



Alabama Department of Environmental Management
adem.alabama.gov

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JUN 08 2020

MR JOSHUA BROWN
PLANT MANAGER
AIR PRODUCTS AND CHEMICALS INC
75 IPSCO STREET NW
DECATUR ALABAMA 35601

**RE: REVISED DRAFT PERMIT
NPDES PERMIT NUMBER AL0065323**

Dear Mr. Brown:

Transmitted herein is a revised 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 revised 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 Theo Pinson by e-mail at tpinson@adem.alabama.gov or by phone at **(334) 274-4202**.

Sincerely,

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

Enclosure: Revised 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



NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

PERMITTEE: AIR PRODUCTS AND CHEMICALS, INC

FACILITY LOCATION: 75 IPSCO STREET N.W.
DECATUR, ALABAMA 35601

PERMIT NUMBER: AL0065323

RECEIVING WATERS: DSN001: UNNAMED TRIBUTARY OF BAKERS CREEK

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:

EFFECTIVE DATE:

EXPIRATION 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:

DSN001S: Stormwater runoff associated with the manufacture of liquid and gaseous oxygen, nitrogen, and argon. 3/

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 4/</u>	<u>Seasonal</u>
pH	-	-	REPORT S.U.	-	REPORT S.U.	Semi-Annually	Grab	-
Solids, Total Suspended	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Oil & Grease	-	-	-	-	15.0 mg/l	Semi-Annually	Grab	-
Flow, In Conduit or Thru Treatment Plant	-	REPORT MGD	-	-	-	Semi-Annually	Estimate	-
Chemical Oxygen Demand (COD)	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	-
Semiannual Certification Statement 5/	-	-	-	-	0 Yes=0; No=1	Semi-Annually	Not Applicable	-

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/ See following discharge limitations and monitoring requirements for stormwater from fueling and petroleum storage and handling areas.

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:

DSN001S (Continued): Stormwater runoff associated with the manufacture of liquid and gaseous oxygen, nitrogen, and argon. 3/

Discharge limitations and monitoring requirements for stormwater from fueling and petroleum storage and handling areas.

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

1. The facility will have a valid Spill Prevention, Control, and Countermeasures (SPCC) plan, if required, pursuant to 40 CFR 112.
2. Best Management Practices (BMP) will be used to prevent pollution of stormwater by spillage or leakage during petroleum handling and fueling operations. The BMP shall include at a minimum:
 - a. Twice per week inspections 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 stormwater runoff.
3. Records shall be maintained in the form of a log and shall contain the following information, at 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. Initials 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 diked areas. 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, at a minimum:
 - a. Date and time of discharge;
 - b. Estimated volume of discharge;
 - c. Initials 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 electronically submit a **Semiannual Certification Statement**. To submit a certification statement, the semiannual certification statement parameter should be marked "0" to certify that all discharges during the monitoring period, associated with the above, were in accordance with the conditions of the permit.

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 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 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:
- from which there is or may be a discharge of pollutants;
 - that did not commence the discharge of pollutants prior to August 13, 1979, and which is not a new source; and
 - 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:
- 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;
 - 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
 - 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;

- 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.

ADEM PERMIT RATIONALE

PREPARED DATE: August 27, 2019
REVISED DATE: June 3, 2020
PREPARED BY: Theo Pinson

Permittee Name: Air Products And Chemicals, Inc
Facility Name: Air Products And Chemicals, Inc
Permit Number: AL0065323

PERMIT IS A REISSUANCE DUE TO EXPIRATION

DISCHARGE SERIAL NUMBERS & DESCRIPTIONS:

DSN001: Stormwater runoff associated with the manufacture of liquid and gaseous oxygen, nitrogen, and argon.

INDUSTRIAL CATEGORY: Non-Categorical – Stormwater Only

MAJOR: No

STREAM INFORMATION:

Receiving Stream: Unnamed Tributary of Bakers Creek
Classification: Fish & Wildlife
River Basin: Tennessee
7Q10: 0 cfs
303(d) List: No
Impairment: No
TMDL: No

DISCUSSION:

Air Products and Chemicals, Inc manufactures liquid and gaseous oxygen, nitrogen, and argon via cryogenic separation of ambient air. The liquid final products are stored in above ground tanks prior to distribution to regional customers by cryogenic tanker trucks and to local customers via an underground pipeline. Vehicle fueling and maintenance operations are performed on site. This permit covers the discharge of stormwater only to a water of the state.

