

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT

DISCHARGE AUTHORIZED: DISCHARGES ASSOCIATED WITH COOLING WATER AND FILTER BACKWASH; SUMPS AND DRAINS; OIL WATER SEPARATORS; TREATED SANITARY WASTEWATER; PRETREATED DRILLING SUPERNATE; UNCONTAMINATED STORM WATER ASSOCIATED WITH HYDROELECTRIC GENERATING FACILITIES; AND WASTEWATER RESULTING FROM MAINTENANCE AND REPAIR ACTIVITIES ASSOCIATED WITH CLEANING, PRESSURE WASHING, BLASTING AND PAINTING OF STRUCTURES OVER WATER

AREA OF COVERAGE: THE STATE OF ALABAMA

PERMIT NUMBER: ALG360000

RECEIVING WATERS: ALL WATERS OF THE STATE NOT DESIGNATED OUTSTANDING NATIONAL RESOURCE WATERS OR OUTSTANDING ALABAMA WATERS

In accordance with and subject to the provisions of Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1388 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, Code of Alabama 1975, §§22-22-1 to 22-22-14 (the "AWPCA"), the Alabama Environmental Management Act, as amended, Code of Alabama 1975, §§22-22A-1 to 22-22A-17, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the dischargers covered by this permit are hereby authorized to discharge into the above receiving waters.

ISSUANCE DATE: January 4, 2021

EFFECTIVE DATE: February 1, 2021

EXPIRATION DATE: January 31, 2026

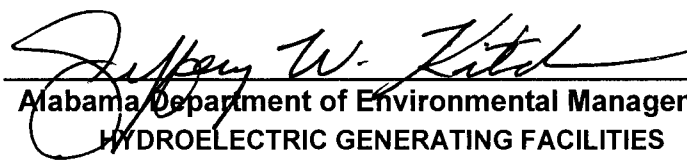

Alabama Department of Environmental Management
HYDROELECTRIC GENERATING FACILITIES
NPDES GENERAL PERMIT

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PART I: DISCHARGE LIMITATIONS, CONDITIONS, AND REQUIREMENTS

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN001: Discharges of cooling water to include generator cooling water, generator thrust bearing cooling water, turbine guide cooling water, transformer and miscellaneous cooling waters, and filter backwash. 1

Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	UNITS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
		Daily Minimum	Daily Maximum	Monthly Average	Measurement Frequency	Sample Type
Oil and Grease	Pass = 0 Fail = 1	--	No Free Oil	--	1/month	Observation of receiving water for sheen or film ²

THIS DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

Notes:

- ¹ No sampling shall apply to these discharges, however, each shall be observed at least once per month for evidence of oil contamination, as indicated by an oil sheen, and the source of the oil sheen shall be determined and eliminated in a timely manner. A record shall be kept at the plant recording discharge, the date and time of observation, the person observing, whether an oil sheen is present, and steps taken to eliminate the source of the oil. A description of the instances of oil sheen observances including date and time of observation, steps taken to eliminate the oil source, and date of elimination of the oil source shall be transmitted with the discharge monitoring reports associated with this permit. For those points where the exact discharge cannot be seen, observations shall be made in the forebay or tailrace, whichever is appropriate. If an oil sheen is observed on the receiving stream, the permittee shall also contact ADEM within 24-hours to report the incident. Any report of oil sheen should include a description if the oil released contained PCBs.
- ² When discharging and the facility is manned, monitoring shall be accomplished by visual observation of the receiving water surface in the vicinity of the discharge during periods when there is adequate light to detect a sheen.

A. Discharge Limitations and Monitoring Requirements

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application materials. The Department must have advanced notification from the facility prior to discharge:

DSN002: Discharges from sumps and drains to include powerhouse sumps and drains, valve pit drains, head cover drains, and gallery sumps and drains. ¹

Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	UNITS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS ²	
		Daily Minimum	Daily Maximum	Monthly Average	Measurement Frequency	Sample Type
Flow	gal/day	--	Monitor	--	1/6 months	Pump Log ³
pH	s.u.	Monitor	Monitor	--	1/6 months	Grab
Oil and Grease	mg/l	--	17.5	--	1/6 months	Grab
Total Suspended Solids	mg/l	--	65	--	1/6 months	Grab

THIS DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

Notes:

- ¹ Each discharge point shall be observed at least once per month for evidence of oil contamination, as indicated by an oil sheen, and the source of the oil sheen shall be determined and eliminated in a timely manner. A record shall be kept at the plant recording by discharge, the date and time of observation, the person observing, whether an oil sheen is present, and steps taken to eliminate the source of the oil. A description of the instances of oil sheen observances including date and time of observation, steps taken to eliminate the oil source, and date of elimination of the oil source shall be transmitted with the discharge monitoring reports associated with this permit. For those points where the exact discharge cannot be seen, observations shall be made in the forebay or tailrace, whichever is appropriate. If an oil sheen is observed on the receiving stream, the permittee shall also contact ADEM within 24-hours to report the incident.
- ² Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.
- ³ For gravity lines or where actual pump operations cannot be monitored, the flow may be estimated.

A. Discharge Limitations and Monitoring Requirements

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application materials. The Department must have advanced notification from the facility prior to discharge:

DSN003: Discharges from plant and unit oil/water separators.

Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	UNITS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS ¹	
		Daily Minimum	Daily Maximum	Monthly Average	Measurement Frequency	Sample Type
Flow	gal/day	--	Monitor	Monitor	1/quarter	Pump Log ²
pH	s.u.	6.0	8.5	--	1/quarter	Grab
Oil and Grease	mg/l	--	17.5	--	1/quarter	Grab
Total Suspended Solids	mg/l	--	65	--	1/quarter	Grab

THIS DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

Notes:

¹ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

² For gravity lines or where actual pump operations cannot be monitored, the flow may be estimated.

A. Discharge Limitations and Monitoring Requirements

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application materials. The Department must have advanced notification from the facility prior to discharge:

DSN004: Discharges of treated sanitary wastewater.

Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	UNITS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS ¹	
		Daily Minimum	Daily Maximum	Monthly Average	Measurement Frequency	Sample Type
Flow	gal/day	--	Monitor	--	1/month	Instantaneous
pH	s.u.	6.0	8.5	--	1/month	Grab
Biochemical Oxygen Demand, Five Day	mg/l	--	45	30	1/month	Composite
Total Suspended Solids	mg/l	--	45	30	1/month	Composite
E. coli	col/100 ml	--	235	126	1/month	Grab
Total Residual Chlorine	mg/l	1.0 ²	--	--	1/month	Grab

In addition to the above requirements all discharges shall meet the following conditions:

THE DISCHARGE SHALL BE INTRODUCED BELOW THE SURFACE OF THE WATER;
THIS DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

Notes:

¹ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

² Minimum of 1.0 mg/l and maintained as close to this value as possible to meet E. coli limits.

A. Discharge Limitations and Monitoring Requirements

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application materials. The Department must have advanced notification from the facility prior to discharge:

DSN005: Discharges of uncontaminated storm water not elsewhere specified in this permit.

NO SAMPLING REQUIREMENTS APPLY TO THIS DISCHARGE.

All discharges from DSN005 shall meet the following conditions:

- 1. This discharge shall have no sheen, and there shall be no discharge of visible oil, floating solids or visible foam in other than trace amounts.**
- 2. If a sheen is detected on the receiving water, investigation shall be made immediately to determine the source and actions shall be taken to eliminate the oil contamination in the discharge. Such action shall be documented and reported consistent with Part I.C.2. of the permit.**
- 3. The permittee shall submit an Annual Certification DMR by January 28th of each year (but no earlier than January 1st) that reports whether all discharges were in accordance with the conditions of this permit for the previous calendar year.**

DMR Reporting Instructions

The Annual Certification DMR should be marked "0" (zero) if operations had not changed and all discharges were in accordance with the conditions of the permit. If conditions had changed or all discharges were not in accordance with the conditions of the permit, the DMR should be marked "1" and the facility should contact the department regarding any changes in conditions or discharge/permit noncompliance. Any noncompliance should also be reported in accordance with Part I.C.2.

A. Discharge Limitations and Monitoring Requirements

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application materials. The Department must have advanced notification from the facility prior to discharge:

DSN006: Discharges of pretreated drilling supernate wastewater ².

Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	UNITS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS ¹	
		Daily Minimum	Daily Maximum	Monthly Average	Measurement Frequency	Sample Type
Flow	gal/day	--	Monitor	--	1/month	Estimate
pH	s.u.	6.0	8.5	--	1/month	Grab
Oil and Grease	mg/l	--	Monitor	--	1/month	Grab
Total Suspended Solids	mg/l	--	Monitor	--	1/month	Grab

THIS DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

THE DISCHARGE SHALL NOT CAUSE AN OBJECTIONABLE COLOR CONTRAST IN THE RECEIVING STREAM.

THE BMP PLAN MUST ADDRESS THE PROPER SETTLING OF SOLIDS, OR FILTRATION; AND SETTLED SOLIDS MUST NOT BE DISPOSED OF IN WATERS OF THE STATE

Notes:

¹ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

² Pretreatment is defined as a minimum of settling.

