

Construction Inspection SOP

- A. No Land Disturbing Activities that disturb either (i) greater than or equal to one acre; or (ii) less than one acre but whose activity is part of a larger common plan of development or sale that disturbs one acre or more, other than those Land Disturbing Activities exempted from the provisions of this article as set out in Section 5, shall be conducted within the City of Rainbow City, Etowah County, Alabama, without first obtaining the necessary permit(s) from the Authority.

Before the commencement of any Land Disturbing Activities, the Applicant must file with the Authority an application for a Permit. All applications for such a Permit must include, at a minimum, the following information:

1. Name, address, telephone number, and email address of the Applicant;
 2. If the Applicant is not the owner of the project and/or property, the name, address, telephone number, and email address of the owner of the project, the owner of the property on which the project is to be located, and the ground lessee of the property, if any, on which the Land Disturbing Activities are to be conducted;
 3. General description of the construction activity for which coverage is desired, along with the address, if any, or latitude and longitude to the nearest second of the entrance to the Site upon which the Land Disturbing Activities are to be conducted;
 4. A map or a plot of the land on which the Land Disturbing Activities will be conducted and any other information that is required under the provisions of Section 6 of this article.
- B. Multiple operators conducting Land Disturbing Activities in a common plan of development may jointly submit an application and be covered by the same Permit. An application requesting coverage for multiple operators must include a Site plan clearly describing each operator's area(s) of operational control.
- C. Each application for the issuance of a Permit shall be accompanied by a nonrefundable fee of (\$25.00), for Land Disturbing Activities associated with individual single family residences and (\$100.00), for all other types of Land Disturbing Activities. The Applicant must submit its BMP Plan with its application and fee to the Authority.
- D. The Authority may require the Applicant to post a bond in the form of a government security, cash, irrevocable letter of credit, or any combination thereof up to but not exceeding \$1,000.00 per acre of the proposed Land Disturbing Activities. If the Applicant fails to comply with the conditions of the Permit, the bond may be called by the Authority and used to bring the Site into compliance.

- E. An Applicant's BMP Plan will either be approved or disapproved by the Authority within 14 days of the day a complete application, BMP Plan, applicable fee, and bonding requirement, if any, are filed with the Authority.

If the BMP Plan is disapproved, the Authority will inform the Applicant, in writing, of the reasons for its disapproval. If the Applicant, on one or more occasions, revises the BMP Plan or submits to the Authority additional documents or information in connection with the BMP Plan, the Authority will make a written response to the Applicant with respect to whether such revised BMP Plan and/or additional documents and information have been approved or disapproved by the Authority. All such additional responses will be made by the Authority to the Applicant within 7 days of the day such revised BMP Plan or additional documents or information are submitted to the Authority.

Should the Authority fail to approve or disapprove any initial or revised BMP Plans within 30 days of the day said BMP Plans are submitted to the Authority, the BMP Plan shall be deemed approved and the Applicant may commence Land Disturbing Activities.

All BMP Plans certified by a QCP shall be deemed approved by the Authority, which shall allow the Applicant to immediately commence Land Disturbing Activities upon submission of a complete application, BMP Plan, applicable fee, and bonding requirement, if any, to the Authority.

Payment of the applicable fee and bonding requirement, if any, by the Applicant, coupled with the Authority's approval of the application and BMP Plan, shall result in issuance of a Permit to the Applicant.

- F. The Authority must be notified immediately upon any change in ownership of property for which a BMP Plan has been registered, and/or any change in the person or persons responsible for ensuring compliance with the provisions of this article.

A Permit may be amended [*with/without*] the payment of an additional fee upon filing with the Authority an amended or restated Permit application containing all changes from the original application; provided, that the holder of the Permit shows to the reasonable satisfaction of the Authority that there are no proposed changes which may affect the quantity and/or quality of Stormwater runoff. If an amended or restated application is filed with the Authority with respect to Land Disturbing Activities for which a Permit has been issued, such existing Permit shall continue in effect, and the Permittee may continue to operate under it unless and until an amended Permit is issued, at which time the original Permit shall expire and all Land Disturbing Activities must be conducted in accordance with the amended Permit.