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 new or expanded discharge; therefore, the applicant is not required to demonstrate that the discharge is necessary for economic and social development.

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.

001S:

<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	-	-	REPORT S.U.	-	REPORT S.U.	Semi-Annually	Grab	BPJ
Solids, Total Suspended	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	BPJ
Oil & Grease	-	-	-	-	15.0 mg/l	Semi-Annually	Grab	BPJ
Flow, In Conduit or Thru Treatment Plant	-	REPORT MGD	-	-	-	Semi-Annually	Estimate	BPJ
Chemical Oxygen Demand (COD)	-	-	-	-	REPORT mg/l	Semi-Annually	Grab	BPJ
Semiannual Certification Statement	-	-	-	-	0 Yes=0; No=1	Semi-Annually	Not Applicable	BPJ

*Basis for Permit Limitation

- BPJ – Best Professional Judgment
- WQBEL – 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

Best Management Practices (BMPs) 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.

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.

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.

Total Suspended Solids (TSS), pH, and Chemical Oxygen Demand (COD)

Monitoring for TSS, pH, and COD is proposed to measure the effectiveness of the Best Management Practices (BMP) plan.

Federal Effluent Guideline Limitations (EGL)

Process wastewater from this facility would be regulated under 40 CFR Part 415- Inorganic Chemicals Manufacturing Point Source Category, Subpart AW-Oxygen and Nitrogen Production; however, the facility does not generate any process wastewater. Non-contact cooling water is discharged to the Decatur Utilities POTW.

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

The receiving stream is within a 24 hour travel time to waterbodies listed on the 303(d) List of Impaired Waters for nutrients and PFOS. The stormwater discharges from the facility are not expected to contribute to the impairments.

Revision June 3, 2020

The proposed permit has been revised based on comments received from the Permittee. The proposed monitoring requirements for benzene, toluene, ethylbenzene, xylene and naphthalene have been removed and replaced with narrative monitoring requirements on the permit limit pages.

The Permittee has indicated that there are three petroleum fuel tanks, UST's, located central to the facility with secondary containment and overfill prevention, a small, double-walled diesel AST, and a truck load/unload pad for fueling trucks with a drain that leads to an oil/water separator prior to joining with the final stormwater piping that discharges offsite. The narrative monitoring requirements have been proposed to ensure BMPs are used to prevent pollution of stormwater by spillage or leakage during petroleum handling and fueling operations. Additionally, it is proposed that the Permittee submit a semiannual certification statement to certify that all discharges during the monitoring period were in accordance with the narrative requirements.

From: Radosta, Rebecca W. <WHALEYRM@airproducts.com>
Sent: Wednesday, February 5, 2020 2:36 PM
To: Pinson, Theo <tpinson@adem.alabama.gov>
Cc: Brown, Joshua M. <BROWNJM@airproducts.com>; Radosta, Rebecca W. <WHALEYRM@airproducts.com>
Subject: Air Products Draft NPDES Permit

Good afternoon Mr. Pinson. Thank you for allowing our team time to further review the draft permit. Air Products acknowledges that the Department has agreed to remove the BTEX sampling parameters in the NPDES permit, in addition we would like to fully explain what we believe are more than effective best management practices in place for spill prevention with respect to naphthalene monitoring at the Decatur site.

The rationale for adding the Naphthalene effluent limits are directly stated to be due to the "presence of diesel fueling and storage onsite." We assume that this is the sole reason for adding these parameters and associated limits. In regards to diesel located at the site, there are three petroleum fuel tanks, UST's, located central to the facility with secondary containment and overfill prevention, a small, double-walled diesel AST, and a truck load/unload pad for fueling trucks with a drain that leads to an oil/water separator prior to joining with the final stormwater piping that discharges offsite. These facility appurtenances will provide the first, second, and third lines of defense against spills of diesel fuel reaching the site outfall.

The site has a SPCC plan consisting of adequate best practice spill prevention procedures that are consistent with federal SPCC regulations including stringent inspection procedures detailed in the facility BMPs. Assuming minor leaks occur during truck fueling or tanker unloading of fuel to the storage tanks, the BMPs also require specific BMP procedures for load/unload including use of drip pans, overfill prevention, and onsite oil absorbents that make a minor spill very unlikely. The site's SPCC plan and BMPs incorporated into the NPDES Permit for the Decatur Facility are extremely detailed and provide specific procedures for dealing with spill prevention at the fueling area. I would rely on these procedures with the infrastructure protections listed above rather than periodic sampling for naphthalene as a method to manage stormwater runoff at the facility.

