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JANUARY 5, 2021

MR BRADLEY S HALL
CEO
MILLARD MARITIME
7730 DEER RIVER ROAD
THEODORE AL 36582

**RE: DRAFT PERMIT
NPDES PERMIT NUMBER AL0081752**

Dear Mr. Hall:

Transmitted herein is a draft of the referenced permit.

We would appreciate your comments on the permit within **30 days** of the date of this letter. Please direct any comments of a technical or administrative nature to the undersigned.

By copy of this letter and the draft permit, we are also requesting comments within the same time frame from EPA.

Our records indicate that you are currently utilizing the Department's web-based electronic environmental (E2) reporting system for submittal of discharge monitoring reports (DMRs). Your E2 DMRs will automatically update on the effective date of this permit, if issued.

The Alabama Department of Environmental Management encourages you to voluntarily consider pollution prevention practices and alternatives at your facility. Pollution Prevention may assist you in complying with effluent limitations, and possibly reduce or eliminate monitoring requirements.

If you have questions regarding this permit or monitoring requirements, please contact Scott Ramsey by e-mail at sramsey@adem.alabama.gov or by phone at **(334) 271-7838**.

Sincerely,

Scott Ramsey, Chief
Industrial Section
Industrial/Municipal Branch
Water Division

Enclosure: Draft Permit

pc via website:

Montgomery Field Office
EPA Region IV
U.S. Fish & Wildlife Service
AL Historical Commission
Advisory Council on Historic Preservation
Department of Conservation and Natural Resources

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

PERMITTEE: MILLARD MARITIME LLC

FACILITY: THEODORE
7730 DEER RIVER RD
THEODORE, AL 36582

PERMIT NUMBER: AL0081752

RECEIVING WATERS: DSN 002: MIDDLE FORK DEER RIVER

In accordance with and subject to the provisions of the 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 Permittee is hereby authorized to discharge into the above-named receiving waters.

ISSUANCE DATE: OCTOBER 11, 2017

EFFECTIVE DATE: NOVEMBER 1, 2017

EXPIRATION DATE: OCTOBER 31, 2022

MODIFICATION ISSUED DATE:

MODIFICATION EFFECTIVE DATE:

Draft

**INDUSTRIAL SECTION
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) 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:

DSN0021: Stormwater runoff from the unloading, storage and loading of various materials including industrial salts, bulk fertilizer and iron ore fines and from fueling and storage area associated with above ground diesel storage tank. 3/4/

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

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS 1/</u>				
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency 2/</u>	<u>Sample Type</u>	<u>Seasonal</u>
pH	-	-	6.0 S.U.	-	8.5 S.U.	Monthly	Grab	-
Solids, Total Suspended	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Oil & Grease	-	-	-	-	15 mg/l	Monthly	Grab	-
Nitrogen, Ammonia Total (As N)	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Nitrogen, Kjeldahl Total (As N)	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Nitrite Plus Nitrate Total 1 Det. (As N)	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Phosphorus, Total (As P)	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Magnesium, Total (As Mg) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-

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.

- 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/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.
- 3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.
- 4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.
- 5/ For the purpose of determining compliance with the above requirements, "Total" and "Total Recoverable" shall be considered equivalent.

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:

DSN0021 (continued): Stormwater runoff from the unloading, storage and loading of various materials including industrial salts, bulk fertilizer and iron ore fines and from fueling and storage area associated with above ground diesel storage tank. 3/4/

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

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS 1/</u>				
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency 2/</u>	<u>Sample Type</u>	<u>Seasonal</u>
Barium, Total (As Ba) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Chromium, Total (As Cr) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Cobalt, Total (As Co) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Copper, Total (As Cu) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Iron, Total (As Fe) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Lead, Total (As Pb) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Manganese, Total (As Mn) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Thallium, Total (As Tl) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-

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.

- 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/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.
- 3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.
- 4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.
- 5/ For the purpose of determining compliance with the above requirements, "Total" and "Total Recoverable" shall be considered equivalent.

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:

DSN0021 (continued): Stormwater runoff from the unloading, storage and loading of various materials including industrial salts, bulk fertilizer and iron ore fines and from fueling and storage area associated with above ground diesel storage tank. 3/4/

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

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS 1/</u>				
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency 2/</u>	<u>Sample Type</u>	<u>Seasonal</u>
Nickel, Total (As Ni) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Zinc, Total (As Zn) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Aluminum, Total (As Al) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Titanium, Total (As Ti) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Alpha, Total	-	-	-	-	REPORT Picocuries	Monthly	Grab	-
Beta, Total	-	-	-	-	REPORT Picocuries	Monthly	Grab	-
Radium 226, Total	-	-	-	-	REPORT Picocuries	Monthly	Grab	-
Radium 228, Total	-	-	-	-	REPORT Picocuries	Monthly	Grab	-

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.

- 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/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.
- 3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.
- 4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.
- 5/ For the purpose of determining compliance with the above requirements, "Total" and "Total Recoverable" shall be considered equivalent.

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:

DSN0021 (continued): Stormwater runoff from the unloading, storage and loading of various materials including industrial salts, bulk fertilizer and iron ore fines and from fueling and storage area associated with above ground diesel storage tank. 3/4/

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

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS 1/</u>				
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency 2/</u>	<u>Sample Type</u>	<u>Seasonal</u>
Radium 223, Total	-	-	-	-	REPORT Picocuries	Monthly	Grab	-
Radium 224, Total	-	-	-	-	REPORT Picocuries	Monthly	Grab	-
Naphthalene	-	-	-	-	620 ug/l	Monthly	Grab	-
Flow, In Conduit or Thru Treatment Plant	REPORT MGD	REPORT MGD	-	-	-	Monthly	Grab	-
Mercury, Total (As Hg) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Carbonaceous BOD, 5 Day, 20 Deg C Filtrd	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Chemical Oxygen Demand (COD)	-	-	-	-	REPORT mg/l	Monthly	Grab	-

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.

- 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/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.
- 3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.
- 4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.
- 5/ For the purpose of determining compliance with the above requirements, "Total" and "Total Recoverable" shall be considered equivalent.

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:

DSN002Y: Stormwater runoff from the unloading, storage and loading of various materials including industrial salts, bulk fertilizer and iron ore fines and from fueling and storage area associated with above ground diesel storage tank.

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

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS 1/</u>				
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency 2/</u>	<u>Sample Type</u>	<u>Seasonal</u>
P/F Stat 48Hr Acu Mysidopsis Bahia 3/	-	-	-	-	0 pass(0)/fail(1)	Annually	Grab	-
P/F Stat 96Hr Acu Cyprinodon Variega 3/	-	-	-	-	0 pass(0)/fail(1)	Annually	Grab	-

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.

- 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/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.
- 3/ See Part IV.C for Effluent Toxicity Limitations and Biomonitoring Requirements.

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 Section 304(h) of the FWPCA, 33 U.S.C. Section 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 using the most sensitive EPA approved method. 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

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.

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.

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. The permittee shall develop and maintain quality assurance procedures to ensure proper operation and maintenance of all equipment and instrumentation. The quality assurance procedures shall include the proper use, maintenance, and installation, when appropriate, of monitoring equipment at the plant site.

C. DISCHARGE REPORTING REQUIREMENTS

1. Reporting of Monitoring Requirements

- a. The permittee shall conduct the required monitoring in accordance with the following schedule:

MONITORING REQUIRED MORE FREQUENTLY THAN MONTHLY AND 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 complete calendar quarter following the effective date of this permit and is then required to monitor once during each quarter thereafter. Quarterly monitoring may be done anytime during the quarter, unless restricted elsewhere in this permit, but it should be submitted with the last DMR due for the quarter, i.e., (March, June, September and December DMR's).

SEMIANNUAL 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 semiannual monitoring during the first complete calendar semiannual period following the effective date of this permit and is then required to monitor once during each semiannual period thereafter. Semiannual monitoring may be done anytime during the semiannual period, unless restricted elsewhere in this permit, but it should be submitted with the last DMR for the month of the semiannual period, i.e. (June and December DMR's).

ANNUAL MONITORING shall be conducted at least once during the period of January through December. The permittee shall conduct the annual monitoring during the first complete calendar annual period following the effective date of this permit and is then required to monitor once during each annual period thereafter. Annual monitoring may be done anytime during the year, unless restricted elsewhere in this permit, but it should be submitted with the December DMR.

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

REPORTS OF MORE FREQUENTLY THAN MONTHLY AND MONTHLY TESTING shall be submitted on a **monthly** basis. The first report is due on the **28th day of November, 2017**. The reports shall be submitted so that they are received by the Department no later than the 28th day of the month following the reporting period.

REPORTS OF QUARTERLY TESTING shall be submitted on a **quarterly** basis. The first report is due on the **28th day of [Month, Year]**. The reports shall be submitted so that they are received by the Department no later than the 28th day of the month following the reporting period.

REPORTS OF SEMIANNUAL TESTING shall be submitted on a semiannual basis. The reports are due on the 28th day of **JANUARY** and the 28th day of **JULY**. The reports shall be submitted so that they are received by the Department no later than the 28th day of the month following the reporting period.

REPORTS OF ANNUAL TESTING shall be submitted on an annual basis. The first report is due on the 28th day of **JANUARY**. The reports shall be submitted so that they are received by the Department no later than the 28th day of the month following the reporting period.

- 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 E2 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 5 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 the 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, 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
Post Office Box 301463
Montgomery, Alabama 36130-1463

Certified and Registered Mail containing Discharge Monitoring Reports 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
Post Office 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

- g. If this permit is a re-issuance, then the permittee shall continue to submit DMRs in accordance with the requirements of their previous permit until such time as DMRs are due as discussed in Part I.C.1.b above.

2. Noncompliance Notification

a. 24-Hour Noncompliance Reporting

The permittee shall report to the Director, within 24-hours of becoming aware of the noncompliance, any noncompliance which may endanger health or the environment. This shall include but is not limited to the following circumstances:

- (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 Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a);
- (4) contains a quantity of a hazardous substance which has been determined may be harmful to public health or welfare under Section 311(b)(4) of the FWPCA, 33 U.S.C. Section 1321(b)(4);
- (5) exceeds any discharge limitation for an effluent characteristic as a result of an unanticipated bypass or upset; and
- (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 or Designee a written report as provided in Part 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 or Designee a written report as provided in Part I.C.2.c below, such report shall be submitted with the next Discharge Monitoring Report required to be submitted by Part I.C.1 of this permit after becoming aware of the occurrence of such noncompliance.

- c. Any written report required to be submitted to the Director or Designee by Part I.C.2 a. or b. shall be submitted using a Noncompliance Notification Form (ADEM Form 421) available on the Department's website (<http://adem.alabama.gov/DeptForms/Form421.pdf>) and 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.

2. Termination of Discharge

The permittee shall notify the Director, in writing, when all discharges from any point source(s) identified in Provision I. A. of this permit have permanently ceased. This notification shall serve as sufficient cause for instituting procedures for modification or termination of the permit.

3. Updating Information

a. The permittee shall inform the Director of any change in the permittee's mailing address, 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 permit application.

b. If the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application 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.

4. Duty to Provide Information

The 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 modifying, revoking and re-issuing, suspending, or terminating this permit, in whole or in part, or to determine compliance with this permit.

5. Cooling Water and Boiler Water Additives

a. The permittee shall notify the Director in writing not later than thirty (30) 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. Notification is not required for additives that do not contain a heavy metal(s) as an active ingredient and that pass through a wastewater treatment system prior to discharge nor is notification required for additives that should not reasonably be expected to cause the cooling water or boiler water to exhibit toxicity as determined by analysis of manufacturer's data or testing by the permittee. Such notification shall include:

- (1) name and general composition of biocide or chemical;
- (2) 96-hour median tolerance limit data for organisms representative of the biota of the waterway into which the discharge will ultimately reach;
- (2) quantities to be used;
- (3) frequencies of use;
- (4) 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 cooling or boiler system(s), from which a discharge regulated by this permit occurs, is prohibited except as exempted below. The use of a biocide or additive containing zinc, chromium or related compounds may be used in special circumstances if (1) the permit contains limits for these substances, or (2) the applicant demonstrates during the application process that the use of zinc, chromium or related compounds as a biocide or additive will not pose a reasonable potential to violate the applicable State water quality standards for these substances. The use of any additive, not identified in this permit or in the application for this permit or not exempted from notification under this permit is prohibited, 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.

6. Permit Issued Based On Estimated Characteristics

- a. If this permit was issued based on estimates of the characteristics of a process discharge reported on an EPA NPDES Application Form 2D (EPA Form 3510-2D), the permittee shall complete and submit an EPA NPDES Application Form 2C (EPA Form 3510-2C) no later than two years after the date that discharge begins. Sampling required for completion of the Form 2C shall occur when a discharge(s) from the process(s) causing the new or increased discharge is occurring. If this permit was issued based on estimates concerning the composition of a stormwater discharge(s), the permittee shall perform the sampling required by EPA NPDES Application Form 2F (EPA Form 3510-2F) no later than one year after the industrial activity generating the stormwater discharge has been fully initiated.
- b. This permit shall be reopened if required to address any new information resulting from the completion and submittal of the Form 2C and or 2F.

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 ATTAINED ON THE EFFECTIVE DATE OF THIS PERMIT

2. 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.

PART II OTHER REQUIREMENTS, RESPONSIBILITIES, AND DUTIES

A. 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 C.F.R. Section 112 if required thereby.
- c. The permittee shall prepare, submit for approval and implement a Best Management Practices (BMP) Plan for containment of any or all process liquids or solids, in a manner such that these materials do not present a significant potential for discharge, if so required by the Director or his designee. When submitted and approved, the BMP Plan shall become a part of this permit and all requirements of the BMP Plan shall become requirements 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.

B. 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 specified in Provision I. A. 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 credentials and other documents as may be required by law to:

- a. enter upon the permittee's premises where a regulated facility or activity or point source 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 any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and
- d. sample or monitor, for the purposes of assuring permit compliance or as otherwise authorized by the AWPCA, any substances or parameters at any location.

C. 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 enters the same receiving stream as the permitted outfall; and
 - (3) It is necessary for essential maintenance of a treatment or control facility or system to assure efficient operation of such facility or system.
 - 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 judgment 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.C.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. C.2.a. of this permit have been met to qualify for an exemption from the discharge limitations specified in Provision I.A. of this permit.

D. 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, for permit termination, revocation and reissuance, suspension, modification; or denial of a permit renewal application.
 - 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 permit application for this 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 and 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 wastewaters 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 facilities, 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. If control of discharge during loss or failure of the primary source of power is to be accomplished by means of alternate power sources, standby generators, or retention of inadequately treated effluent, the permittee must furnish to the Director within six months a certification that such control mechanisms have been installed.

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 Blvd., Montgomery, AL 36130.
- 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. Section 1319, and Code of Alabama 1975, Section 22-22-14.

E. PERMIT TRANSFER, MODIFICATION, SUSPENSION, REVOCATION, AND REISSUANCE

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

- a. If the permittee intends to continue to discharge beyond the expiration date of this permit, the permittee shall file a complete permit application for reissuance of this permit at least 180 days prior to its expiration. If the permittee does not intend to continue discharge beyond the expiration of this permit, the permittee shall submit written notification of this intent which shall be signed by an individual meeting the signatory requirements for a permit application as set forth in ADEM Administrative Code Rule 335-6-6-.09.
- b. Failure of the permittee to apply for reissuance at least 180 days prior to permit expiration will void the automatic continuation of the expiring permit provided by ADEM Administrative Code Rule 335-6-6-.06 and should the permit not be reissued for any reason any discharge after expiration of this permit will be an unpermitted discharge.

2. Change in Discharge

- a. The permittee shall apply for a permit modification at least 180 days in advance of any facility expansion, production increase, process change, or other action that could result in the discharge of additional pollutants or increase the quantity of a discharged pollutant such that existing permit limitations would be exceeded 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 authorized it by issuance of a permit modification or a reissued 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-dini-trophenol; 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 and Revocation

a. This permit may be modified or revoked and reissued, in whole or in part, during its term for cause, including but not limited to, the following:

- (1) If cause for termination under Provision II. E. 5. of this permit exists, the Director may choose to revoke and reissue this permit instead of terminating the permit;
- (2) If a request to transfer this permit has been received, the Director may decide to revoke and reissue or to modify the permit; or
- (3) If modification or revocation and reissuance is requested by the permittee and cause exists, the Director may grant the request.

b. This permit may be modified during its term for cause, including but not limited to, the following:

- (1) If cause for termination under Provision II. E. 5. of this permit exists, the Director may choose to modify this permit instead of terminating this permit;
- (2) There are material and substantial alterations or additions to the facility or activity generating wastewater which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;
- (3) The Director has received new 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;
- (4) A new or revised requirement(s) of any applicable standard or limitation is promulgated under Sections 301(b)(2)(C), (D), (E), and (F), and 307(a)(2) of the FWPCA;
- (5) Errors in calculation of discharge limitations or typographical or clerical errors were made;
- (6) To the extent allowed by ADEM Administrative Code, Rule 335-6-6-.17, 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;
- (7) To the extent allowed by ADEM Administrative Code, Rule 335-6-6-.17, permits may be modified to change compliance schedules;
- (8) To agree with a granted variance under 301(c), 301(g), 301(h), 301(k), or 316(a) of the FWPCA or for fundamentally different factors;
- (9) To incorporate an applicable 307(a) FWPCA toxic effluent standard or prohibition;
- (10) When required by the reopener conditions in this permit;
- (11) When required under 40 CFR 403.8(e) (compliance schedule for development of pretreatment program);
- (12) Upon failure of the state to notify, as required by Section 402(b)(3) of the FWPCA, another state whose waters may be affected by a discharge permitted by this permit;
- (13) When required to correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions; or
- (14) When requested by the permittee and the Director determines that the modification has cause and will not result in a violation of federal or state law, regulations or rules.

5. Permit Termination

This permit may be terminated during its term for cause, including but not limited to, the following:

- a. Violation of any term or condition of this permit;
- b. 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;
- c. Materially false or inaccurate statements or information in the permit application or the permit;
- d. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
- e. The permittee's discharge threatens human life or welfare or the maintenance of water quality standards;
- f. Permanent closure of the facility generating the wastewater permitted to be discharged by this permit or permanent cessation of wastewater discharge;
- g. New or revised requirements of any applicable standard or limitation that is promulgated under Sections 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; or
- h. Any other cause allowed by the ADEM Administrative Code, Chapter 335-6-6.

6. Permit Suspension

This permit may be suspended during its term for noncompliance until the permittee has taken action(s) necessary to achieve compliance.

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

The filing of a request by the permittee for modification, suspension or revocation of this permit, in whole or in part, does not stay any permit term or condition.

F. 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 Section 307(a) of the FWPCA, 33 U.S.C. Section 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.

G. 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.

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.

c. If the permittee is not in compliance with the conditions of an expiring or expired permit the Director may choose to do any or all of the following provided the permittee has made a timely and complete application for reissuance of the permit:

(1) initiate enforcement action based upon the permit which has been continued;

(2) issue a notice of intent to deny the permit reissuance. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(3) reissue the new permit with appropriate conditions; or

(4) take other actions authorized by these rules and AWPCA.

4. Relief from Liability

Except as provided in Provision II.C.1 (Bypass) and Provision II.C.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 Section 311 of the FWPCA, 33 U.S.C. Section 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, Section 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. Effluent data shall not be considered confidential.

E. EXPIRATION OF PERMITS FOR NEW OR INCREASED DISCHARGES

1. If this permit was issued for a new discharger or new source, this permit shall expire eighteen months after the issuance date if construction of the facility has not begun during the eighteen-month period.
2. If this permit was issued or modified to allow the discharge of increased quantities of pollutants to accommodate the modification of an existing facility and if construction of this modification has not begun during the eighteen month period after issuance of this permit or permit modification, this permit shall be modified to reduce the quantities of pollutants allowed to be discharged to those levels that would have been allowed if the modification of the facility had not been planned.
3. Construction has begun when the owner or operator has:
 - a. begun, or caused to begin as part of a continuous on-site construction program:
 - (1) any placement, assembly, or installation of facilities or equipment; or
 - (2) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. entered into a binding contractual obligation for the purpose of placement, assembly, or installation of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under the paragraph. The entering into a lease with the State of Alabama for exploration and production of hydrocarbons shall also be considered beginning construction.

F. COMPLIANCE WITH WATER QUALITY STANDARDS

1. On the basis of the permittee's application, plans, or other available information, the Department has determined that compliance with the terms and conditions of this permit should assure compliance with the applicable water quality standards.
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 abatement action to be taken by the permittee in emergency situations or modify the 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 and, in cases of emergency, the Director may prohibit the discharge until the permit has been modified.

G. 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.

H. DEFINITIONS

1. 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).
2. 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).
3. Arithmetic Mean – means the summation of the individual values of any set of values divided by the number of individual values.

4. AWPCA - means the Alabama Water Pollution Control Act.
5. BOD – means the five-day measure of the pollutant parameter biochemical oxygen demand.
6. Bypass - means the intentional diversion of waste streams from any portion of a treatment facility.
7. CBOD – means the five-day measure of the pollutant parameter carbonaceous biochemical oxygen demand.
8. 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.
9. Daily maximum - means the highest value of any individual sample result obtained during a day.
10. Daily minimum - means the lowest value of any individual sample result obtained during a day.
11. Day - means any consecutive 24-hour period.
12. Department - means the Alabama Department of Environmental Management.
13. Director - means the Director of the Department.
14. Discharge - means "[t]he addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other wastes into waters of the state". Code of Alabama 1975, Section 22-22-1(b)(8).
15. Discharge Monitoring Report (DMR) - means the form approved by the Director to accomplish reporting requirements of an NPDES permit.
16. DO – means dissolved oxygen.
17. 8HC – means 8-hour composite sample, including any of the following:
 - a. The mixing of at least 5 equal volume samples collected at constant time intervals of not more than 2 hours over a period of not less than 8 hours between the hours of 6:00 a.m. and 6:00 p.m. If the sampling period exceeds 8 hours, sampling may be conducted beyond the 6:00 a.m. to 6:00 p.m. period.
 - b. A sample continuously collected at a constant rate over period of not less than 8 hours between the hours of 6:00 a.m. and 6:00 p.m. If the sampling period exceeds 8 hours, sampling may be conducted beyond the 6:00 a.m. to 6:00 p.m. period.
18. EPA - means the United States Environmental Protection Agency.
19. FC – means the pollutant parameter fecal coliform.
20. Flow – means the total volume of discharge in a 24-hour period.
21. FWPCA - means the Federal Water Pollution Control Act.
22. Geometric Mean – means the Nth root of the product of the individual values of any set of values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero (0) shall be considered one (1).
23. Grab Sample – means a single influent or effluent portion which is not a composite sample. The sample(s) shall be collected at the period(s) most representative of the discharge.
24. Indirect Discharger – means a nondomestic discharger who discharges pollutants to a publicly owned treatment works or a privately owned treatment facility operated by another person.
25. Industrial User – means those industries identified in the Standard Industrial Classification manual, Bureau of the Budget 1967, as amended and supplemented, under the category “Division D – Manufacturing” and such other classes of significant waste producers as, by regulation, the Director deems appropriate.
26. MGD – means million gallons per day.
27. Monthly Average – means, other than for fecal coliform bacteria, the arithmetic mean of the entire composite or grab samples taken for the daily discharges collected in one month period. The monthly average for fecal coliform bacteria is the geometric mean of daily discharge samples collected in a one month period. The monthly average for flow is the arithmetic mean of all flow measurements taken in a one month period.

28. New Discharger – means a person, owning or operating any building, structure, facility or installation:
 - a. from which there is or may be a discharge of pollutants;
 - b. that did not commence the discharge of pollutants prior to August 13, 1979, and which is not a new source; and
 - c. which has never received a final effective NPDES permit for dischargers at that site.
29. NH3-N – means the pollutant parameter ammonia, measured as nitrogen.
30. Permit application - means forms and additional information that is required by ADEM Administrative Code Rule 335-6-6-.08 and applicable permit fees.
31. 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." Section 502(14) of the FWPCA, 33 U.S.C. Section 1362(14).
32. Pollutant - includes for purposes of this permit, but is not limited to, those pollutants specified in Code of Alabama 1975, Section 22-22-1(b)(3) and those effluent characteristics specified in Provision I. A. of this permit.
33. Privately Owned Treatment Works – means any devices or system which is used to treat wastes from any facility whose operator is not the operator of the treatment works, and which is not a "POTW".
34. Publicly Owned Treatment Works – means a wastewater collection and treatment facility owned by the State, municipality, regional entity composed of two or more municipalities, or another entity created by the State or local authority for the purpose of collecting and treating municipal wastewater.
35. Receiving Stream – means the "waters" receiving a "discharge" from a "point source".
36. 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.
37. Significant Source – means a source which discharges 0.025 MGD or more to a POTW or greater than five percent of the treatment work's capacity, or a source which is a primary industry as defined by the U.S. EPA or which discharges a priority or toxic pollutant.
38. Solvent – means any virgin, used or spent organic solvent(s) identified in the F-Listed wastes (F001 through F005) specified in 40 CFR 261.31 that is used for the purpose of solubilizing other materials.
39. TKN – means the pollutant parameter Total Kjeldahl Nitrogen.
40. TON – means the pollutant parameter Total Organic Nitrogen.
41. TRC – means Total Residual Chlorine.
42. TSS – means the pollutant parameter Total Suspended Solids.
43. 24HC – means 24-hour composite sample, including any of the following:
 - a. the mixing of at least 12 equal volume samples collected at constant time intervals of not more than 2 hours over a period of 24 hours;
 - b. a sample collected over a consecutive 24-hour period using an automatic sampler composite to one sample. As a minimum, samples shall be collected hourly and each shall be no more than one twenty-fourth (1/24) of the total sample volume collected; or
 - c. a sample collected over a consecutive 24-hour period using an automatic composite sampler composited proportional to flow.
44. 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.

