RIPDES Permit No. RIR1#####

AUTHORIZATION TO DISCHARGE UNDER THE
RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM

GENERAL PERMIT FOR STORMWATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITY

In compliance with the provisions of Chapter 46-12 of the Rhode Island General Laws, as amended, except as provided in Part I.B.3 of the permit, owners and/or operators of stormwater discharges associated with construction activity located in the State of Rhode Island are authorized to discharge in accordance with the conditions and requirements set forth herein.

Owners and/or operators of stormwater discharges associated with construction activity within Rhode Island who intend to be authorized by this general permit must meet the application requirements outlined in Part I.D.1 of the permit. Authorization to discharge shall be granted in accordance with Part I.D of this permit.

This general permit shall become effective on September 2~~6~~7, 202~~5~~6.

The general permit and the authorization to discharge will expire at midnight, ~~one~~five (5~~1~~) years from the effective date, or September 2~~6~~7, 20~~26~~31.

Signed this day of September, 202~~5~~6.

_____

Charles A. Horbert
Deputy Administrator
Groundwater and Freshwater Wetlands Protection
Office of Water Resources
Rhode Island Department of Environmental Management
Providence, Rhode Island

General Permit
Rhode Island Pollutant Discharge Elimination System
Stormwater Discharge Associated with Construction Activity

Effective Date: September 2~~6~~7, 202~~5~~6

Valid ONLY in accordance with Part I.D.

Expiration Date: September 2~~6~~7, 20~~26~~31

Rhode Island Department of Environmental Management
Office of Water Resources
RIPDES Program

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GENERAL PERMIT
RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM
STORMWATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITY

PLEASE READ THIS PERMIT CAREFULLY!

The Rhode Island Pollutant Discharge Elimination System (RIPDES) Program of the Office of Water Resources realizes that effective regulatory mechanisms to control erosion and sedimentation are currently required by the RIDEM Freshwater Wetland Program, the RIDEM Water Quality Certification Program, the RIDEM Underground Injection Control (UIC)/Groundwater Discharge Permit Program, the RI Coastal Resources Management Council (CRMC); and in those towns/cities which have a Qualifying Local Program (QLP) that has been formally approved by the Department (see 250-RICR-150-10-1.16(A)(10) for the definition of Qualifying State, or Local Programs). **Regardless of the means of obtaining approval, the permittee is still responsible for complying with all terms and conditions of this permit and any other applicable State, local and/or federal regulations. The Department will be held harmless for any failure of the permittee to comply with this permit.**

I. GENERAL COVERAGE UNDER THIS PERMIT

A. Permit Area. This permit applies to all areas of the State of Rhode Island.

B. Eligibility.

1. Allowable Stormwater Discharges. Subject to compliance with the terms and conditions of this permit, you are authorized to discharge the following:

   a. All new and existing stormwater discharges associated with construction, including, but not limited to, clearing, grading, excavation, and filling, where total land disturbance is equal to or greater than one (1) acres including construction activities involving soil disturbances of less than one (1) acre of disturbance if that construction is part of a larger common plan of development or sale that would disturb one (1) or more acre, and the discharge is composed entirely of stormwater. A discharge shall be considered composed entirely of stormwater if there is adequate access to sample the stormwater discharge covered under this permit prior to mixing with a discharge which is authorized and in compliance with an existing RIPDES permit or the discharge is listed in Part I.B.2. below.

   b. Stormwater Discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging areas, material storage areas, excavated material disposal areas, borrow areas) provided:

      i. The support activity is directly related to the construction site required to have a RIPDES permit coverage for discharges of stormwater associated with construction activity;

ii. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction at the last construction project it supports; and

iii. Appropriate controls and measures are identified in a Soil Erosion and Sediment Control Plan covering the discharges from the support activity areas.

c. Discharges composed of allowable discharges listed in Part I.B.2 of this permit commingled with a discharge authorized by a different RIPDES permit and/or discharge that does not require a RIPDES permit authorization.

d. Stormwater discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining. Stormwater discharges associated with active mining may need to obtain authorization to discharge under the RIPDES Multi-Sector General Permit for Stormwater Discharge Associated with Industrial Activity. Guidance for managing discharges from industrial sites can be found in Part II.C of this permit.

2. Allowable Non-Stormwater Discharges. Allowable non-stormwater discharges under this permit are limited to discharges from the following:

a. washing of vehicles provided chemicals, soaps, detergents, steam, or heated water are not used; cleaning is restricted to the outside of the vehicle (e.g., no engines, transmissions, undercarriages, or truck beds); or washing is not used to remove accumulated industrial materials, paint residues, heavy metals or any other potentially hazardous materials from surfaces;

b. the use of water to control dust;

c. fire fighting activities;

d. fire hydrant flushings;

e. natural springs; uncontaminated groundwater;

f. lawn watering;

g. potable water sources including waterline flushings; irrigation drainage;

h. pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled materials have been removed) and where detergents are not used;

i. foundation or footing drains where flows are not contaminated with process materials such as solvents, or contaminated by contact with soils where spills or leaks of toxic or hazardous materials has occurred;

j. external building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances (e.g., paint or caulk containing polychlorinated biphenyls (PCBS)) and appropriate control measures have been implemented to minimized discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement).

If any of these discharges may reasonably be expected to be present and to be mixed with stormwater discharges, they must be specifically identified in the site's Soil Erosion and Sediment Control Plan as described in Part III of this permit.

3. Limitations of Coverage. The following discharges associated with construction are not authorized by this permit:

a. Stormwater discharges associated with construction that the Director of the Department of Environmental Management has found to be or may reasonably be expected to be contributing to a violation of water quality standards, or to be a significant contributor of pollutants;

b. Stormwater discharges associated with construction, allowable non-stormwater discharges and discharge related activities that adversely affect a listed, or a proposed to be listed, endangered or threatened species or its critical habitat;

c. Stormwater associated with construction discharging into any water for which a Total Maximum Daily Load (TMDL) has been either established or approved by the EPA or other water quality determination unless the Stormwater Management Plan (SWMP, detailed in Part II.A-C.) incorporates measures or controls that meet the requirements of this permit and are consistent with the assumptions and requirements of the TMDL and Minimum Standard 3: Water Quality of the Rhode Island Stormwater Management, Design and Installation Rules (250-RICR-150-10-8; RI Stormwater Rules) or the project was authorized and has maintained coverage under the 2025 or 2020 RIPDES construction general permit, or another RIDEM permit, (e.g. a ~~RIPDES or a~~ RIDEM Freshwater Wetlands Permit, RIDEM Water Quality Certification, RIDEM UIC/Groundwater Discharge Permit, CRMC Assent or QLP approval that has not yet expired and remains in effect). If the EPA approved or established TMDL or other water quality determination specifically prohibits the discharges, the discharges are not eligible for coverage under this permit.

d. Stormwater associated with construction discharging into any Impaired water listed on the latest State of Rhode Island 303(d) List of Impaired Waters, unless the Stormwater Management Plan incorporates measures or controls that meet the requirements of this permit and address the pollutant(s) of concern as required by Standard 3: Water Quality of the RI Stormwater Rules or if the project was authorized and has maintained coverage under the 2025 or 2020 ~~permit~~ RIPDES construction general permit, or another RIDEM permit, (e.g. a ~~RIPDES or a~~ RIDEM Freshwater Wetlands Permit, RIDEM Water Quality Certification, RIDEM UIC/Groundwater Discharge Permit, CRMC Assent or QLP approval that has not yet expired and remains in effect.)