Finally, the third level of protection is an oil/water separator downstream of the fueling pad that would contain any significant diesel fuel as a floating layer that is recoverable. This third level of protection at the facility should negate the need for routine testing of stormwater for naphthalene as an indicator of diesel fuel spillage at the facility.

The above should provide adequate best practice spill prevention that is consistent with federal SPCC regulations, and as such should negate the need for additional stormwater testing to confirm diesel fuel spills.

Again, we appreciate your time and the ability to provide comments. Please feel free to contact me to discuss these comments if needed.

Regards,

Rebecca Radosta
Senior Environmental Specialist
Air Products and Chemicals, Inc.
14700 Intracoastal Dr.
New Orleans, La. 70129
(504) 254-6213 (Phone)
whaleyrm@airproducts.com

From: Radosta, Rebecca W. <WHALEYRM@airproducts.com>
Sent: Tuesday, December 3, 2019 10:55 AM
To: Pinson, Theo <tpinson@adem.alabama.gov>
Cc: Brown, Joshua M. <BROWNJM@airproducts.com>; Radosta, Rebecca W. <WHALEYRM@airproducts.com>
Subject: Air Products Draft NPDES Permit

Dear Mr. Pinson:

Thank you for allowing Air Products time to review the draft permit. The applicable Air Products staff, and our consultant AECOM, have reviewed the draft NPDES water discharge permit renewal, and have the following comments in response. Our comments are based primarily on the section titled "Permit Rationale" where the rationale for the new proposed effluent limits for BTEX and Naphthalene is provided, along with monitoring requirements for those parameters from the primary permit outfall table. These comments are understood to be a basis for further assessment of proposed permit language in the Final Permit issued for the Air Products Decatur Facility.

The rationale for adding BTEX and Naphthalene effluent limits are directly stated to be due to the "presence of diesel fueling and storage onsite." We assume that this is the sole reason for adding these parameters and associated limits.

We would point out that these proposed very stringent effluent limits appear to be based directly on WQBEL's derived from human health criteria, and thus based on national risk assessment protocols that include risk exposure factors. Therefore, we believe there should be a demonstrated exposure route and dosing from the site to cause human exposure if the proposed criteria levels are to be applicable.

The receiving water (trib to Baker Creek) is stated to be "not impaired" or on a federal 303(d) list, and there are no TMDL's assigned (both facts included in the permit rationale). Discharges from the Decatur Facility would only be derived from stormwater runoff, as there are no process wastewater discharges to the receiving water. Therefore, any anticipated absorbed hydrocarbon residuals picked up from refueling area would be greatly diluted before reaching the receiving water, and the runoff during wet weather events would increase flow in the receiving water, further diluting any hydrocarbon contaminants. These factors would suggest that any concentrations of pollutants such as BTEX or Naphthalene in such runoff would not represent the stringent exposure factors that the WQBEL's are based on (typically those exposure factors include either a lifetime drinking water assumption, a continuous exposure from regular recreational direct exposure via absorption or ingestion, or consumption of contaminated fish). None of these exposure scenarios would be relevant to intermittent stormwater runoff events from the Decatur Facility.

We would therefore suggest that the BTEX and Naphthalene effluent limits in the renewal permit should be 1) removed in the final permit, or 2) at the very least based on a multiplier of the very conservative human health criteria which do not apply to the receiving water in this scenario. A more appropriate effluent standard for these parameters would be as already proposed for Xylene: "Report Only" without a numerical effluent standard. With this permit condition, if BTEX or Naphthalene are detected by a permit semi-annual monitoring requirement (which would have to be a selected stormwater monitoring event in this case), then the detects can be evaluated with regard to either follow-up monitoring or an explanation as to the detection (eg, minor fuel spill onsite), rather than being assigned as permit exceedances or violations of numerical permit effluent standards.

We would also suggest that Naphthalene is the only one of the proposed effluent parameters that would be indicative of a diesel fuel spill – BTEX would be more appropriate for gasoline or other lighter end hydrocarbons.

Regarding the earlier correspondence with ADEM related to proposed upgrades to site drainage at the Decatur Facility, we offer an updated Figure 3 for the permit renewal application and inclusion in the rationale for the final renewal permit, providing information that confirms modifications completed to date. These updates will prevent short circuiting of stormwater flows to the receiving water, and represent updated facility BMP's (better control of stormwater that may exit the site).