45. 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, Section 22-22-1(b)(2). Waters "include all navigable waters" as defined in Section 502(7) of the FWPCA, 22 U.S.C. Section 1362(7), which are within the State of Alabama.
46. Week - means the period beginning at twelve midnight Saturday and ending at twelve midnight the following Saturday.
47. Weekly (7-day and calendar week) Average – is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The calendar week is defined as beginning on Sunday and ending on Saturday. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for the calendar week shall be included in the data for the month that contains the Saturday.

I. 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. BEST MANAGEMENT PRACTICES (BMP) PLAN REQUIREMENTS

1. BMP Plan

The permittee shall develop and implement a Best Management Practices (BMP) Plan which prevents, or minimizes the potential for, the release of pollutants from ancillary activities, including material storage areas; plant site runoff; in-plant transfer, process and material handling areas; loading and unloading operations, and sludge and waste disposal areas, to the waters of the State through plant site runoff; spillage or leaks; sludge or waste disposal; or drainage from raw material storage.

2. Plan Content

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

a. Establish specific objectives for the control of pollutants:

- (1) Each facility component or system shall be examined for its potential for causing a release of significant amounts of pollutants to waters of the State due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.
- (2) Where experience indicates a reasonable potential for equipment failure (e.g., a tank overflow or leakage), natural condition (e.g. precipitation), or circumstances to result in significant amounts of pollutants reaching surface waters, the plan should include a prediction of the direction, rate of flow, and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.

b. Establish specific best management practices to meet the objectives identified under paragraph a. of this section, addressing each component or system capable of causing a release of significant amounts of pollutants to the waters of the State, and identifying specific preventative or remedial measures to be implemented;

c. Establish a program to identify and repair leaking equipment items and damaged containment structures, which may contribute to contaminated stormwater runoff. This program must include regular visual inspections of equipment, containment structures and of the facility in general to ensure that the BMP is continually implemented and effective;

d. Prevent the spillage or loss of fluids, oil, grease, gasoline, etc. from vehicle and equipment maintenance activities and thereby prevent the contamination of stormwater from these substances;

e. Prevent or minimize stormwater contact with material stored on site;

f. Designate by position or name the person or persons responsible for the day to day implementation of the BMP;

g. Provide for routine inspections, on days during which the facility is manned, of any structures that function to prevent stormwater pollution or to remove pollutants from stormwater and of the facility in general to ensure that the BMP is continually implemented and effective;

h. Provide for the use and disposal of any material used to absorb spilled fluids that could contaminate stormwater;

i. Develop a solvent management plan, if solvents are used on site. The solvent management plan shall include as a minimum lists of the solvents on site; the disposal method of solvents used instead of dumping, such as reclamation, contract hauling; and the procedures for assuring that solvents do not routinely spill or leak into the stormwater;

j. Provide for the disposal of all used oils, hydraulic fluids, solvent degreasing material, etc. in accordance with good management practices and any applicable state or federal regulations;

k. Include a diagram of the facility showing the locations where stormwater exits the facility, the locations of any structure or other mechanisms intended to prevent pollution of stormwater or to remove pollutants from stormwater, the locations of any collection and handling systems;

- b. The total volume of stormwater 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. 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 stormwater 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. of this permit.

2. Stormwater 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. of this permit.

C. EFFLUENT TOXICITY LIMITATIONS AND BIOMONITORING REQUIREMENTS

1. The permittee shall perform acute toxicity tests on the wastewater discharges required to be tested for acute toxicity by Part I of this permit.

a. Test Requirements

- (1) The tests shall be performed using undiluted effluent.
- (2) Any test where survival in the effluent concentration is less than 90% and statistically lower than the control indicates acute toxicity and constitutes noncompliance with this permit.

b. General Test Requirements:

- (1) A grab sample shall be obtained for use in above biomonitoring tests. The holding time for each sample shall not exceed 36 hours. The control water shall be a water prepared in the laboratory in accordance with the EPA procedure described in EPA 821-R-02-012 or most current edition or another control water selected by the permittee and approved by the Department.

Effluent toxicity tests in which the control survival is less than 90% or in which the other requirements of the EPA Test Procedure are not met shall be unacceptable and the permittee shall rerun the tests as soon as practical within the monitoring period.

In the event of an invalid test, upon subsequent completion of a valid test, the results of all tests, valid and invalid, are reported with an explanation of the tests performed and results.

c. Reporting Requirements:

- (1) The permittee shall notify the Department in writing within 48 hours after toxicity has been demonstrated by the scheduled test(s).
- (2) Biomonitoring test results obtained during each monitoring period shall be summarized and reported using the appropriate Discharge Monitoring Report (DMR) form approved by the Department. In accordance with Section 2. of this part, an effluent toxicity report containing the information in Section 2. shall be included with the DMR. Two copies of the test results must be submitted to the Department no later than 28 days after the month in which the tests were performed.

d. Additional Testing Requirements:

- (1) If acute toxicity is indicated (noncompliance with permit limit), the permittee shall perform four additional valid acute toxicity tests in accordance with these procedures to determine the extent and duration of the toxic condition. The toxicity tests shall be performed once per week and shall be performed during the first four calendar weeks following the date on

which the permittee became aware of the permit noncompliance and the results of these tests shall be submitted no later than 28 days following the month in which the tests were performed.

- (2) After evaluation of the results of the follow-up tests, the Department will determine if additional action is appropriate and may require additional testing and/or toxicity reduction measures. The permittee may be required to perform a Toxicity Identification Evaluation (TIE) and/or a Toxicity Reduction Evaluation (TRE). The TIE/TRE shall be performed in accordance with the most recent protocols/guidance outlined by EPA (e.g., EPA/600/2-88/062, EPA/600/R-92/080, EPA/600R-92/081, EPA/833/B-99/022 and/or EPA/600/6-91/005F, etc.).

e. Test Methods:

- (1) The tests shall be performed in accordance with the latest edition of the "EPA Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms" and shall be performed using the *Mysidopsis Bahia* and the *Cyprinodon Variega*.

2. Effluent toxicity testing reports

The following information shall be submitted with each discharge monitoring report unless otherwise directed by the Department. The Department may at any time suspend or reinstate this requirement or may increase or decrease the frequency of submittals.

a. Introduction

- (1) Facility Name, location and county
- (2) Permit number
- (3) Toxicity testing requirements of permit
- (4) Name of receiving water body
- (5) Contract laboratory information (if tests are performed under contract)
 - (a) Name of firm
 - (b) Telephone number
 - (c) Address
- (6) Objective of test

b. Plant Operations

- (1) Discharge operating schedule (if other than continuous)
- (2) Volume of discharge during sample collection to include Mean daily discharge on sample collection date (MGD, CFS, GPM)
- (3) Design flow of treatment facility at time of sampling

c. Source of Effluent and Dilution Water

- (1) Effluent samples
 - (a) Sampling point
 - (b) Sample collection dates and times (to include composite sample start and finish times)
 - (c) Sample collection method
 - (d) Physical and chemical data of undiluted effluent samples (water temperature, pH, alkalinity, hardness, specific conductance, total residual chlorine (if applicable), etc.)

- (e) Sample temperature when received at the laboratory
- (f) Lapsed time from sample collection to delivery
- (g) Lapsed time from sample collection to test initiation
- (2) Dilution Water Samples
 - (a) Source
 - (b) Collection date(s) and time(s) (where applicable)
 - (c) Pretreatment
 - (d) Physical and chemical characteristics (pH, hardness, water temperature, alkalinity, specific conductance, etc.)
- d. Test Conditions
 - (1) Toxicity test method utilized
 - (2) End point(s) of test
 - (3) Deviations from referenced method, if any, and reason(s)
 - (4) Date and time test started
 - (5) Date and time test terminated
 - (6) Type and volume of test chambers
 - (7) Volume of solution per chamber
 - (8) Number of organisms per test chamber
 - (9) Number of replicate test chambers per treatment
 - (10) Test temperature, pH and dissolved oxygen as recommended by the method (to include ranges)
 - (11) Feeding frequency, and amount and type of food
 - (12) Light intensity (mean)
- e. Test Organisms
 - (1) Scientific name
 - (2) Life stage and age
 - (3) Source
 - (4) Disease treatment (if applicable)
- f. Quality Assurance
 - (1) Reference toxicant utilized and source
 - (2) Date and time of most recent acute reference toxicant test(s), raw data, and current cusum chart(s)
 - (3) Dilution water utilized in reference toxicant test
 - (4) Results of reference toxicant test(s) (LC50, etc.), report concentration-response relationship and evaluate test sensitivity. The most recent reference toxicant test shall be conducted within 30-days of the routine.

- (5) Physical and chemical methods utilized
- g. Results
 - (1) Provide raw toxicity data in tabular form, including daily records of affected organisms in each concentration (including controls) and replicate
 - (2) Provide table of endpoints: LC50, NOAEC, Pass/Fail (as required in the applicable NPDES permit)
 - (3) Indicate statistical methods used to calculate endpoints
 - (4) Provide all physical and chemical data required by method
 - (5) Results of test(s) (LC50, NOAEC, Pass/Fail, etc.), report concentration-response relationship (**definitive test only**), report percent minimum significant difference (PMSD).
- h. Conclusions and Recommendations
 - (1) Relationship between test endpoints and permit limits
 - (2) Action to be taken

1/ Adapted from "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms", Fifth Edition, October 2002 (EPA 821-R-02-012).

ADEM PERMIT RATIONALE

PREPARED DATE: December 17, 2020
PREPARED BY: Ed Hughes

Permittee Name: Millard Maritime LLC
Facility Name: Millard Maritime
Permit Number: AL0081752

PERMIT IS A MODIFICATION

DISCHARGE SERIAL NUMBERS & DESCRIPTIONS:

DSN002: Stormwater runoff from the unloading, storage and loading of industrial salts, bulk fertilizers and iron ore fines and storage and fueling operations associated with above ground diesel storage tank.

INDUSTRIAL CATEGORY: NON-CATEGORICAL

MAJOR: N

STREAM INFORMATION:

Receiving Stream: Middle Fork Deer River (Theodore Barge Canal)
Classification: Fish & Wildlife
River Basin: Mobile
7Q10: *
7Q2: *
1Q10: *
Annual Average Flow: *
303(d) List: Yes
Impairment: Organic Enrichment (NBOD, CBOD)
TMDL: No

*Although due to tidal effects, water movement and mixing occurs in this stream segment, stream flow will be assumed to be zero.

DISCUSSION:

Millard Maritime stores industrial and food grade commodities for customers. Frozen chicken, pork and beef are stored in the refrigerated warehouse. The facility operates a liquid fertilizer terminal and a bulk fertilizer handling operation, stores and transports industrial salts and in the past stored and transported iron ore aggregate. Due to market conditions iron ore storage has been reduced /eliminated. Storm water from the frozen food storage and liquid fertilizer storage areas is regulated under a general permit. This permit covers the discharge of storm water from the remaining areas of the site.

In this modification, the facility has requested coverage for potential stormwater runoff related to a new 1000 gallon above ground, double-walled diesel storage tank. In case of a spill, contaminated runoff would be routed through a 25,000 gallon oil water separator and discharged through existing outfall DSN002. To address this change, the outfall description is being revised to include potential runoff from the diesel storage area. In addition, monitoring

for Napthalene, a component of diesel, is being added in this modification. A daily maximum limit of 620 ug/l, based on ADEM water quality criterion, is also being included in the permit.

ADEM Administrative Rule 335-6-10-.12 requires applicants to new or expanded discharges to Tier II waters demonstrate that the proposed discharge is necessary for important economic or social development in the area in which the waters are located. The application submitted by the facility is not for a discharge to a Tier II water body. Therefore, anti-degradation requirements do not apply

Proposed limitations and monitoring requirements are listed below.

0021:

<u>Parameter</u>	<u>Monthly Avg Loading</u>	<u>Daily Max Loading</u>	<u>Daily Min Concentration</u>	<u>Monthly Avg Concentration</u>	<u>Daily Max Concentration</u>	<u>Sample Frequency</u>	<u>Sample Type</u>	<u>Basis*</u>
pH	-	-	6.0 S.U.	-	8.5 S.U.	Monthly	Grab	WQBEL
Solids, Total Suspended	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Oil & Grease	-	-	-	-	15 mg/l	Monthly	Grab	BPJ
Nitrogen, Ammonia Total (As N)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Nitrogen, Kjeldahl Total (As N)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Nitrite Plus Nitrate Total 1 Det. (As N)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Phosphorus, Total (As P)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Magnesium, Total (As Mg)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Barium, Total (As Ba)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Chromium, Total (As Cr)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Cobalt, Total (As Co)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Copper, Total (As Cu)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Iron, Total (As Fe)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Lead, Total (As Pb)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Manganese, Total (As Mn)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Thallium, Total (As Tl)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Nickel, Total (As Ni)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Zinc, Total (As Zn)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Aluminum, Total (As Al)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Titanium, Total (As Ti)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Alpha, Total	-	-	-	-	REPORT Picocuries per Liter	Monthly	Grab	BPJ
Beta, Total	-	-	-	-	REPORT Picocuries per Liter	Monthly	Grab	BPJ

Radium 226, Total	-	-	-	-	REPORT Picocuries per Liter	Monthly	Grab	BPJ
Radium 228, Total	-	-	-	-	REPORT Picocuries per Liter	Monthly	Grab	BPJ
Radium 223, Total	-	-	-	-	REPORT Picocuries per Liter	Monthly	Grab	BPJ
Radium 224, Total	-	-	-	-	REPORT Picocuries per Liter	Monthly	Grab	BPJ
Naphthalene	-	-	-	-	620 ug/l	Monthly	Grab	WQBEL
Flow, In Conduit or Thru Treatment Plant	REPORT MGD	REPORT MGD	-	-	-	Monthly	Grab	BPJ
Mercury, Total (As Hg)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Carbonaceous BOD, 5 Day, 20 Deg C Filtrd	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Chemical Oxygen Demand (COD)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ

002Y:

<u>Parameter</u>	<u>Monthly Avg Loading</u>	<u>Daily Max Loading</u>	<u>Daily Min Concentration</u>	<u>Monthly Avg Concentration</u>	<u>Daily Max Concentration</u>	<u>Sample Frequency</u>	<u>Sample Type</u>	<u>Basis*</u>
P/F Stat 48Hr Acu Mysidopsis Bahia	-	-	-	-	0 pass(0)/fail(1)	Annually	Grab	WQBEL
P/F Stat 96Hr Acu Cyprinodon Variega	-	-	-	-	0 pass(0)/fail(1)	Annually	Grab	WQBEL

*Basis for Permit Limitation

- BPJ – Best Professional Judgment
- WQBEL – Water Quality Based Effluent Limits
- EGL – Federal Effluent Guideline Limitations
- TMDL – Total Maximum Daily Load Requirements



**SOUTHERN
EARTH SCIENCES**
Geotechnical | Environmental | Materials Testing

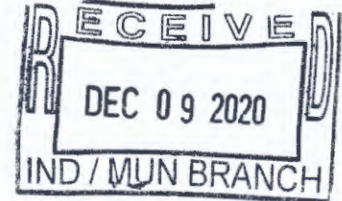
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July 29, 2020

Mr. Scott Ramsey
**Alabama Department of
Environmental Management**
Post Office Box 301463
Montgomery, Alabama 36130-1463



RE: Individual Permit Modification
Permit No. AL0081752
Milliard Maritime
7730 Deer River Road
Theodore, Alabama 36582
SESI Project No.: M17-001

#D-R#21-52835

Dear Mr. Ramsey:

On behalf of Millard Maritime, Southern Earth Sciences, Inc. (SESI) is submitting the attached Permit Modification to their existing Individual NPDES permit number AL0081752. The facility is installing a 1,000 gallon diesel aboveground storage tank (AST) to replace the existing 500 gallon AST located at the northwest corner of the main building. This tank is not placed within any berms, but it is double walled. In case of a spill the possible pollutant water will travel through a 25,000-gallon oil water separator. There are spill cleanup materials (oil dry, shovel and collection container for used oil dry) in the immediate area of the AST. An updated, fully executed version of the permit has been attached.

If you have questions regarding information in this report or if we may be of further assistance, please do not hesitate to contact the Mobile, Alabama office at 251.445.4369.

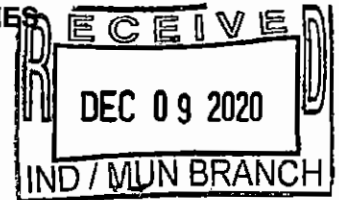
Sincerely,

SOUTHERN EARTH SCIENCES, INC.

Marty R. Reeves, P.G.
Project Manager

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT APPLICATION
SUPPLEMENTARY INFORMATION FOR INDUSTRIAL FACILITIES**

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION – INDUSTRIAL SECTION
POST OFFICE BOX 301463
MONTGOMERY, ALABAMA 36130-1463



INSTRUCTIONS: APPLICATIONS SHOULD BE TYPED OR PRINTED IN INK AND SUBMITTED TO THE DEPARTMENT IN DUPLICATE TO THE ADDRESS ABOVE. IF INSUFFICIENT SPACE IS AVAILABLE TO ADDRESS ANY ITEM, PLEASE CONTINUE ON AN ATTACHED SHEET OF PAPER. PLEASE MARK N/A IN THE APPROPRIATE BOX WHEN AN ITEM IS NON-APPLICABLE TO THE APPLICANT.

PURPOSE OF THIS APPLICATION

- | | |
|--|---|
| <input type="checkbox"/> INITIAL PERMIT APPLICATION FOR NEW FACILITY | <input type="checkbox"/> INITIAL PERMIT APPLICATION FOR EXISTING FACILITY |
| <input checked="" type="checkbox"/> MODIFICATION OF EXISTING PERMIT | <input type="checkbox"/> REISSUANCE OF EXISTING PERMIT |
| <input type="checkbox"/> REVOCATION & REISSUANCE OF EXISTING PERMIT | |

1. Facility Name: Millard Maritime

a. Operator Name: Millard Maritime

b. Is the operator identified in 1.a., the owner of the facility? Yes No
If no, provide the name and address of the operator and submit information indicating the operator's scope of responsibility for the facility.

2. NPDES Permit Number AL 0 0 8 1 7 5 2

3. SID Permit Number (if applicable): IU _____ - _____ - _____

4. NPDES General Permit Number (if applicable) ALG 1 4 0 9 3 6

5. Facility Physical Location: (Attach a map with location marked; street, route no. or other specific identifier)

Street: 7730 Deer River Road

City: Theodore County: Mobile State: AL Zip: 36582

Facility (Front Gate) Latitude: _____ Longitude: _____

6. Facility Mailing Address (Street or Post Office Box): 7730 Deer River Road

City: Theodore State: AL Zip: 36582

7. Responsible Official (as described on page 13 of this application):

Name and Title: BRADLEY S. HALL
Address: 7730 DEER RIVER ROAD
City: THEODORE State: AL Zip: 36582
Phone Number: 251-443-6755
EMAIL Address: BHALL@MILLARDMARITIME.COM

8. Designated Facility Contact:

Name and Title: CRAIG FOIL, GENERAL MANAGER
Phone Number: 251.443.6755 251-295-1136
EMAIL Address: CFOIL@MILLARDMARITIME.COM

9. Designated Discharge Monitoring Report Contact:

Name and Title: JEFF MCFARLAND, PLANT ENGINEER
Phone Number: 251.443.6755 251-243-8419
EMAIL Address: JMCFARLAND@MILLARDMARITIME.COM

10. Type of Business Entity:

Corporation General Partnership Limited Partnership
 Sole Proprietorship Other (Please Specify) _____

11. Complete this section if the Applicant's business entity is a Corporation

a) Location of Incorporation:

Address: Millard Maritime, A Delaware Limited Liability Company, 13030 Pierce Street
City: Omaha County: Douglas State: NE Zip: 68144

b) Parent Corporation of Applicant:

Name: _____
Address: _____
City: _____ State: _____ Zip: _____

c) Subsidiary Corporation(s) of Applicant:

Name: A
Address: _____
City: _____ State: _____ Zip: _____

d) Corporate Officers:

Name: Lance Larsen, CEO
Address: 13030 Pierce Street
City: Omaha State: NE Zip: 68144

Name: Brian Vinchur
Address: 13030 Pierce Street
City: Omaha State: NE Zip: 68144

e) Agent designated by the corporation for purposes of service:

Name: _____
Address: _____
City: _____ State: _____ Zip: _____

12. If the Applicant's business entity is a Partnership, please list the general partners.

Name: NA
Address: _____
City: _____ State: _____ Zip: _____

Name: _____
Address: _____
City: _____ State: _____ Zip: _____

13. If the Applicant's business entity is a Proprietorship, please enter the proprietor's information.

Name: NA
Address: _____
City: _____ State: _____ Zip: _____

14. Permit numbers for Applicant's previously issued NPDES Permits and identification of any other State of Alabama Environmental Permits presently held by the Applicant, its parent corporation, or subsidiary corporations within the State of Alabama:

<u>Permit Name</u>	<u>Permit Number</u>	<u>Held By</u>
NPDES General Permit	ALG140936	Millard Refrigerated Services
_____	_____	_____
_____	_____	_____

15. Identify all Administrative Complaints, Notices of Violation, Directives, Administrative Orders, or Litigation concerning water pollution, if any, against the Applicant, its parent corporation or subsidiary corporations within the State of Alabama within the past five years (attach additional sheets if necessary):

<u>Facility Name</u>	<u>Permit Number</u>	<u>Type of Action</u>	<u>Date of Action</u>
NA	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SECTION B – BUSINESS ACTIVITY

1. Indicate applicable Standard Industrial Classification (SIC) Codes for all processes (If more than one applies, list in order of importance:

- a. 4491 - Marine Cargo Holding
- b. _____
- c. _____
- d. _____
- e. _____

2. If your facility conducts or will be conducting any of the processes listed below (regardless of whether they generate wastewater, waste sludge, or hazardous waste), place a check beside the category of business activity (check all that apply):

Industrial Categories

- | | |
|---|---|
| <input type="checkbox"/> Aluminum Forming | <input type="checkbox"/> Metal Molding and Casting |
| <input type="checkbox"/> Asbestos Manufacturing | <input type="checkbox"/> Metal Products |
| <input type="checkbox"/> Battery Manufacturing | <input type="checkbox"/> Nonferrous Metals Forming |
| <input type="checkbox"/> Can Making | <input type="checkbox"/> Nonferrous Metals Manufacturing |
| <input type="checkbox"/> Canned and Preserved Fruit and Vegetables | <input type="checkbox"/> Oil and Gas Extraction |
| <input type="checkbox"/> Canned and Preserved Seafood | <input type="checkbox"/> Organic Chemicals Manufacturing |
| <input type="checkbox"/> Cement Manufacturing | <input type="checkbox"/> Paint and Ink Formulating |
| <input type="checkbox"/> Centralized Waste Treatment | <input type="checkbox"/> Paving and Roofing Manufacturing |
| <input type="checkbox"/> Carbon Black | <input type="checkbox"/> Pesticides Manufacturing |
| <input type="checkbox"/> Coal Mining | <input type="checkbox"/> Petroleum Refining |
| <input type="checkbox"/> Coil Coating | <input type="checkbox"/> Phosphate Manufacturing |
| <input type="checkbox"/> Copper Forming | <input type="checkbox"/> Photographic |
| <input type="checkbox"/> Electric and Electronic Components Manufacturing | <input type="checkbox"/> Pharmaceutical |
| <input type="checkbox"/> Electroplating | <input type="checkbox"/> Plastic & Synthetic Materials |
| <input type="checkbox"/> Explosives Manufacturing | <input type="checkbox"/> Plastics Processing Manufacturing |
| <input type="checkbox"/> Feedlots | <input type="checkbox"/> Porcelain Enamel |
| <input type="checkbox"/> Ferroalloy Manufacturing | <input type="checkbox"/> Pulp, Paper, and Fiberboard Manufacturing |
| <input type="checkbox"/> Fertilizer Manufacturing | <input type="checkbox"/> Rubber |
| <input type="checkbox"/> Foundries (Metal Molding and Casting) | <input type="checkbox"/> Soap and Detergent Manufacturing |
| <input type="checkbox"/> Glass Manufacturing | <input type="checkbox"/> Steam and Electric |
| <input type="checkbox"/> Grain Mills | <input type="checkbox"/> Sugar Processing |
| <input type="checkbox"/> Gum and Wood Chemicals Manufacturing | <input type="checkbox"/> Textile Mills |
| <input type="checkbox"/> Inorganic Chemicals | <input type="checkbox"/> Timber Products |
| <input type="checkbox"/> Iron and Steel | <input type="checkbox"/> Transportation Equipment Cleaning |
| <input type="checkbox"/> Leather Tanning and Finishing | <input type="checkbox"/> Waste Combustion |
| <input type="checkbox"/> Metal Finishing | <input checked="" type="checkbox"/> Other (specify) <u>Salt Storage</u> |
| <input type="checkbox"/> Meat Products | |

A facility with processes inclusive in these business areas may be covered by Environmental Protection (EPA) categorical standards. These facilities are termed "categorical users" and should skip to question 2 of Section C.