A. Discharge Limitations and Monitoring Requirements

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application materials. The Department must have advanced notification from the facility prior to discharge:

DSN007: Discharges of wastewater resulting from maintenance and repair activities associated with cleaning, pressure washing, blasting, and painting of structures over water.

NO SAMPLING REQUIREMENTS APPLY TO THIS DISCHARGE

All discharges from DSN007 shall meet the following conditions:

1. **Best management practices (BMP) are to be used in blasting and painting. BMP is defined as use of curtains, aprons or similar devices to prevent or minimize paint overspray and debris (spent blasting material, paint chips, etc.) From entering the receiving water.**
2. **The discharges of surfactants, dispersants, and detergents shall be minimized except as necessary to comply with the safety requirements of OSHA. Only biodegradable and phosphate-free detergents are to be used in cleaning activities from which a discharge occurs.**
3. **Pressure washing is allowed as necessary to remove marine growth; however, pressure should be maintained below 3,500 psi and the activity performed only in areas where existing paint coating is properly adhering to the surface and will not be significantly disturbed by pressure washing. The discharge of pressure wash water associated with other activities is not authorized.**
4. **The discharge shall have no sheen, and there shall be no discharge of visible oil, floating solids or visible foam in other than trace amounts.**
5. **If a sheen is detected on the receiving water, investigation shall be made immediately to determine the source and actions shall be taken to eliminate the oil contamination in the discharge. Such action shall be documented and reported consistent with Part I.C.2. of the permit.**
6. **If possible, the discharge shall be introduced below the surface of the water.**
7. **All water shall be treated, if necessary, to remove suspended solids and turbidity to a level consistent with ADEM water quality standards.**
8. **Best management practices (BMP) are to be used in cleaning activities. BMP is defined as the use of a portable oil skimmer or similar device or the use of absorbent material to remove oil and grease (as indicated by the presence of a sheen) and removal and disposal of debris by use of brooms, shovels, trash receptacles, etc. prior to hosing.**
9. **The permittee shall submit an Annual Certification DMR by January 28th of each year (but no earlier than January 1st) that reports whether all discharges were in accordance with the conditions of this permit for the previous calendar year.**

DMR Reporting Instructions

The Annual Certification DMR should be marked "0" (zero) if operations had not changed and all discharges were in accordance with the conditions of the permit. If conditions had changed or all discharges were not in accordance with the conditions of the permit, the DMR should be marked "1" and the facility should contact the department regarding any changes in conditions or discharge/permit noncompliance. Any noncompliance should also be reported in accordance with Part I.C.2.

If there were no discharges, the permittee shall mark "No Discharge" on the Annual Certification DMR.

A. Discharge Limitations and Monitoring Requirements

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge uncontaminated storm water only from diked storage areas. This outfall may not mix with other discharges unless those discharges are permitted.

DSN008: Discharges of uncontaminated storm water from bulk petroleum secondary containment areas

All discharges from DSN008 shall meet the following conditions:

1. **The facility will have a valid SPCC plan pursuant to 40 CFR Part 112, if applicable.**
2. **Best Management Practices (BMP) are used in draining the diked area. BMP is defined as use of a portable oil skimmer or similar device or the use of absorbent material to remove oil and grease (as indicated by the presence of a sheen) immediately prior to draining.**
3. **Monitoring records shall be maintained in the form of a log and shall contain the following information, as a minimum:**
 - a. **Date and time of discharge;**
 - b. **Estimated volume of discharge;**
 - c. **The initials of person making visual inspection and authorizing discharge.**
4. **In special cases such as those involving transformers, if the facility has a system that would allow uncontaminated storm water to continually drain from the secondary containment area but would immobilize petroleum products, then the facility would not be required to document each discharge. However, the system should demonstrate to EPA that it meets 40 CFR §112.7.**
5. **The discharge shall have no sheen, and there shall be no discharge of visible oil, floating solids or visible foam in other than trace amounts.**
6. **The permittee shall submit an Annual Certification DMR by January 28th of each year (but no earlier than January 1st) that reports whether all discharges were in accordance with the conditions of this permit for the previous calendar year.**

DMR Reporting Instructions

The Annual Certification DMR should be marked “0” (zero) if operations had not changed and all discharges were in accordance with the conditions of the permit. If conditions had changed or all discharges were not in accordance with the conditions of the permit, the DMR should be marked “1” and the facility should contact the department regarding any changes in conditions or discharge/permit noncompliance. Any noncompliance should also be reported in accordance with Part I.C.2.

A. Discharge Limitations and Monitoring Requirements

During the period beginning on the effective date of this permit and lasting through the term of this permit, the permittee is authorized to discharge uncontaminated storm water only from fuels handling and equipment refueling areas. This outfall may not mix with other discharges unless those discharges are permitted.

DSN009: Discharges of storm water from fuels handling and refueling areas

All discharges from DSN009 shall meet the following conditions:

1. The facility will have a valid SPCC plan pursuant to 40 CFR Part 112, if applicable.
2. Best Management Practices (BMP) will be used to prevent pollution of storm water by spillage or leakage during fueling operations and from equipment parked in the areas. The BMP shall include at a minimum:
 - a. Daily inspection of the area and removal of any leaked petroleum product;
 - b. Immediate cleanup of spilled or leaked fuel during fuel handling operations, including fueling of vehicles; and
 - c. All cleanup activities shall be conducted using dry sweep or other approaches that do not result in the creation of polluted wastewater or storm water runoff.
3. Records shall be maintained in the form of a log and shall contain the following information, as a minimum:
 - a. Date and time of daily inspections;
 - b. Any cleanup accomplished as a result of the inspection;
 - c. Time the cleanup was initiated and the time it was completed;
 - d. The initials of person making visual inspection and performing any cleanup; and
 - e. Description of any spillage occurring during fuel handling or refueling, which shall include the date and time of the spill, estimated volume of spill, name of the person observing the spill, date and time that the spill was cleaned up, and name of the person cleaning up the spill.
4. The discharge shall have no sheen, and there shall be no discharge of visible oil, floating solids, or visible foam in other than trace amounts.
5. The permittee shall submit an Annual Certification DMR by January 28th of each year (but no earlier than January 1st) that reports whether all discharges were in accordance with the conditions of this permit for the previous calendar year.

DMR Reporting Instructions

The Annual Certification DMR should be marked “0” (zero) if operations had not changed and all discharges were in accordance with the conditions of the permit. If conditions had changed or all discharges were not in accordance with the conditions of the permit, the DMR should be marked “1” and the facility should contact the department regarding any changes in conditions or discharge/permit noncompliance. Any noncompliance should also be reported in accordance with Part I.C.2.

B. DISCHARGE MONITORING AND RECORD KEEPING REQUIREMENTS

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge and shall be in accordance with the provisions of this permit.

2. Test Procedures

For the purpose of reporting and compliance, permittees shall use one of the following procedures:

- a. For parameters with an EPA established Minimum Level (ML), report the measured value if the analytical result is at or above the ML and report "0" for values below the ML. Test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and guidelines published pursuant to §304(h) of the FWPCA, 33 U.S.C. §1314(h). If more than one method for analysis of a substance is approved for use, a method having a minimum level lower than the permit limit shall be used. If the minimum level of all methods is higher than the permit limit, the method having the lowest minimum level shall be used and a report of less than the minimum level shall be reported as zero and will constitute compliance, however should EPA approve a method with a lower minimum level during the term of this permit the permittee shall use the newly approved method.
- b. For pollutants parameters without an established ML, an interim ML may be utilized. The interim ML shall be calculated as 3.18 times the Method Detection Level (MDL) calculated pursuant to 40 CFR Part 136, Appendix B.

Permittees may develop an effluent matrix-specific ML, where an effluent matrix prevents attainment of the established ML. However, a matrix specific ML shall be based upon proper laboratory method and technique. Matrix-specific MLs must be approved by the Department, and may be developed by the permittee during permit issuance, reissuance, modification, or during compliance schedule.

In either case the measured value should be reported if the analytical result is at or above the ML and "0" reported for values below the ML.

- c. For parameters without an EPA established ML, interim ML, or matrix-specific ML, a report of less than the detection limit shall constitute compliance if the detection limit of all analytical methods is higher than the permit limit. For the purpose of calculating a monthly average, "0" shall be used for values reported less than the detection limit.

The Minimum Level utilized for procedures A and B above shall be reported on the permittee's DMR. When an EPA approved test procedure for analysis of a pollutant does not exist, the Director shall approve the procedure to be used.

3. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The facility name and location, point source number, date, time and exact place of sampling;
- b. The name(s) of person(s) who obtained the samples or measurements;
- c. The dates and times the analyses were performed;
- d. The name(s) of the person(s) who performed the analyses;
- e. The analytical techniques or methods used, including source of method and method number; and
- f. The results of all required analyses.