We would be pleased to discuss either of the above with you at your convenience.

Very truly yours,

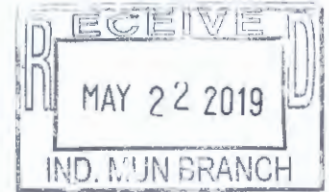
Rebecca Radosta

Senior Environmental Specialist
Air Products and Chemicals, Inc.
14700 Intracoastal Dr.
New Orleans, La. 70129
(504) 254-6213 (Phone)
whaleyrm@airproducts.com

NPDES Permit No. AL0065323
Application Package for Reissuance of Existing Permit

R#19-49008

Air Products and Chemicals, Inc.
75 Ipsco Street N.W.
Decatur, Alabama 35601



For the submission to the:

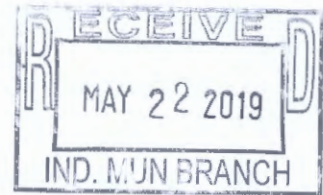
Alabama Department of Environmental Management
Water Division
Attention: Theo Pinson
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059

May 13, 2019

Rebecca Radosta
Senior Environmental Specialist
Air Products and Chemicals, Inc.
504-254-6238
WHALEYRM@airproducts.com



Air Products and Chemicals, Inc.
75 Ipsco Street N.W.
Decatur, AL 35601
Telephone (256) 309-0501



Federal Express
Tracking Number: **7752 7716 3126**

13 May 2019

Alabama Department of Environmental Management
Water Division
Attention: Theo Pinson
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059

RE: Air Products and Chemicals, Inc.
75 Ipsco Street N.W.
Decatur, Alabama 35601

Dear Mr. Pinson:

Enclosed please find two copies of an application package that has been prepared for the reissuance of NPDES Permit No. AL0065323 for the above referenced facility. Also enclosed is a check for \$5,615 covering the permit fee for a Minor Industrial Discharger.

If you have any questions or require additional information regarding this application, contact me at 504-254-6238 or whaleyrm@airproducts.com.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Radosta".

Rebecca Radosta
Environmental Specialist

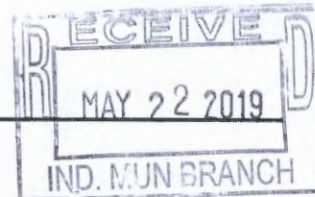
Enclosures

Cc: Air Products & Chemicals, Inc./J.M. Brown
AECOM/Wm Gary Smith, PE

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
NPDES INDIVIDUAL PERMIT APPLICATION
SUPPLEMENTARY INFORMATION FOR INDUSTRIAL FACILITIES

Instructions: This form should be used to submit the required supplementary information for an application for an NPDES individual permit for industrial facilities. The completed application should be submitted to ADEM in duplicate. 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 not applicable to the applicant. Please type or print legibly in blue or black ink. Mail the completed application to:

ADEM-Water Division
Industrial Section
P O Box 301463
Montgomery, AL 36130-1463



PURPOSE OF THIS APPLICATION

- ☐ Initial Permit Application for New Facility*
☐ Modification of Existing Permit
☐ Revocation & Reissuance of Existing Permit

- ☐ Initial Permit Application for Existing Facility*
☒ Reissuance of Existing Permit

* An application for participation in the ADEM's Electronic Environmental (E2) Reporting must be submitted to allow permittee to electronically submit reports as required.

SECTION A - GENERAL INFORMATION

1. Facility Name: Air Products and Chemicals, Inc.

a. Operator Name: Air Products and Chemicals, Inc.

b. Is the operator identified in A.1.a, the owner of the facility? ☒ Yes ☐ No

If no, provide 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 6 5 3 2 3 (not applicable if initial permit application)

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

4. NPDES General Permit Number (if applicable): ALG _____

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

Street: 75 Ipsco Street N.W.

City: Decatur County: Morgan State: Alabama Zip: 35601

Facility Location (Front Gate): Latitude: 34.608319 Longitude: -87.037082

6. Facility Mailing Address: 75 Ipsco Street N.W.

City: Decatur County: Morgan State: Alabama Zip: 35601

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

Name and Title: Joshua M. Brown - Plant Manager

Address: 75 Ipsco Street N.W.