3. Give a brief description of all operations at this facility including primary products or services (attach additional sheets if necessary):

Millard Maritime is a third party logistics company that stores products for other companies at their facility.

Millard Maritime is changing the size of it petroleum AST from 500 gallons to 1000 gallon. The AST is double walled.

This tank is not placed within any berms. In case of a spill the possible pollutant water will travel through a 25,000 gallon oil/water separator. Spill cleanup materials (oil dry, shovel) are located in the immediate vicinity of the AST.

SECTION C – WASTEWATER DISCHARGE INFORMATION

Facilities that checked activities in question 2 of Section B and are considered Categorical Industrial Users should skip to question 2 of this section.

1. **For Non-Categorical Users Only:** Provide wastewater flows for each of the processes or proposed processes. Using the process flow schematic (Figure 1, pg 14), enter the description that corresponds to each process. [New facilities should provide estimates for each discharge.]

Process Description	Last 12 Months (gals/day) Highest Month Avg. Flow	Highest Flow Year of Last 5 (gals/day) Monthly Avg. Flow	Discharge Type (batch, continuous, intermittent)
Storage of salt	No data available	No data available	Intermittent

If batch discharge occurs or will occur, indicate: [New facilities may estimate.]

- a. Number of batch discharges: _____ per day
- b. Average discharge per batch: _____ (GPD)
- c. Time of batch discharges _____ at _____
(days of week) (hours of day)
- d. Flow rate: _____ gallons/minute
- e. Percent of total discharge: _____

Non-Process Discharges (e.g. non-contact cooling water)	Last 12 Months (gals/day) Highest Month Avg. Flow	Highest Flow Year of Last 5 (gals/day) Monthly Avg. Flow

2. **Complete this Section only if you are subject to Categorical Standards and plan to directly discharge the associated wastewater to a water of the State.** If Categorical wastewater is discharged exclusively via an indirect discharge to a public or privately-owned treatment works, check "Yes" in the appropriate space below and proceed directly to part 2.c .

Yes

For Categorical Users: Provide the wastewater discharge flows or production (whichever is applicable by the effluent guidelines) for each of your processes or proposed processes. Using the process flow schematic (Figure 1, pg 14), enter the description that corresponds to each process. [New facilities should provide estimates for each discharge.]

2a.

<u>Regulated Process</u>	<u>Applicable Category</u>	<u>Applicable Subpart</u>	<u>Type of Discharge Flow (batch, continuous, intermittent)</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

2b.

<u>Process Description</u>	<u>Last 12 Months (gals/day) Highest Month Average*</u>	<u>Highest Flow Year of Last 5 (gals/day) Monthly Average*</u>	<u>Discharge Type (batch, continuous, intermittent)</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

*** Reported values should be expressed in units of the applicable Federal production-based standard. For example, flow (MGD), production (pounds per day), etc.**

If batch discharge occurs or will occur, indicate: [New facilities may estimate.]

- a. Number of batch discharges: _____ per day
- b. Average discharge per batch: _____ (GPD)
- c. Time of batch discharges _____ at _____
(days of week) (hours of day)
- d. Flow rate: _____ gallons/minute

Percent of total discharge: _____

2c.

<u>Non categorical Process Description</u>	<u>Last 12 Months (gals/day) Highest Month Avg. Flow</u>	<u>Highest Flow Year of Last 5 (gals/day) Monthly Avg. Flow</u>	<u>Discharge Type (batch, continuous, intermittent)</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

If batch discharge occurs or will occur, indicate: [New facilities may estimate.]

- a. Number of batch discharges: _____ per day
- b. Average discharge per batch: _____ (GPD)
- c. Time of batch discharges _____ at _____
(days of week) (hours of day)
- d. Flow rate: _____ gallons/minute

Percent of total discharge: _____

2d.

Non-Process Discharges (e.g. non-contact cooling water)	Last 12 Months (gals/day) Highest Month Avg. Flow	Highest Flow Year of Last 5 (gals/day) Monthly Avg. Flow
_____	_____	_____
_____	_____	_____

All Applicants must complete Questions 3 – 5.

3. Do you have, or plan to have, automatic sampling equipment or continuous wastewater flow metering equipment at this facility?

Flow Metering	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Sampling Equipment	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>

If so, please indicate the present or future location of this equipment on the sewer schematic and describe the equipment below:

4. Are any process changes or expansions planned during the next three years that could alter wastewater volumes or characteristics? Yes No (If no, skip Question 5)

Briefly describe these changes and their anticipated effects on the wastewater volume and characteristics:

5. List the trade name and chemical composition of all biocides and corrosion inhibitors used:

Trade Name	Chemical Composition
NA	NA
_____	_____

For each biocide and/or corrosion inhibitor used, please include the following information:

- (1) 96-hour median tolerance limit data for organisms representative of the biota of the waterway into which the discharge will ultimately reach,
- (2) quantities to be used,
- (3) frequencies of use,
- (4) proposed discharge concentrations, and
- (5) EPA registration number, if applicable

SECTION D – WATER SUPPLY

Water Sources (check as many as are applicable):

Private Well

Surface Water

Municipal Water Utility (Specify City): _____

Other (Specify): _____

IF MORE THAN ONE WELL OR SURFACE INTAKE, PROVIDE DATA FOR EACH ON AN ATTACHMENT

City: NA *MGD Well: NA *MGD Well Depth: NA Ft. Latitude: NA Longitude: NA

Surface Intake Volume: NA *MGD Intake Elevation in Relation to Bottom NA Ft.

Intake Elevation: NA Ft. Latitude: NA Longitude: NA

Name of Surface Water Source: NA

* MGD – Million Gallons per Day

Cooling Water Intake Structure Information

Complete questions 1 and 2 if your water supply is provided by an outside source and not by an onsite water intake structure? (e.g., another industry, municipality, etc...)

1. Does the provider of your source water operate a surface water intake? Yes No
(If yes, continue, if no, go to Section E.)

a) Name of Provider _____ b) Location of Provider _____

c) Latitude: _____ Longitude: _____

2. Is the provider a public water system (defined as a system which provides water to the public for human consumption or which provides only treated water, not raw water)? Yes No
(If yes, go to Section E, if no, continue.)

Only to be completed if you have a cooling water intake structure or the provider of your water supply uses an intake structure and does not treat the raw water.

3. Is any water withdrawn from the source water used for cooling? Yes No

4. Using the average monthly measurements over any 12-month period, approximately what percentage of water withdrawn is used exclusively for cooling purposes? _____%

5. Does the cooling water consist of treated effluent that would otherwise be discharged? Yes No
(If yes, go to Section E, if no, complete questions 6 – 17.)

6. a. Is the cooling water used in a once-through cooling system? Yes No
b. Is the cooling water used in a closed cycle cooling system? Yes No

7. When was the intake installed?
(Please provide dates for all major construction/installation of intake components including screens)

8. What is the maximum intake volume?
(maximum pumping capacity in gallons per day)

9. What is the average intake volume?
(average intake pump rate in gallons per day average in any 30-day period)

10. What is the actual intake flow (AIF) as defined in 40 CFR §125.92(a)? _____MGD
11. How is the intake operated? (e.g., continuously, intermittently, batch)
12. What is the mesh size of the screen on your intake?
13. What is the intake screen flow-through area?
14. What is the through-screen design intake flow velocity? _____ ft/sec
15. What is the through-screen actual velocity (in ft/sec)? _____ft/sec
16. What is the mechanism for cleaning the screen? (e.g., does it rotate for cleaning)
17. Do you have any additional fish detraction technology on your intake? Yes No
18. Have there been any studies to determine the impact of the intake on aquatic organisms? Yes No (If yes please provide.)
19. Attach a site map showing the location of the water intake in relation to the facility, shoreline, water depth, etc.

SECTION E – WASTE STORAGE AND DISPOSAL INFORMATION

Provide a description of the location of all sites involved in the storage of solids or liquids that could be accidentally discharged to a water of the state, either directly or indirectly via such avenues as storm water drainage, municipal wastewater systems, etc., which are located at the facility for which the NPDES application is being made. Where possible, the location should be noted on a map and included with this application:

Description of Waste	Description of Storage Location
NA	NA

Provide a description of the location of the ultimate disposal sites of solid or liquid waste by-products (such as sludges) from any wastewater treatment system located at the facility.

Description of Waste	Quantity (lbs/day)	Disposal Method*
NA	NA	NA

***Indicate which wastes identified above are disposed of at an off-site treatment facility and which are disposed of on-site. If any wastes are sent to an off-site centralized waste treatment facility, identify the waste and the facility.**

SECTION F – COASTAL ZONE INFORMATION

Is the discharge(s) located within 10-foot elevation of Mobile or Baldwin County?

Yes No If yes, then complete items A through M below:

	YES	NO
A. Does the project require new construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Will the project be a source of new air emissions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Does the project involve dredging and/or filling?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has the Corps of Engineers (COE) permit been received?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Corps Project Number _____		
D. Does the project involve wetlands and/or submersed grassbeds?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. Are oyster reefs located near the project site? (Include a map showing project and discharge location with respect to oyster reefs)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. Does the project involve the siting, construction and operation of an energy facility as defined in ADEM Admin. Code R. 335-8-1-.02(bb)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G. Does the project involve shoreline erosion mitigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
H. Does the project involve construction on beaches and dunes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I. Will the project interfere with public access to coastal waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
J. Does the project lie within the 100-year floodplain?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
K. Does the project involve the registration, sale, use, or application of pesticides?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
L. Does the project propose to construct a new well or alter an existing well to pump more than 50 GPD?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
M. Has the applicable permit been obtained?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SECTION G – ANTI-DEGRADATION EVALUATION

In accordance with 40 CFR 131.12 and the Alabama Department of Environmental Management Administrative Code, Section 335-6-10-.04 for antidegradation, the following information must be provided, if applicable. It is the applicant's responsibility to demonstrate the social and economic importance of the proposed activity. If further information is required to make this demonstration, attach additional sheets to the application.

- Is this a new or increased discharge that began after April 3, 1991? Yes No
If yes, complete question 2 below. If no, go to Section H.
- Has an Anti-Degradation Analysis been previously conducted and submitted to the Department for the new or increased discharge referenced in question 1? Yes No

If yes, do not complete this section.

If no, and the discharge is to a Tier II waterbody as defined in ADEM Admin. Code r. 335-6-10-.12(4), complete questions A through F below and ADEM forms 311 and 313 (attached). Form 313 must be provided for each alternative considered technically viable.

Information required for new or increased discharges to high quality waters:

- A. What environmental or public health problem will the discharger be correcting?
NA
- B. How much will the discharger be increasing employment (at its existing facility or as the result of locating a new facility)?
Millard is an existing facility. There is no expected increase in employment.
- C. How much reduction in employment will the discharger be avoiding?
NA
- D. How much additional state or local taxes will the discharger be paying?
Additional state or local taxes is not expected.
- E. What public service to the community will the discharger be providing?
NA
- F. What economic or social benefit will the discharger be providing to the community?
There will be no change to economic and social benefits to the community.

SECTION H – EPA Application Forms

All Applicants must submit EPA permit application forms. More than one application form may be required from a facility depending on the number and types of discharges or outfalls found there. The EPA application forms are found on the Department's website at <http://www.adem.state.al.us/>. The EPA application forms must be submitted in duplicate as follows:

1. All applicants must submit Form 1.
2. Applicants for existing industrial facilities (including manufacturing facilities, commercial facilities, mining activities, and silvicultural activities) which discharge process wastewater must submit Form 2C.
3. Applicants for new industrial facilities which propose to discharge process wastewater must submit Form 2D.
4. Applicants for new and existing industrial facilities which discharge only non-process wastewater (i.e., non-contact cooling water and/or sanitary wastewater) must submit Form 2E.
5. Applicants for new and existing facilities whose discharge is composed entirely of storm water associated with industrial activity must submit Form 2F, unless exempted by § 122.26(c)(1)(ii). If the discharge is composed of storm water and non-storm water, the applicant must also submit Forms 2C, 2D, and/or 2E, as appropriate (in addition to Form 2F).

SECTION I – ENGINEERING REPORT/BMP PLAN REQUIREMENTS

See ADEM 335-6-6-.08(i) & (j)

SECTION J- RECEIVING WATERS

Receiving Water(s)	303(d) Segment? (Y / N)	Included in TMDL?*
Middle Fork Deer River	Yes	No

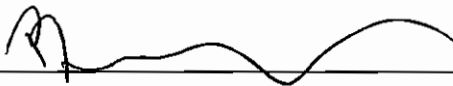
- *If a TMDL Compliance Schedule is requested, the following should be attached as supporting documentation:
- (1) Justification for the requested Compliance Schedule (e.g. time for design and installation of control equipment, etc.);
 - (2) Monitoring results for the pollutant(s) of concern which have not previously been submitted to the Department (sample collection dates, analytical results (mass and concentration), methods utilized, MDL/ML, etc. should be submitted as available);
 - (3) Requested interim limitations, if applicable;
 - (4) Date of final compliance with the TMDL limitations; and,
 - (5) Any other additional information available to support requested compliance schedule.

SECTION K - APPLICATION CERTIFICATION

THE INFORMATION CONTAINED IN THIS FORM MUST BE CERTIFIED BY A RESPONSIBLE OFFICIAL AS DEFINED IN ADEM ADMINISTRATIVE RULE 335-6-6-.09 "SIGNATORIES TO PERMIT APPLICATIONS AND REPORTS" (SEE BELOW).

"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 THE INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS."

SIGNATURE OF RESPONSIBLE OFFICIAL:



DATE SIGNED: 12-3-2020

(TYPE OR PRINT) NAME OF RESPONSIBLE OFFICIAL: Bradley S. Hall

TITLE OF RESPONSIBLE OFFICIAL: President

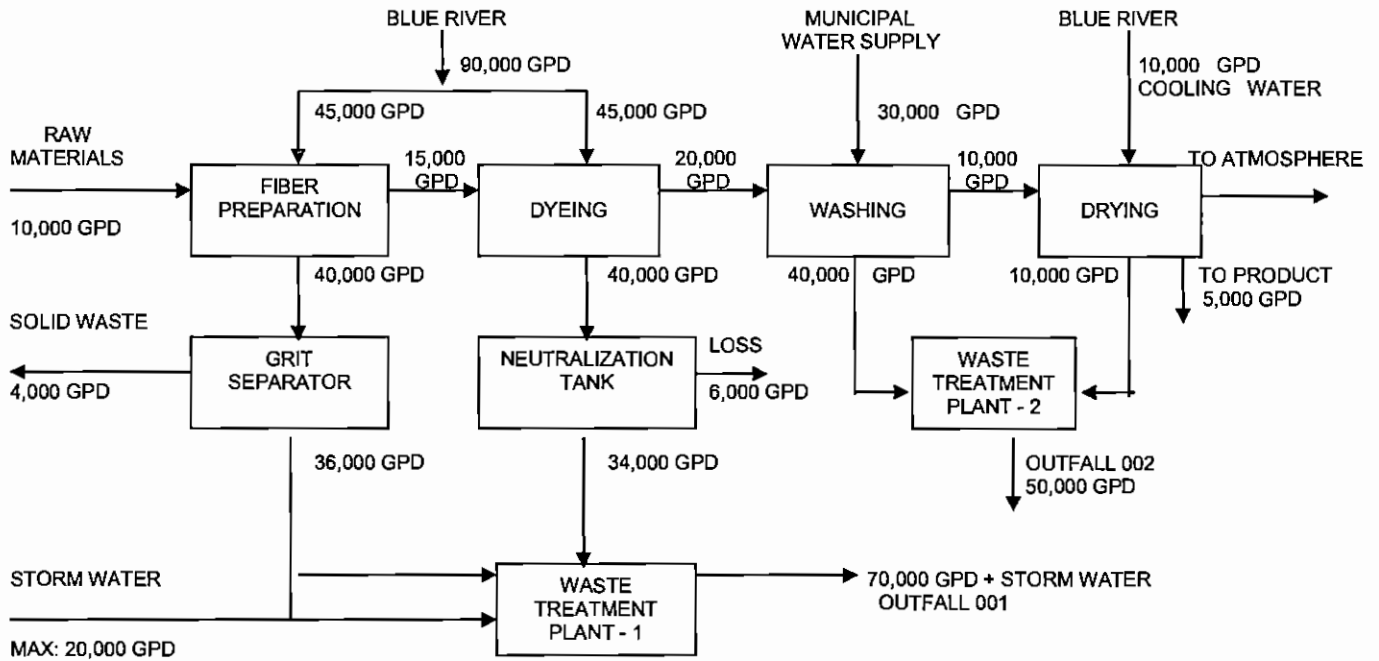
MAILING ADDRESS: 7730 Deer River Road

CITY, STATE, ZIP: Theodore, Alabama 36582 PHONE: 251.216.3520

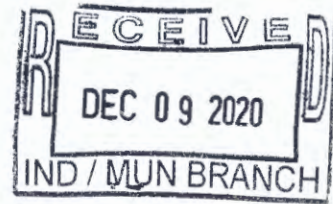
335-6-6-.09 SIGNATORIES TO PERMIT APPLICATIONS AND REPORTS.

- (1) The application for an NPDES permit shall be signed by a responsible official, as indicated below:
 - (a) In the case of a corporation, by a principal executive officer of at least the level of vice president, or a manager assigned or delegated in accordance with corporate procedures, with such delegation submitted in writing if required by the Department, who is responsible for manufacturing, production, or operating facilities and is authorized to make management decisions which govern the operation of the regulated facility;
 - (b) In the case of a partnership, by a general partner;
 - (c) In the case of a sole proprietorship, by the proprietor; or
 - (d) In the case of a municipal, state, federal, or other public entity, by either a principal executive officer, or ranking elected official.

FIGURE 1



SCHEMATIC OF WATER FLOW
BROWN MILLS INC
CITY, COUNTY, STATE



BEST MANAGEMENT PRACTICES PLAN

PREPARED FOR:

MILLARD MARITIME LLC
7730 DEER RIVER ROAD
THEODORE, ALABAMA 36582
SESI Project No: M17-001

JUNE 4, 2020

PREPARED BY:



**SOUTHERN
EARTH SCIENCES**

Geotechnical | Environmental | Materials Testing

5460 Rangeline Road
Mobile, Alabama 36619
(251) 344-7711

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- Appendix D BMP PLAN Certification

List of Acronyms and Abbreviations

- ADEM Alabama Department of Environmental Management
- BMP Best Management Practice
- DMR Discharge Monitoring Report
- NOI Notice of Intent
- NPDES National Pollutant Discharge Elimination
- UAN Urea-Ammonia Nitrate

1.0 Introduction

1.1 Purpose

This document has been updated to the current site conditions and operations as of the date of issuance. This document is intended to serve as the Best Management Practices (BMP) Plan for the Millard Refrigerated Services facility (Millard) located in Theodore, Alabama. The facility is covered by an Alabama Department of Environmental Management's (ADEM) National Pollutant Discharge Elimination System (NPDES) General Permit as well as NPDES Permit Number AL0081752. This BMP only covers permitted storm water runoff and discharges from the Millard facility.

The purpose of the BMP Plan is to maintain compliance with the NPDES General Permit for Storm Water Discharges Associated with Transportation Industries and Warehousing, ALG140936 and individual permit AL0081752. This BMP Plan has been prepared in accordance with good engineering practices.

1.2 Site Description

The Millard site located at 7730 Deer River Road in Theodore, Alabama is an industrial facility that transloads a variety of aggregates and commodities via barge and railcar. This material is received, stored and transported by truck or vessel off-site. Liquid Urea-Ammonia Nitrate (UAN) fertilizer ($<2\%NH_3$) will be stored or transferred on-site in a double walled 6 million gallon tank.

1.3 Receiving Waters

Storm water from the Millard facility is discharged through four outfalls. DSN001-1 is located on the northwest side of the parking area. DSN001-2 is located east of the warehouse and DSN001-3 is located at the southeast corner of the facility. DSN002 is located near the eastern edge of the facility. DSN001-1, DSN001-2 and DSN001-3 are treated by an oil water separator prior to discharge to Middle Fork Deer River.

Figure 1 is a site location map that depicts the boundaries of the facility. **Figure 2** is a facility plot plan which depicts permitted outfalls, direction of storm water flow, materials stored on site and location of tanks.

2.0 Measures and Controls

2.1 Good Housekeeping

Measures designed to maintain a safe, clean, and orderly work environment also can be tailored to contribute to the prevention of potential pollutant sources from impacting storm water runoff. Good housekeeping practices also reduce the potential of accidental spills caused by mishandling of significant materials. General order and cleanliness will be practiced throughout the site. Each employee will be responsible for keeping work areas clean and orderly. All debris and waste materials will be properly disposed of in a designated waste collection area or container for subsequent disposal. Inspections for leaks and conditions of drums, tanks, and containers will be conducted during the facility inspections required by this BMP Plan (Section 4.0). Immediately upon discovery, equipment failures and required repairs will be addressed.

Improperly stored materials can also result in the exposure of potential pollutants to storm water runoff. Sound storage methods and procedures will ensure that the potential for exposure is minimized. All materials and chemicals should be identified, clearly labeled, and stored in secured locations away from direct traffic routes and under cover. Adequate aisle space will be maintained near all materials in order to provide easy and safe access for storage and handling.

General trash and rubbish at the site are collected in containers and/or dumpsters and disposed of off-site at a permitted solid waste landfill by a contractor. Solid waste will be properly managed in accordance with applicable solid waste regulations.

Material transfer operations including truck unloading/loading will be performed by qualified personnel only. Qualified personnel is a person or persons who are knowledgeable of the requirements of the general and individual permits, familiar with the facility, knowledgeable of this BMP, able to assess conditions and activities that could impact storm water quality at the facility, and able to evaluate the effectiveness of control measures. Any spilled material will be collected and properly disposed of immediately.

2.2 Minimizing Exposure

Most commodities are stored under cover except for the iron ore aggregate. Fluid leaks from vehicles equipment will be cleaned up immediately. A drip pan will be placed under the leaking vehicle and the leak will be fixed as soon as possible. The same procedure will be followed with any fuel storage tanks that are utilized on site.

2.3 Preventive Maintenance

A preventive maintenance program for all equipment and storm water management structural controls is an important component of the BMP Plan. This program includes visual inspections, general maintenance and/or repair, and calibrations and/or testing, if applicable. Although visual inspections are not intended to be exhaustive, they will be conducted on a routine (monthly) basis by Millard personnel to observe and verify the effectiveness of equipment and storm water management structural controls at the site. The storm water conveyance system is routinely cleaned of rubbish/trash to maintain proper drainage and reduce suspended solids in the storm water.

2.2 Spill Prevention and Response

Spills and leaks are a common source of pollutants to storm water discharges. Careful prevention and immediate response to spills or leaks will minimize the likelihood of contact with storm water runoff from the Millard facility. Any materials spilled/released will be properly contained, recovered, and disposed of off-site, if applicable, so as to prevent contamination of storm water.

In the event of a spill, the individual who discovers the spill will take any appropriate action to contain or minimize the spill and then notify the shift supervisor. In most cases, spills or leaks can be dry swept after an absorbent has been applied to recover the spilled material. Oil absorbent pads are also available. All responses to significant (equal to or above Reportable Quantity) spill incidents requiring notification of regulatory agencies will be conducted in accordance with state and federal regulations.