4. Records Retention and Production

- a. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the above reports or the application for this permit, for a period of at least three years from the date of the sample measurement, report or application. This period may be extended by request of the Director at any time. If litigation or other enforcement action, under the AWPCA and/or the FWPCA, is ongoing which involves any of the above records, the records shall be kept until the litigation is resolved. Upon the written request of the Director or his designee, the permittee shall provide the Director with a copy of any record required to be retained by this paragraph. Copies of these records shall not be submitted unless requested.
- b. All records required to be kept for a period of three years shall be kept at the permitted facility or an alternate location approved by the Department in writing and shall be available for inspection. A complete copy of the permit, the Best Management Practices (BMP) Plan, most recent BMP inspection records, and, if applicable, a Spill Prevention Control, and Countermeasure (SPCC) Plan shall be maintained at the facility. The past three years of DMRs, laboratory records, and historical BMP inspection and training records may be kept at an alternate Alabama location if approved by the Department.

5. Monitoring Equipment and Instrumentation

All equipment and instrumentation used to determine compliance with the requirements of this permit shall be installed, maintained, and calibrated in accordance with the manufacturer's instructions or, in the absence of manufacturer's instructions, in accordance with accepted practices. At a minimum, flow measurement devices shall be calibrated at least once every 12 months.

C. DISCHARGE REPORTING REQUIREMENTS

1. Reporting of Monitoring Requirements

- a. Monitoring results obtained during the previous [**ANNUAL**] reporting period shall be summarized on a Discharge Monitoring Report (DMR) Form approved by the Department, and shall be received by the Director no later than the 28th day of the month following the first complete monitoring period. This permit requires monthly, quarterly, semi-annual, and yearly self-monitoring. The permittee shall conduct the required monitoring in accordance with the following schedule:

MONITORING REQUIRED MONTHLY shall be conducted during the first full month following the effective date of coverage under this permit and every month thereafter.

QUARTERLY MONITORING shall be conducted at least once during each calendar quarter. Calendar quarters are the periods of January through March, April through June, July through September, and October through December. The permittee shall conduct the quarterly monitoring during the first full quarter following the effective date of coverage and each quarter thereafter.

SEMI-ANNUAL MONITORING shall be conducted at least once during the period of January through June and at least once during the period of July through December. The permittee shall conduct the semi-annual monitoring during the first complete six-month period following the effective date of coverage and each six-month period thereafter.

ANNUAL MONITORING shall be conducted at least once during the period of January through December. The Permittee shall conduct annual monitoring during the first complete calendar annual period following the effective date of coverage and is required to monitor once during each annual period thereafter.

- b. The permittee shall submit the required laboratory data on the discharge monitoring reports (DMRs) provided by the Department and in accordance with the following schedule:

REPORTS OF MONTHLY, QUARTERLY, SEMI-ANNUAL, AND ANNUAL TESTING shall be submitted on an annual basis. The annual reports shall be submitted so that they are received by the Department no later than the 28th day of January unless otherwise directed by the Department, and each submittal shall report results of all testing performed during the twelve month period preceding the reporting month. For example, the annual report due on January 28 should report the results of testing conducted during the months of January through December.

- c. Except as allowed by Provision I.C.1.c.(1) or (2), the permittee shall submit all Discharge Monitoring Reports (DMRs) required by Provision I.C.1.b. by utilizing the Department's web-based Electronic Environmental (E2) Reporting System.

- (1) If the permittee is unable to complete the electronic submittal of DMR data due to technical problems originating with the Department's electronic reporting system (this could include entry/submittal issues with an entire set of DMRs or individual parameters), the permittee is not relieved of their obligation to submit DMR data to the Department by the date specified in Provision I.C.1.b., unless otherwise directed by the Department.

If the E2 Reporting System is down on the 28th day of the month in which the DMR is due or is down for an extended period of time, as determined by the Department, when a DMR is required to be submitted, the permittee may submit the data in an alternate manner and format acceptable to the Department. Preapproved alternate acceptable methods include faxing, e-mailing, mailing, or hand-delivery of data such that they are received by the required reporting date. Within five calendar days of the E2 Reporting System resuming operation, the permittee shall enter the data into the E2 Reporting System, unless an alternate timeframe is approved by the Department. An attachment should be included with the E2 DMR submittal verifying the original submittal date (date of the fax, copy of dated e-mail, or hand-delivery stamped date), if applicable.

- (2) The permittee may submit a request to the Department for a temporary electronic reporting waiver for DMR submittals. The waiver request should include the permit number; permittee name; facility/site name; facility address; name, address, and contact information for the responsible official or duly authorized representative; a detailed statement regarding the basis for requesting such a waiver; and the duration for which the waiver is requested. Approved electronic reporting waivers are not transferrable.

Permittees with an approved electronic reporting waiver for DMRs may submit hard copy DMRs for the period that the approved electronic reporting waiver request is effective. The permittee shall submit the Department-approved DMR forms to the address listed in Provision I.C.1.e.

- (3) If a permittee is allowed to submit a hard copy DMR, the DMR must be legible and bear an original signature. Photo and electronic copies of the signature are not acceptable and shall not satisfy the reporting requirements of this permit.
- (4) If the permittee, using approved analytical methods as specified in Provision I.B.2, monitors any discharge from a point source for a limited substance identified in Provision I.A. of this permit more frequently than required by this permit, the results of such monitoring shall be included in the calculation and reporting of values on the DMR and the increased frequency shall be indicated on the DMR.
- (5) In the event no discharge from a point source identified in Provision I.A. of this permit and described more fully in the permittee's application occurs during a monitoring period, the permittee shall report "No Discharge" for such period on the appropriate DMR.

- d. All reports and forms required to be submitted by this permit, the AWPCA and the Department's Rules and regulations, shall be electronically signed (or if allowed by the Department, traditionally signed) by a "responsible official" of the permittee as defined in ADEM Administrative Code Rule 335-6-6-.09 or a "duly authorized representative" of such official as defined in ADEM Administrative Code Rule 335-6-6-.09 and shall bear the following certification:

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

- e. Discharge Monitoring Reports required by this permit, the AWPCA, and the Department's Rules that are being submitted in hard copy shall be addressed to:

**Alabama Department of Environmental Management
Permits and Services Division
Environmental Data Section
P O Box 301463
Montgomery, Alabama 36130-1463**

Certified and Registered Mail shall be addressed to:

**Alabama Department of Environmental Management
Permits and Services Division
Environmental Data Section
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400**

- f. All other correspondence and reports required to be submitted by this permit, the AWPCA, and the Department's Rules shall be addressed to:

**Alabama Department of Environmental Management
Water Division
P O Box 301463
Montgomery, Alabama 36130-1463**

Certified and Registered Mail shall be addressed to:

**Alabama Department of Environmental Management
Water Division
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400**

2. Noncompliance Notification

- a. If for any reason, the permittee's discharge (1) does not comply with any daily minimum or maximum discharge limitation for an effluent characteristic specified in Provision I.A. of this permit which is denoted by an "(X)", (2) threatens human health or welfare, fish or aquatic life, or water quality standards, (3) does not comply with an applicable toxic pollutant effluent standard or prohibition established under §307(a) of the FWPCA, 33 U.S.C. §1317(a), (4) contains a quantity of a hazardous substance which has been determined may be harmful to public health or welfare under §311(b)(4) of the FWPCA, 33 U.S.C. §1321(b)(4), (5) exceeds any discharge limitation for an effluent characteristic as a result of an unanticipated bypass, upset, (6) is an unpermitted direct or indirect discharge of a pollutant to a water of the state (unpermitted discharges properly reported to the Department under any other requirement are not required to be reported under this provision), the permittee shall orally report the occurrence and circumstances of such discharge to the Director within 24-hours after the permittee becomes aware of the occurrence of such discharge. In addition to the oral report, the permittee shall submit to the Director electronically a report (or if acceptable to the Department, a written report) as provided in Provision I.C.2.c. no later than five (5) days after becoming aware of the occurrence of such discharge.

- b. If for any reason, the permittee's discharge does not comply with any limitation of this permit, the permittee shall submit to the Director a written report as provided in Provision I.C.2.c. below, such report shall be submitted with the next Discharge Monitoring Report required to be submitted by Provision I.C.1. of this permit after becoming aware of the occurrence of such noncompliance.
- c. Any electronic report (or if acceptable to the Department, a written report) required to be submitted to the Director by Provision I.C.2.a. or b. shall be submitted using a copy of the Department's Noncompliance Notification Form and shall include the following information:
 - (1) A description of the discharge and cause of noncompliance;
 - (2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (3) A description of the steps taken and/or being taken to reduce or eliminate the noncomplying discharge and to prevent its recurrence.

D. OTHER REPORTING AND NOTIFICATION REQUIREMENTS

1. Anticipated Noncompliance

The permittee shall give the Director written advance notice of any planned changes or other circumstances regarding a facility, which may result in noncompliance with permit requirements. This information must be submitted electronically unless acceptable to the Department to submit otherwise.

2. Termination of Discharge

The permittee shall notify the Director, in writing, when any point source discharges authorized by this permit have permanently ceased. This notification shall serve as sufficient cause for instituting procedures for termination of the permittees authority to discharge under this General Permit.