City: Decatur State: Alabama Zip: 35601

Phone Number: 256-309-0501 Email Address: BROWNJM@airproducts.com

8. Designated Facility Contact:

Name and Title: Joshua M. Brown

Phone Number: 256-309-0501 Email Address: BROWNJM@airproducts.com

9. Designated Discharge Monitoring Report (DMR) Contact:

Name and Title: Joshua M. Brown - Plant Manager

Phone Number: 256-309-0501

Email Address: BROWNJM@airproducts.com

10. Type of Business Entity:

- ☒ Corporation ☐ General Partnership ☐ Limited Partnership ☐ Limited Liability Company ☐ Sole Proprietorship
☐ Other (Please Specify) _____

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

a) Location of Incorporation:

Address: 1209 Orange Street

City: Wilmington County: New Castle State: Delaware Zip: 19801

b) Parent Corporation of Applicant:

Name: Air Products and Chemicals, Inc.

Address: 7201 Hamilton Boulevard

City: Allentown State: PA Zip: 18195-1501

c) Subsidiary Corporation(s) of Applicant:

Name: N/A

Address: _____

City: _____ State: _____ Zip: _____

d) Corporate Officers:

Name: The list of Air Products and Chemicals, Inc. Corporate Officers is attached.

Address: 7201 Hamilton Boulevard

City: Allentown State: PA Zip: 18195-1501

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

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

Name: N/A

Address: _____

City: _____ State: _____ Zip: _____

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

Name: N/A

Name: _____

Address: _____

Address: _____

City: _____ State: _____ Zip: _____

City: _____ State: _____ Zip: _____

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

Name: N/A

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>
UST Certificate of Registration	10071-103-009771	75 Ipsco Street NW, Decatur, AL 35601
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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>
None	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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. 2813
- b. 5169
- c. _____
- d. _____
- e. _____
- f. _____

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

- ☐ Aluminum Forming
- ☐ Asbestos Manufacturing
- ☐ Battery Manufacturing
- ☐ Can Making
- ☐ Canned and Preserved Fruit and Vegetables
- ☐ Canned and Preserved Seafood
- ☐ Cement Manufacturing
- ☐ Centralized Waste Treatment
- ☐ Carbon Black
- ☐ Coal Mining
- ☐ Coil Coating
- ☐ Copper Forming
- ☐ Electric and Electronic Components Manufacturing
- ☐ Electroplating
- ☐ Explosives Manufacturing
- ☐ Feedlots
- ☐ Ferroalloy Manufacturing
- ☐ Fertilizer Manufacturing
- ☐ Foundries (Metal Molding and Casting)
- ☐ Glass Manufacturing
- ☐ Grain Mills
- ☐ Gum and Wood Chemicals Manufacturing
- ☒ Inorganic Chemicals
- ☐ Iron and Steel
- ☐ Leather Tanning and Finishing
- ☐ Metal Finishing
- ☐ Meat Products

- ☐ Metal Molding and Casting
- ☐ Metal Products
- ☐ Nonferrous Metals Forming
- ☐ Nonferrous Metals Manufacturing
- ☐ Oil and Gas Extraction
- ☐ Organic Chemicals Manufacturing
- ☐ Paint and Ink Formulating
- ☐ Paving and Roofing Manufacturing
- ☐ Pesticides Manufacturing
- ☐ Petroleum Refining
- ☐ Phosphate Manufacturing
- ☐ Photographic
- ☐ Pharmaceutical
- ☐ Plastic & Synthetic Materials
- ☐ Plastics Processing Manufacturing
- ☐ Porcelain Enamel
- ☐ Pulp, Paper, and Fiberboard Manufacturing
- ☐ Rubber
- ☐ Soap and Detergent Manufacturing
- ☐ Steam and Electric
- ☐ Sugar Processing
- ☐ Textile Mills
- ☐ Timber Products
- ☐ Transportation Equipment Cleaning
- ☐ Waste Combustion
- ☐ Other (specify) _____

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):

Production of gaseous/liquid oxygen, nitrogen and argon via cryogenic separation of ambient air. Bulk storage in above ground tanks and distribution to regional customers via cryogenic tanker trucks of liquid oxygen, nitrogen and argon.

Distribution of gaseous nitrogen to local industrial customers via an underground pipeline. Fueling and maintenance of cryogenic tanker trucks.