If you propose to 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:

i. Implement controls to minimize the exposure of PCB-containing materials, including paint, caulk and pre-1980 fluorescent lighting fixtures, to precipitation and stormwater; and

ii. Ensure that disposal of such materials is performed in compliance with applicable state, federal and local laws.

e. Post-construction discharges that originate from the site after construction activities have been completed and the site has achieved final stabilization, including any temporary support activity. Post-construction stormwater from industrial sites may need to be covered by a separate RIPDES individual permit or may need to obtain authorization to discharge under the RIPDES Multi-Sector General Permit for Stormwater Discharge Associated with Industrial Activity. Guidance for managing discharges from industrial sites can be found in Part II.C of this permit.

f. Discharges from any State lands that may become designated as "Lands of Exclusive Federal Jurisdiction" (LEFJ). Because jurisdictional status of Lands of Exclusive Federal Jurisdiction may change over time, EPA does not maintain a comprehensive map of these lands. Should such designation occur in RI, the EPA would administer the permitting for these lands. As such, any discharge from land designated as an LEFJ would be subject to the terms and conditions of the most current EPA Construction General Permit, including EPA Standards for Water Quality Based Effluent Limitations, consultation for Endangered Species Act and Natural Heritage Area applicability, EPA-approved site inspections and reporting, and any other reporting requirements associated with this federal land designation.

C. Definition of "Owner" & "Operator":

1. For the purposes of this permit, the "owner" of a property is the person, as defined by 250-RICR-150-10-1-1.4(A)(75), holding the title, deed, or legal document to the regulated property, facility, or activity, including a party working under an easement on the property.

2. The "operator" is defined as a ~~the~~ person who has operational control over construction plans and specifications, or a ~~the~~ person who has day-to-day supervision and operational control of activities occurring at the site. Further, for purposes of this permit, the ~~operator is the owner if that person is performing all work related to complying with this permit~~owner is also considered an operator and is responsible for the actions of any operator controlling activities occurring on the site.

   Where a new operator is selected after the submittal of a Notice of Intent (NOI contents; see Part IV of this permit) and that new operator is directly responsible for performing the work necessary to comply with this permit, prior to performing any work at the site a new operator must sign and certify within the Soil Erosion and Sediment Control Plan document that they are an operator of the site as defined above.

D. Authorization. To be covered under this general permit, owners or operators of stormwater discharges associated with construction activities that disturb one (1) or more acres of land or will disturb less than one (1) acre of land but is part of a larger common plan of development or sale that would disturb one (1) or more acres, must comply with the applicable sections below.

1. Application Requirements

   a. Sites previously authorized under the 2025 or 2020 Rhode Island Pollutant Discharge Elimination System Construction General Permit (2025 or 2020 RIPDES CGP) for Stormwater Discharge Associated with Construction Activity are not required to reapply to maintain authorization, unless the authorization was issued as part of a RIDEM Freshwater Wetlands Permit, RIDEM Water Quality Certification, RIDEM UIC/Groundwater Discharge Permit, CRMC Assent or QLP Approval that has since expired.

   b. New Applications - Submittal of an NOI (as defined in Section IV) is only required for construction activities that disturb greater than one (1) acre, including construction activities involving soil disturbances of less than one (1) acre of disturbance if that construction is part of a common plan of development or sale that would disturb one (1) or more acre. Projects proposing less than one acre of disturbance do not require coverage under this General Permit. Where applicable, the NOI for a RIPDES CGP is to be submitted as part of an application to obtain a RIDEM Freshwater Wetlands Permit, RIDEM Water Quality Certification, RIDEM UIC/Groundwater Discharge Permit, CRMC Assent or QLP approval. Specific application requirements, unless otherwise required by the aforementioned permitting programs, are as follows:

i. Construction activities that disturb an area equal to or greater than five (5) acres are required to submit a complete online RIPDES CGP / UIC Stormwater Application available on the Office of Water Resources Permit Application Portal, including upload of the *Rhode Island Stormwater Design and Installation Standards Manual (RISDISM) Appendix A Checklist* and a Stormwater Management Plan (SWMP).

ii. Construction activities that disturb an area equal to or greater than one (1) acre and less than five (5) acres are required to submit the online RIPDES CGP / UIC Stormwater Application available on the Office of Water Resources Permit Application Portal, including upload of the RISDISM *Appendix A Checklist*, a project narrative, and site plan set or maps showing flow paths, discharges, existing/proposed conditions and receiving waters. A Stormwater Operations & Maintenance (O&M) plan, or Storm Water Pollution Prevention Plan (SWPPP) are optional. At a minimum, Soil Erosion & Sediment Control (SESC) measures shall be provided in details of site plan set or maps. A separate SESC plan document is optional. Operationally, the SESC plan is part of the broader SWPPP. Stormwater Operations & Maintenance Plans are often referred to as SWPPPs.

2. Deadlines for Requesting Authorization

a. For stormwater discharges associated with construction activities which were authorized under the 2025 or 2020 RIPDES CGP which are expected to continue beyond the effective date of this permit, the owner or operator is not required to reapply to maintain permit coverage in accordance with Part I.D.3 of this permit unless the authorization was issued as part of a RIDEM Freshwater Wetlands Permit, RIDEM Water Quality Certification, RIDEM UIC/Groundwater Discharge Permit, CRMC Assent or QLP Approval that has since expired. In the case of an expired authorization as described in this paragraph, permit coverage under the RIPDES CGP will only be reinstated upon issuance of a new permit from the appropriate agency and Program.

b. For stormwater discharges associated with construction activities which commence after the effective date of this permit and are required to submit an application in accordance with Part I.D.1.b of this permit, an application must be submitted at least thirty (30) days prior to the commencement of land disturbing activities.

3. Granting of Authorization

a. Owners and operators previously authorized under the 2025 or 2020 RIPDES CGP with an active, unexpired RIDEM Freshwater Wetlands Permit, RIDEM Water Quality Certification, RIDEM UIC/Groundwater Discharge Permit, CRMC Assent or QLP approval will be authorized upon the effective date of this permit. Coverage under this RIPDES CGP will remain valid so long as the permits described above remain valid.

b. Owners and operators previously authorized under the 2025 or 2020 RIPDES CGP and that did not require authorization or permitting as described in Part I.D.3.a. above will be authorized upon the effective date of this permit.

c. Construction activities that disturb an area equal to or greater than one (1) acre that are required to obtain a RIDEM Freshwater Wetlands permit, RIDEM Water Quality Certification, RIDEM UIC/Groundwater Discharge Permit, CRMC Assent or QLP approval are authorized to discharge stormwater from construction activities under the terms and conditions of this permit upon receipt of all of the applicable permits listed here.

d. For construction activities that disturb an area equal to or greater than five (5) acres and are not required to obtain one of the approvals listed above in Part I.D.3.c, authorization to discharge will only be granted upon notification from the Director after review of the application.

e. For construction activities that disturb an area equal to or greater than one (1) acre and less than five (5) acres and are not required to obtain one of the approvals listed in Part I.D.3.c automatic authorization to discharge will be granted upon receipt of the information required in Part I.D.1.b.ii unless notified to the contrary by the Director.