3. Updating Information

- a. The permittee shall inform the Director of any change in the permittee's mailing address or telephone number or in the permittee's designation of a facility contact or office having the authority and responsibility to prevent and abate violations of the AWPCA, the Department's Rules and the terms and conditions of this permit, in writing, no later than ten (10) days after such change. Upon request of the Director or his designee, the permittee shall furnish the Director with an update of any information provided in the Notice of Intent.
- b. If the permittee becomes aware that it failed to submit any relevant facts in the Notice of Intent, or submitted incorrect information in the Notice of Intent; or in any report to the Director, it shall promptly submit such facts or information with a written explanation for the mistake and/or omission. This information must be submitted electronically unless acceptable to the Department to submit otherwise.

4. Duty to Provide Information

- a. Any permittee shall furnish to the Director, within a reasonable time, any information which the Director or his designee may request to determine whether cause exists for suspending or revoking the permittee's authorization to discharge under this General Permit, in whole or in part, or to determine compliance with this permit or to determine if the permittee should be required to apply for an individual permit.
- b. Any or all permittees shall furnish to the Director, within a reasonable time, any information which the Director or his designee may request to determine whether cause exists for modifying or terminating this permit.

5. New or Increased Discharges

If there is an increase in pollution potential of the discharges from the permittee's facility the permittee must notify the Director in writing. The Director may at his discretion determine under Part II.F. of this permit what action if any will be taken.

6. Cooling Water Additives

- a. The permittee shall notify the Director in writing not later than sixty (60) days prior to instituting the use of any biocide corrosion inhibitor or chemical additive in a cooling or boiler system not identified in the application for this permit, from which discharge is allowed by this permit. Such notification shall include:
 - (1) Name and general composition of biocide or chemical,
 - (2) 48-hour or 96-hour LC50 data for the fathead minnow (*Pimephales promelas*) and cladoceran (*Ceriodaphnia dubia*) for freshwater discharges. For salt water, the mysid shrimp, and sheepshead minnow or inland silverside. Other acceptable aquatic organisms may be allowed by the Department if sufficient information is submitted.
 - (3) Quantities to be used,
 - (4) Frequencies of use,
 - (5) Maximum proposed discharge concentrations, and
 - (6) EPA registration number, if applicable.
- b. The use of a biocide or additive containing tributyl tin, tributyl tin oxide, zinc, chromium or related compounds in a cooling or boiler system(s), from which a discharge regulated by this permit occurs, is prohibited. The use of any additive not identified in this permit or in the application for this permit prior to a determination by the Department that permit modification to control discharge of the additive is not required or prior to issuance of a permit modification controlling discharge of the additive is prohibited.

E. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the discharge limitations specified in Provision I.A. in accordance with the following schedule:

**COMPLIANCE SHALL BE ACHIEVED ON THE
EFFECTIVE DATE OF COVERAGE UNDER THIS PERMIT**

2. If required, no later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement. This information must be submitted electronically unless acceptable to the Department to submit otherwise.

PART II: OTHER REQUIREMENTS, RESPONSIBILITIES, AND DUTIES

A. REQUIREMENTS FOR COVERAGE UNDER THIS GENERAL PERMIT

1. Notice of Intent

Any person wishing to be permitted to discharge under this General Permit shall submit a Notice of Intent to be covered by this General Permit at least 30 days prior to the date of desired coverage. No discharge authorized under this General Permit may commence until the discharger receives the Director's acknowledgement of the Notice of Intent and approval of the coverage of the discharge by this General Permit. The Director's acknowledgement shall include a copy of this General Permit.

The permittee must complete and submit all Departmental forms available electronically, as directed by the Department, unless the permittee submits in writing valid justification as to why the electronic submittal process cannot be utilized and the Department approves in writing utilization of hard copy submittals.

The Department's current e-NOI system may be accessed at <https://app.adem.alabama.gov/eNOI/>. For approved hard copy submissions, the Departmental forms are available on ADEM's webpage at <http://adem.alabama.gov/DeptForms/>

Any person discharging to a municipal storm sewer, sanitary sewer or combination sewer must notify the municipality by letter of the discharge.

2. Content of Notice of Intent

- a. A description of the process generating the discharge for which coverage is desired. This description shall be in sufficient detail to allow the Director to determine that the discharge is included in the category permitted by this General Permit;
- b. The latitude and longitude of the discharge points for each discharge and the name of the waterbody receiving each discharge for which coverage under this General Permit is desired; and
- c. A contact person, address and phone number for the facility or activity to be covered under this General Permit;
 - (1) A Notice of Intent shall be signed by a person meeting the requirements for signatories to permit application under ADEM Administrative Code Rule 335-6-6-.09 and the person signing the Notice of Intent shall make the certification required for submission of documents under ADEM Administrative Code Rule 335-6-6.09.
 - (2) Signatories to reports, discharge monitoring reports and any other submissions required by this General Permit shall be signed in accordance with the requirements of ADEM Administrative Code Rule 335-6-6.09.

B. OPERATIONAL AND MANAGEMENT REQUIREMENTS

1. Facilities Operation and Maintenance

The permittee 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 conditions of the permit. proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities only when necessary to achieve compliance with the conditions of the permit.

2. Best Management Practices

- a. Dilution water shall not be added to achieve compliance with discharge limitations except when the Director or his designee has granted prior written authorization for dilution to meet water quality requirements.
- b. The permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with 40 CFR 112, if required thereby.
- c. The permittee shall prepare and implement a Best Management Practices (BMP) Plan according to Part IV. of this permit.

3. Spill Prevention, Control, and Management

The permittee shall provide spill prevention, control, and/or management sufficient to prevent any spills of pollutants from entering a water of the state or a publicly or privately owned treatment works. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and which shall prevent the contamination of groundwater and such containment system shall be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided.

C. OTHER RESPONSIBILITIES

1. Duty to Mitigate Adverse Impacts

The permittee shall promptly take all reasonable steps to mitigate and minimize or prevent any adverse impact on human health or the environment resulting from noncompliance with any discharge limitation of this permit, including such accelerated or additional monitoring of the discharge and/or the receiving waterbody as necessary to determine the nature and impact of the noncomplying discharge.

2. Right of Entry and Inspection

The permittee shall allow the Director, or an authorized representative, upon the presentation of proper identification to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the AWPCA, any substances or parameters at any location.

D. BYPASS AND UPSET

1. Bypass

- a. Any bypass is prohibited except as provided in b. and c. below:
- b. A bypass is not prohibited if:
 - (1) It does not cause any discharge limitation specified in Provision I.A. of this permit to be exceeded;
 - (2) It is necessary for essential maintenance of a treatment or control facility or system to assure efficient operation of such facility or system; or

- (3) It is part of the storm water control system when the intention of the design, as approved by the Director, is to contain the first flush only.
- c. A bypass is not prohibited and need not meet the discharge limitations specified in Provision I.A. of this permit if:
 - (1) It is unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime (this condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance); and
 - (3) The permittee submits a written request for authorization to bypass to the Director at least ten (10) days prior to the anticipated bypass (if possible), the permittee is granted such authorization, and the permittee complies with any conditions imposed by the Director to minimize any adverse impact on human health or the environment resulting from the bypass.
 - d. The permittee has the burden of establishing that each of the conditions of Provision II.D.1.b. or c. have been met to qualify for an exception to the general prohibition against bypassing contained in a. and an exemption, where applicable, from the discharge limitations specified in Provision I.A. of this permit.

2. Upset

- a. A discharge, which results from an upset, need not meet the discharge limitations specified in Provision I.A. of this permit if:
 - (1) No later than 24-hours after becoming aware of the occurrence of the upset, the permittee orally reports the occurrence and circumstances of the upset to the Director or his designee; and
 - (2) No later than five (5) days after becoming aware of the occurrence of the upset, the permittee furnishes the Director with evidence, including properly signed, contemporaneous operating logs, or other relevant evidence, demonstrating that (i) an upset occurred; (ii) the permittee can identify the specific cause(s) of the upset; (iii) the permittee's facility was being properly operated at the time of the upset; and (iv) the permittee promptly took all reasonable steps to minimize any adverse impact on human health or the environment resulting from the upset.
- b. The permittee has the burden of establishing that each of the conditions of Provision II D. 2. a. of this permit has been met to qualify for an exemption from the discharge limitations specified in Provision I.A. of this permit.

E. DUTY TO COMPLY WITH PERMIT, RULES, AND STATUTES

1. Duty to Comply

- a. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the AWPCA and the FWPCA and is grounds for: enforcement action, termination, or suspension of authorization under this permit; denial of a permit renewal application; a requirement that permittee submit an application for an individual NPDES permit.
- b. The necessity to halt or reduce production or other activities in order to maintain compliance with the conditions of the permit shall not be a defense for a permittee in an enforcement action.
- c. The discharge of a pollutant from a source not specifically identified in the Notice of Intent to be covered under this General Permit and not specifically included in the description of an outfall in this permit is not authorized and shall constitute noncompliance with this permit.
- d. The permittee shall take all reasonable steps, including cessation of production or other activities, to minimize or prevent any violation of this permit or to minimize or prevent any adverse impact of any permit violation.