SECTION C – WASTEWATER DISCHARGE INFORMATION

Facilities that checked activities in B.2 and are considered Categorical Industrial Users should skip to C.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), enter the description that corresponds to each process. **(The flow schematic should include all treatment units as well as monitoring and discharge points).** [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)
N/A - stormwater only			

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.

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

2b.

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

* 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
- e. Percent of total discharge: _____

2c.

Non categorical 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)
NA - stormwater only			

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: _____

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 C.3 – C.6.

3. Do you share an outfall with another facility? ☐ Yes ☒ No (If no, continue to C.4)

For each shared outfall, provide the following:

Applicant's Outfall No.	Name of Other Permittee/Facility	NPDES Permit No.	Where is sample collected by Applicant?

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

Current: Flow Metering ☐ Yes ☒ No ☐ N/A
 Sampling Equipment ☐ Yes ☒ No ☐ N/A

Planned: Flow Metering ☐ Yes ☒ No ☐ N/A
 Sampling Equipment ☐ Yes ☒ No ☐ N/A

If so, please attach a schematic diagram of the sewer system indicating the present or future location of this equipment and describe the equipment below:

5. Are any process changes or expansions planned during the next three years that could alter wastewater volumes or characteristics?
☐ Yes ☒ No (If no, continue to C.6)

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

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

Trade Name	Chemical Composition
None associated with the discharge of stormwater	

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: 0.204 MGD* Well: _____ MGD* Well Depth: _____ Ft. Latitude: _____ Longitude: _____

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

Intake Elevation: _____ Ft. Latitude: _____ Longitude: _____

Name of Surface Water Source: _____

*** MGD – Million Gallons per Day**

Cooling Water Intake Structure Information

Complete D.1 and D.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: Decatur Utilities

b) Location of Provider: 1002 Central Pkwy, Decatur, AL 35609

c) Latitude: 34.593257

Longitude: -86.987294

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 D.6 – D.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
See enclosed the site drainage map from the facility's SPCC/SWPP	for the location of all materials that could be discharged to
Stormwater Outfall DSN001 if there is a loss of containment.	

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*
oily water/sludge - o/w separator cleaning	130 (estimated)	Safety-Kleen (SK), Huntsville, AL
		oil recycled & water treated at SK facility

*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 the 10-foot elevation contour and within the limits of Mobile or Baldwin County? ☐ Yes ☒ No
If yes, complete items F.1 – F.12:

- | | Yes | No |
|---|--------------------------|--------------------------|
| 1. Does the project require new construction? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the project be a source of new air emissions? | <input type="checkbox"/> | <input type="checkbox"/> |

- | | Yes | No |
|---|--------------------------|--------------------------|
| 3. Does the project involve dredging and/or filling of a wetland area or water way? | <input type="checkbox"/> | <input type="checkbox"/> |
| If Yes, has the Corps of Engineers (COE) permit been received? | <input type="checkbox"/> | <input type="checkbox"/> |
| COE Project No. | | |
| 4. Does the project involve wetlands and/or submersed grassbeds? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Are oyster reefs located near the project site? | <input type="checkbox"/> | <input type="checkbox"/> |
| If Yes, include a map showing project and discharge location with respect to oyster reefs | | |
| 6. Does the project involve the site development, construction and operation of an energy facility as defined in ADEM Admin. Code r. 335-8-1-.02(bb)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Does the project involve mitigation of shoreline or coastal area erosion? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Does the project involve construction on beaches or dune areas? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Will the project interfere with public access to coastal waters? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Does the project lie within the 100-year floodplain? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Does the project involve the registration, sale, use, or application of pesticides? | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Does the project propose or require construction of a new well or to alter an existing groundwater well to pump more than 50 gallons per day (GPD)? | <input type="checkbox"/> | <input type="checkbox"/> |
| If yes, has the applicable permit for groundwater recovery or for groundwater well installation been obtained? | <input type="checkbox"/> | <input type="checkbox"/> |

SECTION G – ANTI-DEGRADATION EVALUATION

In accordance with 40 CFR §131.12 and the ADEM Admin. Code r. 335-6-10-.04 for anti-degradation, 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.

1. Is this a new or increased discharge that began after April 3, 1991? ☐ Yes ☒ No
 If yes, complete G.2 below. If no, go to Section H.
2. Has an Anti-Degradation Analysis been previously conducted and submitted to the Department for the new or increased discharge referenced in G.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 G.2.A – G.2.F below and ADEM Forms 311 and 313 (attached). ADEM 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?