4. Modifications or Amendments to Authorized Projects

a. Authorizations issued under this permit are specific to the project, site alterations, and stormwater management system depicted on the site plans submitted with an application and received and reviewed by RIDEM. Any alterations, additions or modifications to the project authorized under this permit must be reviewed and approved by RIDEM OWR prior to implementation.

b. Modifications to authorized projects must not result in any increase in the area of land disturbance, must not include land disturbance on different lots than previously authorized, and must not result in any increase in peak runoff rates or runoff volumes as compared to the originally authorized project. Modifications to authorized projects that do result in any of the above-noted items must submit a new Notice of Intent as defined in Section IV to obtain authorization for the revised project under this permit.

c. Modifications to portions of previously authorized projects will not be granted when such portion is proposed for a parcel that is no longer owned by the owner originally granted authorization under this permit (e.g. such as in the case where a proposed lot within an authorized subdivision has been transferred to a new owner and the original owner retains ownership over remaining portions of the lot originally authorized under this permit). See also Section V.L.

d. Requests to modify an authorized project must include:

i. a revised Soil Erosion & Sediment Control Plan, including revised site plans, as described in Section III.

ii. all relevant information required for a NOI as described in Section IV.

iii. a narrative which describes all proposed modifications to the authorized project in detail.

E. Notice of Start of Construction. ~~You must notify~~ RIDEM must be notified in writing of the anticipated start date, and of ~~your~~the contractor's contact information, by submitting the Notice of Start of Construction form accessible through the OWR Permit Application Portal. Portal registration and user guides and a link to the Portal Login Page are available on the RIDEM Stormwater Construction Permitting website[1]. Prior to construction ~~you must erect or post~~ a sign resistant to the weather and at least twelve (12) inches wide and eighteen (18) inches long must be erected or posted, which identifies the initials "DEM" and the permit number(s) assigned to the permit. The sign must be maintained at the site in a conspicuous location until such time that the project is complete.

F. Termination of Coverage. Upon achieving final site stabilization, owners and operators of stormwater discharges associated with construction must submit to the DEM a completed Notice of Termination (NOT) accessible through the OWR Permit Application Portal. At a minimum, the following information is required to terminate coverage under this permit:

1. The owner's name, mailing address, email address, and telephone number,
2. The operator's name, mailing address, email address, and telephone number
3. The name and location of the facility or project site,
4. The RIPDES Construction General Permit authorization number,
5. A signed certification by the owner and operator that the stormwater discharge associated with construction activity no longer exists at the site.
6. Site photos documenting stabilized site conditions to be submitted with the NOT form.

Upon DEM receipt of the completed NOT, coverage under this permit is terminated.

G. Failure to Notify. Owners or operators who fail to notify the Director of their intent to be covered under a general permit, and discharge pollutants to the waters of the State or to a separate storm sewer system without a RIPDES permit, are in violation of Chapter 46-12 of Rhode Island General Laws and the Clean Water Act (CWA).

II. PERMIT LIMITS AND CONDITIONS

To be covered under this permit ~~you must develop~~ a Stormwater Management Plan~~,~~ must be developed prior to submitting ~~your~~a RIPDES CGP / UIC Stormwater Application available on the Office of Water Resources Permit Application Portal, including upload of the *RISDISM Appendix A Checklist* (or your application for RIDEM Freshwater Wetlands Permit, RIDEM Water Quality

[1] The RIDEM Stormwater Construction Permitting website is available at http://www.dem.ri.gov/programs/water/permits/ripdes/stormwater/construction.php

Certification, RIDEM UIC/Groundwater Discharge Permit, CRMC Assent or QLP approval). In accordance with the RI Stormwater Rules and the RISDISM, the Stormwater Management Plan must include the following major elements, which serve to satisfy the eleven Minimum Standards outlined in the RI Stormwater Rules, as well as comply with specific criteria for the site planning process, groundwater recharge, water quality, channel protection, and peak flow control requirements:

A. Stormwater Site Planning, Analysis, and Design. This element of the Stormwater Management Plan must address the following Minimum Standards and include supporting documentation and calculations:

1. Minimum Standard 1: LID Site Planning and Design Strategies
2. Minimum Standard 2: Groundwater Recharge
3. Minimum Standard 3: Water Quality
4. Minimum Standard 4: Conveyance and Natural Channel Protection
5. Minimum Standard 5: Overbank Flood Protection
6. Minimum Standard 6: Redevelopment and Infill Projects
7. Minimum Standard 8: Land Uses with Higher Potential Pollutant Loads (LUHPPLs)
8. Minimum Standard 9: Illicit Discharges

In addition, the following Appendices from the RISDISM provide additional guidance on how to comply with the standards listed above:

1. Appendix B: Vegetation Guidelines and Planting List
2. Appendix C: Guidance for Retrofitting Existing Development for Stormwater Management
3. Appendix F: Guidance on BMP Construction Specifications
4. Appendix I: Rhode Island River and Stream Order
5. Appendix K: Hydrologic and Hydraulic Modeling Guidance

B. Soil Erosion, Runoff, and Sediment Control. In order to comply with this permit a component of the Stormwater Management Plan must address two sources of stormwater pollution: (1) pollution caused by soil erosion, runoff, and sedimentation during construction and (2) stormwater pollution generated as a direct result of the construction activity itself (i.e., stormwater contaminated by construction wastes and practices). The Stormwater Management Plan must satisfy Part III of this permit and Minimum Standard 10 of the RI Stormwater Rules – Construction Activity, Soil Erosion, Runoff, Sedimentation, and Pollution Prevention Control Measure Requirements. When required per Part I.D.1. a Soil Erosion and Sediment Control plan is to be developed as a stand-alone document. At minimum for small sites under five (5) acres, SESC measures can be included as details in site plan set.

C. Post Construction Operation and Maintenance. The Stormwater Management Plan must address *Minimum Standard 11*: *Stormwater Management System Operation and Maintenance* of the RI Stormwater Rules to ensure that the stormwater management system constructed will continue to function as designed. The Plan must address the O&M requirements for each stormwater management practice in Chapter 5 of the RISDISM. Additional guidance on developing O&M plans can be found in Appendix E of the

RISDISM. In addition, the Plan must address *Minimum Standard 7: Pollution Prevention* of the RI Stormwater Rules by incorporating source control and pollution prevention measures to minimize the impact that the land use may have on stormwater runoff quality after the construction development activities have been completed and the site is fully stabilized. Additional guidance can be found in Appendix G of the RISDISM. When required per Part I.D.1., an Operation and Maintenance plan is to be developed as a stand-alone document.