A Permit may be transferred [*with/without*] the payment of an additional fee upon filing with the Authority an application for transfer; provided, that the current Permittee and proposed transferee of the Permit show to the reasonable satisfaction

of the Authority that, upon or following the transfer, there will be no proposed changes which may affect the quantity and/or quality of Stormwater runoff. If the Authority is not satisfied with any such showing by the current Permittee and proposed transferee, the new owner or operator must apply for a new Permit prior to participating in the operation of such project.

- G. All applications and correspondence required by this article to be submitted to the Authority must be signed by an individual with adequate legal authority to act for or on behalf of the Applicant or Permittee. Any person signing any application, correspondence or other documentation required by this article must make the following certification:

“I certify, under penalty of law, that this document and any attachments were prepared under my direction or supervision and that I have personally examined, and I am familiar with, the information in this document and any such attachments. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and civil penalty.”

- H. The issuance of a Permit shall not excuse the owner from the need to obtain other required state and local permits or licenses.

Section 5. Exceptions.

A. The following Land Disturbing Activities are excluded from the requirements of this article:

1. Any land change on property about which the owner of the property has submitted information to the Authority proving, to the satisfaction of the Authority, that such property does not Discharge to the MS4.
2. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources. Immediately upon completion of emergency activity the responsible party shall install all control measures and initiate restoration/cleanup activities as required by this article.
3. Agriculture
4. Silviculture
5. Such minor Land Disturbing Activities as home gardens, landscaping, home repairs, home maintenance work, minor additions to houses, the construction, maintenance or repair of accessory structures and other related activities which result in minor Erosion.

6. Minor Land Disturbing Activities, such as minor Grading for driveways, yard areas and sidewalks, or individual connections for sewer services for single or two-family residences.
 7. The construction, repair or rebuilding of railroad tracks.
 8. Minor subsurface exploratory excavations under the direction of soils engineers, engineering geologists, or soil scientists.
 9. The opening of individual burial sites in property which has been approved for such use by all necessary governmental authorities.
 10. The construction of water wells or environmental monitoring wells.
 11. Any and all Land Disturbing Activities conducted by entities under the jurisdiction and supervision of the PSC.
- B. Although not required to obtain a Permit, persons engaged in excepted activities shall remain responsible for otherwise conducting such activities in accordance with the provisions of this article and any other applicable regulation or permit(s), including the proper control of Sediment and Discharges to the MS4.

Section 6. Construction Best Management Practices Plan (BMP Plan).

- A. City of Rainbow City, Alabama's Phase II MS4 NPDES Permit allows the Authority to rely upon ADEM for the setting of standards for appropriate Erosion and Sediment Controls. The Authority hereby expresses its intent to rely upon the aforementioned standards established by ADEM and requires any BMP Plan filed with the Authority to be in a format acceptable to ADEM and contain all necessary information and details required by ADEM's applicable regulations and NPDES construction Stormwater permit.
- B. The BMP Plan shall be updated as necessary to address changes in the construction activity, Site weather patterns, new TMDLs established or approved by EPA, new 303(d) listings approved by EPA, manufacturer specifications for specific control technologies, or as otherwise required by ADEM.

The BMP Plan shall be amended if inspections or investigations by federal, state or Authority officials determine that the existing Erosion and Sediment Controls or other Site management practices are ineffective or do not meet the requirements of applicable permits. All necessary modifications to the BMP Plan shall be made within seven (7) calendar days following notification of the inspection findings unless granted an extension of time.

If existing Erosion and Sediment Controls or other Site management practices prove ineffective in protecting water quality or need to be modified; or if additional Erosion and Sediment Controls or other Site management practices are necessary, implementation shall be completed before the next storm event whenever

practicable. If implementation before the next storm event is impracticable, then new Land Disturbing Activities must cease until the modified or additional controls can be implemented.

- C. Whenever the Authority determines that a BMP Plan does not comply with this article, it will notify the Applicant in writing of the ways in which the BMP Plan does not comply with this article.