- e. Nothing in this permit shall be construed to preclude or negate the permittee's responsibility or liability to apply for, obtain, or comply with other ADEM, federal, state, or local government permits, certifications, licenses, or other approvals.

2. Removed Substances

Solids, sludges, filter backwash, or any other pollutant or other waste removed in the course of treatment or control of storm waters and/or process water shall be disposed of in a manner that complies with all applicable Department Rules.

3. Loss or Failure of Treatment Facilities

Upon the loss or failure of any treatment facility, including but not limited to the loss or failure of the primary source of power of the treatment facility, the permittee shall, where necessary to maintain compliance with the discharge limitations specified in Provision I.A. of this permit, or any other terms or conditions of this permit, cease, reduce, or otherwise control production and/or all discharges until treatment is restored.

4. Compliance with Statutes and Rules

- a. This permit has been issued under ADEM Administrative Code, Chapter 335-6-6. All provisions of this chapter, that are applicable to this permit, are hereby made a part of this permit. A copy of this chapter may be obtained for a small charge from the Office of General Counsel, Alabama Department of Environmental Management, 1400 Coliseum Boulevard, Montgomery, AL 36110-2400.
- b. This permit does not authorize the noncompliance with or violation of any Laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws. FWPCA, 33 U.S.C. §1319, and Code of Alabama 1975, §22-22-14.

F. PERMIT TRANSFER, MODIFICATION, REVOCATION, REISSUANCE, AND TERMINATION

1. Duty to Reapply or Notify of Intent to Cease Discharge

- a. The permittee authorized to discharge under this General Permit, who wishes to continue to discharge upon the expiration of this permit, shall submit an electronic Notice of Intent to be covered by the reissued General Permit. Such Notice of Intent shall include information required by the initial Notice of Intent and shall be submitted at least 90 days prior to the expiration date of this General Permit.
- b. Failure of the permittee to submit a Notice of Intent for reauthorization under this permit at least 90 days prior to the permit's expiration will void the automatic continuation of the authorization to discharge under this permit as provided by ADEM Administrative Code Rule 335-6-6-.06. Should the permit not be reissued for any reason prior to its expiration date, permittees who failed to meet the 90-day submittal deadline will be illegally discharging without a permit after the expiration date of the permit.

2. Change in Discharge

- a. The permittee shall give notice to the Director at least 30 days in advance of any facility expansion, production increase, process change, or other action that could result in:
 - (1) The discharge of additional pollutants;
 - (2) The increase in the quantity of any discharge such that existing permit limitations would be exceeded;
 - (3) Or that could result in an additional discharge point.

This requirement applies to pollutants that are or that are not subject to discharge limitations in this permit. No new or increased discharge may begin until the Director has reviewed the information and taken appropriate action to authorize the discharge under this General Permit, or until such time as an appropriate action has been taken to authorize the discharge under an individual permit.

- b. The permittee shall notify the Director as soon as it is known or there is reason to believe:
- (1) That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:
 - (a) One hundred micrograms per liter;
 - (b) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony;
 - (c) Five times the maximum concentration value reported for that pollutant in the permit application; or
 - (2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - (a) Five hundred micrograms per liter;
 - (b) One milligram per liter for antimony;
 - (c) Ten times the maximum concentration value reported for that pollutant in the permit application.

3. Transfer of Permit

This permit may not be transferred or the name of the permittee changed without notice to the Director and subsequent modification or revocation and reissuance of the permit to identify the new permittee and to incorporate any other changes as may be required under the FWPCA or AWPCA. In the case of a change in name, ownership or control of the permittee's premises only, a request for permit modification in a format acceptable to the Director is required at least 30 days prior to the change. In the case of a change in name, ownership or control of the permittee's premises accompanied by a change or proposed change in effluent characteristics, a complete permit application is required to be submitted to the Director at least 180 days prior to the change. Whenever the Director is notified of a change in name, ownership or control, he may decide not to modify the existing permit and require the submission of a new permit application.

4. Permit Modification, Revocation and Reissuance (of Modified General or Individual), and Termination

- a. During the term of this General Permit the Director may, for cause, and subject to the public notice procedure of ADEM Administrative Code, Rule 335-6-6-.21, modify or revoke and reissue this General Permit, or terminate it and require all those authorized under it to apply for individual NPDES permits. The causes for this action include but are not limited to the causes listed below:
- (1) There are material and substantial alterations or additions to the facility or activity generating the discharges which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;
 - (2) When the Director receives any information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance;
 - (3) When the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued;
 - (4) Upon the failure of the state to notify, as required by §402(b)(3) of the FWPCA, another state whose waters may be affected by a discharge;
 - (5) When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology-based treatment requirements appropriate to discharge under 40 CFR 125.3(c);
 - (6) To correct technical mistakes, such as errors in calculation, clerical errors or mistaken interpretations of law made in determining permit conditions;

- (7) If the permit limitations are found not to be protective of water quality standards;
 - (8) To incorporate an applicable 307(a) FWPCA toxic effluent standard or prohibition;
 - (9) When required by the reopener conditions in this permit, and
 - (10) For any applicable cause set forth in ADEM Administrative Code Rule 335-6-6-.17.
- b. Subject to the public notice procedures of ADEM Administrative Code Rule 335-6-6-.21, Public Notice Requirements (Amended: October 4, 2019), the Director may terminate this General Permit during its term for any of the causes for modification listed in Part II.F.4.a.
 - c. The Director may terminate authorization to discharge under this General Permit for cause. Cause shall include but not be limited to:
 - (1) Noncompliance with the permit;
 - (2) Noncompliance with Department Rules;
 - (3) A finding that this General Permit does not control the discharges sufficiently to protect water quality or comply with treatment-based limits applicable to the discharge;
 - (4) The permittee's misrepresentation or failure to disclose fully all relevant facts in the permit application or during the permit issuance process or the permittee's misrepresentation of any relevant facts at any time;
 - (5) Materially false or inaccurate statements or information in the permit application or the permit;
 - (6) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
 - (7) The permittee's discharge threatens human life or welfare;
 - (8) Permanent closure of the facility generating the wastewater permitted to be discharged by this permit or permanent cessation of wastewater discharge; and
 - (9) New or revised requirements of any applicable standard or limitation that is promulgated under §§301(b)(2)(C),(D),(E),and (F), and 307(a)(2) of the FWPCA that the Director determines cannot be complied with by the permittee.
 - d. If the permittee believes that any past or planned activity would be cause for modification or revocation and reissuance of this General Permit under ADEM Administrative Code Rule 335-6-6-.23 (7), or termination and issuance of an individual permit under ADEM Administrative Code Rule 335-6-6-.23 (9) the permittee must report such information to the Permit Issuing Authority. The submittal of a new application may be required of the permittee. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned change, anticipated noncompliance or application for an individual permit, does not stay any permit condition.

5. Issuance by the Director of an Individual NPDES Permit to a Person Eligible for Coverage or Covered by This General Permit.

- a. The Director may require any person, otherwise eligible for coverage under this General Permit, to apply for an individual NPDES permit by notifying that person that an application is required. Notification shall consist of a written description of the reason(s) for the decision, appropriate permit application forms and directions, a statement informing the person that upon issuance of the individual permit coverage by this General permit shall automatically terminate. Reasons for this requirement may be:
 - (1) Noncompliance with the General Permit;
 - (2) Noncompliance with Department Rules;
 - (3) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the wastewater being discharged;

- (4) Effluent guidelines are promulgated for a point source(s) covered by the General Permit;
- (5) A water quality management plan applicable to the wastewater being discharged under this General Permit;
- (6) Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under this General Permit or either a temporary reduction or permanent reduction or elimination of the authorized discharge is necessary;
- (7) Standards for sewage sludge use or disposal have been promulgated for the sludge use or disposal practice covered by this General Permit;
- (8) The discharge(s) is a significant contributor of pollutants. In making this decision the Director may consider:
 - (a) The location of the discharges with respect to waters of the State,
 - (b) The size of the discharger, and
 - (c) The quantity and nature of the pollutants discharged to waters of the State.
- (9) A determination that the water of the state receiving the discharge is not meeting applicable water quality standards.

6. Request for an Individual NPDES Permit by a Person Covered Under This General Permit.

- a. Any person covered by this General Permit may apply for termination of coverage by applying for an individual NPDES permit and submitting the appropriate form (Form 554) to the Industrial General Permit Section.
- b. A permit application submitted voluntarily or at the direction of the Director for the purpose of termination of coverage by this General Permit shall be processed in accordance with the rules found in ADEM Administrative Code 335-6-6 applicable to individual permits.
- c. Any person may petition the Director for withdrawal of this General Permit authority from a discharger. The Director shall consider the information submitted by the petitioner and any other information he may be aware of and may obtain additional information from the discharger and through inspections by Department staff and shall decide if coverage should be withdrawn. The petitioner shall be informed of the Director's decision and shall be provided a summary of the information considered.

7. Request for Permit Action Does Not Stay Any Permit Requirement

The filing of a request by the permittee for any permit action such as termination, or application for individual permit or any other action, does not stay any permit term or condition.

