means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction-related activities.

Commission means the Mississippi Commission on Environmental Quality.

Clean Water Act “CWA” refers to the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

Discharge of Storm Water Associated with Small Construction Activity as used in this permit, refers to a discharge of pollutants in storm water runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete) are located.

Executive Director means the Executive Director of the Department of Environmental Quality.

Facility or Activity means any NPDES “point source” or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

Large Construction Activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five (5) acres of land or will disturb less than five (5) acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five (5) acres. Large construction activity is covered by another general permit.

Larger Common Plan of Development or Sale means a contiguous area where multiple separate and distinct construction activities are occurring under one plan. The plan in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activities may occur on a specific plot.

Operator for the purpose of this permit and in the context of storm water associated with construction activity, means any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform permittees of MDEQ’s interpretation of how the regulatory definitions of “owner or operator” and “facility or activity” are applied to discharges of storm water associated with construction activity.

Owner or operator means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

Permit Board means the Mississippi Environmental Quality Permit Board established pursuant to Miss. Code Ann. § 49-17-28.

Pollutant is defined at 40 CFR 122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, sediment, silt, cellar dirt, and industrial or municipal waste.

Runoff Coefficient means the fraction of total rainfall that will appear at the conveyance as runoff (see values below).

Successful Completion of all permanent erosion and sediment controls means when land disturbing construction activities have been completed and disturbed areas have been stabilized with no significant erosion occurring.

Small Construction Activity is defined at 40 CFR 122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

Storm Water means rainfall runoff, snowmelt runoff, and surface runoff.

Storm Water Pollution Prevention Plan "SWPPP" means a plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the storm water, and a description of measures or practices to control these pollutants.

Values of Runoff Coefficient C:

Lawns:

- Sandy soil, flat 2% 0.05-0.10
- Sandy soil, average, 2-7% 0.10-0.15
- Sandy soil, steep, 7% 0.15-0.20
- Heavy soil, flat, 2% 0.13-0.17
- Heavy soil, average, 2-7% 0.18-0.22
- Heavy soil, steep, 7% 0.25-0.35

Business:

- Downtown areas 0.70-0.95
- Neighborhood areas 0.50-0.70

Residential:

- Single family areas 0.30-0.50
- Multi units, detached 0.40-0.60
- Multi units, attached 0.60-0.75

Residential:

- Suburban 0.25-0.40
- Apartment dwelling areas 0.50-0.70

Industrial:

- Light areas 0.50-0.80
- Heavy areas 0.60-0.90

Parks, cemeteries 0.10-0.25

Playgrounds 0.20-0.35

Railroad yard areas 0.20-0.40

Unimproved areas 0.10-0.30

Streets:

- Asphalt 0.70-0.95
- Concrete 0.80-0.95
- Brick 0.70-0.85
- Drives and walks 0.75-0.85
- Roofs 0.75-0.95

Part VIII.

**Transfer of Small Construction General Permit Coverage
and/or Name Change**

Instructions: For Ownership Change-Complete all Items on this page (except Item VIII) and reverse side.
For Name Change Only-Complete Items I, II, V, VI, VII, VIII, and reverse side.

<p>Item I. Facility Name: _____ Location: (Do Not Use P.O. Box) Street: _____ City: _____ State: <u>MS</u> Zip: _____ County: _____ Telephone: (_____) _____</p>	<p>Item II. Responsible official after transfer or name change: Name: _____ Title: _____ Mailing Address: Street/P.O. Box: _____ City: _____ State: _____ Zip: _____ Telephone (_____) _____</p>
<p>Item III. Previous Permittee¹: _____ Mailing Address: Street/P.O. Box: _____ City: _____ State: _____ Zip: _____ Telephone: (_____) _____</p>	<p>Item IV. New Permittee¹: _____ Mailing Address: Street/P.O. Box: _____ City: _____ State: _____ Zip: _____ Telephone: (_____) _____</p>
<p>Item V. Industrial Activity SIC Code: _____ Brief Description: _____</p>	<p>Item VI. Will Facility Operations Change? Yes _____ No _____ If yes, the appropriate applications and permits may required modification prior to change.</p>
<p>Item VII. Will Facility Name Change? Yes _____ No _____ If Yes, Provide New Name for Permit Coverage. New Name: _____</p>	<p>Item VIII. Signature for Name Change _____ Print Name: _____ Authorized Signature²: _____ Title: _____ Date: _____</p>
<p>Item IX. We the undersigned transfer permit coverage MSR15 ____ _ (complete if known) From: _____ To: _____ Acquisition Date: _____</p>	
<p>By signature below, the new permittee certifies that they are aware of the requirements of the Small Construction General Permit and agrees to accept responsibility and liability for permit compliance. The previous permittee by signature below is transferring permit coverage to the new permittee.</p>	
<p>_____ Print New Permittee¹ Name</p> <p>_____ New Authorized Signature²</p> <p>_____ Title _____ Date</p>	<p>_____ Print Previous Permittee¹ Name</p> <p>_____ Previous Authorized Signature²</p> <p>_____ Title _____ Date</p>
<p><small>¹A Permittee is a company or individual that is covered under the general permit. ²Authorized Signature must be owner or operator.</small></p>	

Item X. Storm Water

(Check One)

The recipient certifies that they have received a copy of the SWPPP from the original owner.