B. How much will the discharger be increasing employment (at its existing facility or as the result of locating a new facility)?

C. How much reduction in employment will the discharger be avoiding?

D. How much additional state or local taxes will the discharger be paying?

E. What public service to the community will the discharger be providing?

F. What economic or social benefit will the discharger be providing 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. The EPA application forms are found on the Department's website at <http://www.adem.alabama.gov/programs/water/waterforms.cnt>. 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

Outfall No.	Receiving Water(s)	303(d) Segment?		Included in TMDL?*	
DSN001	Unnamed tributary to Baker's Creek	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> 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 Code r. 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: _____

Name and Title: Joshua M. Brown - Plant Manager

If the Responsible Official signing this application is not identified in Section A.7, provide the following information:

Mailing Address: _____

City: _____

State: _____

Zip: _____

Phone Number: _____

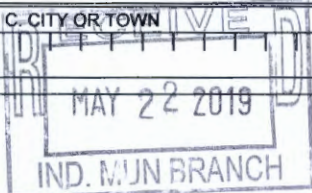
Email Address: _____

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.

FORM 1 GENERAL	 U.S. ENVIRONMENTAL PROTECTION AGENCY GENERAL INFORMATION Consolidated Permits Program <i>(Read the "General Instructions" before starting.)</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2">I. EPA I.D. NUMBER</th> <th>T/A</th> <th>C</th> </tr> <tr> <td>S</td> <td rowspan="2">ALR000028530</td> <td rowspan="2"></td> <td rowspan="2">D</td> </tr> <tr> <td>F</td> </tr> <tr> <td>1</td> <td>2</td> <td>13</td> <td>14</td> </tr> <tr> <td colspan="4" style="text-align: center;"> GENERAL INSTRUCTIONS If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete Items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected. </td> </tr> </table>	I. EPA I.D. NUMBER		T/A	C	S	ALR000028530		D	F	1	2	13	14	GENERAL INSTRUCTIONS If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete Items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.																																								
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VII. SIC CODES (4-digit, in order of priority)

A. FIRST				B. SECOND			
C	7	2813	(specify)	C	7	5169	(specify)
15	16	17	18	15	16	17	18
C. THIRD				D. FOURTH			
C	7		(specify)	C	7		(specify)
15	16	17	18	15	16	17	18

VIII. OPERATOR INFORMATION

A. NAME															B. Is the name listed in Item VIII-A also the owner?	
C	8	Air Products and Chemicals, Inc.													<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
15	16														55	56

C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box: if "Other," specify.)

F = FEDERAL
S = STATE
P = PRIVATE

M = PUBLIC (other than federal or state)
O = OTHER (specify)

P (specify)
56

D. PHONE (area code & no.)

A (256) 309-0501
15 16 17 18 19 20 21 22 23 24 25 26

E. STREET OR P.O. BOX

75 Ipsco Street N.W.

F. CITY OR TOWN															G. STATE		H. ZIP CODE		IX. INDIAN LAND		
C	B	Decatur													AL		35601		Is the facility located on Indian lands? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
15	16														40	41	42	43	44	45	46

X. EXISTING ENVIRONMENTAL PERMITS

A. NPDES (Discharges to Surface Water)										D. PSD (Air Emissions from Proposed Sources)									
C	T	I	9 N AL0065323							C	T	I	9 P						
15	16	17	18	19	20	21	22	23	24	15	16	17	18	19	20	21	22	23	24
B. UIC (Underground Injection of Fluids)										E. OTHER (specify)									
C	T	I	9 U							C	T	I	9						
15	16	17	18	19	20	21	22	23	24	15	16	17	18	19	20	21	22	23	24
C. RCRA (Hazardous Wastes)										E. OTHER (specify)									
C	T	I	9 R ALR000028530							C	T	I	9						
15	16	17	18	19	20	21	22	23	24	15	16	17	18	19	20	21	22	23	24

XI. MAP

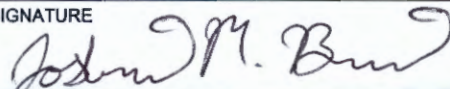
Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers, and other surface water bodies in the map area. See instructions for precise requirements.