2.3 Sediment and Erosion Control

Areas prone to sediment erosion (e.g., ditches, unpaved roads, undeveloped areas) will be monitored and addressed by erosion controls. Erosion controls can include silt fencing, wattles, sand bags or hay bales. Each area identified through monitoring will be maintained with limestone or seeded to improve the stabilization of soils by reestablishing vegetative growth and cover. Existing vegetative practices include the maintenance of previous seeded vegetated areas. All storm water conveyances will be kept clear of obstruction.

2.4 Management of Runoff

The management of runoff at the facility is achieved through existing structural controls and BMPs. These include traditional storm water management practices, such as, the use of concrete curbing and containment dikes as well as sand bags.

Most miscellaneous outdoor storage areas have been provided with containment structures (e.g., concrete pads and curbs, secondary containment, and under roof) to minimize the potential of spills or leaks to come in contact with storm water runoff. The iron ore aggregate storage area is not covered with a roof, but has curbing in the form of sandbags that direct the flow of stormwater to the ditch at the southeastern edge of the facility. Proper storage method and procedures, as described in Section 2.1, will be implemented for all storage areas.

Sweepings and wash downs will be continuously performed on floor surfaces to maintain a clean working environment and to minimize exposure of solids to storm water runoff. Residual wash down water will not be allowed to mix with storm water.

2.5 Fueling Activities

On-site vehicle fueling for the equipment involved in loading the iron ore aggregate is performed at the northwest corner of the main building via an aboveground 1,000-gallon diesel storage tank (AST). This tank is not placed within any berms but it is double walled. In case of a spill the possible pollutant water will travel through a 25,000-gallon oil water separator. There are spill cleanup materials (oil dry, shovel and collection container for used oil dry) in the immediate area of the AST.

2.6 Other Controls

Off-site vehicle tracking of final or waste materials or sediments, and the generation of dust will be minimized by keeping vehicles on designated roads as much as possible. During dry periods, when dust is being generated, the facilities will periodically spray the dusty areas with water to minimize the generation of dust. Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas will also be minimized by keeping well-traveled areas clear of materials.

Velocity dissipation devices will be placed at discharge locations and along the length of any outfall channel, as needed, to provide a non-erosive flow velocity from the structure and to protect the stream bed.

In addition to the mitigation measures mentioned above Millard personnel are also familiar with the ADEM requirements for the permitting of construction projects. ADEM requires that any construction projects that include the disturbance of one acre or greater are required to be permitted under the NPDES construction storm water general permit. The facility or contractor will be required to complete a Notice of Intent (NOI) as well as a Construction BMP prior to beginning work.

2.7 Maintenance

All BMPs identified in this BMP Plan will be maintained in effective operating condition. If site inspections identify BMPs that are not operating effectively, maintenance must be performed before the next anticipated storm event or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

3.0 Best Management Practices Team

The BMP team includes the Plant Manager, who is responsible for the overall environmental program at the facility. The Plant Manager is responsible for developing, implementing, maintaining, and revising the BMP Plan as well as signing all certifications in the BMP Plan.

The Environmental Coordinator is responsible for assisting the Plant Manager in developing, implementing, maintaining, and revising the BMP Plan, and training personnel. The Environmental Coordinator is also responsible for conducting monthly inspections and preparing and maintaining all records and reports.

The Maintenance Manager is responsible for conducting any general maintenance and/or repair of BMPs, calibrations of testing equipment, and/or wastewater sampling, as required.

4.0 Facility Inspections

Visual inspections of parking areas, fluid lines, air compressors, solid waste dumpsters, product storage areas, recycling areas, loading and unloading areas, equipment storage areas, and heavy equipment will be performed to detect corrosion or damaged equipment. The oil-water separators at each outfall will also be inspected to ensure they are performing adequately. Any leaks or spills identified will be promptly contained and cleaned. The results of the visual inspections and the corrective action taken in response to any deficiencies or opportunities for improvement must be documented. Any deficiencies detected must be corrected, as soon as practicable. An inspection form is included as **Appendix A**. A log of all inspections performed and any corrective actions taken for the last three years and signed by the person performing the inspection and any corrective actions taken must be kept at the facility. ***Inspections will be conducted monthly, on days during which the facility is manned.***

5.0 Employee Training

Training on good housekeeping, material management practices, and spill prevention and response is conducted routinely by personnel responsible for conducting these activities. Training will also inform the employees of the goals of the BMP Plan. A description of the training program is kept on file at Millard. Training will be conducted annually and is tentatively set for the first quarter of every year. The BMP Plan training form sign-in-sheet can be found in **Appendix B**.

All personnel who perform work with materials that are potential storm water pollutants are required to review this plan as part of a regular training program. Each employee is required to re-read the plan annually and/or complete storm water training. New employees read the plan as part of their employee orientation, and are taught the appropriate protocols for handling materials and fuels. The Environmental Coordinator continually observes employee activities and reinforces proper protocols and procedures to prevent the pollution of storm water. Employees are instructed to ask for assistance when they consider any activity to require more than one person in order to ensure spill prevention.

6.0 Other Requirements

6.1 Permit Requirements

A copy of ALG140936 and AL0081752 are included as **Appendix C** and should be referred to for the permit specific requirements.

6.2 Storm Water Sampling

Discharges from vehicle and equipment parking and maintenance areas are required semi-annually by grab sample. Semi-annual sampling should occur at least once during the period of January through June and at least once during the period of July through December. The following contaminants and/or parameters must be sampled from selected representative Outfall DSN001 as denoted in the Notice of Intent:

- pH
- Benzene
- Toluene
- Ethylbenzene
- Xylenes
- Napthalene
- Oil and Grease
- Total Phosphorus
- Total Recoverable Lead
- Total Suspended Solids
- Rainfall in inches

Oil and Grease has a daily maximum limit of 15 milligrams per liter (mg/l) and all other contaminants require reporting only. Grab samples shall be taken during the first thirty minutes of discharge or as soon thereafter as practicable. Rainfall shall be taken at a frequency of two per grab event.

The following contaminants and/or parameters must be sampled at Outfall DSN002 a frequency of once a month if there is a qualifying rain event:

- pH
- Total Suspended Solids
- Oil & Grease
- Nitrogen, Ammonia Total (as N)
- Nitrogen, Kjeldahl (As N)
- Nitrogen Plus Nitrate Total 1 Det (As N)
- Phosphorus, Total (As P)

- Magnesium, Total (As Mg)
- Barium, Total (As Ba)
- Chromium, Total (As Cr)
- Cobalt, Total (As Co)
- Copper, Total (As Cu)
- Iron, Total (As Fe)
- Lead, Total (As Pb)
- Manganese, Total (As Mn)
- Thallium, Total (As Ti)
- Nickel, Total (As Ni)
- Zinc, Total (As Zn)
- Aluminum, Total (As Al)
- Titanium, Total (As Ti)
- Alpha, Total
- Beta, Total
- Radium 226, Total
- Radium 228, Total
- Radium 223, Total
- Radium 224, Total
- Flow, In conduit or Thru Treatment Plant
- Mercury, Total (As Hg)
- Carbonaceous BOD, 5 Day 20 Degree C Filtered
- Chemical Oxygen Demand (COD)

Please see the individual permit within Appendix C for the daily maximum permit limitations at the above referenced outfall. Grab samples shall be taken during the first thirty minutes of discharge or as soon thereafter as practicable.

In addition, toxicity must be sampled at Outfall DSN002Y for the following parameters once per year:

- P/F Stat 48Hr Acute Mysidopsis Bahia
- P/F Stat 96hr Acute Cyprindon Variega

All storm water samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches. Data on the storm water event being sampled should be recorded and include total rainfall in inches. The duration between the storm event sampled and the end of the previous measurable storm event must be a minimum of 72 hours. This information must be recorded as part of the sampling procedure and kept on record for a period of three years.

Millard will submit the results of the storm water sampling in a discharge monitoring report (DMR) provided by ADEM. Even if there is no rain event for one of the previously specified time frames and associated outfalls, a DMR must still be submitted indicating that there is no flow.

6.3 Recordkeeping

All recordkeeping procedures will be followed in accordance with ALG140936 and AL0081752. Documentation of facility inspections, training, storm water sampling, and reporting requirements should include dates, names of inspectors/samplers, and all data generated. Revisions to this plan based on changes at the facility or deficiencies identified during inspections will be made and documented. Any records must be available for ADEM review for the last three years.

6.4 Maintaining Updated BMP Plan

This BMP Plan will be amended whenever:

- There is a change in design, construction, operation, or maintenance at the facility, which has a significant effect on the discharge or potential for discharge of pollutants from the facility; or
- During inspections or investigations by Millard, or by local, State, or Federal officials it is determined the BMP Plan is ineffective in eliminating or significantly minimizing pollutants from pollutant sources or is otherwise not achieving the general objectives of controlling pollutants in discharges from the facilities.

The BMP plan must be available for ADEM review when requested. The Director or his designee from ADEM may notify the permittee at any time that the BMP is deficient and requires correction of the deficiency. The facility will be responsible to update 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.

6.5 Certification

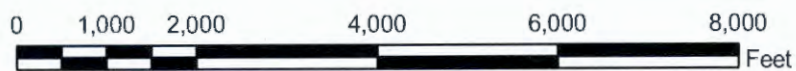
Millard will certify that the BMP Plan is accurate and complete to the best of their knowledge. The certification is included as **Appendix D**.

Figures

Figures



1:24,000

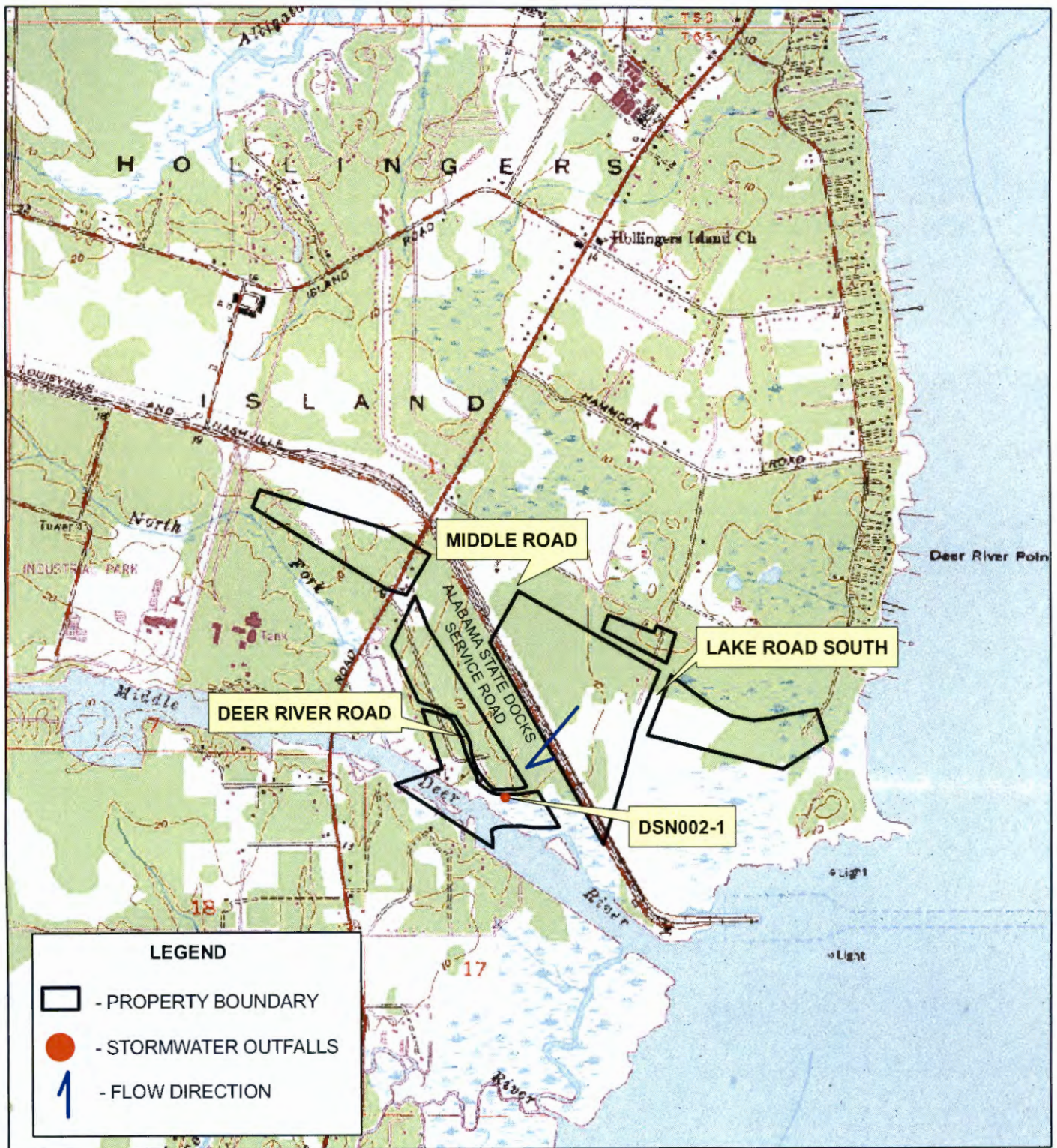


EXTRACTED FROM THE USGS PHOTO-MOSAIC OF MOBILE COUNTY, ALABAMA

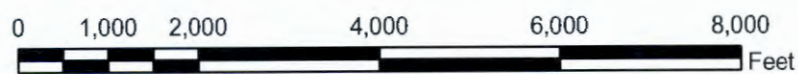
MILLARD MARITIME, LLC
 7730 DEER RIVER ROAD
 THEODORE, ALABAMA



FIGURE 1
 FACILITY LOCATION MAP
 SESI JOB NO.: M17-001



1:24,000



EXTRACTED FROM THE USGS PHOTO-MOSAIC OF MOBILE COUNTY, ALABAMA

MILLARD MARITIME, LLC
 7730 DEER RIVER ROAD
 THEODORE, ALABAMA



FIGURE 1
FACILITY LOCATION MAP
 SESI JOB NO.: M17-001

**Appendix A
Facility Inspection Form**

APPENDIX A
BEST MANAGEMENT PRACTICES
MONTHLY INSPECTION FORM

Inspection Date: _____ Inspection Time: _____
Facility Name: _____

Area to Inspect	Items to Inspect	Remarks and Comments
Outside Warehouse	Good housekeeping (Section 2.1)	
Parking Areas	Good housekeeping (Section 2.1) <ul style="list-style-type: none"> • Check for leaking equipment and vehicles 	
Storage Areas	Verify that all fuels and UAN fertilizer are stored and labeled properly. Check for spills and leaks. Iron Ore Aggregate Fuel Tank. Check for spills and leaks	
Outfalls	Verify that there is no non-permitted non-storm water discharge at any of the outfalls. All storm water conveyances should be clear of obstruction. Verify that oil-water separator is in good working condition.	
Spill Response Equipment	A complete inventory of spill response equipment is properly stored and in good working condition.	
Site	<ul style="list-style-type: none"> • Garbage and waste material is regularly picked up and placed into designated bins • Grass serves as adequate means of erosion control in undeveloped areas • Garbage containers are kept closed to minimize exposure to stormwater 	

**Millard Maritime
Best Management Practices (BMP)**

June 4, 2020

Corrective Actions (required and must be completed within 30 days of the inspection):

Inspected By: _____

Printed Name: _____

Signature: _____

Date: _____

Appendix B
Record of Annual BMP PLAN Training

Appendix C
Copy of ALG140936 and AL0081752

LANCE R. LEFLEUR
DIRECTOR



KAY IVEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov
1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

SEP 25 2017

LANCE LARSEN, CEO
MILLARD MARITIME LLC
7730 DEER RIVER ROAD
THEODORE AL 36582

RE: Millard Maritime LLC
7730 Deer River Rd
Theodore, AL 36582
Mobile County (097)

Dear Mr Larsen:

Based on your request (as evidenced by the submittal of a Notice of Intent), coverage under **General NPDES Permit Number ALG140936** is granted. The effective date of reissuance coverage is October 1, 2017.

Coverage under this permit does not authorize the discharge of any pollutant or wastewater that is not specifically identified in the permit and by the Notice of Intent which resulted in the granting of coverage. **DSN002-1, DSN002-2, and DSN002-3 have been added to the permit.** Those discharges identified in the NOI are:

Discharges	Receiving Waters
DSN001-1	Middle Fork Deer River
DSN001-2	Middle Fork Deer River
* DSN001-3	Middle Fork Deer River
DSN002-1	Middle Fork Deer River
DSN002-2	Middle Fork Deer River
* DSN002-3	Middle Fork Deer River

As indicated in the Notice of Intent, the discharges denoted by an asterisk (*) have been designated as the facility's representative outfalls. DSN001-3 is the representative outfall for DSN001-1 and DSN001-2. DSN002-3 is the representative outfall for DSN002-1 and DSN002-2.

You are responsible for compliance with all provisions of the permit including but not limited to, the performance of any monitoring, the submittal of any reports, and the preparation and implementation of any plans required by the permit.

Discharge Monitoring Reports (DMRs) must be submitted electronically via the Department's E2 Reporting System in accordance with Permit Condition I. C. To participate in this program, the Permittee Participation Package and registration forms may be downloaded online at <https://e2.adem.alabama.gov/npdes>. ADEM will not provide paper DMR forms due to the electronic reporting requirements.

If you discharge to an impaired waterway, additional Best Management Practices (BMPs) will be required. The Alabama Department of Environmental Management encourages you to exercise pollution prevention practices and alternatives at your facility. Pollution prevention will assist you in complying with effluent limitations and permit regulations.

A copy of the General NPDES Permit under which coverage of your discharges has been granted is enclosed. If you have any questions concerning this permit, please contact Dodi Moseley by email at dbmoseley@adem.alabama.gov or by phone at (334) 271-7725.

Sincerely,

Glenda L. Dean
Chief
Water Division

Enclosure: Permit

File: NOI/24949

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)

Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)



NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT

DISCHARGE AUTHORIZED DISCHARGES ASSOCIATED WITH TRANSPORTATION INDUSTRIES AND WAREHOUSING CONSISTING OF STORM WATER; NON-CONTACT COOLING WATER; UNCONTAMINATED CONDENSATE; COOLING TOWER BLOWDOWN; BOILER BLOWDOWN; DEMINERALIZER WASTEWATER; VEHICLE AND EQUIPMENT WASHWATER; STORM WATER FROM FUELING, PETROLEUM STORAGE AND HANDLING, EQUIPMENT STORAGE, MAINTENANCE AREAS; AND WASTEWATER ASSOCIATED WITH AIRFIELD PAVEMENT DEICING FROM EXISTING AND NEW PRIMARY AIRPORTS WITH 1,000 OR MORE ANNUAL JET (NON-PROPELLER AIRCRAFT) DEPARTURES.

AREA OF COVERAGE: THE STATE OF ALABAMA

PERMIT NUMBER: ALG140936

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

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- 2-1 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: June 8, 2017

EFFECTIVE DATE: October 1, 2017

EXPIRATION DATE: September 30, 2022

Glenda L. Dean

Alabama Department of Environmental Management

**TRANSPORTATION GENERAL NPDES PERMIT
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**TRANSPORTATION LIMITS
GENERAL NPDES PERMIT NUMBER ALG140000
PART I**

PART I

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: Storm water from vehicle and equipment parking and maintenance areas

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

<u>EFFLUENT CHARACTERISTIC</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS 1/</u>	
		Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Rainfall	inches	-	Monitor	1/6 months	<u>2/</u>
pH	s.u.	Monitor	Monitor	1/6 months	Grab
Benzene	µg/l	-	Monitor	1/6 months	Grab
Ethylbenzene	µg/l	-	Monitor	1/6 months	Grab
Toluene	µg/l	-	Monitor	1/6 months	Grab
Xylene	µg/l	-	Monitor	1/6 months	Grab
Naphthalene	µg/l	-	Monitor	1/6 months	Grab
Oil and Grease	mg/l	-	15	1/6 months	Grab
Total Phosphorus	mg/l	-	Monitor	1/6 months	Grab
Total Recoverable Lead	mg/l	-	Monitor	1/6 months	Grab
Total Suspended Solids	mg/l	-	Monitor	1/6 months	Grab

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.

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.

2/ See Part IV.B.

TRANSPORTATION LIMITS
 GENERAL NPDES PERMIT NUMBER ALG140000
 PART I

PART I

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:

DSN002: Storm water from warehousing and storage of goods that are exposed to storm water (other than motorized equipment).

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

<u>EFFLUENT CHARACTERISTIC</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS 1/</u>	
		Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Rainfall	inches	-	Monitor	1/6 months	<u>2/</u>
pH	s.u.	Monitor	Monitor	1/6 months	Grab
Oil and Grease	mg/l	-	15	1/6 months	Grab
Total Nitrogen	mg/l	-	Monitor	1/6 months	Grab
Total Organic Carbon	mg/l	-	Monitor	1/6 months	Grab
Total Suspended Solids	mg/l	-	Monitor	1/6 months	Grab

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.

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.

2/ See Part IV.B.

**TRANSPORTATION LIMITS
GENERAL NPDES PERMIT NUMBER ALG140000
PART I**

PART I

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:

DSN003: Storm water from warehousing and storage of goods (other than motorized equipment) that are exposed to storm water and that contains heavy metals.

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

<u>EFFLUENT CHARACTERISTIC</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS 1/</u>	
		Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Rainfall	inches	-	Monitor	1/6 months	2/
pH	s.u.	Monitor	Monitor	1/6 months	Grab
Total Recoverable Barium 3/	mg/l	-	Monitor	1/year	Grab
Oil and Grease	mg/l	-	15	1/6 months	Grab
Total Cyanide	mg/l	-	Monitor	1/year	Grab
Total Nitrogen	mg/l	-	Monitor	1/6 months	Grab
Total Organic Carbon	mg/l	-	Monitor	1/6 months	Grab
Total Recoverable Arsenic 3/	mg/l	-	Monitor	1/year	Grab
Total Recoverable Cadmium 3/	mg/l	-	Monitor	1/year	Grab
Total Recoverable Copper 3/	mg/l	-	Monitor	1/year	Grab
Total Recoverable Lead 3/	mg/l	-	Monitor	1/year	Grab
Total Mercury 3/	mg/l	-	Monitor	1/year	Grab
Total Recoverable Nickel 3/	mg/l	-	Monitor	1/year	Grab
Total Recoverable Silver 3/	mg/l	-	Monitor	1/year	Grab
Total Zinc 3/	mg/l	-	Monitor	1/year	Grab
Total Suspended Solids	mg/l	-	Monitor	1/6 months	Grab

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.

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.

2/ See Part IV.B.

3/ Only those metals which a facility could contribute to storm water must be monitored.

**TRANSPORTATION LIMITS
GENERAL NPDES PERMIT NUMBER ALG140000
PART I**

PART I

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:

DSN004: Discharges associated with non-contact cooling water, cooling tower blowdown, uncontaminated condensate, and boiler blowdown and demineralizer wastewater. 1/ 2/

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

<u>EFFLUENT CHARACTERISTIC</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS</u>	
		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
Temperature <u>3/</u>	°F	-	90	-	1/month	Grab
Total Residual Chlorine <u>4/</u> <u>5/</u> <u>6/</u> <u>7/</u>	mg/l	-	0.019	0.011	1/2 weeks	Grab
Chlorides, Total <u>8/</u>	mg/l	-	860	-	1/month	Grab
Total Dissolved Solids <u>8/</u>	mg/l	-	Monitor	-	1/month	Grab

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.

- 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/ If necessary, the demineralizer wastewater may be diluted to meet water quality standards.
- 3/ Discharges into the Tennessee and Cahaba Rivers including their tributaries or into that stretch of the Tallapoosa River that lies between Thurlow Dam and the confluence of the Tallapoosa and Coosa Rivers including any tributaries shall not exceed 86°F.
- 4/ To be monitored if cooling water/boiler blowdown is discharged and/or during "shock chlorination", if applicable. Monitoring is not required if the discharge is greater than 2500 feet from a water of the state (provided the conditions of "Cooling Water Monitoring Options" of the "Notice of Intent" are met) or if the source water is free of chlorine and no chlorine is added to the cooling water system. However, the facility must code the total residual chlorine parameter on the electronic Discharge Monitoring Report (EDMR) as *9 or as "NODI=9" on the hard copy DMR (monitoring is conditional not required this period).
- 5/ Monitoring is required during "shock chlorination", if applicable.
- 6/ Monitoring is not required if the source water is free of chlorine and no chlorine is added to the cooling water system. However, the facility must code the total residual chlorine parameter on the electronic Discharge Monitoring Report (eDMR) as *9 or as "NODI=9" on the hard copy DMR (monitoring is conditional not required this period).
- 7/ A measurement of TRC below 0.05 mg/l shall be considered in compliance with the permit limitations above and should be reported as *B on the electronic Discharge Monitoring Report (eDMR) or as "NODI=B" on the hard copy DMR (below detection limit).
- 8/ To be monitored when demineralizer wastewater is discharged or when the boiler blowdown volume exceeds 5,000 GPD.