The facility may be required to obtain authorization to discharge under the RIPDES Multi-Sector General Permit for Stormwater Discharge Associated with Industrial Activity depending on the Standard Industrial Classification that will be applicable to the site when construction is complete. In these cases, the Stormwater Management Plan should address the requirements of the RIPDES Multi-Sector General Permit for Stormwater Discharge Associated with Industrial Activity.

III. SOIL EROSION AND SEDIMENT CONTROL (SESC) PLAN REQUIREMENTS

A. The Soil Erosion and Sediment Control (SESC) plan shall describe and ensure the implementation of stormwater control measures which are to be used to reduce or eliminate pollutants in stormwater discharge(s) from the site and assure compliance with the terms and conditions of this permit. Control practice selection shall include an evaluation of the effectiveness of available practices and be made with proper references.

B. Conformance of SESC plan: Soil erosion, runoff, sediment, and pollution prevention control measures must be designed, implemented, and maintained in accordance with the requirements of this permit and in accordance with the design specifications and guidance contained in the RI Stormwater Rules, the RISDISM (as amended), and the *Rhode Island Soil Erosion and Sediment Control (RISESC) Handbook* (as amended).

C. The SESC plan shall be stamped and signed by a Registered Professional Engineer, a Certified Professional in Erosion and Sediment Control (CPESC), a Certified Professional in Stormwater Quality (CPSWQ), or a Registered Landscape Architect certifying that the SESC plan meets all requirements of this permit. SESC plans which require the practice of engineering must be stamped and signed by a Registered Professional Engineer. Operationally, the SESC plan is part of the broader Stormwater Pollution Prevention Plan (SWPPP) or Stormwater Operations & Maintenance Plan.

D. If the SESC plan is not required to be submitted as a separate document along with the application (see Part I.D.1. of this permit), SESC measures shall be provided in details of site plan set or maps and~~then~~ the owner, operator, or other designated person under the supervision of the owner or operator shall make it available to the Department upon request.

E. If the SESC plan is requested and reviewed by the Director, he or she may notify the permittee at any time that it does not meet one or more of the minimum requirements of this permit. After such notification from the Director, the permittee shall amend the SESC plan and shall submit to the Director, within seven (7) days of the notification, a written certification that the required changes have been made.

F. Amending SESC plan and/or SWPPP within seven (7) days of any change: The owner and operator shall amend the SESC plan within seven (7) days whenever there is a change in design, construction, operation, maintenance or other procedure such as a corrective maintenance effort which has a significant effect on the potential for the discharge of pollutants, or if the SESC plan proves to be ineffective in achieving its objectives. In addition, the SESC plan shall be amended to identify any new operator that will implement a component of the SESC plan. The amended SESC plan must be kept on file at the construction site and any SESC plan modifications must be documented. Any amendments to control measures which involved the practice of engineering, must first be reviewed, signed, and stamped by a Professional Engineer registered in the State of Rhode Island. The DEM reserves the right to review any SESC plan amendments in the same manner as described in paragraph III.E (above).

G. Documents available at construction site: A copy of the SESC plan including site plans, amendments to the SESC plan and/or SWPPP and/or site plans, records of inspections, maintenance, and corrective actions, and any regulatory permits granted must be kept on site at all times during the extent of coverage under this permit. The site operator as defined by Part I.C.2 of this permit must maintain a copy of the SESC plan and/or SWPPP at a central location on-site for the use of all those identified as having responsibilities under the SESC plan whenever they are on the construction site. If an on-site location is unavailable to store the SESC plan and associated records when no personnel are present, notice of the SESC plan and/or SWPPP's location must be posted near the main entrance of the construction site.

H. Natural Heritage Areas: Each project authorized under this permit must determine if the site is within or directly discharges to a Natural Heritage Area (NHA). DEM Natural Heritage Areas include known occurrences of state and federal rare, threatened and endangered species.

I. Identify known discharges: List and provide existing data (if available) on the quality of known discharges from the site. The SESC plan must identify any stormwater discharge associated with industrial activity other than construction if applicable.

J. SESC Plan - Required Contents:

1. Erosion, Runoff, and Sediment Control Requirements – Owners and Operators must design, install, and maintain effective erosion, runoff, and sediment controls that address the nature of stormwater run-on and runoff at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. If stormwater flow will be channelized at the site, site owners and operators must design temporary stormwater controls that will control peak flow rates and total stormwater volume, to minimize channel and stream bank erosion in the immediate vicinity of discharge points. These controls must be designed to address the range of soil particle sizes expected to be present, site soils, slope, and the expected amount, frequency, intensity, and duration of precipitation. Per 250-RICR-150-10-8, Section 8.6 Stormwater Management Standards and Performance Criteria Overview, references to regional precipitation data are to be utilized for stormwater management system design. At a minimum the following must be addressed:

a. Phase Construction Activity – describe the intended construction sequencing and timing of major activities, including grading activities, road and utility installation, and building phases. The estimated timetable and sequence of construction activities must address the following key activities:

   i. Installation of erosion, runoff, and sediment controls and temporary pollution prevention measures.

   ii. Protection of planned infiltration sites and qualifying pervious areas from compaction.

   iii. Inspection and maintenance of erosion, runoff, sediment controls and other temporary pollution prevention measures.

   iv. Final site stabilization and removal of temporary erosion, runoff, and sediment controls and temporary pollution prevention measures.

b. Control Stormwater Flowing Onto and Through the Project – Describe controls that will be used to divert flows from exposed soils, retain or detain flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. A description of controls, including design specifications and details must be provided.

c. Stabilize Soils – Describe controls that will be used to stabilize soils throughout the entire duration of the construction project, including phased clearing/grubbing, initiating stabilization practices, and maintaining stabilization practices. Soil stabilization of disturbed areas must, at a minimum be initiated immediately whenever any clearing, grading, excavating or other earth disturbance activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding fourteen (14) calendar days. Stabilization must be completed using vegetative stabilization measures or using alternative measures whenever vegetative measures are deemed impracticable or during periods of drought.

d. Protect Storm Drain Inlets – Describe controls, including design specifications and details, that will be used to prevent soil and debris from entering storm drain inlets. If stormwater discharges from the construction site have the potential to enter storm drain inlets that then discharge to a surface water, the site owner and operator must:

   i. *Installation Requirements:* Install inlet protection practices that remove sediment from the discharge prior to entry into the storm drain inlet.

   ii. *Maintenance Requirements:* Clean, or remove and replace, the protection practices as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Accumulated sediment adjacent to the inlet protection measures should be removed by the end of the same workday in which it is found or by the end of the following workday if removal by the same workday is not feasible.

e. Protect Storm Drain Outlets - Describe controls, including design specifications and details, to be used to protect outlets discharging stormwater from the project. Outfall protection must be used to prevent scour or severe erosion at discharge points. The function of the specified controls must be to protect the soil surface, reduce velocity, and promote infiltration.

f. Establish Perimeter Controls and Sediment Barriers – Describe controls, including selection criteria and details, to be used to prevent soil erosion, filter, and trap sediment before it leaves the construction site.

   i. *Installation Requirements*: Sediment controls must be installed along those perimeter areas of the site that will receive stormwater from earth disturbing activities.

   ii. *Maintenance Requirements*: Maintenance of perimeter controls and sediment barriers must be completed in accordance with the maintenance requirements specified in the RISESC Handbook (as amended).

