

## **About Stopping Inspection With Temporary Stabilization**

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### **2.2.2. Criteria for Stabilization.**

To be considered adequately stabilized, you must meet the criteria below depending on the type of cover you are using, either vegetative or non-vegetative.

#### **2.2.2.1 Vegetative Stabilization.**

**a. For all sites, except those located in arid or semi-arid areas or on agricultural lands.**

i. If you are vegetatively stabilizing any exposed portion of your site through the use of seed or planted vegetation, you must provide established uniform vegetation (*e.g., evenly distributed without large bare areas*), which provides 70 percent or more of the density of coverage that was provided by vegetation prior to commencing earth-disturbing activities. You should avoid the use of invasive species;

ii. For final stabilization, vegetative cover must be perennial; and

iii. Immediately after seeding or planting the area to be vegetatively stabilized, to the extent necessary to prevent erosion on the seeded or planted area, you must select, design, and install non-vegetative erosion controls that provide cover (*e.g., mulch, rolled erosion control products*) to the area while vegetation is becoming established.

**b. For sites located in arid or semi-arid areas, or drought-stricken areas.** If you are located in an arid or semi-arid area, or a drought-stricken area, as these terms are defined in Appendix A, you are considered to have completed final stabilization if both of the following criteria are met:

i. The area you have seeded or planted must within 3 years provide established vegetation that covers 70 percent or more of the density of vegetation prior to commencing earth-disturbing activities; and

ii. In addition to seeding or planting the area to be vegetatively stabilized, to the extent necessary to prevent erosion on the seeded or planted area, you must select, design, and install non-vegetative erosion controls that provide cover for at least 3 years without active maintenance by you.

**c. For sites located on land used for agriculture.** Disturbed areas on land used for agricultural purposes (*e.g., pipelines across crop or range land, staging areas for highway construction*) that are restored to their preconstruction agricultural use are not subject to these final stabilization criteria. Areas disturbed that were not previously used for agricultural activities, and areas that are not being returned to preconstruction agricultural use, must meet the conditions for stabilization in this Part. Construction General Permit (CGP)

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**2.2.2.2 Non-Vegetative Stabilization.** If you are using non-vegetative controls to stabilize exposed portions of your site, or if you are using such controls to temporarily protect areas that are being vegetatively stabilized, you must provide effective non-vegetative cover<sup>15</sup> to stabilize any such exposed portions of your site.

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9.4.1.4 Permittees can only use the criteria for final stabilization in Part 2.2.2.1b (“The area you have seeded or planted must within 3 years provide established vegetation that covers 70 percent or more of the density of vegetation prior to commencing earth-disturbing activities; and in addition to seeding or planting the area to be vegetatively stabilized, to the extent necessary to Construction General Permit (CGP)

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prevent erosion on the seeded or planted area, you must select, design, and install non-vegetative erosion controls that provide cover for at least 3 years without active maintenance by you”) as a method for final vegetative stabilization for purposes of filing a Notice of Termination (NOT) under the following conditions:

If this option is selected, you must notify NMED at the address listed in Part 9.4.1.5 at the time the NOT is submitted to EPA. The information to be submitted includes:

- A copy of the NOT;
- Contact information, including individual name or title, address, and phone number for the party responsible for implementing the final stabilization measures; and
- The date that the permanent vegetative stabilization practice was implemented and the projected timeframe that the 70 % native vegetative cover requirements are expected to be met. (Note that if more than three years is required to establish 70 percent of the natural vegetative cover, this technique cannot be used or cited for fulfillment of the final stabilization requirement – you remain responsible for establishment of final stabilization).

NMED also requires that operators periodically (minimum once/year) inspect and properly maintain the area until the criteria for final stabilization, as specified in Part 2.2 of the CGP, have been met. Operators must prepare an inspection report documenting the findings of these inspections and signed in accordance with Appendix I, Part I.11. This inspection record must be retained along with the SWPPP for three years after the NOT is submitted for the site and additionally submitted to NMED at the address listed in Part 9.4.1.5. The inspections at a minimum must include the following:

- Observations of all areas of the site disturbed by construction activity;
- Best Management Practices (BMPs)/post-construction stormwater controls must be observed to ensure they are effective;
- An assessment of the status of vegetative re-establishment; and
- Corrective actions required to ensure vegetative success within three years, and control of pollutants in stormwater runoff from the site, including implementation dates.

9.4.1.5 Copies of all documents submitted to EPA in non-electronic format must be sent to the following address:

Program Manager  
Point Source Regulation Section  
Surface Water Quality Bureau  
New Mexico Environment Department  
P.O. Box 5469  
Santa Fe, New Mexico 87502