**TRANSPORTATION LIMITS
GENERAL NPDES PERMIT NUMBER ALG140000
PART I**

PART I

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:

DSN006: Storm water runoff from petroleum storage and fueling areas. 7/

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

<u>EFFLUENT CHARACTERISTIC</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS ^{1/}</u>	
		Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Rainfall	inches	-	Monitor	1/quarter	<u>2/</u>
pH	s.u.	Monitor	Monitor	1/quarter	Grab
Benzene <u>3/</u>	µg/l	-	15.5	1/quarter	Grab
Ethylbenzene <u>4/</u>	µg/l	-	1244	1/quarter	Grab
Toluene <u>5/</u>	µg/l	-	8723	1/quarter	Grab
Xylene	µg/l	-	Monitor	1/quarter	Grab
Naphthalene <u>6/</u>	µg/l	-	620	1/quarter	Grab
Oil and Grease	mg/l	-	15	1/quarter	Grab
MTBE (Methyl Tertiary Butyl Ether)	µg/l	-	Monitor	1/quarter	Grab

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.

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.

2/ See Part IV.B.

3/ The limit for benzene shall be 1.12 µg/l if the discharge is to a body of water which is designated as a public water supply.

4/ The limit for ethylbenzene shall be 448 µg/l if the discharge is to a body of water which is designated as a public water supply.

5/ The limit for toluene shall be 1,206 µg/l if the discharge is to a body of water which is designated as a public water supply.

6/ To be monitored only at facilities which handle diesel fuel, aviation fuel, or jet fuel.

7/ If fueling operations are the only industrial activities occurring (except for other permitted industrial activities) within the drainage area, then DSN010 applies for the discharge, unless the Department deems it necessary to require monitoring under DSN006 in addition to DSN010.

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 GENERAL NPDES PERMIT NUMBER ALG140000
 PART I

PART I

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:

DSN007: Discharges associated with vehicle and equipment exterior washing operations that DO NOT use solvents.

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

<u>EFFLUENT CHARACTERISTIC</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS 1/</u>	
		Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Flow	gal/day	-	Monitor	1/week	Instantaneous 2/
pH	s.u.	6.0	8.5	1/month	Grab
Oil and Grease	mg/l	-	15	1/month	Grab
Total Phosphorus	mg/l	-	1.0	1/month	Grab
Total Suspended Solids	mg/l	-	50	1/month	Grab
Biochemical Oxygen Demand, 5-day	mg/l	-	Monitor	1/month	Grab
Total Recoverable Lead 3/	µg/l	-	64	1/month	Grab
Total Recoverable Aluminum 3/ 4/	mg/l	-	0.750	1/month	Grab
Total Recoverable Chromium 3/	µg/l	-	1537	1/month	Grab

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.

- 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.
- 2/ If flows are intermittent, the flow volume may be estimated.
- 3/ If wheel / chrome brighteners are used, monitoring of lead, aluminum, and chromium is required.
- 4/ The aluminum limit only applies to discharges to freshwater.

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PART I

PART I

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:

DSN010: Discharge limitations and monitoring requirements for uncontaminated storm water from fueling, petroleum storage and handling, equipment storage, and maintenance areas. (This outfall may not mix with other discharges unless those discharges are permitted.)

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

- 1 The facility will have a valid SPCC plan pursuant to 40 CFR 112, if applicable.
- 2 Best Management Practices (BMPs) will be used to prevent pollution of storm water by spillage or leakage during petroleum handling operations and fueling operations and from equipment maintenance and storage areas. The BMP shall include at a minimum:
 - a. Twice per week inspections on operational days of the area and removal of any leaked petroleum product,
 - b. Immediate cleanup of spilled or leaked petroleum product during handling operations, including fueling, 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 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 signature of person making visual inspection and performing any cleanup, and
 - e. Description of any spillage occurring during petroleum handling, which shall include the date and time of the spill, estimated volume of spill, name of the person observing the spill, date and time the spill was cleaned up, and name of the person cleaning up the spill
- 4 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.
- 5 Monitoring records for dike drainage 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 signature of person making visual inspection and authorizing discharge
- 6 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.
- *7 The permittee shall submit an **ANNUAL CERTIFICATION** DMR by January 28th (unless otherwise directed by the Department) that all discharges during the preceding calendar year, associated with the above, were in accordance with the conditions of the permit.

AN ANNUAL CERTIFICATION DMR SHALL BE SUBMITTED BY JANUARY 28TH (UNLESS OTHERWISE DIRECTED BY THE DEPARTMENT) MARKED "0" IF FOR THE PREVIOUS CALENDAR YEAR, OPERATIONS HAVE NOT CHANGED AND ALL DISCHARGES HAVE BEEN MADE IN ACCORDANCE WITH THE CONDITIONS OF THE PERMIT. IF CONDITIONS HAVE CHANGED, 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 ADDRESSED IN A NONCOMPLIANCE FORM THAT IS ELECTRONICALLY ATTACHED TO THE DMR IN THE E2 SYSTEM.

TRANSPORTATION LIMITS
 GENERAL NPDES PERMIT NUMBER ALG140000
 PART I

PART I

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:

DSN011: Discharge limitations and monitoring requirements for wastewater associated with airfield pavement deicing from existing and new primary airports with 1,000 or more annual jet (non-propeller aircraft) departures

Whenever possible, there should be no discharge of airfield pavement deicers containing urea from such airports.

To comply with this limitation, any existing point source must certify that it does not use airfield deicing products that contain urea or alternatively, airfield pavement discharges at every discharge point must achieve the below numeric limitation for ammonia, prior to any dilution or commingling with any non-deicing discharge.

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

<u>EFFLUENT CHARACTERISTIC</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS 1/</u>	
		Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Ammonia as Nitrogen <u>3/</u>	mg/l		14.7	1/ month	Grab

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.

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.

2/ See Part IV.B.

3/ 40 CFR Part 449 requires that existing and new primary airports with 1,000 or more annual jet departures ("non-propeller aircraft") that generate wastewater associated with airfield pavement deicing are to use non-urea-containing deicers, or alternatively, meet the above numeric effluent limitation for ammonia. If no urea-containing deicers are used during the monitoring period, then the electronic DMR(s) may be coded *9 as certification of no discharge of airfield pavement deicers containing urea during the period.

PART I

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

Discharge monitoring requirements applicable to all discharges

1. Monitoring of one storm water outfall within a designed drainage area as representative of the remaining outfalls, may be allowed if the applicant submits certification that the discharges are essentially the same. If at a later date the discharges are determined to be dissimilar or if pollutant concentrations are such that water quality standards are contravened, then monitoring of all discharges may be required.

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 the Minimum Level (ML) as established by EPA. All analytical values at or above the ML shall be reported as the measured value. Values below the ML shall be reported as "0". Test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and guidelines published pursuant to Section 304(h) of the FWPCA, 33 U.S.C. Section 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.

For pollutant 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.

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. This permit requires twice monthly, monthly, quarterly, semiannual, and annual self monitoring. The permittee shall conduct the required monitoring in accordance with the following schedule:

MONITORING REQUIRED MONTHLY AND MORE FREQUENTLY THAN MONTHLY shall be conducted during the first full month following the effective date of initial 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 initial 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 initial coverage and each six-month period thereafter.

ANNUAL MONITORING shall be conducted at least once during the period of January through December. If six or more months are remaining in the first monitoring period after initial coverage, the annual monitoring shall be conducted and then once each twelve-month period thereafter.

- b. The permittee shall submit discharge monitoring reports (DMRs) in accordance with the following schedule:

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

REPORTS OF 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 annual 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 previous 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 E2 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
Post Office Box 301463
Montgomery, Alabama 36130-1463**

Certified and Registered Mail containing Discharge Monitoring Reports 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
Post Office 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 Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a), (4) contains a quantity of a hazardous substance which has been determined may be harmful to public health or welfare under Section 311(b)(4) of the FWPCA, 33 U.S.C. Section 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 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.

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.

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 and Boiler 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 fresh water 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 of 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 systems(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 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

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 and the appropriate discharge monitoring report forms. **The permittee must electronically complete and submit the Notice of Intent utilizing the Department's e-NOI system, 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 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 Part 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 have 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.

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.
- 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. Section 1319, and Code of Alabama 1975, Section 22-22-14.

F. PERMIT TRANSFER, MODIFICATION, SUSPENSION, 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 a Notice of Intent to be covered by the reissued General Permit. Such Notice of Intent shall be submitted at least 90 days prior to the expiration date of this General Permit. The permittee shall electronically submit the Notice of Intent utilizing the Department's e-NOI system, 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.
- b. Failure of the permittee to submit the appropriate application material 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 180 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 Section 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, 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 Sections 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:
 - (i) the location of the discharges with respect to waters of the state,
 - (ii) the size of the discharger, and
 - (iii) 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.
 - 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 Section 307(a) of the FWPCA, 33 U.S.C. Section 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

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 Section 311 of the FWPCA, 33 U.S.C. Section 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, 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, Section 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 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 by a permit issued by the Department, the discharge of pollutants to groundwater is prohibited. 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, Section 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. Notice of Intent – means forms and additional information that are required by ADEM Administrative Code Rule 335-6-6-.23 and applicable permit fees.
17. Permit application - means forms and additional information that is required by ADEM Administrative Code Rule 335-6-6-.08 and applicable permit fees.
18. 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." Section 502(14) of the FWPCA, 33 U.S.C. Section 1362(14).
19. Pollutant - includes for purposes of this permit, but is not limited to, those pollutants specified in Code of Alabama 1975, Section 22-22-1(b)(3) and those effluent characteristics specified in Provision I. A. of this permit.
20. 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.

21. Shock chlorination – means the periodic use of chlorine in cooling water systems as a biocide.
22. 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.
23. 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, Section 22-22-1(b)(2). Waters "include all navigable waters" as defined in Section 502(7) of the FWPCA, 22 U.S.C. Section 1362(7), which are within the State of Alabama.
24. 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

A. BEST MANAGEMENT PRACTICES (BMP) PLAN REQUIREMENTS

1. Plan Content. and implement a best management practices plan (BMP) which shall:
 - a. Provide control sufficient to prevent or control pollution of storm water by particles to the degree required to maintain compliance with this permit and water quality standards. Erosion control should also be addressed.
 - b. Prevent the spillage or loss of fluids, oil, grease, gasoline, etc. thereby prevent the contamination of storm water from these substances;
 - c. Prevent or minimize storm water contact with residual wash down water;
 - d. Prevent or minimize storm water contact with any other pollutants present at the permittee's facility;
 - e. Designate by position or name the person or persons responsible for the day to day implementation of the BMP;
 - f. Provide for, at a minimum, two inspections a week, on days during which the facility is manned, 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;
 - g. Include a diagram of the facility showing the direction of the storm water flow, the discharge point(s), and the locations of any structures or other mechanisms intended to prevent pollution of storm water or to remove pollutants from storm water. The site map should also identify the location, size, and contents of any tanks.

- h. Bear the signature of the plant manager or corporate official.
- 2. Compliance Schedule. The permittee shall prepare and fully implement the BMP no later than the date coverage is granted.
- 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 inspections required by Part IV.A. 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 and any corrective actions taken for the last three years and each entry shall be signed by the person performing the inspection and any corrective actions taken.
 - * The permittee shall provide training for any personnel required to implement the BMP and shall retain
 - 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.

B. STORM WATER MEASUREMENT AND SAMPLING

- 1. Storm Water 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 storm water event must be monitored, including the date and rainfall (in inches) for the 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. During the sampling storm event, rainfall must be reported and may be measured using a rain gauge. 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.

C. DISCHARGE(S) TO IMPAIRED WATERS REQUIREMENTS

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. COOLING WATER INTAKE STRUCTURES (CWIS) REQUIREMENTS

For new facilities that are not subject to the Phase I rule, existing facilities that are not subject to the Phase II rule, or oil and gas facilities that are not subject to the Phase III rule, an initial determination of BTA has been made for the facility CWIS during the permit coverage renewal process.

1. Cooling Water Intake Requirements – Facility Obtaining Cooling Water From Facility Intake Structure

- a. The cooling water intake structure used by the permittee has been evaluated using available information. At this time, the Department has determined that the cooling water intake structure represents the best technology available (BTA) to minimize adverse environmental impact in accordance with Section 316(b) of the federal Clean Water Act (33 U.S.C. Section 1326).
- b. The permittee shall submit, if available or applicable, the following information with the permit application within 90 days prior to permit expiration. The information will be evaluated to determine compliance with Section 316(b) of the federal Clean Water Act (33 U.S.C. Section 1326) prior to issuance of this permit.

The data submitted shall include:(1) any impingement and entrainment data based on the operation of the facility's CWIS, collected since the effective date of this NPDES permit, (2) a detailed description of any changes in the operation of the CWIS, or changes in the type of technologies used at the CWIS such as screens or other technologies affecting the rates of impingement and/or entrainment of fish and shellfish, and (3) an estimate of the intake flow reduction at the facility based upon the use of a 100 percent (or some lesser percentage) closed-cycle re-circulating cooling water system compared to a conventional once-through cooling water

system. In addition the facility may submit the following as defined in 40 CFR 122.21(r) if data is available:

- Source water physical data
- Cooling water intake structure data
- Source water baseline biological characterization data
- Cooling water system data
- Intended method of compliance with impingement mortality standard
- Existing entrainment performance studies
- Operational Status

- c. The permittee is required to operate and maintain the CWIS in a manner that minimizes impingement and entrainment levels. Documentation detailing the steps that have and are being taken to minimize the impingement and entrainment levels shall be maintained on-site and made available upon request during inspections.

2. Cooling Water Intake Requirements – Facilities Obtaining Cooling Water from Another Entity

- a. If an entity provides water to the permittee which is used for cooling by means of a surface water intake, the intake structure operated by the entity must be determined to represent the best technology available (BTA) to minimize adverse environmental impact in accordance with Section 316(b) of the federal Clean Water Act (33 U.S.C. section 1326).
- b. If the entity providing water to the permittee is a public water system in accordance with Section 1401 of the Safe Water Drinking Act or the water used for cooling consists of treated effluent which would otherwise be discharged, the permittee is exempt from the requirements of this permit condition.

R# 17-40822
\$1,385.00 2/6/2017

S# 132029
P# 250709
F# 46600

NOTICE OF INTENT – GENERAL PERMIT NUMBER ALG140000 (ADEM 382)

NPDES PERMIT NUMBER ALG140000 IS A GENERAL PERMIT AUTHORIZING DISCHARGES ASSOCIATED WITH TRANSPORTATION INDUSTRIES AND WAREHOUSING (NOT INCLUDING BOAT AND SHIP BUILDING AND REPAIR ACTIVITIES) CONSISTING OF STORM WATER NON-CONTACT COOLING WATER, COOLING TOWER BLOWDOWN, BOILER BLOWDOWN, DEMINERALIZER WASTEWATER, AND VEHICLE AND EQUIPMENT WASH WATER.

Mail to: Alabama Department of Environmental Management
Industrial General Permit Section
Industrial/Municipal Branch
Water Division
Post Office Box 301463
Montgomery, Alabama 36130-1463

FOR OFFICE USE ONLY

NPDES PERMIT NUMBER ALG140936
FACILITY NUMBER _____

ANSWER ALL QUESTIONS IN APPLICABLE SECTIONS. PLEASE MARK THE "NOT APPLICABLE" BOX IF A SECTION IS NOT APPLICABLE. INCOMPLETE OR WRONG ANSWERS COULD RESULT IN MORE STRINGENT PERMIT REQUIREMENTS. IF SPACE IS INSUFFICIENT TO ADDRESS ANY ITEM BELOW PLEASE CONTINUE ANSWER ON AN ATTACHED SHEET OF PAPER.

FACILITY IDENTIFICATION INFORMATION

A. Name of Facility to be shown on Permit: Millard Maritime

Name of permittee if different from above: _____

B. Mailing Address of Facility: – PO Box or Street Route 7730 Deer River Road

City, State and Zip Code Theodore, AL 25482

C. Location (STREET ADDRESS) of Facility: 7730 Deer River Road

City, County: Theodore, AL 36582

D. Provide the latitudinal and longitudinal coordinates of the facility location. (Front Gate):

Latitude (30)° (31)' (52.44 " N Longitude (88)° (06)' (05.14 " W

E. Facility Contact Person and Title: Craig Foil, General Manager

Telephone Number: (251) 295.1136

F. Standard Industrial Code (SIC) (Names and Codes): 4225 ^{mm}

G. Description of industrial activity and land use at the facility: This facility stores dry goods for clients.
Currently stored on site is fertilizer and they are proposing salt under AL0081752.

H. Check the type of discharge at your facility and complete the applicable sections associated with the type checked:

- Storm water from vehicle / equipment parking and maintenance
- Storm water from warehousing and storage of goods
- Noncontact cooling water, boiler blowdown, condensate
- Storm water from petroleum handling operations
- Exterior vehicle and equipment wash water

I. Please indicate which, if any, of the discharges in H. are combined.

NA



J. Has the facility ever been issued an NPDES Permit? Yes No
Please provide the permit number and facility name at time of permitting.

Permit Number: ALG140936

Facility Name: Millard Maritime

K. Has the facility been issued an NPDES INDIVIDUAL permit?

Yes No NPDES Permit No. AL00 81752

Do you intend to replace your individual permit with this General Permit? Yes No

L. Has the facility been issued a State Indirect Discharge (SID) Permit?

Yes No SID Permit No. IU

M. Is this Notice of Intent for (circle one):

1. First time issuance of a GENERAL Permit
2. Renewal of GENERAL Permit No. ALG 140936
3. Modification of GENERAL Permit No. ALG

N. Are any of the discharges that you intend to be covered by this permit going to municipal storm sewer?
Yes No

O. Name of surface water to which the municipal storm sewer discharges: NA

P. Have you notified the municipality by letter as required by 40 CFR 122.26(a)(4)? Yes No

Q. Date facility started or will start operations: 2005

R. What is the size of the site in acres? 265

S. Do you discharge to any waters of the State that are impaired (303(d) or TMDL)? Yes No
(A list of the impaired waters can be found at <http://www.adem.state.al.us/programs/water/303d.cnt> for 303(d) listed waters and <http://www.adem.state.al.us/programs/water/approvedTMDLs.htm> for waters subject to a TMDL.)

If yes, do your discharges contain pollutants of concern listed for the impaired water(s)? Yes No

If yes, then enhanced BMPs are required. Also, an Individual NPDES Permit may be required, so please contact the Industrial/Municipal Branch of ADEM before proceeding.

**DSN001 – STORM WATER DISCHARGE INFORMATION FROM VEHICLE AND EQUIPMENT
PARKING AND MAINTENANCE AREAS**

NOT APPLICABLE

A. List latitude and longitude (to seconds) of the point where each discharge exits your property and name of receiving stream:

1. Latitude (30)° (31)' (53.10" N Longitude (88)° (06)' (18.55" W
Receiving Stream Middle Fork Deer River
2. Latitude (30)° (31)' (49.67" N Longitude (88)° (06)' (03.81" W
Receiving Stream Middle Fork Deer River
3. Latitude (30)° (31)' (46.21" N Longitude (88)° (06)' (04.19" W
Receiving Stream Middel Fork Deer River

- B. Has storm water runoff from the facility been analyzed for presence of any known pollutants? Yes No
If yes, please attach the most recent copy of the analysis.
- C. Storm water runoff primarily discharges to (check one):
 1. Surface water
 2. Seeps into the ground
 3. Municipal storm sewer
- D. This permit requires the development and implementation of a Best Management Practice (BMP) Plan. Does the facility have a BMP Plan? Yes No
- E. Does the facility have any of the following other control measures to prevent pollution?
 1. Structural control measures (basins, etc.) Yes No
 2. Treatment of groundwater (retention, aeration) Yes No
 3. Other. If so, please describe. _____
- F. Known impacts on receiving water? Yes No If yes, to what extent?

- G. Were there any past industrial activities on the site that would contribute to storm water contamination?
 Yes No If yes, please explain: _____

- H. Are any raw materials, finished products, waste products or chemicals exposed to storm water currently or in the last three years? Yes No
 If yes, please list: _____
- I. Is any part of your industrial activity (i.e., blasting, painting) located over water? Yes No
 If yes, please explain: _____
- J. Is your facility located in a coastal zone (within 10-foot contour of sea level)? Yes No

DSN002 AND DSN003 – STORM WATER FROM WAREHOUSING AND STORAGE OF GOODS

NOT APPLICABLE

- A. List latitude and longitude (to seconds) of the point where each discharge exits your property and name of receiving stream:
1. Latitude (30)° (31)' (53.10)" N Longitude (88)° (06)' (18.55)" W
 Receiving Stream Middle Fork Deer River
2. Latitude (30)° (31)' (49.67)" N Longitude (88)° (06)' (03.81)" W
 Receiving Stream Middle Fork Deer River
3. Latitude (30)° (31)' (46.21)" N Longitude (88)° (06)' (04.19)" W
 Receiving Stream Middle Fork Deer River
- B. Has storm water runoff from the facility been analyzed for presence of any known pollutants? Yes No
 If yes, attach the most recent copy of the analysis.

C. Storm water runoff primarily discharges to (check one):

1. Surface water
 2. Seeps into the ground
 3. Municipal storm sewer

D. This permit requires the development and implementation of a Best Management Practices (BMP) Plan. Does the facility have a BMP Plan? Yes No

E. Does the facility have any of the following other control measures to prevent pollution?

1. Structural control measures (basins, etc.) Yes No
2. Treatment of groundwater (retention, aeration) Yes No
3. Other. If so, please describe. _____

F. Known impact on receiving water? Yes No If yes, to what extent?

G. Were there any past industrial activities on the site that would contribute to storm water contamination? Yes No
If yes, please explain: _____

H. Are any raw materials, finished products, waste products or chemicals exposed to storm water currently or in the last three years? Yes No

If yes, please list: _____

I. Are there any materials stored at your facility that could contribute any of the following metals to storm water? Yes No Please indicate below:

Arsenic _____ Barium _____ Cadmium _____ Copper _____ Cyanide _____
Lead _____ Mercury _____ Nickel _____ Silver _____ Zinc _____

DSN004 – DISCHARGES ASSOCIATED WITH NON-CONTACT COOLING WATER, COOLING TOWER BLOWDOWN, UNCONTAMINATED CONDENSATE, BOILER BLOWDOWN, AND DEMINERALIZER WASTEWATER

NOT APPLICABLE

A. List latitude and longitude (to seconds) of the point where each discharge exits your property, name of receiving stream, and type of discharge (non-contact cooling water, cooling tower blowdown, uncontaminated condensate, boiler blowdown, and demineralizer wastewater):

OUTFALLS:

1. Latitude ()°()'()" N Longitude ()°()'()" W

Receiving Stream _____

Type of Discharge _____

2. Latitude ()°()'()" N Longitude ()°()'()" W

Receiving Stream _____

Type of Discharge _____

3. Latitude ()°()'()" N Longitude ()°()'()" W

Receiving Stream _____

Type of Discharge _____

4. Latitude ()°()'()" N Longitude ()°()'()" W

Receiving Stream _____

Type of Discharge _____

5. Latitude ()°()'()" N Longitude ()°()'()" W

Receiving Stream _____

Type of Discharge _____

B. If more than one discharge is listed in A. above, can they be sampled separately? Yes [] No []

C. Is there any process water commingled with the cooling and/or blowdown water? Yes [] No []

D. If answer to C. is yes, can they all be sampled separately? Yes [] No []

E. Does surface water intake total 2 million gallons per day or more? Yes [] No []

F. If answer to E. is yes, is 25% or more of the water intake used for cooling purposes? Yes [] No []

G. Is the non-contact cooling water and the cooling tower blowdown discharge less than 100,000 gallons per day (GPD)?
Yes [] No []

If no, please include the estimated gallons per day of discharge: _____ GPD

H. Do you use biocides, corrosion inhibitors or chemical additives in your cooling or blowdown water? Yes [] No []
If yes, please submit a list of the biocide, corrosion inhibitor or chemical additive with this NOI. The applicant must also provide:

(1) name and general composition of biocide or chemical,

(2) 48-hour median tolerance limit data for organisms representative of the biota of the waterway into which the discharge will ultimately reach. For freshwater, the fathead minnow (*Pimephales promelas*) and cladoceran (*Ceriodaphnia dubia*) are the required test organisms. For salt water, the organisms shall be mysid shrimp; and sheepshead minnow or inland silverside.

(3) quantities to be used,

(4) frequencies of use,

(5) maximum proposed discharge concentrations, and

(6) EPA registration of number, if applicable.