g. Establish Temporary Controls for the Protection of Post Construction Stormwater Practices – Identify the temporary practices that will be installed to protect permanent or long-term stormwater practices as they are installed and throughout the construction phase of the project so that they will function properly when they are brought online. Examples of long-term practices that may require protection include: infiltration basins, open vegetated swales and natural depressions, vegetated buffer strips, and permanent detention/retention structures. Examples of temporary control measures that can be used to protect permanent stormwater control measures include: establishing temporary sedimentation barriers around infiltrating practices, ensuring proper material staging areas and equipment routing (i.e. do not allow construction equipment to compact areas where infiltrating practices will be installed), and by conducting final cleaning of structural long-term practices after construction is completed.

h. Temporary Sediment Trapping and Temporary Stormwater Conveyance Practices – Describe the need for temporary sediment trapping and temporary stormwater conveyance practices, and if required include design specifications and details which demonstrate that they comply with Minimum Standard 10 of the RI Stormwater Rules.

i. Utilize Surface Outlets – To the maximum extent practicable, outlet structures must be utilized that withdraw water from the surface of temporary sedimentation basins, in order to minimize the discharge of pollutants. Exceptions may include periods of extended cold weather, where alternate outlets are required during frozen periods. If such a device is infeasible for portions of or the entire construction period justification must be made in the SESC plan.

j. Properly Use Treatment Chemicals - If the owner and/or operator plans to utilize polymers, flocculants, or other treatment chemicals at the construction site (e.g. dewatering, temporary sediment traps, stormwater conveyance practices, soil stabilization), the use of such chemicals must be managed in accordance with current

best management practices and in accordance with the requirements of the *Rhode Island Soil Erosion and Sediment Control (RISESC) Handbook* (as amended).

2. Construction Activity Pollution Prevention or SWPPP Requirements – The purpose of pollution prevention is to prevent daily construction activities from causing pollution. The owner and operator must design, install, implement, and maintain effective pollution prevention practices to minimize the discharge of pollutants. Pollution prevention practices must be described that will serve to control pollutants used at the site. At a minimum pollution prevention measures must address the following:

   a. Prohibited Discharges - The following discharges are prohibited at the construction site:

      i. Contaminated groundwater, unless specifically authorized by the DEM. These types of discharges may only be authorized under a separate DEM RIPDES permit.

      ii. Wastewater from washout of concrete, unless the discharge is contained and managed by appropriate controls.

      iii. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials.

      iv. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance. Proper storage and spill prevention practices must be utilized at all construction sites.

      v. Soaps or solvents used in vehicle and equipment washing.

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

   b. Minimize Off-Site Tracking of Sediments – Describe the location(s) of vehicle entrance(s) and exit(s), and stabilization practices used to prevent sediment from being tracked off-site. Sediment track-out must be minimized onto off-site streets, other paved areas, and sidewalks from vehicles exiting the construction site. Site owners and operators must:

      i. Restrict vehicle use to properly designated exit points.

      ii. Use properly designed and constructed construction entrances at all points that exit onto paved roads so that sediment removal occurs prior to vehicle exit.

      iii. When and where necessary, use additional controls to remove sediment from vehicle tires prior to exit (i.e. wheel washing racks, rumble strips, and rattle plates).

      iv. Where sediment has been tracked out from the construction site onto the surface of off-site streets, other paved areas, and sidewalks, the deposited sediment must be

removed by the end of the same workday in which the track-out occurs. Track-out must be removed by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. Operators are prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or surface water.

c. Proper Waste Disposal – Identify potential building materials and other construction wastes and document how these wastes will be properly managed and disposed of at the construction site. All types of wastes generated at the site must be disposed of in a manner consistent with State Law and/or regulations.

d. Spill Prevention and Control – All chemicals and/or hazardous waste material must be stored properly and legally in covered areas, with containment systems constructed in or around the storage areas. Areas must be designated for materials delivery and storage. All areas where potential spills can occur, and their accompanying drainage points must be described. The owner and operator must establish spill prevention and control measures to reduce the chance of spills, stop the source of spills, contain and clean-up spills, and dispose of materials contaminated by spills. The operator must establish and make highly visible location(s) for the storage of spill prevention and control equipment and provide training for, or hire hazardous materials trained personnel responsible for spill prevention and control on the construction site.

e. Control of Allowable Non-Stormwater Discharges – Allowable non-stormwater discharges as established in Part I.B.2 of this permit should be kept separate from stormwater flow through the use of appropriate control measures. The owner and operator must identify all allowable non-stormwater discharges associated with construction activity and describe the controls and measures that will be implemented at those locations to minimize pollutant contamination where applicable.

f. Control Dewatering Practices – Describe dewatering practices that will be implemented if water must be removed from an area so that construction activity can continue. Site owners and operators are prohibited from discharging groundwater or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, unless such waters are first effectively managed by appropriated control measures. Examples of appropriate control measures include, but are not limited to, temporary sediment basins or sediment traps, sediment socks, dewatering tanks and bags, or filtration systems (e.g. bag or sand filters) that are designed to remove sediment. Uncontaminated, non-turbid dewatering water can be discharged without being routed to a control. At a minimum the following discharge requirements must be met for dewatering activities:

   i. Do not discharge visible floating solids or foam.

   ii. To the extent feasible, utilize vegetated, upland areas of the site to infiltrate dewatering water before discharge. Infiltration in upland areas should be avoided in circumstances such as those listed in 250-RICR-150-10-8, Section 8.8(B), i.e., when physical limitations such as unusual geological or soil features exist, or

where recharge does not currently occur; fill soils; areas of documented slope failure; or LUHPPL classification. In no case will surface waters or wetlands be considered part of the treatment area.

iii. At all points where dewatering water is discharged utilize velocity dissipation devices.

iv. With filter backwash water, either haul it away for disposal or return it to the beginning of the treatment process.

v. Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.

vi. Dewatering practices must involve the implementation of appropriate control measures as applicable (i.e. containment areas for dewatering earth materials, portable sediment tanks and bags, pumping settling basins, and pump intake protection).

g. Turbidity monitoring requirements -

i. Sampling frequency. You must collect at least one turbidity sample from your dewatering discharge each day a discharge occurs.

ii. 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 and prior to its discharge off site into a receiving water, constructed or natural site drainage feature, or storm drain inlet.

iii. Representative samples. Samples taken must be representative of the dewatering discharge for any given day.

iv. 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.

v. Reporting dewatering discharge turbidity monitoring logs. Use this online form, https://dem.ri.gov/environmental-protection-bureau/water-resources/permitting/stormwater-permitting/soil-erosion-and to complete these reports and provide reports to RIDEM within 30 days of last dewatering discharge monitoring.

vi. Turbidity benchmarks for dewatering discharges to sensitive waters must not exceed turbidity standards established in RI Water Quality Regulations 250-RICR-150-05-1 Sections 1.10(D) and 1.10(E). Turbidity not to exceed 5 NTUs above background in Class A, AA, or SA waters, and not to exceed 10 NTUs

above background in all other waters. If the weekly average of your turbidity monitoring results exceeds the standard benchmark, you are required to conduct follow-up corrective action and document any corrective action taken in your corrective action log.