G. COMPLIANCE WITH TOXIC POLLUTANT STANDARD OR PROHIBITION

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under §307(a) of the FWPCA, 33 U.S.C. §1317(a), for a toxic pollutant discharged by the permittee and such standard or prohibition is more stringent than any discharge limitation on the pollutant specified in Provision I.A. of this permit, or controls a pollutant not limited in Provision I.A. of this permit, this permit shall be modified to conform to the toxic pollutant effluent standard or prohibition and the permittee shall be notified of such modification. If this permit has not been modified to conform to the toxic pollutant effluent standard or prohibition before the effective date of such standard or prohibition, the permittee shall attain compliance with the requirements of the standard or prohibition within the time period required by the standard or prohibition and shall continue to comply with the standard or prohibition until this permit is modified or reissued.

H. DISCHARGE OF WASTEWATER GENERATED BY OTHERS

The discharge of wastewater, generated by any process, facility, or by any other means not under the operational control of the permittee or not identified in the application for this permit or not identified specifically in the description of an outfall in this permit is not authorized by this permit.

PART III: OTHER PERMIT CONDITIONS

A. CIVIL AND CRIMINAL LIABILITY

1. Tampering

Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained or performed under the permit shall, upon conviction, be subject to penalties as provided by the AWPCA.

2. False Statements

Any person who knowingly makes any false statement, 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 subject to penalties as provided by the AWPCA.

3. Permit Enforcement

a. Any NPDES permit issued or reissued by the Department is a permit for the purpose of the AWPCA and the FWPCA and as such any terms, conditions, or limitations of the permit are enforceable under state and federal law and as described under Rule 335-6-6-.18.

b. Any person required to have a NPDES permit pursuant to ADEM Administrative Code Chapter 335-6-6 and who discharges pollutants without said permit, who violates the conditions of said permit, who discharges pollutants in a manner not authorized by the permit, or who violates applicable orders of the Department or any applicable rule or standard of the Department, is subject to any one or combination of the following enforcement actions under applicable state statutes.

- (1) An administrative order requiring abatement, compliance, mitigation, cessation, clean up, and/or penalties;
- (2) An action for damages;
- (3) An action for injunctive relief; or
- (4) An action for penalties.

4. Relief from Liability

Except as provided in Provision II.D.1. (Bypass) and Provision II.D.2. (Upset), nothing in this permit shall be construed to relieve the permittee of civil or criminal liability under the AWPCA or FWPCA for noncompliance with any term or condition of this permit.

B. 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 §311 of the FWPCA, 33 U.S.C. §1321.

C. PROPERTY AND OTHER RIGHTS

This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of federal, state, or local laws or regulations, nor does it authorize or approve the construction of any physical structures or facilities or the undertaking of any work in any waters of the State or of the United States.

D. AVAILABILITY OF REPORTS

Except for data determined to be confidential under Code of Alabama 1975, §22-22-9(c), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. or available online at <http://app.adem.alabama.gov/eFile/>. Effluent data shall not be considered confidential.

E. COMPLIANCE WITH WATER QUALITY STANDARDS

1. The permittee may be required by the Director to apply for an individual permit, if the Director determines that discharge under this General Permit causes a violation of a water quality standard or stream use classification.
2. Compliance with permit terms and conditions notwithstanding, if the permittee's discharge(s) from point sources identified in Provision I.A. of this permit cause or contribute to a condition in contravention of state water quality standards, the Department may require the permittee to take abatement action or apply for an individual permit pursuant to the Department's Rules, or both.
3. If the Department determines, on the basis of a notice provided pursuant to this permit or any investigation, inspection or sampling, that a modification of this permit is necessary to assure maintenance of water quality standards or compliance with other provisions of the AWPCA or FWPCA, the Department may require such modification.

F. GROUNDWATER

Unless specifically authorized under this permit, this permit does not authorize the discharge of pollutants to groundwater. Should a threat of groundwater contamination occur, the Director may require groundwater monitoring to properly assess the degree of the problem and the Director may require that the Permittee undertake measures to abate any such discharge and/or contamination.

G. DEFINITIONS

1. *Authorization* – means granted the privilege of discharging under the terms of this General Permit.
2. *Average monthly discharge limitation* - means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).
3. *Average weekly discharge limitation* - means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).
4. *AWPCA* - means the Alabama Water Pollution Control Act.
5. *Bypass* - means the intentional diversion of waste streams from any portion of a treatment facility.
6. *Daily discharge* - means the discharge of a pollutant measured during any consecutive 24-hour period in accordance with the sample type and analytical methodology specified by the discharge permit.
7. *Daily maximum* - means the highest value of any individual sample result obtained during a day.
8. *Daily minimum* - means the lowest value of any individual sample result obtained during a day.
9. *Day* - means any consecutive 24-hour period.
10. *Department* - means the Alabama Department of Environmental Management.

11. *Director* - means the Director of the Department.
12. *Discharge* - means "[t]he addition, introduction, leaking, spilling, or emitting of any sewage, industrial waste, pollutant or other waste into waters of the State". Code of Alabama 1975, §22-22-1(b)(8).
13. *Discharge monitoring report (DMR)* - means the form approved by the Director to accomplish reporting requirements of an NPDES permit.
14. *EPA* - means the United States Environmental Protection Agency.
15. *FWPCA* - means the Federal Water Pollution Control Act.
16. *Mixing Zone* – means as defined by ADEM Admin. Code Rule 335-6-6.15(10).
17. *Notice of Intent* – means forms and additional information that are required by ADEM Administrative Code Rule 335-6-6-.23 and applicable permit fees.
18. *Permit application* - means forms and additional information that is required by ADEM Administrative Code Rule 335-6-6-.08 and applicable permit fees.
19. *Point source* - means "any discernible, confined and discrete conveyance, including but not limited to any pipe, channel, ditch, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged." §502(14) of the FWPCA, 33 U.S.C. §1362(14).
20. *Pollutant* - includes for purposes of this permit, but is not limited to, those pollutants specified in Code of Alabama 1975, §22-22-1(b)(3) and those effluent characteristics specified in Provision I.A. of this permit.
21. *Sanitary Waste* – means human body waste discharged from toilets and urinals.
22. *Sheen* – means a silvery or metallic sheen, gloss, or increased reflectivity, visual color, or iridescence on the water surface associated with oil, fuel, grease, or similar petroleum products.
23. *Severe property damage* - means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
24. *Shock chlorination* – means the periodic use of chlorine in cooling water systems as a biocide.
25. *Upset* - means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit discharge limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
26. *Waters* - means "[a]ll waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce." Code of Alabama 1975, §22-22-1(b)(2). Waters "include all navigable waters" as defined in §502(7) of the FWPCA, 22 U.S.C. §1362(7), which are within the State of Alabama.
27. *Week* - means the period beginning at twelve midnight Saturday and ending at twelve midnight the following Saturday.

H. 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.

PART IV: ADDITIONAL REQUIREMENTS, CONDITIONS, AND LIMITATIONS

A. OTHER CONDITIONS

1. The permittee shall contact the Department within 24 hours of detecting a reportable spill as defined under 40 CFR Part 112, SPCC Regulations, or 40 CFR Part 117, Hazardous Substances Regulations.
2. There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid.
3. There shall be no discharge of floating solids or visible foam in other than trace amounts from any surface water discharge allowed by this permit. The permittee shall report all visible discharges or observations of floating material or oil sheens on the receiving stream, to the Department within 24 hours, or the next working day, whichever is sooner. Field data sheets shall have appropriate spaces to record observations.
4. Discharge of any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act to any waste stream, which may ultimately be released, to waters of the State is prohibited unless specifically authorized elsewhere in this permit, or otherwise authorized by the Director. This requirement is not applicable to products used for lawn and agricultural purposes.
5. The permittee shall observe the tailrace daily when the hydro is manned, but at least once a week for evidence of oil or other petroleum product contamination, as evidenced by the presence of an oil sheen. When an oil sheen is observed the permittee shall investigate to determine the cause of the sheen, and the source of the sheen shall be eliminated if the permittee's activities are the cause of the sheen. Should the amount of the spill be significant, i.e., result in an oil sheen on the receiving water, the permittee shall contact ADEM within 24 hours to report the incident. A written log shall be maintained of the above information, and a summary of sheen observations, including date and time of first observation, steps taken to determine and, if appropriate, eliminate the sources, shall also be transmitted with the permittee's discharge monitoring reports.

B. BEST MANAGEMENT PRACTICES (BMP) PLAN REQUIREMENTS

1. Plan Content

The permittee shall prepare and implement a best management practices plan (BMP) which shall:

- a. Provide sediment control to ensure compliance with the suspended solids limitation of this permit.
- b. Prevent the spillage or loss of fluids, oil, grease, gasoline, etc. from vehicle and equipment maintenance and repair activities and thereby prevent the contamination of storm water from these substances;
- c. Designate by position or name the person or persons responsible for the day to day implementation of the BMP;
- d. Provide for daily inspection when the hydro is manned, but at least once per week, of any structures that function to prevent storm water pollution or to remove pollutants from storm water and of the facility in general to ensure that the BMP is continually implemented and effective;
- e. Include a diagram of the facility showing the locations where storm water exits the facility, the locations of any structures or other mechanisms intended to prevent pollution of storm water or to remove pollutants from storm water;
- f. Bear the signature of an individual meeting the requirements for signing the Notice of Intent; and
- g. Provide daily inspection of sanitary treatment facility, if one is located on site, to ensure proper operations and maintenance.