* **BIOCIDES THAT CONTAIN TRIBUTYL TIN, TRIBUTYL TIN OXIDE, ZINC AND/OR CHROMIUM ARE PROHIBITED BY THIS PERMIT**

I. Is your discharge located in the Tennessee or Cahaba River Basin or on the Tallapoosa River between Thurlow Dam at Tallassee and the junction of the Coosa River and Tallapoosa River? Yes [] No []

J. Is the boiler blowdown discharge less than 5,000 gallons per day (GPD)? Yes [] No []

If no, please include the estimated gallons per day of discharge _____ GPD

K. Is shock chlorination used at the facility? Yes [] No []

L. Is any source water chlorinated? Yes [] No [] If yes, explain use and list outfall number(s) from A. in this section.

M. Is demineralizer wastewater discharged? Yes [] No []

- N. Are there any known impacts on the receiving water as a result of the discharge? Yes [] No []
If yes, to what extent? _____
- O. Is there a cooling water intake structure (CWIS) associated with this facility? Yes [] No []
- P. Does the provider of your source water operate a CWIS? Yes [] No [] If your source water is from a WTP that also supplies drinking water, then the answer is no.

If the answer to both questions O and P is no, then a Cooling Water Intake Structure Form is not required. If the answer to either or both questions O and P is yes, then a Cooling Water Intake Structure Form must be completed and attached.

COOLING WATER MONITORING OPTIONS

- A. Is cooling/blowdown water chlorine free from the time it enters your facility until it is discharged (city water usually contains chlorine)? Yes [] No []

IF ANSWER IS YES, DO NOT COMPLETE THIS SECTION

- B. If answer is no, which outfall(s) listed above under DSN004 are both chlorinated **AND** are over 2,500 feet from point of discharge from the facility to the point of entry into the receiving stream?

If you listed any outfalls in question B. you may avoid monitoring for chlorine at that outfall by:

- Submitting lab data with the Notice of Intent (NOI) that demonstrates that the chlorine concentration at the point the discharge enters the impacted stream is 0.011 mg/l or less, **AND**
- Submitting a site drawing showing the distance from the discharge point to the point the effluent enters the impacted stream.

- C. For outfalls listed in B. do you intend to exercise the no monitoring chlorine option? Yes [] No []

For which outfall(s)? _____

If your answer is yes to question C. you are certifying by signing this form that the conditions are as stated above in this Section (Cooling Water Monitoring Options) and you are certifying that you understand that you are required to notify ADEM if these conditions change during the term of the permit

DSN006 AND DSN010 – STORM WATER FROM PETROLEUM BULK STORAGE AND FUELING AREAS

NOT APPLICABLE [X]

- A. List latitude and longitude (to seconds) of the point where each discharge exits your property and name of receiving stream:

1. Latitude ()° ()' ()" N Longitude ()° ()' ()" W

Receiving Stream _____

2. Latitude ()° ()' ()" N Longitude ()° ()' ()" W

Receiving Stream _____

3. Latitude ()° ()' ()" N Longitude ()° ()' ()" W

Receiving Stream _____

4. Latitude ()° ()' ()" N Longitude ()° ()' ()" W

Receiving Stream _____

- Number Size
- B. List number and size of above ground storage tanks.
- List number and size of underground storage tanks.
- C. Has storm water runoff from the facility been analyzed for presence of any known pollutants? Yes [] No []
If yes, attach the most recent copy of analysis.
- D. Storm water runoff primarily discharges to (check one):
 [] 1. Surface water
 [] 2. Seeps into ground
 [] 3. Municipal storm sewer
- E. This permit requires the development and implementation of a Best Management Practices (BMP) Plan. Does the facility have a BMP Plan? Yes [] No []
- F. Does the facility have any of the following other control measures to prevent pollution?
- | | |
|---|----------------------|
| 1. Structural control measures (basins, etc.) | Yes [] No [] |
| 2. Treatment of groundwater (retention, aeration) | Yes [] No [] |
| 3. Other. If so, please describe. _____ | |
- G. Known impact on receiving water? Yes [] No [] If yes, to what extent?

- H. Have any leaks, spills or other instances of storm water contamination occurred within the last 3 years?
 Yes [] No [] If yes, what occurred and how did it happen?

- I. Are any above ground tanks that contain a possible pollutant double-walled? Yes [] No []
- J. Are all above ground tanks that contain a possible pollutant double-walled? Yes [] No []
- K. Are any above ground tanks that contain a possible pollutant diked? Yes [] No []
- L. Are all above ground tanks that contain a possible pollutant diked? Yes [] No []
- M. Can dikes contain 110% of the contents of the largest tank in the dike? Yes [] No []
- N. Are the walls and floors of the dikes relatively impermeable to the stored substance? Yes [] No []
- O. From which outfalls in A. (this section) is uncontaminated storm water from secondary containment (for above ground storage tanks only) areas discharged? _____
- P. Is treated or untreated water from tank bottoms or water draws discharged on site? Yes [] No [] If yes, this particular discharge cannot be covered under this permit. Please contact the Industrial branch of ADEM before proceeding.
- Q. Were there any past industrial activities on the site that would contribute to storm water contamination?
 Yes [] No [] If yes, please explain: _____

- R. Does the facility handle leaded fuels? Yes [] No []
- S. Does the facility handle aviation fuel, jet fuel, or diesel fuel? Yes [] No []
- T. Is hydrostatic testing of petroleum handling equipment done on site? Yes [] No [] If yes, this particular discharge cannot be covered under this permit. Please contact the Industrial Section of ADEM before proceeding.

U. Are any trucks or equipment fueled at this facility? Yes [] No [] Is your fueling area protected from storm water including flowing water? Yes [] No [] If yes, please explain: _____

V. Is storm water/wash down water from the fueling/loading area treated (oil/water separator, etc.) prior to discharge? Yes [] No []

W. Does the facility comply with 40 CFR Part 112? Yes [] No []

Last update of SPCC Plan, if applicable _____

In accordance with 40 CFR Section 112.5 (b), applicable facilities must complete a review and evaluation of the SPCC Plan at least once every five years. If the provided date indicates the SPCC Plan is not valid, is the SPCC Plan currently being reviewed by a Professional Registered Engineer. Yes [] No []

If an SPCC Plan date was not entered, is it because the facility's petroleum storage capacity is below the volume that would require an SPCC Plan? Yes [] No []

X. Is storm water from fueling areas allowed to mix with storm water from other industrial activities? Yes [] No []

Y. Does any discharge or runoff from the facility reach a public water supply stream segment as defined by ADEM Administrative Code R. 335-6-11-.02? [] Yes [] No

DSN007 – DISCHARGES ASSOCIATED WITH VEHICLE AND EQUIPMENT EXTERIOR WASHING OPERATIONS

NOT APPLICABLE [X]

A. List latitude and longitude (to seconds) of the point where each discharge exits your property and name of receiving stream:

1. Latitude ()° ()' ()" N Longitude ()° ()' ()" W

Receiving Stream _____

2. Latitude ()° ()' ()" N Longitude ()° ()' ()" W

Receiving Stream _____

3. Latitude ()° ()' ()" N Longitude ()° ()' ()" W

Receiving Stream _____

4. Latitude ()° ()' ()" N Longitude ()° ()' ()" W

Receiving Stream _____

B. Is this process water commingled with storm water prior to discharge? Yes [] No []

C. Has the process water been analyzed for presence of any known pollutants? Yes [] No []
Attach the most recent copy of analysis.

D. Give detailed description of wash water, additives, location, ultimate disposal, etc. _____

E. Do you wash interior of tank railcars or tank trailers? Yes [] No [] If yes, the facility cannot be covered under this General Permit. Please contact the Industrial Section of ADEM before proceeding.

F. How do you dispose of spent oil, hydraulic fluids and any other potential pollutants that you handle?

G. Does your facility use organic or petroleum based solvents in its washing operations? Yes [] No []
If yes, please contact the Industrial Section of ADEM before proceeding.

H. How do you wash the vehicles (e.g. by hand or automated system)? _____
If you have an automated system, please provide a detailed description of the system (e.g. drive through system with rotating brushes, etc.)?

I. What is the estimated maximum volume in gallons/day of discharge from washing activity? _____ gallons/day

J. Does the facility use chrome / wheel brighteners? Yes [] No []

K. Does your facility use organic or petroleum based solvents in its washing operations? Yes [] No []
If yes, please contact the Industrial Section of ADEM before proceeding.

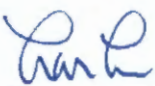
GENERAL INFORMATION

Have you included a check for the application fee? Yes [X] No []

DO NOT SUBMIT APPLICATION AND PERMIT FEE SEPARATELY

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 the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations.

SIGNATURES

Responsible Official Signature:  Date Signed: 2/1/17

Name and Official title (type or print): Lance Larsen, CEO

NOTE: This Notice of Intent must be signed by the official representative of the facility who is: the owner, the sole proprietor of a sole proprietorship, a general partner for a partnership, or by a ranking elected official or other duly authorized representative for a unit of government or principal executive officer of at least the level of vice president, or a manager assigned or delegated in accordance with corporate procedures, with such delegation submitted in writing if required by the Department, who is responsible for manufacturing, production, or operating facilities and is authorized to make management decisions which govern the operation of the regulated. If the Notice of Intent is not signed, or is found to be incomplete, it will be returned.

Address: 7730 Deer River Road

Phone Number: (251) 443.6755 Email address: _____

DISCHARGE MONITORING REPORTS (DMR) CONTACT – PLEASE COMPLETE

DMR Contact Name and Official title (type or print): Craig Foil, Plant Manager

DMR Contact Address: 7730 Deer River Road, Theodore, AL 36582

DMR Contact Phone Number: (251) 295.1136

DMR Contact Email Address: cfoil@millardmaritime.com

NOI PREPARER

Name of Individual (type or print): Stacey Guarino

Name of Firm: Southern Earth Sciences, Inc.

Address: 5460 Rangeline Road, Mobile, AL 36619

Phone Number: (251)445-4369

Email address: sguarino@soearth.com

Please attach or in the space below draw a map showing the location of the facility including major highways and/or landmarks.



Alabama Secretary of State



<u>Entity ID</u>	<u>Entity Name</u>	<u>City</u>	<u>Type</u>	<u>Status</u>
307 - 099	MILLARD MARITIME, LLC	OMAHA, NE	Foreign Limited Liability Company	Exists
1				

[New Search](#)

DSN001
and
DSN002

REPRESENTATIVE STORM WATER OUTFALL CERTIFICATION
ADEM Form 450

This is to certify that the storm water outfalls located at:

DSN 001 Latitude (30) ° (31) ' (53.10) " N and Longitude (88) ° (06) ' (18.55) " W

DSN 002 Latitude (30) ° (31) ' (49.67) " N and Longitude (88) ° (06) ' (03.81) " W

DSN 003 Latitude (30) ° (31) ' (46.21) " N and Longitude (88) ° (06) ' (04.19) " W

DSN _____ Latitude (_____) ° (_____) ' (_____) " N and Longitude (_____) ° (_____) ' (_____) " W

are associated with similar industrial activities such that the characteristics of storm water runoff are essentially the same. Therefore, Millard Services, Inc. (Facility Name) requests that it be allowed to sample the outfall(s) located at:

DSN 003 Latitude (30) ° (31) ' (46.21) " N and Longitude (88) ° (06) ' (04.19) " W

DSN _____ Latitude (_____) ° (_____) ' (_____) " N and Longitude (_____) ° (_____) ' (_____) " W

DSN _____ Latitude (_____) ° (_____) ' (_____) " N and Longitude (_____) ° (_____) ' (_____) " W

as the representative outfall(s).

This form must be signed by the official representative of the facility who is: the owner, the sole proprietor of a sole proprietorship, a general partner for a partnership, or by a ranking elected official or other duly authorized representative for a unit of government or an executive officer of at least the level of vice president for a corporation, having overall responsibility for the operation of the facility.

CERTIFICATION: I certify that I have chosen the point(s) that is/are most likely or as likely to contain potential pollutants from the area. 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 the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations.

Permit Number (*if already a permitted facility): ALG140936

Name and Official title (type or print): Lance Larsen, CEO

Address: 7730 Deer River Road

Phone Number: (402) 896.4731

Signature: [Signature]

Please print name: Lance Larsen

Date signed: 08-29-17

Email address: ckupfer@millardmaritime.com

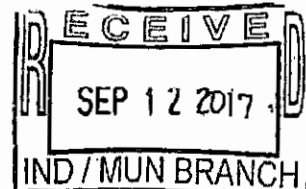
*If this is a modification to an existing permit, then a modification fee must also be included.

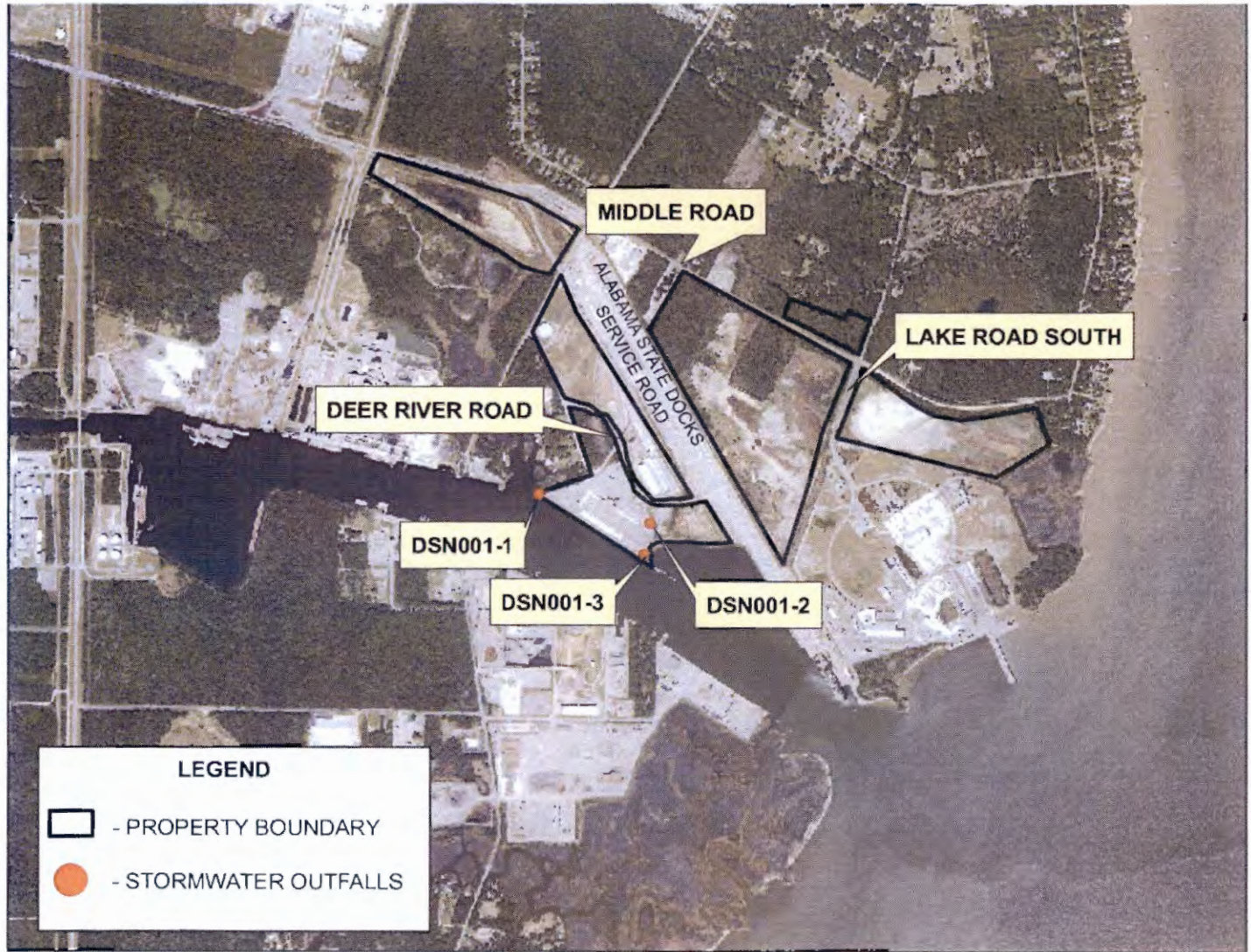
INSTRUCTIONS

One certification should be submitted for each set of points from the same drainage area for which you want to designate a representative sampling point or points.



If you have more than one drainage area, you must submit a site drawing designating the drainage areas and all points of discharge with the chosen representative sampling points designated in each area.

If you have more than one drainage area, you may request that only one area be sampled if the areas are very similar to one another in terms of potential pollutants. You must choose as the representative sampling point the point that has the highest potential to contain pollutants in the storm water

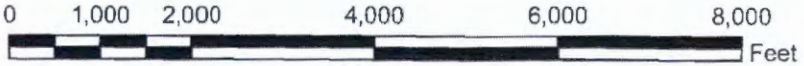




LEGEND

 - PROPERTY BOUNDARY
 - STORMWATER OUTFALLS

1:24,000



EXTRACTED FROM THE USGS PHOTO-MOSAIC OF MOBILE COUNTY, ALABAMA

MILLARD MARITIME, LLC
 7730 DEER RIVER ROAD
 THEODORE, ALABAMA

SOUTHERN EARTH SCIENCES, INC.



Geotechnical, Environmental & Construction Materials Testing
www.soearth.com

FIGURE 1
FACILITY LOCATION MAP
 SESI JOB NO.: M17-001

Alabama Department of Environmental Management Discharge Monitoring Report (DMR)

PERMITTEE NAME: Millard Refrigerated Services
MAILING ADDRESS: 7730 Deer River Road, Theodore, AL 36582

PERMIT NUMBER: ALG140936
MONITORING POINT: 0013

COUNTY: MINOR
PROGRAM: Mobile Industrial
***** NO DISCHARGE [] *****

FACILITY: Millard Refrigerated Service
LOCATION: 7730 Deer River Rd, Theodore, AL 36582

MONITORING PERIOD:	
YY MM DD	YY MM DD
From: 16 07 01	To: 16 12 31

NOTE: Read instructions before completing this form.

Parameter	Sample Measurement	Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
		Average	Maximum		Minimum	Average	Maximum				
PH	Sample Measurement	*****	*****		0	*****	6.25	12 S.U.	0	Twice per Year	Grab
Parameter Code: 00400 Stage Code: 1 EFFLUENT GROSS VALUE	Permit Requirement	*****	*****	*****	report minimum daily	*****	report maximum daily				Twice per Year
SOLIDS, TOTAL SUSPENDED	Sample Measurement	*****	*****		*****	*****	10	19 mg/l	0	Twice per Year	Grab
Parameter Code: 00530 Stage Code: 1 EFFLUENT GROSS VALUE	Permit Requirement	*****	*****	*****	*****	*****	report maximum daily				Twice per Year
OIL & GREASE	Sample Measurement	*****	*****		*****	*****	2	19 mg/l	0	Twice per Year	Grab
Parameter Code: 00556 Stage Code: 1 EFFLUENT GROSS VALUE	Permit Requirement	*****	*****	*****	*****	*****	15 maximum daily				Twice per Year
PHOSPHORUS, TOTAL (AS P)	Sample Measurement	*****	*****		*****	*****	13.7	19 mg/l	0	Twice per Year	Grab
Parameter Code: 00665 Stage Code: 1 EFFLUENT GROSS VALUE	Permit Requirement	*****	*****	*****	*****	*****	report maximum daily				Twice per Year
LEAD, TOTAL RECOVERABLE	Sample Measurement	*****	*****		*****	*****	0.005	19 mg/l	0	Twice per Year	Grab
Parameter Code: 01114 Stage Code: 1 EFFLUENT GROSS VALUE	Permit Requirement	*****	*****	*****	*****	*****	report maximum daily				Twice per Year
TOLUENE	Sample Measurement	*****	*****		*****	*****	5	28 ug/l	0	Twice per Year	Grab
Parameter Code: 34010 Stage Code: 1 EFFLUENT GROSS VALUE	Permit Requirement	*****	*****	*****	*****	*****	report maximum daily				Twice per Year
BENZENE	Sample Measurement	*****	*****		*****	*****	5	28 ug/l	0	Twice per Year	Grab
Parameter Code: 34030 Stage Code: 1 EFFLUENT GROSS VALUE	Permit Requirement	*****	*****	*****	*****	*****	report maximum daily				Twice per Year

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	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 the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE
		Signed By E2	251-443-6755	09/21/2016

Alabama Department of Environmental Management Discharge Monitoring Report (DMR)

PERMITTEE NAME: Millard Refrigerated Services
MAILING ADDRESS: 7730 Deer River Road, Theodore, AL 36582

PERMIT NUMBER: ALG140936
MONITORING POINT: 0013

COUNTY: MINOR Mobile
PROGRAM: Industrial

FACILITY: Millard Refrigerated Service
LOCATION: 7730 Deer River Rd, Theodore, AL 36582

MONITORING PERIOD:	
YY MM DD	YY MM DD
From: 16 07 01	To: 16 12 31

***** NO DISCHARGE [] *****
 NOTE: Read instructions before completing this form.

Parameter	Sample Measurement / Permit Requirement	Quantity or Loading		Units	Quality or Concentration			Units	No. Ex.	Frequency of Analysis	Sample Type
		Average	Maximum		Minimum	Average	Maximum				
ETHYLBENZENE	Sample Measurement	*****	*****	*****	*****	*****	5	28 ug/l	0	Twice per Year	Grab
Parameter Code: 34371 Stage Code: 1 EFFLUENT GROSS VALUE	Permit Requirement	*****	*****		*****	*****	report maximum daily				
NAPHTHALENE	Sample Measurement	*****	*****	*****	*****	*****	10	28 ug/l	0	Twice per Year	Grab
Parameter Code: 34696 Stage Code: 1 EFFLUENT GROSS VALUE	Permit Requirement	*****	*****		*****	*****	report maximum daily				
RAINFALL	Sample Measurement	*****	1	61 inches	*****	*****	*****	*****	0	Twice per Year	Measured
Parameter Code: 46529 Stage Code: 1 EFFLUENT GROSS VALUE	Permit Requirement	*****	report maximum daily		*****	*****	*****				
XYLENE	Sample Measurement	*****	*****	*****	*****	*****	5	28 ug/l	0	Twice per Year	Grab
Parameter Code: 81551 Stage Code: 1 EFFLUENT GROSS VALUE	Permit Requirement	*****	*****		*****	*****	report maximum daily				
	Sample Measurement										
	Permit Requirement										
	Sample Measurement										
	Permit Requirement										
	Sample Measurement										
	Permit Requirement										

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT Craig Foil	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 the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE
		Signed By E2	251-443-6755	09/21/2016

Moseley, Dorothy B

From: Stacey Guarino <sguarino@soearth.com>
Sent: Tuesday, September 19, 2017 12:10 PM
To: Moseley, Dorothy B
Subject: RE: NOI for NPDES General Permit ALG140936 Millard Maritime

Sorry...Both.

Stacey Guarino

Southern Earth Sciences, Inc.

5460 Rangeline Road

Mobile, AL 36619

Main Office: 251.344.7711

Office Direct: 251.445.4369

Fax: 251.443.9000

E-mail: sguarino@soearth.com

Visit us at: www.soearth.com



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From: Moseley, Dorothy B [<mailto:dbmoseley@adem.alabama.gov>]
Sent: Tuesday, September 12, 2017 8:38 AM
To: Stacey Guarino <sguarino@soearth.com>
Subject: RE: NOI for NPDES General Permit ALG140936 Millard Maritime

Stacy,

Is the form 450 for both DSN001 and DSN002? It does not specify for which one or if for both.

Please let me know if you have any questions.

Thank you,

Dodi Moseley
(334) 271-7725

Moseley, Dorothy B

From: Stacey Guarino <sguarino@soearth.com>
Sent: Monday, August 28, 2017 2:27 PM
To: Moseley, Dorothy B
Subject: RE: NOI for NPDES General Permit ALG140936 Millard Maritime

Follow Up Flag: Follow up
Flag Status: Completed

Dodi,

Please see my responses in red. Let me know if you need anything else.

Thanks,

Stacey Guarino

Southern Earth Sciences, Inc.

5460 Rangeline Road

Mobile, AL 36619

Main Office: 251.344.7711

Office Direct: 251.445.4369

Fax: 251.443.9000

E-mail: sguarino@soearth.com

Visit us at: www.soearth.com



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From: Moseley, Dorothy B [<mailto:dbmoseley@adem.alabama.gov>]
Sent: Wednesday, August 23, 2017 9:18 AM
To: Stacey Guarino <sguarino@soearth.com>
Subject: NOI for NPDES General Permit ALG140936 Millard Maritime

Stacey,

I'm reviewing the NOI submitted to renew the above permit and need further information.

1. On page 1, the SIC codes has been left blank. Please provide the SIC code. 4225 – General warehousing and storage

The current permit has coverage for DSN001-1, DSN001-2, and DSN001-3 with *DSN001-3* being representative of the others.