vii. RIDEM 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, failure to conduct any corrective action is a permit violation.

h. Establish Proper Building Material Staging Areas - Describe construction materials expected to be stored on-site and procedures for storage of materials to minimize exposure of the materials to stormwater. 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).

i. Control Discharges from Stockpiled Sediment or Soil - Stockpile management consists of procedures and practices designed to minimize or eliminate the discharge of stockpiled material (soil, topsoil, base material, rubble) from entering drainage systems or surface waters. For any stockpiles or land clearing debris composed, in whole or in part, of sediment or soil, you must comply with the following requirements:

i. Locate piles within the designated limits of disturbance.

ii. Protect from contact with stormwater (including run-on) using a temporary perimeter sediment barrier.

iii. Where practicable provide cover or appropriate temporary vegetative or structural stabilization to avoid direct contact with precipitation or to minimize the discharge of sediments.

iv. Do not hose down or sweep soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance, storm drain inlet, or surface water.

v. To the maximum extent practicable, contain and securely protect from wind.

j. Minimize Dust – describe dust control procedures and practices that will be used to suppress dust and limit its generation to control the generation of pollutants that could be discharged in stormwater from the site (i.e. applying water, limiting the amount of bare soil exposed at one time etc.).

k. Designate Washout Areas – describe the controls that will be used to minimize the

discharge of pollutants from equipment and vehicle washing, wheel wash water, washout areas for concrete mixers, paint, stucco, etc. The recommended location(s) of washout areas should be identified, or at a minimum the locations where these washout areas should not be sited should be called out.

l. Establish Proper Equipment/Vehicle Fueling and Maintenance Practices – Describe equipment/vehicle fueling and maintenance practices that will be implemented to prevent pollutants from mixing with stormwater (e.g. secondary containment, drip pans, spill kits, etc.). Provide recommended location(s) of fueling/maintenance areas, or, at minimum, locations where fueling/maintenance should be avoided.

3. Control Practice Installation, Inspection, and Maintenance Requirements

a. Installation Requirements - Complete the installation of temporary erosion, runoff, sediment, and pollution prevention control measures by the time each phase of earth-disturbance has begun. All stormwater controls must be installed in accordance with good engineering practices, including applicable design specifications. Design specifications may be found in manufacturer specifications and/or the *Rhode Island Soil Erosion and Sediment Control (RISESC)Handbook* (as amended). Any departures from such specifications must be provided and demonstrated to reflect good engineering practices.

b. Inspection Requirements

i. *Minimum Frequency* - Each of the following areas must be inspected by or under the supervision of the owner and operator at least once every seven (7) calendar days and within twenty-four (24) hours after any storm event which generates at least 0.25 inches of rainfall per twenty-four (24) hour period and/or after a significant amount of runoff including runoff caused by snowmelt following a snow event of 3.25" or greater:

a. All areas that have been cleared, graded, or excavated and that have not yet completed stabilization;

b. All stormwater erosion, runoff, and sediment control measures (including pollution prevention practices) installed at the site to comply with this permit;

c. Construction material, unstabilized soil stockpiles, waste, borrow, or equipment storage, and maintenance areas that are covered by this permit and are exposed to precipitation;

d. All areas where stormwater typically flows within the site, including temporary drainage ways designed to divert, convey, and/or treat stormwater;

e. All points of discharge from the site;

f. All locations where temporary or permanent soil stabilization measures have

been implemented.

g. All locations where vehicles enter or exit the site.

ii. *Qualified Stormwater Team Personnel* – The site owner and operator are responsible for designating personnel to conduct inspections and for ensuring that the personnel who are responsible for conducting the inspections are "qualified" to do so. A "qualified person" is a person knowledgeable in the principles and practices of erosion, runoff, sediment, and pollution prevention controls, who possesses the skills to assess conditions at the construction site that could impact stormwater quality, and the skills to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit. Certifications RIDEM recognizes meet these qualifications include Certified Inspector of Sediment and Erosion Control (CISEC) or Certified Professional in Erosion and Sediment Control (CPESC). Federal and State of RI standards for qualified stormwater team personnel include those who have specialty knowledge of and are responsible for the following activities:

a. Design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls);
b. Application and storage of treatment chemicals (if applicable);
c. Conducting site inspections; and
d. Implementing corrective actions.

iii. *Recordkeeping Requirements* - All records of inspections, including records of maintenance and corrective actions must be maintained with the SESC plan. Inspection records must include the date and time of the inspection, and the inspector's name, signature, and contact information. Maintenance and corrective action logs must be signed by maintenance contractor or site operator. Electronic copies of all records are acceptable, so long as they are available to the Department upon request.

iv. *Reductions in Inspection Frequency* - If earth disturbing activities are suspended due to frozen conditions, inspections may be reduced to a frequency of once per month. The owner and operator must document the beginning and ending dates of these periods in the SESC plan.

v. *Failure to make and provide documentation* of inspections under this part constitutes a violation of this permit and enforcement actions under 46-12 of R.I. General Laws may result.

c. Maintenance Requirements – Site owners and operators must ensure that all erosion, runoff, sediment, and pollution prevention controls remain in effective operating condition and are protected from activities that would reduce their effectiveness. Site owners and operators must ensure that all erosion, runoff, sediment, and pollution prevention controls are inspected at the frequency established in Part III.J.3.b of this permit. If the designated site inspector finds a problem (i.e. erosion, runoff, sediment or

pollution prevention controls require replacement, repair, or maintenance), the owner and operator must ensure that the necessary repairs or modifications are made in accordance with the following:

i. Initiate work to fix the problem immediately after discovering the problem and complete such work by the close of the next workday, if the problem does not require significant repair or replacement, or if the problem can be corrected through routine maintenance.

ii. When installation of a new control or a significant repair is needed, site owners and operators must ensure that the new or modified control practice is installed and made operational by no later than seven (7) calendar days from the time of discovery where feasible. If it is infeasible to complete the installation or repair within seven (7) calendar days, the reasons why it is infeasible must be documented in the SESC plan and/or SWPPP along with the schedule for installing the stormwater control(s) and making it operational as soon as practicable after the 7-day timeframe. Where these actions result in changes to any of the stormwater control measures outlined in the SESC plan and/or SWPPP, site owners and operators must modify the SESC plan accordingly within seven (7) calendar days of completing this work in accordance with Part III.F.

iii. If corrective actions are required, the site owner and operator must ensure that all corrective actions are documented on the inspection report in which the problem was first discovered. These corrective actions must be documented, signed, and dated by the site operator once all necessary repairs have been completed. Templates for Model SESC Plans, Inspection Reports and Amendment Logs (or Corrective Action Logs) may be found on RIDEM website at https://dem.ri.gov/environmental-protection-bureau/water-resources/permitting/stormwater-permitting/soil-erosion-and.