2. Compliance Schedule

The permittee shall have reviewed (and revised if necessary) and fully implemented the BMP Plan as soon as practicable but no later than six months after the effective date of the permit. Refer to Part IV. C. of this permit for BMP requirements for discharges to impaired waters.

3. Department Review

- a. When requested by the Director or his designee, the permittee shall make the BMP available for Department review.
- b. The Director or his designee may notify the permittee at any time that the BMP is deficient and require correction of the deficiency.
- c. The permittee shall correct any BMP deficiency identified by the Director or his designee within 30 days of receipt of notification and shall certify to the Department that the correction has been made and implemented.

4. Administrative Procedures

- a. A copy of the BMP shall be maintained at the facility and shall be available for inspection by representatives of the Department.
- b. A log of the daily inspections required by Part IV.B. of this Permit shall be maintained at the facility and shall be available for inspection by representatives of the Department. The log shall contain records of all inspections performed for the last three years and the person performing the inspection shall sign each daily entry.
- c. The permittee shall provide training for any personnel required to implement the BMP and shall retain documentation of such training at the facility. This documentation shall be available for inspection by representatives of the Department. Training shall be performed prior to the date that implementation of the BMP is required.
- d. BMP Plan Modification. The permittee shall amend the BMP Plan whenever there is a change in the facility or change in operation of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.
- e. BMP Plan Review. The permittee shall complete a review and evaluation of the BMP Plan at least once every five years from the date of preparation of the BMP Plan. Documentation of the BMP Plan review and evaluation shall be signed and dated by the Plant Manager.

C. DISCHARGE(S) TO IMPAIRED WATERS

1. Requirements Applicable to a Facility Eligible for Coverage, or Covered, under this Permit with Discharge(s) to 303(d) Listed Waters

This permit does not authorize new sources or new dischargers of pollutants of concern to impaired waters unless consistent with an EPA-approved or EPA-established Total Maximum Daily Load (TMDL) and applicable State law. Impaired waters are those that do not meet applicable water quality standards and are identified by an EPA-approved or EPA-established TMDL and/or on the State of Alabama's 303(d) list. Pollutants of concern are those pollutants for which the water body is listed as impaired and which contribute to the listed impairment.

- a. The facility eligible for coverage, or covered, under this permit must determine whether its discharge(s) contributes directly or indirectly to a waterbody that is included on the latest 303(d) list or otherwise designated by the Department as impaired or is included in an EPA-approved or EPA-established TMDL. If the facility has discharges meeting this criterion, it must comply with Part IV.C., if its discharge does not meet this criterion, Part IV.C. does not apply to the facility.
- b. Facilities that discharge into a receiving water which is listed on the State of Alabama's 303(d) list of impaired waters, and with discharges that contain the pollutant(s) for which the waterbody is impaired, must by April 30th of the following year or within 6 months of such approval of the 303(d) list or applicable TMDL or establishment of TMDL by EPA (whichever is longer), document in its BMP plan how the BMPs will control the discharge of the pollutant(s) of concern, and must ensure that there will be no increase of the pollutants of concern. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan.

- c. If the facility discharges to a waterbody described above, it must also determine whether a total maximum daily load (TMDL) has been developed and approved or established by EPA for the listed waterbody. If a TMDL is approved or established during this permit cycle by USEPA for any waterbody into which the facility discharges, the facility must review the applicable TMDL to see if it includes requirements for control of storm water discharges. By April 30th of the following year or within 6 months of such approval of the 303(d) list or applicable TMDL or establishment of TMDL by EPA (whichever is longer), the facility must notify the Department on how it will modify its BMP plan to include best management practices specifically targeted to achieve the allocations prescribed by the TMDL. Revised BMP plans must be submitted to the Department for review. The facility must include a monitoring component in the BMP plan to assess the effectiveness of the BMPs in achieving the allocations. If the facility cannot ensure its discharges will not cause or contribute to impairment, then the facility must apply for and obtain permit coverage under an individual permit.

2. Requirements Applicable to a Facility Eligible for Coverage, or Covered, under this Permit with Discharges into Waters with EPA-Approved or EPA-Established TMDLs

- a. The facility must determine whether the EPA-approved or EPA-Established TMDL is for a pollutant likely to be found in discharges from its facility.
- b. The facility must determine whether the TMDL includes a pollutant allocation or other performance requirements specifically for discharges from its facility.
- c. If, after the determinations above have been made and if it is determined that the facility must implement specific allocations provisions of the TMDL, then the facility must assess whether the allocations are being met through implementation of existing control measures or if additional control measures are necessary.
- d. The facility must document all control measures currently being implemented or planned to be implemented, to include a schedule of implementation for all planned controls, and must document calculations or other evidence showing that the allocations will be met. Revised BMP plans must be submitted to the Department for review.
- e. If a TMDL contains requirements for control of pollutants from the facility's discharges, then the BMP plan must include BMPs specifically targeted to achieve the allocations prescribed by the TMDL. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan. Implementation of the monitoring plan in accordance with Part IV.C.2 will determine whether the controls are adequate to meet the TMDL allocations. If the facility cannot comply with the requirements of the TMDL, then the facility must apply for and obtain permit coverage under an individual permit.
- f. If the evaluation shows that additional or modified controls are necessary, the facility must describe the type and schedule for the control additions/revisions in the BMP plan. The facility must also continue Paragraphs IV.C.2.d-f. until two continuous monitoring cycles, as defined in the monitoring plan in accordance with Part IV.C. 2., show that the TMDL allocations are being met or that water quality (WQ) standards are being met.

3. Requirements for New or Revised BMP Plans

New or revised BMP plans developed in accordance with Parts IV.C.1 and IV.C.2 above must be submitted to the Department for review by April 30th of the year following EPA approval of the 303(d) list or EPA establishment/approval of applicable TMDL or within 6 months of such approval of the 303(d) list or applicable TMDL or establishment of TMDL by EPA (whichever is longer).

D. STORM WATER FLOW MEASUREMENT AND SAMPLING REQUIREMENTS

1. Storm Water Flow Measurement

- a. All storm water samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches.
- b. The total volume of storm water discharged for the event must be monitored, including the date and duration (in hours) and rainfall (in inches) for storm event(s) sampled. The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event must be a minimum of 72 hours. This information must be recorded as part of the sampling procedure and records retained according to Part I.B.4.b. of this permit.

- c. The volume may be measured using flow measuring devices, or estimated based on a modification of the Rational Method using total depth of rainfall, the size of the drainage area serving a storm water outfall, and an estimate of the runoff coefficient of the drainage area. This information must be recorded as part of the sampling procedure and records retained according to Part I.B.4.b. of this permit.

2. Storm Water Sampling

- a. A grab sample, if required by this permit, shall be taken during the first thirty minutes of the discharge (or as soon thereafter as practicable); and a flow-weighted composite sample, if required by this permit, shall be taken for the entire event or for the first three hours of the event.
- b. All test procedures will be in accordance with Part I.B.2. of this permit.

RESPONSE TO COMMENTS
December 2020

General NPDES Permit ALG360000
Master GP for Hydroelectric Generating Facilities in Alabama

The above referenced draft National Pollutant Discharge Elimination System (NPDES) Permit was made available for public review for a period of thirty days beginning August 14, 2020. The Department received written comments for the draft permit on September 14, 2020. A summary of the comments and the Department's responses to those comments are listed below. Comments in their entirety may be reviewed in the official record which is located at ADEM, 1400 Coliseum Boulevard, Montgomery, Alabama 36110. The comments are also available through the Department's electronic filing system, eFile, which is located at <http://app.adem.alabama.gov/eFile>.

Comment:

I. Problems with Discharge Limitations, Conditions, and Requirements

A. Failure to Impose Numeric Limitations at DSN001

Neither the Draft Permit nor the permit rationale provides any explanation for why limits on oil and grease are treated differently at DSN001 than they are at numerous other outfalls, which do impose numeric limitations. Where oil and grease contaminants are potentially present in a facility's discharge, federal effluent guidelines frequently set a chronic, numeric limitation of 15 mg/L. This standard should be applied throughout the permit, including at DSN001.

The inclusion of transformer cooling water, without any limitations, in the allowable discharges via DSN001 is also concerning. Cooling water that comes into contact with these transformers could potentially become contaminated with Polychlorinated biphenyls (PCBs) prior to discharge, constituting a violation of Part IV.A.2 of the permit, which states: "There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid." At a minimum, the permit should be revised to include monthly monitoring for PCBs at DSN001.