The submitted NOI includes these outfalls for DSN001 (storm water from vehicle/equipment parking and maintenance areas), but it also includes these three outfalls for DSN002 (Storm water from warehousing and storage of goods).

2. Does the facility want coverage under both DSN001 and DSN002? **Yes.**
3. Also, a form 450 for representative sampling was not included. Since both DSN001 and DSN002 are storm water outfalls, both could have representative sampling. Please submit form 450 if the facility want to continue representative sampling. **Getting the form signed. Will send it to you as soon as I receive it.**

Please let me know if you have any questions.

Thank you,

Dodi Moseley
Environmental Scientist, Sr.
Industrial General Permit Section
Water Division
Alabama Department of Environmental Management
P.O. Box 301463
Montgomery, AL 36130-1463
Or
1400 Coliseum Blvd
Montgomery, AL 36110

Phone: (334) 271-7725
Fax: *same as phone #*
dbmoseley@adem.alabama.gov

adem.alabama.gov



*Did you know you can submit your DMRs online using our newly enhanced E2 DMR Reporting System?
To sign up and learn more, please visit the Department's E2 Reporting System webpage [here](#).*

LANCE R. LEFLEUR
DIRECTOR



KAY IVEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

OCTOBER 11, 2017

MR LANCE LARSEN
CEO
MILLARD MARITIME
7730 DEER RIVER ROAD
THEODORE AL 36582

RE: NPDES PERMIT NUMBER AL0081752

Dear Mr. Larsen:

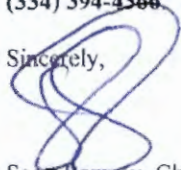
Attached is the issued copy of the above referenced permit. Please note the permit limitations and conditions with which the permittee must comply. The Department has prepared a Response to Comments that addresses the comments received during the public notice period for the draft permit.

Future monitoring data should be submitted in accordance with the conditions of your permit. Please see PART I.C for your reporting requirements. To reduce the paperwork burden for both the Department and the Permittee, when submitting the required Discharge Monitoring Reports (DMRs), please **do not submit** lab worksheets, logs, reports or other paperwork not specifically required by the permit unless requested by ADEM staff.

Please be aware that Part I.C.1.c of your permit requires that you participate in the Department's web-based electronic environmental (E2) reporting system for submittal of DMRs upon issuance of this permit unless valid justification as to why you cannot participate has been submitted to and approved by the Department. The E2 DMR system allows ADEM to electronically validate, acknowledge receipt, and upload data to the state's central wastewater database. This improves the accuracy of reported compliance data and reduces costs to both the regulated community and ADEM. The Permittee Participation Package may be downloaded online at <https://e2.adem.alabama.gov/npdes> or you may obtain a hard copy by submitting a written request or by e-mailing e2admin@adem.alabama.gov.

If you have questions regarding this permit or monitoring requirements, please contact Latoya Hall by e-mail at lahall@adem.alabama.gov or by phone at (334) 394-4366.

Sincerely,



Scott Ramsey, Chief
Industrial Section
Industrial/Municipal Branch
Water Division

Enclosure: Final Permit

cc: EPA Region IV: Final Permit
Montgomery Field Office: Final Permit

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

LANCE R. LEFLEUR
DIRECTOR



KAY IVEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

OCTOBER 11, 2017

CASI CALLAWAY
EXECUTIVE DIRECTOR
MOBILE BAYKEEPER
450-C GOVERNMENT STREET
MOBILE AL 36602

RE: Response to Comments-NPDES Draft Permit Number AL0081752

Dear Ms. Callaway:

The Department has received your comments dated June 8, 2017, regarding the draft NPDES Permit for Millard Maritime. The Department has reviewed all comments and provides a summary of the comments as well as the Department's response to each comment below:

Comment 1: The purpose of the application is listed as reissuance of the existing permit. Since the issuance of a permit modification in August 2015, the applicant has added industrial salts to its description of storm water runoff discharges. Mobile Baykeeper requests that the application be considered a permit modification or clarify how the determination when a permit modification is needed instead of a permit renewal.

Response 1: When a permit is modified, only the conditions subject to modification are reopened. If a permit is reissued, an updated application is required and the entire permit is reopened and subject to revision and the permit is reissued for a new term. In addition a modification does not change the expiration date while a reissuance does.

Comment 2: A quick review of the ADEM e-file system finds a Notice of Violation for Millard Refrigerated Services (AL0081752) dated April 24, 2014. It seems this should be included in the application.

Response 2: The permittee has updated the NPDES Permit Application to address your comment.

Comment 3: The brief description of all operations at this facility seems to be perfunctory and inadequate.

Response 3: The permittee has updated the NPDES Permit Application to address your comment. The Department has determined that the updated information does not affect the permit as it is proposed.

Comment 4: On ADEM Form 187, the applicant answers "no" to a question indicating the project does not require new construction. However, this is inaccurate based on the wetland fill application submitted to the US Army Corp of Engineers.

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

Response 4: The permittee has modified the NPDES Permit Application dated February 2, 2017 to address this issue and include the wetland fill application dated March 1, 2017. The Department has determined that the updated information does not affect the permit as it is proposed.

Comment 5: On ADEM Form 187, the applicant answers "no" to a question indicating the project will not be a source of new air emissions. This appears to be inconsistent with the permittee's application for and receipt of a new Synthetic Minor Operating Permit for a "Salt Dryer with Baghouse".

Response 5: The permittee has modified the NPDES Permit Application dated February 2, 2017 to address this issue and include the Air Permit Application dated March 27, 2017. The Department has determined that the updated information does not affect the permit as it is proposed.

Thank you for your comments regarding the proposed NPDES Permit for Millard Maritime. Based on the comments received, there will be no changes to the permit at this time. Should you have any questions regarding the issuance of this permit, please contact Latoya Hall by phone at (334) 394-4366 or by email at lahall@adem.alabama.gov. The final permit will be available in the Department's efile system.

Sincerely,

A handwritten signature in black ink, appearing to be "S. Ramsey", with a long horizontal line extending to the right.

Scott Ramsey, Chief
Industrial Section
Water Division



NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

PERMITTEE: MILLARD MARITIME LLC

FACILITY LOCATION: 7730 DEER RIVER RD
THEODORE, AL 36582

PERMIT NUMBER: AL0081752

RECEIVING WATERS: DSN002: MIDDLE FORK DEER RIVER

In accordance with and subject to the provisions of the 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 Permittee is hereby authorized to discharge into the above-named receiving waters.

ISSUANCE DATE: OCTOBER 11, 2017

EFFECTIVE DATE: NOVEMBER 1, 2017

EXPIRATION DATE: OCTOBER 31, 2022

GIENNA L. DEAN

Alabama Department of Environmental Management

**INDUSTRIAL SECTION
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) 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:

DSN0021: Stormwater runoff from the unloading, storage and loading of various materials including industrial salts, bulk fertilizer and iron ore fines. 3/4/

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

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS 1/</u>				
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency 2/</u>	<u>Sample Type</u>	<u>Seasonal</u>
pH	-	-	6.0 S.U.	-	8.5 S.U.	Monthly	Grab	-
Solids, Total Suspended	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Oil & Grease	-	-	-	-	15 mg/l	Monthly	Grab	-
Nitrogen, Ammonia Total (As N)	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Nitrogen, Kjeldahl Total (As N)	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Nitrite Plus Nitrate Total I Det. (As N)	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Phosphorus, Total (As P)	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Magnesium, Total (As Mg) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-

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.

- 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/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.
- 3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.
- 4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.
- 5/ For the purpose of determining compliance with the above requirements, "Total" and "Total Recoverable" shall be considered equivalent.

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:

DSN0021 (continued): Stormwater runoff from the unloading, storage and loading of various materials including industrial salts, bulk fertilizer and iron ore fines. 3/4/

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

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS 1/</u>				
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency 2/</u>	<u>Sample Type</u>	<u>Seasonal</u>
Barium, Total (As Ba) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Chromium, Total (As Cr) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Cobalt, Total (As Co) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Copper, Total (As Cu) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Iron, Total (As Fe) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Lead, Total (As Pb) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Manganese, Total (As Mn) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Thallium, Total (As Tl) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-

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.

- 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/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.
- 3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.
- 4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.
- 5/ For the purpose of determining compliance with the above requirements, "Total" and "Total Recoverable" shall be considered equivalent.

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:

DSN0021 (continued): Stormwater runoff from the unloading, storage and loading of various materials including industrial salts, bulk fertilizer and iron ore fines. 3/4/

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

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS 1/</u>				
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency 2/</u>	<u>Sample Type</u>	<u>Seasonal</u>
Nickel, Total (As Ni) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Zinc, Total (As Zn) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Aluminum, Total (As Al) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Titanium, Total (As Ti) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Alpha, Total	-	-	-	-	REPORT Picocuries per Liter	Monthly	Grab	-
Beta, Total	-	-	-	-	REPORT Picocuries per Liter	Monthly	Grab	-
Radium 226, Total	-	-	-	-	REPORT Picocuries per Liter	Monthly	Grab	-
Radium 228, Total	-	-	-	-	REPORT Picocuries per Liter	Monthly	Grab	-

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.

- 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/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.
- 3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.
- 4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.
- 5/ For the purpose of determining compliance with the above requirements, "Total" and "Total Recoverable" shall be considered equivalent.

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:

DSN0021 (continued): Stormwater runoff from the unloading, storage and loading of various materials including industrial salts, bulk fertilizer and iron ore fines. 3/4/

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

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS 1/</u>			
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency 2/</u>	<u>Sample Type</u>	<u>Seasonal</u>
Radium 223, Total	-	-	-	-	REPORT Picocuries per Liter	Monthly	Grab	-
Radium 224, Total	-	-	-	-	REPORT Picocuries per Liter	Monthly	Grab	-
Flow, In Conduit or Thru Treatment Plant	REPORT MGD	REPORT MGD	-	-	-	Monthly	Grab	-
Mercury, Total (As Hg) 5/	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Carbonaceous BOD, 5 Day, 20 Deg C Filtrd	-	-	-	-	REPORT mg/l	Monthly	Grab	-
Chemical Oxygen Demand (COD)	-	-	-	-	REPORT mg/l	Monthly	Grab	-

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.

- 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/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.
- 3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.
- 4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.
- 5/ For the purpose of determining compliance with the above requirements, "Total" and "Total Recoverable" shall be considered equivalent.

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:

DSN002Y: Stormwater runoff from the unloading, storage and loading of various materials including industrial salts, bulk fertilizer and iron ore fines.

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

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS 1/</u>				
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency 2/</u>	<u>Sample Type</u>	<u>Seasonal</u>
P/F Stat 48Hr Acu Mysidopsis Bahia 3/	-	-	-	-	0 pass(0)/fail(1)	Annually	Grab	-
P/F Stat 96Hr Acu Cyprinodon Variega 3/	-	-	-	-	0 pass(0)/fail(1)	Annually	Grab	-

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.

- 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/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.
- 3/ See Part IV.C for Effluent Toxicity Limits and Biomonitoring Requirements.

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 Section 304(h) of the FWPCA, 33 U.S.C. Section 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 using the most sensitive EPA approved method. 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

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.

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.

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. The permittee shall develop and maintain quality assurance procedures to ensure proper operation and maintenance of all equipment and instrumentation. The quality assurance procedures shall include the proper use, maintenance, and installation, when appropriate, of monitoring equipment at the plant site.

C. DISCHARGE REPORTING REQUIREMENTS

1. Reporting of Monitoring Requirements

- a. The permittee shall conduct the required monitoring in accordance with the following schedule:

MONITORING REQUIRED MORE FREQUENTLY THAN MONTHLY AND 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 complete calendar quarter following the effective date of this permit and is then required to monitor once during each quarter thereafter. Quarterly monitoring may be done anytime during the quarter, unless restricted elsewhere in this permit, but it should be submitted with the last DMR due for the quarter, i.e., (March, June, September and December DMR's).

SEMIANNUAL 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 semiannual monitoring during the first complete calendar semiannual period following the effective date of this permit and is then required to monitor once during each semiannual period thereafter. Semiannual monitoring may be done anytime during the semiannual period, unless restricted elsewhere in this permit, but it should be submitted with the last DMR for the month of the semiannual period, i.e. (June and December DMR's).

ANNUAL MONITORING shall be conducted at least once during the period of January through December. The permittee shall conduct the annual monitoring during the first complete calendar annual period following the effective date of this permit and is then required to monitor once during each annual period thereafter. Annual monitoring may be done anytime during the year, unless restricted elsewhere in this permit, but it should be submitted with the December DMR.

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

REPORTS OF MORE FREQUENTLY THAN MONTHLY AND MONTHLY TESTING shall be submitted on a **monthly** basis. The first report is due on the **28th day of November 2017**. The reports shall be submitted so that they are received by the Department no later than the 28th day of the month following the reporting period.

REPORTS OF ANNUAL TESTING shall be submitted on an annual basis. The first report is due on the 28th day of **JANUARY**. The reports shall be submitted so that they are received by the Department no later than the 28th day of the month following the reporting period.

- 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 E2 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 5 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 the 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, 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 335-6-5-.14 or a "duly authorized representative" of such official as defined in ADEM Administrative Code Rule 335-6-5-.14 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
Post Office Box 301463
Montgomery, Alabama 36130-1463**

Certified and Registered Mail containing Discharge Monitoring Reports 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
Post Office 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

- g. If this permit is a re-issuance, then the permittee shall continue to submit DMRs in accordance with the requirements of their previous permit until such time as DMRs are due as discussed in Part I.E.1.b above.

1. Noncompliance Notification

a. 24-Hour Noncompliance Reporting

The permittee shall report to the Director, within 24-hours of becoming aware of the noncompliance, any noncompliance which may endanger health or the environment. This shall include but is not limited to the following circumstances:

- (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 Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a);
- (4) contains a quantity of a hazardous substance which has been determined may be harmful to public health or welfare under Section 311(b)(4) of the FWPCA, 33 U.S.C. Section 1321(b)(4);
- (5) exceeds any discharge limitation for an effluent characteristic as a result of an unanticipated bypass or upset; and
- (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 or Designee a written report as provided in Part 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 or Designee a written report as provided in Part I.C.2.c below, such report shall be submitted with the next Discharge Monitoring Report required to be submitted by Part I.C.1 of this permit after becoming aware of the occurrence of such noncompliance.

- c. Any written report required to be submitted to the Director or Designee by Part I.C.2 a. or b. shall be submitted using a copy of the Noncompliance Notification Form provided with this permit 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.

2. Termination of Discharge

The permittee shall notify the Director, in writing, when all discharges from any point source(s) identified in Provision I. A. of this permit have permanently ceased. This notification shall serve as sufficient cause for instituting procedures for modification or termination of the permit.

3. Updating Information

- a. The permittee shall inform the Director of any change in the permittee's mailing address, 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 permit application.
- b. If the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application 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.

4. Duty to Provide Information

The 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 modifying, revoking and re-issuing, suspending, or terminating this permit, in whole or in part, or to determine compliance with this permit.

5. Cooling Water and Boiler Water Additives

- a. The permittee shall notify the Director in writing not later than thirty (30) 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. Notification is not required for additives that do not contain a heavy metal(s) as an active ingredient and that pass through a wastewater treatment system prior to discharge nor is notification required for additives that should not reasonably be expected to cause the cooling water or boiler water to exhibit toxicity as determined by analysis of manufacturer's data or testing by the permittee. Such notification shall include:
 - (1) name and general composition of biocide or chemical;
 - (2) 96-hour median tolerance limit data for organisms representative of the biota of the waterway into which the discharge will ultimately reach;
 - (2) quantities to be used;
 - (3) frequencies of use;
 - (4) 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 cooling or boiler system(s), from which a discharge regulated by this permit occurs, is prohibited except as exempted below. The use of a biocide or additive containing zinc, chromium or related compounds may be used in special circumstances if (1) the permit contains limits for these substances, or (2) the applicant demonstrates during the application process that the use of zinc, chromium or related compounds as a biocide or additive will not pose a reasonable potential to violate the applicable State water quality standards for these substances. The use of any additive, not identified in this permit or in the application for this permit or not exempted from notification under this permit is prohibited, 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.

6. Permit Issued Based On Estimated Characteristics

- a. If this permit was issued based on estimates of the characteristics of a process discharge reported on an EPA NPDES Application Form 2D (EPA Form 3510-2D), the permittee shall complete and submit an EPA NPDES Application Form 2C (EPA Form 3510-2C) no later than two years after the date that discharge begins. Sampling required for completion of the Form 2C shall occur when a discharge(s) from the process(s) causing the new or increased discharge is occurring. If this permit was issued based on estimates concerning the composition of a stormwater discharge(s), the permittee shall perform the sampling required by EPA NPDES Application Form 2F (EPA Form 3510-2F) no later than one year after the industrial activity generating the stormwater discharge has been fully initiated.
- b. This permit shall be reopened if required to address any new information resulting from the completion and submittal of the Form 2C and or 2F.

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 ATTAINED ON THE EFFECTIVE DATE OF THIS PERMIT

2. 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.

PART II OTHER REQUIREMENTS, RESPONSIBILITIES, AND DUTIES

A. 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 C.F.R. Section 112 if required thereby.
- c. The permittee shall prepare, submit for approval and implement a Best Management Practices (BMP) Plan for containment of any or all process liquids or solids, in a manner such that these materials do not present a significant potential for discharge, if so required by the Director or his designee. When submitted and approved, the BMP Plan shall become a part of this permit and all requirements of the BMP Plan shall become requirements 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.

B. 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 specified in Provision I. A. 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 credentials and other documents as may be required by law to:

- a. enter upon the permittee's premises where a regulated facility or activity or point source 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 any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and
- d. sample or monitor, for the purposes of assuring permit compliance or as otherwise authorized by the AWPCA, any substances or parameters at any location.

C. BYPASS AND UPSET

1. Bypass

- a. Any bypass is prohibited except as provided in h. 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 enters the same receiving stream as the permitted outfall; and
 - (3) It is necessary for essential maintenance of a treatment or control facility or system to assure efficient operation of such facility or system.
- 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 judgment 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.C.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. C.2.a. of this permit have been met to qualify for an exemption from the discharge limitations specified in Provision I.A. of this permit.

D. 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, for permit termination, revocation and reissuance, suspension, modification; or denial of a permit renewal application.
- 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 permit application for this 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 and 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 wastewaters 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 facilities, 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. If control of discharge during loss or failure of the primary source of power is to be accomplished by means of alternate power sources, standby generators, or retention of inadequately treated effluent, the permittee must furnish to the Director within six months a certification that such control mechanisms have been installed.

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 Blvd., Montgomery, AL 36130.
- 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. Section 1319, and Code of Alabama 1975, Section 22-22-14.

E. PERMIT TRANSFER, MODIFICATION, SUSPENSION, REVOCATION, AND REISSUANCE

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

- a. If the permittee intends to continue to discharge beyond the expiration date of this permit, the permittee shall file a complete permit application for reissuance of this permit at least 180 days prior to its expiration. If the permittee does not intend to continue discharge beyond the expiration of this permit, the permittee shall submit written notification of this intent which shall be signed by an individual meeting the signatory requirements for a permit application as set forth in ADEM Administrative Code Rule 335-6-6-.09.
- b. Failure of the permittee to apply for reissuance at least 180 days prior to permit expiration will void the automatic continuation of the expiring permit provided by ADEM Administrative Code Rule 335-6-6-.06 and should the permit not be reissued for any reason any discharge after expiration of this permit will be an unpermitted discharge.

2. Change in Discharge

- a. The permittee shall apply for a permit modification at least 180 days in advance of any facility expansion, production increase, process change, or other action that could result in the discharge of additional pollutants or increase the quantity of a discharged pollutant such that existing permit limitations would be exceeded 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 authorized it by issuance of a permit modification or a reissued 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-dini-trophenol; 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 and Revocation

a. This permit may be modified or revoked and reissued, in whole or in part, during its term for cause, including but not limited to, the following:

- (1) If cause for termination under Provision II. E. 5. of this permit exists, the Director may choose to revoke and reissue this permit instead of terminating the permit;
- (2) If a request to transfer this permit has been received, the Director may decide to revoke and reissue or to modify the permit; or
- (3) If modification or revocation and reissuance is requested by the permittee and cause exists, the Director may grant the request.

b. This permit may be modified during its term for cause, including but not limited to, the following:

- (1) If cause for termination under Provision II. E. 5. of this permit exists, the Director may choose to modify this permit instead of terminating this permit;
- (2) There are material and substantial alterations or additions to the facility or activity generating wastewater which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;
- (3) The Director has received new 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;
- (4) A new or revised requirement(s) of any applicable standard or limitation is promulgated under Sections 301(b)(2)(C), (D), (E), and (F), and 307(a)(2) of the FWPCA;
- (5) Errors in calculation of discharge limitations or typographical or clerical errors were made;
- (6) To the extent allowed by ADEM Administrative Code, Rule 335-6-6-.17, 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;
- (7) To the extent allowed by ADEM Administrative Code, Rule 335-6-6-.17, permits may be modified to change compliance schedules;
- (8) To agree with a granted variance under 301(c), 301(g), 301(h), 301(k), or 316(a) of the FWPCA or for fundamentally different factors;
- (9) To incorporate an applicable 307(a) FWPCA toxic effluent standard or prohibition;
- (10) When required by the reopener conditions in this permit;
- (11) When required under 40 CFR 403.8(e) (compliance schedule for development of pretreatment program);
- (12) Upon failure of the state to notify, as required by Section 402(b)(3) of the FWPCA, another state whose waters may be affected by a discharge permitted by this permit;
- (13) When required to correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions; or
- (14) When requested by the permittee and the Director determines that the modification has cause and will not result in a violation of federal or state law, regulations or rules.

5. Permit Termination

This permit may be terminated during its term for cause, including but not limited to, the following:

- a. Violation of any term or condition of this permit;
- b. 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;
- c. Materially false or inaccurate statements or information in the permit application or the permit;
- d. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
- e. The permittee's discharge threatens human life or welfare or the maintenance of water quality standards;
- f. Permanent closure of the facility generating the wastewater permitted to be discharged by this permit or permanent cessation of wastewater discharge;
- g. New or revised requirements of any applicable standard or limitation that is promulgated under Sections 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; or
- h. Any other cause allowed by the ADEM Administrative Code, Chapter 335-6-6.

6. Permit Suspension

This permit may be suspended during its term for noncompliance until the permittee has taken action(s) necessary to achieve compliance.

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

The filing of a request by the permittee for modification, suspension or revocation of this permit, in whole or in part, does not stay any permit term or condition.

F. 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 Section 307(a) of the FWPCA, 33 U.S.C. Section 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.

G. 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.

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.

c. If the permittee is not in compliance with the conditions of an expiring or expired permit the Director may choose to do any or all of the following provided the permittee has made a timely and complete application for reissuance of the permit:

- (1) initiate enforcement action based upon the permit which has been continued;
- (2) issue a notice of intent to deny the permit reissuance. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;
- (3) reissue the new permit with appropriate conditions; or
- (4) take other actions authorized by these rules and AWPCA.

4. Relief from Liability

Except as provided in Provision II.C.1 (Bypass) and Provision II.C.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.

OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the FWPCA, 33 U.S.C. Section 1321.

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 United States.

D. AVAILABILITY OF REPORTS

Except for data determined to be confidential under Code of Alabama 1975, Section 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. Effluent data shall not be considered confidential.

E. EXPIRATION OF PERMITS FOR NEW OR INCREASED DISCHARGES

1. If this permit was issued for a new discharger or new source, this permit shall expire eighteen months after the issuance date if construction of the facility has not begun during the eighteen-month period.
2. If this permit was issued or modified to allow the discharge of increased quantities of pollutants to accommodate the modification of an existing facility and if construction of this modification has not begun during the eighteen month period after issuance of this permit or permit modification, this permit shall be modified to reduce the quantities of pollutants allowed to be discharged to those levels that would have been allowed if the modification of the facility had not been planned.
3. Construction has begun when the owner or operator has:
 - a. begun, or caused to begin as part of a continuous on-site construction program:
 - (1) any placement, assembly, or installation of facilities or equipment; or
 - (2) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. entered into a binding contractual obligation for the purpose of placement, assembly, or installation of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under the paragraph. The entering into a lease with the State of Alabama for exploration and production of hydrocarbons shall also be considered beginning construction.

F. COMPLIANCE WITH WATER QUALITY STANDARDS

1. On the basis of the permittee's application, plans, or other available information, the Department has determined that compliance with the terms and conditions of this permit should assure compliance with the applicable water quality standards.
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 abatement action to be taken by the permittee in emergency situations or modify the 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 and, in cases of emergency, the Director may prohibit the discharge until the permit has been modified.

G. 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.

H. DEFINITIONS

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. Arithmetic Mean - means the summation of the individual values of any set of values divided by the number of individual values.