4. Site Plan Requirements – Site Plans must depict all of the control measures required to meet the SESC plan requirements of this permit. Depending on the complexity, the SESC plan may reference the complete construction plan set or maps prepared as part of the overall Stormwater Management Plan, and/or may have a specific SESC plan set developed. The Site plans should indicate the plan type (General, Drainage & Utility, SESC plan, etc.) and sheet numbers where the following required information can be found:

a. Title & Date of Plan Set(s).

b. Total Project Area, including all grading and/or excavation, and a defined Limit of Disturbance.

c. Pre- and post-development drainage patterns.

d. The location and name of the receiving waters and/or separate storm sewer system and the ultimate receiving waters that may be impacted during construction.

e. Location of environmentally sensitive features and areas to be preserved and/or protected.

f. Locations where stormwater discharges to a surface water or wetland.

g. Location of all existing and proposed impervious surfaces/structures.

h. Locations of potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the site (i.e. exposed, unstabilized soil stockpiles and construction material and waste collection areas).

i. Locations and timing of stabilization practices including phased clearing and grubbing based on scheduled activities.

j. The location of all erosion, runoff, sediment, and pollution prevention control measures, including the location of temporary sediment basins, diversions, or other water quality, peak discharge, and volume control structures.

k. Areas within the project limits which are unsuitable for material storage areas, equipment storage areas, designated concrete washout collection areas, dumpsters, stockpiles, fueling locations, etc. (i.e. locations where these activities shall not occur, and recommendations of where they may occur).

l. The location of spill prevention and response equipment.

m. The location of all proposed post-construction best management practices including locations of infiltrating practices and prohibited traffic areas.

IV. NOTICE OF INTENT REQUIREMENTS

For the purposes of this permit, the terms "Notice of Intent" and/or "NOI" refer to the online RIPDES CGP / UIC Stormwater Application available on the Office of Water Resources Permit Application Portal and the *RISDISM Appendix A Checklist (Stormwater Management Plan Checklist and LID Planning Report-Stormwater Design Summary),* accessible on the RIDEM Stormwater Construction Permitting website[2]. A complete NOI submittal requires completion of both of the above-mentioned documents.

[2] The RIDEM Stormwater Construction Permitting Website is available at http://www.dem.ri.gov/programs/water/permits/ripdes/stormwater/construction.php

A. Contents of the Notice of Intent

1. Site information, including the street address, plat and lot numbers, location description, latitude, longitude and utility pole number.

2. Total site area and site area to be disturbed.

3. Name and class of water body class receiving run off from project or site.

4. Project name.

5. Indication of pre-application meeting and meeting date.

6. Owner/applicant information, including name, organization/company name, contact person, address, email and telephone number.

7. A signed certification by the Owner/Applicant that they've requested and authorized the investigation, compilation, and submission of all the information, in whatever form, contained in the Application; have personally examined and are familiar with the information submitted herein; and based on their inquiry of those individuals immediately responsible for obtaining the information, they believe the information is true, accurate and complete. The Owner/Applicant authorizes RIDEM personnel access to the property for purposes of observing conditions pertinent to the application and assessing compliance with any permit or determination resulting from the application.

8. Professional information, including name, company name, email, phone number and title. The Professional must be a Registered Professional Engineer, if the Stormwater Analysis and Drainage Report requires the practice of engineering; or a Registered Professional Engineer, a Certified Professional in Erosion and Sediment Control (CPESC), a Certified Professional in Storm Water Quality (CPSWQ), or a Registered Landscape Architect, if the submission requires the determination of site location within a Natural Heritage Area, or if the project requires submission of a Soil Erosion and Sediment Control Plan.

9. A signed certification by a Professional that they have been authorized by the owner/applicant to prepare and/or compile documentation to be submitted in support of the application, that the application and associated materials are in compliance with the RI Stormwater Rules, the RISDISM (as amended), and the RISESC Handbook (as amended) [if required] and that they believe all information presented in the application and the accompanying materials is true, accurate and complete to the best of their knowledge.

10. Permit History including all other RI Coastal Resources Management Council (CRMC), US Army Corps of Engineers and RIDEM application or file numbers and program names associated with the site.

11. Indicate if there are Freshwater Wetlands on the subject or adjacent property and the project proposes new or increased impervious cover for property other than a single-family home; or disturbance of more than 10,000 square feet of existing impervious cover; or to fill in any amount of floodplain or alter storm flowage to a river, stream or wetland on any lot.

12. Indicate if the project proposes an infiltration system listed in the RISDISM that receives stormwater from a residential impervious area that is more than 10,000 square feet; or a non-residential roof area greater than 10,000 square feet; or a non-residential road or parking area of any size.

13. Indicate if the treatment system discharges below the ground; or above the ground and infiltrates but must be reviewed for compliance with the RI Stormwater Rules and RISDISM to be protective of groundwater.

14. Indicate if the project proposes discharge of stormwater to waters of the State [including a Separate Storm Sewer System (MS4)], and disturbs less than one (1) acre, but the activity is part of a larger common plan resulting in more than one (1) acre of disturbance; or disturbs more than one (1) acre of property. Provide the name of the larger common plan.

15. Indicate if the site is within or directly discharges to a Natural Heritage Area (NHA).

16. After review of the NOI, additional information may be required by this office to determine whether or not to authorize the discharge under this permit.

B. How to Submit. A completed and signed NOI must be submitted using the online Office of Water Resources Permit Application Portal accessible at https://dem.ri.gov/owr-portal-login.

C. Additional Notification. Construction sites discharging stormwater must submit a copy of the NOI to the applicable Town or City Department in which the construction activity and the point of discharge is located.

D. Deficient. If the NOI does not meet one or more of the minimum requirements of this permit, then the applicant will be notified as such by a request for additional information at any point during the review period. It is the responsibility of the applicant to make all required changes and resubmit the revised application documents. The review period will recommence upon the departmental receipt of the revised application documents.

V. GENERAL REQUIREMENTS

A. Duty to Comply. The permittee must comply with all conditions of this permit and any other applicable State, local and/or federal regulations. Any permit noncompliance constitutes a violation of Chapter 46-12 of the Rhode Island General Laws and the CWA and is grounds for enforcement action which may include, permit termination, revocation and reissuance, modification, or for the denial of a permit renewal application and the imposition of penalties.

1. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate this requirement.

2. Section 309 of the CWA provides significant penalties for any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA or any permit condition or limitation implementing any such sections in a permit issued under Section 402 of the CWA. Any person who violates any condition of this permit is subject to a civil penalty of up to $25,000 per day of such violation, as well as any other appropriate sanctions provided by Section 309 of the CWA. Section 309(c)(4) of the CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of up to $10,000 or by imprisonment of not more than two (2) years, or by both.

3. Chapter 46-12 of the R.I. General Laws provides that any person who violates a permit condition is subject to a civil penalty of not more than $25,000 per day of such violation. Any person who willfully or negligently violates a permit condition is subject to a criminal penalty of not more than $25,000 per day of such violation and imprisonment for not more than five (5) years, or both. Any person who knowingly makes any false statement in connection with the permit is subject to a criminal penalty of not more than $5,000 for each instance of violation or by imprisonment for not more than thirty (30) days, or both.

B. Continuation of the Expired General Permit. Provided the permittee has reapplied in accordance with paragraph C. below, an expired general permit continues in force and effect until a new general permit is issued. Only those construction sites previously authorized to discharge under the expired permit are covered by the continued permit, so long as the permits described in Part I.D.2. remain valid.

C. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain coverage under a new permit. The permittee shall submit a complete Notice of Intent at least thirty (30) days before the expiration date of the existing permit, unless permission for a later date has been granted by the Director.

D. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

E. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment.

F. Duty to Provide Information. The permittee shall furnish to the Department, within a reasonable time, any information which the Director may request to determine whether cause

exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall furnish to the Director any documents that are required to be kept as part of this permit.

G. Signatory Requirements. All Notices of Intent, Stormwater Management Plans, Soil Erosion and Sediment Control plans and/or Stormwater Pollution Prevention Plans, inspection reports, certifications, or other information submitted to the Director, or that this permit requires be maintained by the permittee shall be signed and certified in accordance with 250-RICR-150-10-1-1.12. R.I. General Laws, Chapter 46-12 provides that any person who knowingly makes any false statements, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $5,000 per violation, or by imprisonment for not more than thirty (30) days per violation, or by both.

H. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA.

I. Release in Excess of Reportable Quantities. If a release in excess of a reportable quantity occurs, this office must be notified immediately. This permit does not relieve the permittee of the reporting requirements of 40 CFR 117 and 40 CFR 302. The discharge of hazardous substances in the stormwater discharge(s) from a facility shall be minimized in accordance with the applicable stormwater management plan for the facility, and in no case, during any twenty-four (24) hour period, shall the discharge(s) contain a hazardous substance equal to or in excess of reportable quantities.

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. 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.

L. Transfers. ~~This~~Authorizations issued under this permit must be transferred to the new owner/operator ~~at the time of~~ upon sale of the permitted property. ~~This permit is~~Authorizations are not transferable to any person except after written notice to the Director. Such notice may be provided via the Owner Transfer Form available on the RIDEM Office of Water Resources Permit Application Portal. Sites subject to additional permits must follow the transfer process for all applicable permits. Transfers of authorizations issued under this permit apply only to the entirety of the original property or parcels for which the authorization is granted, and not to portions of properties or parcels that have been subdivided and transferred to a different owner. New owners that wish to proceed with projects on properties or parcels that have been subdivided from the originally authorized property must seek their own authorization through submittal of a new NOI. The Director may require the owner and operator to apply for and obtain

an individual RIPDES permit as stated in Part V.T. of this permit.

M. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law.

N. Proper Operations and Maintenance. The permit 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 permittee to achieve compliance with the requirements of this permit.

O. Record Keeping. The permittee shall retain records of all inspections and reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five (5) years from the date of the report or application. The records must be kept at the construction site at all times. Electronic versions of required documents that are readily accessible from the construction site are acceptable. If an on-site location is deemed impractical, notice of the location of the required records must be posted near the main entrance to the construction site. Once the construction project is complete and the permit has been terminated, records must be kept at either the completed project location or the records must be maintained by the owner of record at the time that the construction project was active. This period may be extended by request of the Director at any time.

P. Bypass of Stormwater Control:

1. *Anticipated Bypass.* If the permittee knows in advance of the need for a bypass, he or she shall notify this Department in writing at least ten (10) days prior to the date of the bypass. Such notice shall include the anticipated quantity and the anticipated effect of the bypass.

2. *Unanticipated Bypass.* The permittee shall submit notice of an unanticipated bypass. Any information regarding the unanticipated bypass shall be provided orally within twenty-four (24) hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within five (5) days of the time the permittee became aware of the bypass. The written submission shall contain a description of the bypass and its cause; the period of the bypass; including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.

3. *Prohibition of Bypass.*

   a. Bypass is prohibited and enforcement action against the permittee may be taken for the bypass unless:

      i. The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

      ii. The permittee submitted notices as required in paragraphs P.1. and P.2. above.

   b. The Director may approve an unanticipated bypass after considering its adverse effects,

if the Director determines that it will meet the two conditions in paragraph P.3.a. above.

Q. Upset Conditions:

1. An upset constitutes an affirmative defense to an action brought for non-compliance with technology-based permit limitations if the requirements of paragraph 2 below are met. 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.

2. A permittee who wishes to establish an affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

   a. An upset occurred and the permittee can identify the specific causes(s) of the upset;
   b. The permittee facility was at the time being, properly operated;
   c. The permittee submitted notice of the upset as required in 250-RICR-150-10-1-1.14(R); and
   d. The permittee complied with any remedial measures required under 250-RICR-150-10-1-1.14(E).

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

R. Inspection and Entry. The permittee shall allow the Director, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated activity is 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;

3. Inspect at reasonable times any equipment, practices, or operations regulated or required under this permit; and

4. Sample or monitor any substances or parameters at any location, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA or R.I. law.

S. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause, including but not limited to: violation of any terms or conditions of this permit; obtaining this permit by misrepresentation or failure to disclose all relevant facts; or a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

T. Requiring an Individual Permit or an Alternative General Permit:

1. The Director of the Department of Environmental Management (DEM) may require any owner or operator authorized to discharge stormwater under this permit to apply for and obtain either an individual or an alternative RIPDES general permit. Any interested person may petition the Director to take action under this paragraph. The Director may determine at his or her own discretion that an individual or an alternative general permit is required (see 250-RICR-150-10-1-1.33(C) for reasons why an alternative permit may be required).

2. Any owner or operator authorized to discharge stormwater by this permit may request to be excluded from coverage of this permit by applying for coverage under an individual permit or an alternative general permit. The request shall be granted by the issuance of an individual permit only if the reasons cited by the owner or operator are adequate to support the request. The Director shall notify the permittee within a timely fashion as to whether or not the request has been granted.

3. If a facility requests or is required to obtain coverage under an individual or an alternative general permit, then authorization to discharge stormwater under this permit shall automatically be terminated on the date of issuance of the individual or the alternative general permit. Until such time as an alternative permit is issued, the existing general permit remains fully in force.

U. Reopener Clause:

1. If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with construction covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or alternative general permit in accordance with Part V.T. of this permit or the permit may be modified to include different limitations and/or requirements.

2. Permit modification or revocation will be conducted in accordance with 40 CFR 122.62, 122.63, 122.64 and 124.5.

V. Availability of Reports. Except for data determined to be confidential under Part W.1. below, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the DEM at 235 Promenade Street, Providence, Rhode Island. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA and under Chapter 46-12-14 of the Rhode Island General Laws.

W. Confidentiality of Information:

1. Any information submitted to DEM pursuant to these regulations may be claimed as confidential by the submitter, consistent with Rhode Island General Law 38-2-2. Any such claim must be asserted at the time of the submission in the manner prescribed on the

application form or instructions or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, DEM may make the information available to the public without further notice.

2. Claims of confidentiality for the following information will be denied:

   a. The name and address of any permit application or permittee;
   b. Permit applications, permits and any attachments thereto; and
   c. RIPDES effluent data.

X. Right to Appeal. Within thirty (30) days of receipt of notice of final authorization, the permittee or any interested person may submit a request to the Director for an adjudicatory hearing to reconsider or contest that decision. The request for a hearing must conform to the requirements of 250-RICR-150-10-1-1.50.