Commenters believe ADEM has erred in not requiring any monitoring for discharges from filter backwash. The permit should be revised to include limitations on total suspended solids (TSS) resulting from filter backwash and should require permittees to test the sediments that clog filters to characterize any potential contaminants and impose limitations on parameters that have a reasonable potential to cause or contribute to violations of Alabama's water quality standards.

Response:

Hydroelectric dams are not currently regulated by 40 CFR 423 nor any other categorical effluent guidelines. The Department has determined that best management practices are the appropriate technology based limitation for this discharge. Based on Best Professional Judgement (BPJ), monthly observations of the discharges for sheen or film should be protective of the narrative water quality criteria. For this outfall, the Department has determined that a direct visual monitoring method for sheen is appropriate, as opposed to a surrogate oil and grease numeric parameter.

During discussions with the facilities that are currently permitted under the ALG360000, it was indicated that the use of PCBs have been or are being phased out. The permit requires that visual BMPs be implemented to detect leaks and visual monitoring for oil is required. The Department believes that these requirements are appropriate to monitor compliance with the requirement for no discharge of PCBs. In addition, the Department has added a requirement to notify ADEM if any released oils contain PCBs.

The Department has made a determination that additional monitoring for filter backwash is not necessary. The Department has determined that there is not a reasonable potential for violations of water quality criteria as a result of this activity.

Comment:

B. Failure to Include Enforceable Provisions at DSN007

Commenters believe the DSN007 provision that states "All water shall be treated, if necessary, to remove suspended solids and turbidity to a level consistent with ADEM water quality standards" is extremely vague and unenforceable. They also indicated ADEM's failure to clearly define when treatment is necessary under this section of the permit renders this provision useless, unenforceable, and legally indefensible. Further, they indicate that by ADEM requiring the permittees to determine when treatment may be necessary and to what levels is a dereliction of duty and deprives the public of its right to notice and comment on permitting decisions by delaying the implementation of permit limitations until after the public comment period has closed to some future time when it is determined that treatment is necessary.

Response:

DSN007 requires the facility to use BMPs and that the discharge shall have no sheen, and there shall be no discharge of visible oil, floating solids or visible foam in other than trace amounts. The BMPs include, but are not limited to, the removal and disposal of all debris by the use of brooms, shovels, trash receptacles, etc, prior to hosing. In addition, the permit requires BMPs such as curtains, aprons, or similar devices to prevent or minimize paint overspray and debris from entering the receiving water. The Department believes the above noted BMPs should ensure protection of water quality; however, the statement is included to notify Permittees that if a potential issue is expected or the

Department identifies an issue, the Permittee must employ additional controls to achieve compliance with ADEM Admin. Code r. 335-6-10, which states there shall be no turbidity of other than natural origin that will cause substantial visible contrast with the natural appearance of waters or interfere with any beneficial uses which they serve and in no case shall turbidity exceed 50 Nephelometric units above background.

Comment:

C. Improper Averaging of Chronic and Acute Effluent Limitations

The draft permit rationale notes the permit limitations for oil and grease (O&G) and total suspended solids (TSS) were derived by averaging the federal effluent limitations guidelines (ELGs) (40 CFR, Part 423) for the daily maximum (acute) and monthly average (chronic) concentrations of these parameters. However, the permit rationale does not mention where the federal ELGs allow for this type of averaging of permit limitations. As it is currently written, the draft permit would allow chronic discharges for both O&G and TSS that exceed Alabama's water quality standards. Unless ADEM can point to a specific authorization in the federal regulations that allows averaging permit limitations in the manner proposed, the permit must be revised to apply the proper limitations (15 mg/l for O&G and 30 mg/l for TSS) at both outfalls.

Response:

Hydroelectric dams are not currently regulated by 40 CFR 423 nor any other categorical effluent guidelines. While the wastewater may be similar to "low volume wastes" as defined in 40 CFR 423, the waste stream is not subject to those technology based standards. In addition, those standards were based on specific treatment technologies that could be employed at a power plant, such as ash ponds, where a hydroelectric dam would not have the same ability to employ such treatment. There are currently no Alabama water quality standards for TSS nor Oil and Grease. Limits for these discharges were derived taking the average of the "low volume waste" guidelines defined as 40 CFR 423 as BPJ.

	Max	Avg
TSS	100 mg/l	30mg/l
O&G	20 mg/l	15 mg/l

These have been averaged in previous permits giving the following limits.

	Max
TSS	65 mg/l
O&G	17.5 mg/l

The Department continues to believe that these limits are appropriate and no changes to the limits were made as a result of this comment.

Comment:

II. Deficiencies in Clean Water Act § 316(b) Rationale

ADEM's conclusion and reliance on industry interpretations are completely at odds with EPA's application of § 316(b) to hydroelectric facilities in other jurisdictions. EPA's draft general permit for hydroelectric generating facilities in Massachusetts and New Hampshire acknowledges that hydroelectric generators intake surface water that is used to cool turbine bearings and other equipment, making them subject to § 316(b) requirements that CWIS reflect the best technology available (BTA) for minimizing entrainment and impingement of aquatic organisms. The Fact Sheet released by EPA Region I for that draft general permit clearly explains that hydroelectric facilities "are point sources which may withdraw and discharge non-contact and contact cooling water, and as such, must comply with applicable standards in § 316(b)."

Similarly, EPA's draft general permit released in April of 2018 for hydroelectric facilities in Idaho contains provisions to minimize the entrainment and impingement of aquatic organisms in CWIS by mandating BTA requirements, including maintaining physical screening or exclusion technologies, managing the intake and tailrace operations to minimize injury to fish and other organisms, and preparing and submitting an information report for the CWIS. The fact sheet produced by EPA Region 10 states: "For facilities requiring an NPDES permit with design intake flows of 2 MGD or less and less than twenty-five percent used exclusively for cooling, the regulations at 40 CFR 125.90(b) require the Director to use best professional judgment (BPJ) for determining BTA for minimizing adverse environmental impacts."

This year, EPA issued draft permits for a series of hydroelectric dams operated by the US Army Corps of Engineers in Washington state. In the Fact Sheet for these permits, EPA clearly explained that "pursuant to 40 CFR 125.90(b), all cooling water intake structures at hydroelectric facilities are subject to best professional judgement (BPJ) Section 316(b) cooling water intake structure conditions." EPA then elaborated a framework by which BTA requirements can be assessed and satisfied.

Commenters urge ADEM to revisit its permit rationale of the application of CWA 316(b) to hydroelectric generating facilities and include provisions in the Draft Permit establishing a case-by-case best professional judgement assessment of BTAs at the facilities covered by the Draft Permit.

Response:

The referenced Massachusetts and New Hampshire General Permits drafted by EPA Region I in 2018 and the referenced Idaho General Permit drafted in 2018 by EPA Region X have not yet been issued and EPA Region I and Region X have not responded to the comments from stakeholders. EPA Region X has not issued the 2020 drafted permits for the US Army Corps of Engineers facilities (Ice Harbor Lock and Dam, Lower Monumental Lock and Dam, Little Goose Lock and Dam, and Lower Granite Lock and Dam) and have not responded to the comments from stakeholders. In EPA's May 2014 Technical Development Document for the Final Section 316(b) Existing Facilities Rule, it was indicated that "units with water turbines, or "hydroelectric units," use either falling water or the force of a natural river current to spin turbines and produce electricity. These units are used for all types of loads. These units do not use a steam loop and do not use cooling water, as they typically do not generate excess waste heat." When §316(b) was revised and re-promulgated in August 2014 the EPA stated it was never intended to apply to hydroelectric facilities. In addition, during the rulemaking to re-promulgate, 316(b) no information was requested or provided to EPA in order to make any determination about the engineering feasibility, or the requirements of 316(b) as it would be applied to hydroelectric facilities. EPA has not established technology-based limitations and standards for hydroelectric facilities. CWA§ 316 (b) applies only where EPA establishes technology standards under §§ 301 and 306 for point sources. ADEM's determination, and in consultation with EPA Region 4, that §316(b) is not currently applicable to hydropower facilities is consistent with §316(b)'s statutory requirements and other Region IV permits that have been finalized.

Comments:

III. Consideration of Environmentally Acceptable Lubricants

In order to strengthen environmental protections, as part of this permitting process, ADEM should require permittees to undertake feasibility assessments for switching from conventional lubricants to environmentally acceptable lubricants (EALs). In all instances where EALs are technically feasible, the Draft Permit should require the use of EALs at the permitted facilities as a technology-based effluent limit and ensure oversight from ADEM on the selection and use of EALs at hydroelectric facilities in Alabama.

Commenters support the selection of EALs for all oil-to-water interfaces, including wicket gates, bearings, lubricated wire ropes, Kaplan runners, and other in-line equipment, unless technically infeasible.

Response:

The referenced EPA document “describes the range of environmentally preferable lubricants that may be used as a best management practice (BMP) by operators of vessels covered under the Vessel General Permit for Discharges Incidental to the Normal Operation of Vessels (VGP).” As this document indicates, there are certain disadvantages to certain EALs. Therefore, the draft permit does not require the use of EALs, but where effective the Department encourages the use of EALs.

The Department intends to issue the proposed permit as noted above and it will be located on the Department’s eFile system.