5. AWPCA - means the Alabama Water Pollution Control Act.
6. BOD – means the five-day measure of the pollutant parameter biochemical oxygen demand.
7. Bypass - means the intentional diversion of waste streams from any portion of a treatment facility.
8. CBOD – means the five-day measure of the pollutant parameter carbonaceous biochemical oxygen demand.
9. 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.
10. Daily maximum - means the highest value of any individual sample result obtained during a day.
11. Daily minimum - means the lowest value of any individual sample result obtained during a day.
12. Day - means any consecutive 24-hour period.
13. Department - means the Alabama Department of Environmental Management.
14. Director - means the Director of the Department.
15. Discharge - means "[t]he addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other wastes into waters of the state". Code of Alabama 1975, Section 22-22-1(b)(8).
16. Discharge Monitoring Report (DMR) - means the form approved by the Director to accomplish reporting requirements of an NPDES permit.
17. DO – means dissolved oxygen.
18. 8HC – means 8-hour composite sample, including any of the following:
 - a. The mixing of at least 5 equal volume samples collected at constant time intervals of not more than 2 hours over a period of not less than 8 hours between the hours of 6:00 a.m. and 6:00 p.m. If the sampling period exceeds 8 hours, sampling may be conducted beyond the 6:00 a.m. to 6:00 p.m. period.
 - b. A sample continuously collected at a constant rate over period of not less than 8 hours between the hours of 6:00 a.m. and 6:00 p.m. If the sampling period exceeds 8 hours, sampling may be conducted beyond the 6:00 a.m. to 6:00 p.m. period.
19. EPA - means the United States Environmental Protection Agency.
20. FC – means the pollutant parameter fecal coliform.
21. Flow – means the total volume of discharge in a 24-hour period.
22. FWPCA - means the Federal Water Pollution Control Act.
23. Geometric Mean – means the Nth root of the product of the individual values of any set of values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero (0) shall be considered one (1).
24. Grab Sample – means a single influent or effluent portion which is not a composite sample. The sample(s) shall be collected at the period(s) most representative of the discharge.
25. Indirect Discharger – means a nondomestic discharger who discharges pollutants to a publicly owned treatment works or a privately owned treatment facility operated by another person.
26. Industrial User – means those industries identified in the Standard Industrial Classification manual, Bureau of the Budget 1967, as amended and supplemented, under the category "Division D – Manufacturing" and such other classes of significant waste producers as, by regulation, the Director deems appropriate.
27. MGD – means million gallons per day.
28. Monthly Average – means, other than for fecal coliform bacteria, the arithmetic mean of the entire composite or grab samples taken for the daily discharges collected in one month period. The monthly average for fecal coliform bacteria is the geometric mean of daily discharge samples collected in a one month period. The monthly average for flow is the arithmetic mean of all flow measurements taken in a one month period.

29. New Discharger – means a person, owning or operating any building, structure, facility or installation:
 - a. from which there is or may be a discharge of pollutants;
 - b. that did not commence the discharge of pollutants prior to August 13, 1979, and which is not a new source; and
 - c. which has never received a final effective NPDES permit for dischargers at that site.
30. NH3-N – means the pollutant parameter ammonia, measured as nitrogen.
31. Permit application - means forms and additional information that is required by ADEM Administrative Code Rule 335-6-6-.08 and applicable permit fees.
32. 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." Section 502(14) of the FWPCA, 33 U.S.C. Section 1362(14).
33. Pollutant - includes for purposes of this permit, but is not limited to, those pollutants specified in Code of Alabama 1975, Section 22-22-1(b)(3) and those effluent characteristics specified in Provision I. A. of this permit.
34. Privately Owned Treatment Works – means any devices or system which is used to treat wastes from any facility whose operator is not the operator of the treatment works, and which is not a "POTW".
35. Publicly Owned Treatment Works -- means a wastewater collection and treatment facility owned by the State, municipality, regional entity composed of two or more municipalities, or another entity created by the State or local authority for the purpose of collecting and treating municipal wastewater.
36. Receiving Stream – means the "waters" receiving a "discharge" from a "point source".
37. 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.
38. Significant Source – means a source which discharges 0.025 MGD or more to a POTW or greater than five percent of the treatment work's capacity, or a source which is a primary industry as defined by the U.S. EPA or which discharges a priority or toxic pollutant.
39. Solvent – means any virgin, used or spent organic solvent(s) identified in the F-Listed wastes (F001 through F005) specified in 40 CFR 261.31 that is used for the purpose of solubilizing other materials.
40. TKN – means the pollutant parameter Total Kjeldahl Nitrogen.
41. TON – means the pollutant parameter Total Organic Nitrogen.
42. TRC – means Total Residual Chlorine.
43. TSS – means the pollutant parameter Total Suspended Solids.
44. 24HC – means 24-hour composite sample, including any of the following:
 - a. the mixing of at least 12 equal volume samples collected at constant time intervals of not more than 2 hours over a period of 24 hours;
 - b. a sample collected over a consecutive 24-hour period using an automatic sampler composite to one sample. As a minimum, samples shall be collected hourly and each shall be no more than one twenty-fourth (1/24) of the total sample volume collected; or
 - c. a sample collected over a consecutive 24-hour period using an automatic composite sampler composited proportional to flow.
45. 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.

46. 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, Section 22-22-1(b)(2). Waters "include all navigable waters" as defined in Section 502(7) of the FWPCA, 22 U.S.C. Section 1362(7), which are within the State of Alabama.
47. Week - means the period beginning at twelve midnight Saturday and ending at twelve midnight the following Saturday.
48. Weekly (7-day and calendar week) Average - is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The calendar week is defined as beginning on Sunday and ending on Saturday. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for the calendar week shall be included in the data for the month that contains the Saturday.

I. 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. BEST MANAGEMENT PRACTICES (BMP) PLAN REQUIREMENTS

1. BMP Plan

The permittee shall develop and implement a Best Management Practices (BMP) Plan which prevents, or minimizes the potential for, the release of pollutants from ancillary activities, including material storage areas; plant site runoff; in-plant transfer, process and material handling areas; loading and unloading operations, and sludge and waste disposal areas, to the waters of the State through plant site runoff; spillage or leaks; sludge or waste disposal; or drainage from raw material storage.

2. Plan Content

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

a. Establish specific objectives for the control of pollutants:

- (1) Each facility component or system shall be examined for its potential for causing a release of significant amounts of pollutants to waters of the State due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.
- (2) Where experience indicates a reasonable potential for equipment failure (e.g., a tank overflow or leakage), natural condition (e.g. precipitation), or circumstances to result in significant amounts of pollutants reaching surface waters, the plan should include a prediction of the direction, rate of flow, and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.

b. Establish specific best management practices to meet the objectives identified under paragraph a. of this section, addressing each component or system capable of causing a release of significant amounts of pollutants to the waters of the State, and identifying specific preventative or remedial measures to be implemented;

c. Establish a program to identify and repair leaking equipment items and damaged containment structures, which may contribute to contaminated stormwater runoff. This program must include regular visual inspections of equipment, containment structures and of the facility in general to ensure that the BMP is continually implemented and effective;

d. Prevent the spillage or loss of fluids, oil, grease, gasoline, etc. from vehicle and equipment maintenance activities and thereby prevent the contamination of stormwater from these substances;

e. Prevent or minimize stormwater contact with material stored on site;

f. Designate by position or name the person or persons responsible for the day to day implementation of the BMP;

g. Provide for routine inspections, on days during which the facility is manned, of any structures that function to prevent stormwater pollution or to remove pollutants from stormwater and of the facility in general to ensure that the BMP is continually implemented and effective;

h. Provide for the use and disposal of any material used to absorb spilled fluids that could contaminate stormwater;

i. Develop a solvent management plan, if solvents are used on site. The solvent management plan shall include as a minimum lists of the solvents on site; the disposal method of solvents used instead of dumping, such as reclamation, contract hauling; and the procedures for assuring that solvents do not routinely spill or leak into the stormwater;

j. Provide for the disposal of all used oils, hydraulic fluids, solvent degreasing material, etc. in accordance with good management practices and any applicable state or federal regulations;

k. Include a diagram of the facility showing the locations where stormwater exits the facility, the locations of any structure or other mechanisms intended to prevent pollution of stormwater or to remove pollutants from stormwater, the locations of any collection and handling systems;

l. Provide control sufficient to prevent or control pollution of stormwater by soil particles to the degree required to maintain compliance with the water quality standard for turbidity applicable to the waterbody(s) receiving discharge(s) under this permit;

m. Provide spill prevention, control, and/or management sufficient to prevent or minimize contaminated stormwater runoff. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and shall prevent the contamination of groundwater. The containment system shall also be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided;

- n. Provide and maintain curbing, diking or other means of isolating process areas to the extent necessary to allow segregation and collection for treatment of contaminated stormwater from process areas;
 - o. Be reviewed by plant engineering staff and the plant manager; and
 - p. Bear the signature of the plant manager.
3. 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 this permit.
4. 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.
5. 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 routine inspection required above 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 each entry shall be signed by the person performing the inspection.
 - 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 three 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.

B. STORMWATER FLOW MEASUREMENT AND SAMPLING REQUIREMENTS

1. Stormwater Flow Measurement
- a. All stormwater samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches.
 - b. The total volume of stormwater 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. 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 stormwater 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. of this permit.
2. Stormwater 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. of this permit.

C. EFFLUENT TOXICITY LIMITATIONS AND BIOMONITORING REQUIREMENTS

1. The permittee shall perform acute toxicity tests on the wastewater discharges required to be tested for acute toxicity by Part I of this permit.

a. Test Requirements

- (1) The tests shall be performed using undiluted effluent.
- (2) Any test where survival in the effluent concentration is less than 90% and statistically lower than the control indicates acute toxicity and constitutes noncompliance with this permit.

b. General Test Requirements:

- (1) A grab sample shall be obtained for use in above biomonitoring tests. The holding time for each sample shall not exceed 36 hours. The control water shall be a water prepared in the laboratory in accordance with the EPA procedure described in EPA 821-R-02-012 or most current edition or another control water selected by the permittee and approved by the Department.

Effluent toxicity tests in which the control survival is less than 90% or in which the other requirements of the EPA Test Procedure are not met shall be unacceptable and the permittee shall rerun the tests as soon as practical within the monitoring period.

In the event of an invalid test, upon subsequent completion of a valid test, the results of all tests, valid and invalid, are reported with an explanation of the tests performed and results.

c. Reporting Requirements:

- (1) The permittee shall notify the Department in writing within 48 hours after toxicity has been demonstrated by the scheduled test(s).
- (2) Biomonitoring test results obtained during each monitoring period shall be summarized and reported using the appropriate Discharge Monitoring Report (DMR) form approved by the Department. In accordance with Section 2. of this part, an effluent toxicity report containing the information in Section 2. shall be included with the DMR. Two copies of the test results must be submitted to the Department no later than 28 days after the month in which the tests were performed.

d. Additional Testing Requirements:

- (1) If acute toxicity is indicated (noncompliance with permit limit), the permittee shall perform four additional valid acute toxicity tests in accordance with these procedures to determine the extent and duration of the toxic condition. The toxicity tests shall be performed once per week and shall be performed during the first four calendar weeks following the date on which the permittee became aware of the permit noncompliance and the results of these tests shall be submitted no later than 28 days following the month in which the tests were performed.
- (2) After evaluation of the results of the follow-up tests, the Department will determine if additional action is appropriate and may require additional testing and/or toxicity reduction measures. The permittee may be required to perform a Toxicity Identification Evaluation (TIE) and/or a Toxicity Reduction Evaluation (TRE). The TIE/TRE shall be performed in accordance with the most recent protocols/guidance outlined by EPA (e.g., EPA/600/2-88/062, EPA/600/R-92/080, EPA/600R-92/081, EPA/833/B-99/022 and/or EPA/600/6-91/005F, etc.).

e. Test Methods:

- (1) The tests shall be performed in accordance with the latest edition of the "EPA Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms" and shall be performed using the *Mysidopsis Bahia* and the *Cyprinodon Variega*.

2. Effluent toxicity testing reports

The following information shall be submitted with each discharge monitoring report unless otherwise directed by the Department. The Department may at any time suspend or reinstate this requirement or may increase or decrease the frequency of submittals.

- a. Introduction
 - (1) Facility Name, location and county
 - (2) Permit number
 - (3) Toxicity testing requirements of permit
 - (4) Name of receiving water body
 - (5) Contract laboratory information (if tests are performed under contract)
 - (a) Name of firm
 - (b) Telephone number
 - (c) Address
 - (6) Objective of test
- b. Plant Operations
 - (1) Discharge operating schedule (if other than continuous)
 - (2) Volume of discharge during sample collection to include Mean daily discharge on sample collection date (MGD, CFS, GPM)
 - (3) Design flow of treatment facility at time of sampling
- c. Source of Effluent and Dilution Water
 - (1) Effluent samples
 - (a) Sampling point
 - (b) Sample collection dates and times (to include composite sample start and finish times)
 - (c) Sample collection method
 - (d) Physical and chemical data of undiluted effluent samples (water temperature, pH, alkalinity, hardness, specific conductance, total residual chlorine (if applicable), etc.)
 - (e) Sample temperature when received at the laboratory
 - (f) Lapsed time from sample collection to delivery
 - (g) Lapsed time from sample collection to test initiation
 - (2) Dilution Water Samples
 - (a) Source
 - (b) Collection date(s) and time(s) (where applicable)
 - (c) Pretreatment
 - (d) Physical and chemical characteristics (pH, hardness, water temperature, alkalinity, specific conductance, etc.)
- d. Test Conditions
 - (1) Toxicity test method utilized
 - (2) End point(s) of test
 - (3) Deviations from referenced method, if any, and reason(s)
 - (4) Date and time test started

- (5) Date and time test terminated
 - (6) Type and volume of test chambers
 - (7) Volume of solution per chamber
 - (8) Number of organisms per test chamber
 - (9) Number of replicate test chambers per treatment
 - (10) Test temperature, pH and dissolved oxygen as recommended by the method (to include ranges)
 - (11) Feeding frequency, and amount and type of food
 - (12) Light intensity (mean)
- e. Test Organisms
- (1) Scientific name
 - (2) Life stage and age
 - (3) Source
 - (4) Disease treatment (if applicable)
- f. Quality Assurance
- (1) Reference toxicant utilized and source
 - (2) Date and time of most recent acute reference toxicant test(s), raw data, and current cusum chart(s)
 - (3) Dilution water utilized in reference toxicant test
 - (4) Results of reference toxicant test(s) (LC50, etc.), report concentration-response relationship and evaluate test sensitivity. The most recent reference toxicant test shall be conducted within 30-days of the routine.
 - (5) Physical and chemical methods utilized
- g. Results
- (1) Provide raw toxicity data in tabular form, including daily records of affected organisms in each concentration (including controls) and replicate
 - (2) Provide table of endpoints: LC50, NOAEC, Pass/Fail (as required in the applicable NPDES permit)
 - (3) Indicate statistical methods used to calculate endpoints
 - (4) Provide all physical and chemical data required by method
 - (5) Results of test(s) (LC50, NOAEC, Pass/Fail, etc.), report concentration-response relationship (**definitive test only**), report percent minimum significant difference (PMSD).
- h. Conclusions and Recommendations
- (1) Relationship between test endpoints and permit limits
 - (2) Action to be taken

BEST MANAGEMENT PRACTICES PLAN 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.

BRADLEY S. HALL PRESIDENT
Name and Official Title (type or print)


Signature

12.3.2020
Date

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 WATER DIVISION – INDUSTRIAL AND MUNICIPAL SECTIONS
NONCOMPLIANCE NOTIFICATION FORM

PERMITTEE NAME: _____ PERMIT NO: _____
 FACILITY LOCATION: _____
 DMR REPORTING PERIOD: _____

1. DESCRIPTION OF DISCHARGE: (Include outfall number (s))

2. DESCRIPTION OF NON-COMPLIANCE: (Attach additional pages if necessary):

LIST EFFLUENT VIOLATIONS (If applicable)			
Outfall Number (s)	NONCOMPLIANCE PARAMETER(S)	Result Reported (Include units)	Permit Limit (Include units)
LIST MONITORING / REPORTING VIOLATIONS (If applicable)			
Outfall Number (s)	NONCOMPLIANCE PARAMETER(S)	Monitoring / Reporting Violation (Provide description)	

3. CAUSE OF NON-COMPLIANCE (Attach additional pages if necessary):

4. PERIOD OF NONCOMPLIANCE: (Include exact date(s) and time(s) or, if not corrected, the anticipated time the noncompliance is expected to continue):

5. DESCRIPTION OF STEPS TAKEN AND/OR BEING TAKEN TO REDUCE OR ELIMINATE THE NONCOMPLYING DISCHARGE AND TO PREVENT ITS RECURRENCE (attach additional pages if necessary):

"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 the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

 NAME AND TITLE OF RESPONSIBLE OFFICIAL (type or print)

 SIGNATURE OF RESPONSIBLE OFFICIAL / DATE SIGNED

ADEM PERMIT RATIONALE

PREPARED DATE: March 3, 2017
PREPARED BY: Ed Hughes

Permittee Name: Millard Maritime LLC
Facility Name: Millard Maritime LLC
Permit Number: AL0081752

PERMIT IS REISSUANCE DUE TO EXPIRATION

DISCHARGE SERIAL NUMBERS & DESCRIPTIONS:

DSN002: Stormwater runoff from the unloading, storage and loading of various materials including iron ore fines, industrial salts and bulk fertilizer.

INDUSTRIAL CATEGORY: NON-CATEGORICAL

MAJOR: N

STREAM INFORMATION:

Receiving Stream: Middle Fork Deer River (Theodore Barge Canal)
Classification: Fish & Wildlife
River Basin: Mobile
7Q10: *
7Q2: *
1Q10: *
Annual Average Flow: *
303(d) List: Yes
Impairment: Organic Enrichment (NBOD, CBOD)
TMDL: No

*Although due to tidal effects, water movement and mixing occurs in this stream segment, stream flow will be assumed to be zero.

DISCUSSION:

Milliard Maritime stores industrial and food grade commodities for customers. Frozen chicken, pork and beef are stored in the refrigerated warehouse. The facility operates a liquid fertilizer terminal and a bulk fertilizer handling operation, stores and transports industrial salts and in the past stored and transported iron ore aggregate. Due to market conditions iron ore storage has been reduced /eliminated. Storm water from the frozen food storage and liquid fertilizer storage areas is regulated under a general permit. This permit covers the discharge of storm water from the remaining areas of the site.

ADEM Administrative Rule 335-6-10-.12 requires applicants to new or expanded discharges to Tier II waters demonstrate that the proposed discharge is necessary for important economic or social development in the area in which the waters are located. The application submitted by the facility is not for a discharge to a Tier II water body. Therefore, anti-degradation requirements do not apply.

EPA has not promulgated specific guidelines for the discharges covered under the proposed permit. Proposed permit limits are based on Best Professional Judgment. The proposed frequencies are based on a review of site specific conditions and an evaluation of similar facilities.

0021:

<u>Parameter</u>	<u>Monthly Avg Loading</u>	<u>Daily Max Loading</u>	<u>Daily Min Concentration</u>	<u>Monthly Avg Concentration</u>	<u>Daily Max Concentration</u>	<u>Sample Frequency</u>	<u>Sample Type</u>	<u>Basis*</u>
pH	-	-	6.0 S.U.	-	8.5 S.U.	Monthly	Grab	WQBEL
Solids, Total Suspended	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Oil & Grease	-	-	-	-	15 mg/l	Monthly	Grab	BPJ
Nitrogen, Ammonia Total (As N)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Nitrogen, Kjeldahl Total (As N)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Nitrite Plus Nitrate Total 1 Det. (As N)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Phosphorus, Total (As P)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Magnesium, Total (As Mg)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Barium, Total (As Ba)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Chromium, Total (As Cr)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Cobalt, Total (As Co)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Copper, Total (As Cu)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Iron, Total (As Fe)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Lead, Total (As Pb)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Manganese, Total (As Mn)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Thallium, Total (As Tl)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Nickel, Total (As Ni)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Zinc, Total (As Zn)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Aluminum, Total (As Al)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Titanium, Total (As Ti)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Alpha, Total	-	-	-	-	REPORT Picocuries per Liter	Monthly	Grab	BPJ
Beta, Total	-	-	-	-	REPORT Picocuries per Liter	Monthly	Grab	BPJ

Radium 226, Total	-	-	-	-	REPORT Picocuries per Liter	Monthly	Grab	BPJ
Radium 228, Total	-	-	-	-	REPORT Picocuries per Liter	Monthly	Grab	BPJ
Radium 223, Total	-	-	-	-	REPORT Picocuries per Liter	Monthly	Grab	BPJ
Radium 224, Total	-	-	-	-	REPORT Picocuries per Liter	Monthly	Grab	BPJ
Flow, In Conduit or Thru Treatment Plant	REPORT MGD	REPORT MGD	-	-	-	Monthly	Grab	BPJ
Mercury, Total (As Hg)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Carbonaceous BOD, 5 Day, 20 Deg C Filtrd	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ
Chemical Oxygen Demand (COD)	-	-	-	-	REPORT mg/l	Monthly	Grab	BPJ

002Y:

<u>Parameter</u>	<u>Monthly Avg Loading</u>	<u>Daily Max Loading</u>	<u>Daily Min Concentration</u>	<u>Monthly Avg Concentration</u>	<u>Daily Max Concentration</u>	<u>Sample Frequency</u>	<u>Sample Type</u>	<u>Basis*</u>
P/F Stat 48Hr Acu Mysidopsis Bahia	-	-	-	-	0 pass(0)/fail(1)	Annual	Grab	BPJ
P/F Stat 96Hr Acu Cyprinodon Variega	-	-	-	-	0 pass(0)/fail(1)	Annual	Grab	BPJ

***Basis for Permit Limitation**

- BPJ – Best Professional Judgment
- QBEL – Water Quality Based Effluent Limits
- EGL – Federal Effluent Guideline Limitations
- 303(d) – 303(d) List of Impaired Waters
- TMDL – Total Maximum Daily Load Requirements

Discussion

The current permit contains storm water monitoring requirements for a wide variety of parameters in view of the various types of materials stored on site. Sampling is required for conventional pollutants (e.g. CBOD, COD, TSS, Oil & Grease), heavy metals, nutrients and radioactivity (due to the previous storage of low grade radioactive iron ore) and whole effluent toxicity testing. Results of DMR testing for the past five years indicate low levels of all pollutants. It should be noted that the copper concentrations are close the water quality criteria and radioactivity is near the drinking water standard both as measured in the stormwater discharge. However, during periods of discharge (storm events), flow in the receiving stream will be significantly greater than zero and instream levels of these pollutants will be well below levels of concern. In addition this stream segment is not designated as a PWS stream. Testing for the existing parameters is proposed to be continued to evaluate the effectiveness of the facility's operations and their Best Management Practices Plan.

Best Professional Judgment (BPJ)

The parameters of concern for this facility are based on the parameters of concern listed in EPA form 2F and from the current permit. These parameters are consistent with similar facilities in the state and have been proven to be reflective of the operations at this facility. The parameters with specific limits are discussed below:

Oil & Grease

The daily maximum limit for Oil and Grease should prevent the occurrence of a visible sheen in the stream and has been shown to be achievable through the use of proper BMPs.

pH

ADEM Administrative Code, Division 6 Regulations, specifically 335-6-10-.09 – Specific Water Quality for Fish & Wildlife classified streams states: "Sewage, industrial waste or other wastes shall not cause the pH to deviate more than one unit from then normal or natural pH, nor be less than 6.0, nor greater than 8.5 standard units." Existing limits are of 6 to 8.5 are proposed to be continued in this issuance.

Toxicity

Stormwater permits typically do not contain whole effluent toxicity testing; however, the existing permit does require semiannual testing using 100% effluent. Five years of DMR results indicates 100% compliance with this permit limit. This issuance proposes to reduce this testing frequency to annual based on the long history of compliance.

303(d) List of Impaired Waters/Total Maximum Daily Load (TMDL)

This stream is listed on the 303(d) List of Impaired Waters for organic enrichment (NBOD, CBOD). A TMDL has not been established for these parameters. Based on DMR data this discharge contains very low levels of these pollutants and is not expected to contribute to the impairment. Monitoring for COD, CBOD, Ammonia and TKN will be continued to ensure the effectiveness of the facility's BMP plan.

Best Management Practices (BMPs)

Best Management Practices are believed to be the most effective way to control the contamination of stormwater from areas of industrial activities. This facility is required to maintain a BMP plan. The requirements of the BMP plan call for minimization of stormwater contact with waste materials, products and by-products, and for prevention of spills or loss of fluids from equipment maintenance activities. The effectiveness of the BMPs will be measured through the monitoring of the pollutants of concern.

Appendix D
BMP PLAN Certification