The recipient is developing a new SWPPP.

If other environmental permits are involved please contact MDEQ at 601/961-5171 for the appropriate MDEQ transfer form or see MDEQ's web site at www.deq.state.ms.us

Submit to MDEQ only if an SCNOI has been submitted. If not submitted, you must keep this form with your records.

Part IX.

**INSPECTION AND CERTIFICATION FORM FOR
SMALL CONSTRUCTION EROSION AND SEDIMENT CONTROLS**

**This form shall be kept on-site unless required to be submitted to MDEQ (see Part IV. G.)
Inspections must be done weekly and after a half-inch rainfall event.
Coverage number if SCOI submitted (MSR15 __ __ __ __)**

(Please Print)

Name: _____
Project Name: _____
Project Street Address: _____
Project City and County: _____
Startup Date: _____
Mailing Address: _____
Mailing City/State/Zip _____
Telephone Number _____

Inspection Log

Date and Time	After a Half-Inch Rain?	Any Deficiencies Observed?	Inspector(s)
_____	Yes or No	Yes or No	_____
_____	Yes or No	Yes or No	_____
_____	Yes or No	Yes or No	_____
_____	Yes or No	Yes or No	_____
_____	Yes or No	Yes or No	_____

Deficiencies Noted During any Inspection (give date(s); attach additional sheets if necessary):

Corrective Action Taken or Planned (give date(s)); (attach additional sheets if necessary):

Based upon this inspection which I or personnel under my direct supervision conducted, I certify that all erosion and sediment controls have been implemented and maintained, except for those deficiencies noted above, in accordance with the Storm Water Pollution Prevention Plan filed with the Office of Pollution Control and sound engineering practices as required by the above referenced permit.

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

Authorized Name (Print)

Signature

Date

Note: This page is intentionally blank

Submit only upon request from MDEQ

Part X.



SMALL CONSTRUCTION NOTICE OF INTENT (SCNOI)

GENERAL NPDES PERMIT MSR15 _____ (Number to be assigned by MDEQ if submitted)

Prior to the commencement of small construction activity (see Small Construction General Permit Part I. B.), the owner or operator of a small construction project must complete this form and develop a Storm Water Pollution Prevention Plan (SWPPP) as required by Part III of Mississippi's Small Construction General Permit. **This SCNOI and SWPPP shall be submitted to the Mississippi Department of Environmental Quality (MDEQ) only upon request from MDEQ; however, the SCNOI and SWPPP must be maintained at the permitted site or locally available in case inspector review is necessary.** Attachments with this SCNOI must include: a USGS quad map or copy showing site location (only if required to be submitted to MDEQ) and a Storm Water Pollution Prevention Plan (SWPPP). All questions must be answered – answer "NA" if the question is not applicable.

PROJECT INFORMATION

OWNER CONTACT PERSON:

OWNER COMPANY NAME:

OWNER STREET (P.O. BOX):

OWNER CITY:

STATE: _____ ZIP: _____

OWNER PHONE # (INCLUDE AREA CODE):

OPERATOR (if different from owner) CONTACT PERSON:

OPERATOR COMPANY:

OPERATOR STREET (P.O. BOX):

OPERATOR CITY:

STATE: _____ ZIP: _____

OPERATOR PHONE # (INCLUDE AREA CODE):

PROJECT NAME: _____

DESCRIPTION OF CONSTRUCTION ACTIVITY: _____

ACREAGE DISTURBED (to be covered by this permit must be less than five (5) acres): _____

PHYSICAL SITE ADDRESS (IF NOT AVAILABLE INDICATE THE NEAREST NAMED ROAD):

STREET: _____

CITY: _____ COUNTY: _____

ZIP: _____

NEAREST NAMED RECEIVING STREAM: _____

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

Signature¹ _____

Date Signed _____

Printed Name _____

Title _____

¹This application shall be signed according to the Small Construction General Permit, Part V. E.

If requested, mail to: Chief, Environmental Permits Division; Mississippi Department of Environmental Quality
P.O. Box 10385; Jackson, MS, 39289-0385