XII. NATURE OF BUSINESS (provide a brief description)

The 24/7 production of gaseous and liquid oxygen, nitrogen and argon via cryogenic separation of ambient air. The bulk storage of product liquid oxygen, nitrogen and argon in above ground tanks. The distribution of products to regional customers via cryogenic tanker trucks and underground pipeline. The fueling and maintenance of distribution vehicles.

XIII. CERTIFICATION (see instructions)

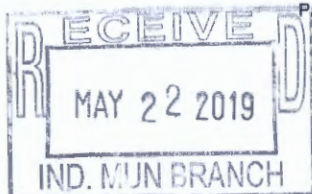
I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print)															B. SIGNATURE															C. DATE SIGNED									
Joseph M. Brown Plant Manager																														5/13/19									

COMMENTS FOR OFFICIAL USE ONLY

C																								
15	16																							55

Please print or type in the unshaded areas only.

[illegible]

Continued from the Front

IV. Narrative Description of Pollutant Sources

A. For each outfall, provide an estimate of the area (include units) of impervious surfaces (including paved areas and building roofs) drained to the outfall, and an estimate of the total surface area drained by the outfall.

Outfall Number	Area of Impervious Surface (provide units)	Total Area Drained (provide units)	Outfall Number	Area of Impervious Surface (provide units)	Total Area Drained (provide units)
DSN001	50,000 sq ft	96,700 sq ft			

B. Provide a narrative description of significant materials that are currently or in the past three years have been treated, stored or disposed in a manner to allow exposure to storm water; method of treatment, storage, or disposal; past and present materials management practices employed to minimize contact by these materials with storm water runoff; materials loading and access areas, and the location, manner, and frequency in which pesticides, herbicides, soil conditioners, and fertilizers are applied.

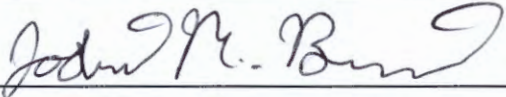
Significant materials stored/used on-site include petroleum-based lubrication oils, diesel fuel, sulfuric acid and bleach. Included in this Permit Renewal Application Package is a site plan illustrating the location of these materials. Also included is a portion of the facility's stormwater pollution prevention plan that describes the site's best management practices utilized to minimize the exposure of significant materials to stormwater runoff.

C. For each outfall, provide the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of the treatment the storm water receives, including the schedule and type of maintenance for control and treatment measures and the ultimate disposal of any solid or fluid wastes other than by discharge.

Outfall Number	Treatment	List Codes from Table 2F-1
DSN001	See the best management practices included in this Permit Renewal Application Package.	4-A

V. Nonstormwater Discharges

A. I certify under penalty of law that the outfall(s) covered by this application have been tested or evaluated for the presence of nonstormwater discharges, and that all nonstormwater discharged from these outfall(s) are identified in either an accompanying Form 2C or From 2E application for the outfall.

Name and Official Title (type or print)	Signature	Date Signed
Joshua M. Brown - Plant Manager		5/13/19

B. Provide a description of the method used, the date of any testing, and the onsite drainage points that were directly observed during a test.

Outfall DSN001 is periodically observed during non-rainy weather for the existence of non-stormwater discharges.

VI. Significant Leaks or Spills

Provide existing information regarding the history of significant leaks or spills of toxic or hazardous pollutants at the facility in the last three years, including the approximate date and location of the spill or leak, and the type and amount of material released.

No spills or leaks in past three years

Continued from Page 2

EPA ID Number (copy from Item 1 of Form 1)
ALR000028530**VII. Discharge Information**

A, B, C, & D: See instructions before proceeding. Complete one set of tables for each outfall. Annotate the outfall number in the space provided.
Table VII-A, VII-B, VII-C are included on separate sheets numbers VII-1 and VII-2.

E. Potential discharges not covered by analysis – is any toxic pollutant listed in table 2F-2, 2F-3, or 2F-4, a substance or a component of a substance which you currently use or manufacture as an intermediate or final product or byproduct?

☐ Yes (list all such pollutants below)☒ No (go to Section IX)**VIII. Biological Toxicity Testing Data**

Do you have any knowledge or reason to believe that any biological test for acute or chronic toxicity has been made on any of your discharges or on a receiving water in relation to your discharge within the last 3 years?

☐ Yes (list all such pollutants below)☒ No (go to Section IX)**IX. Contract Analysis Information**

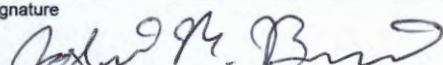
Were any of the analyses reported in Item VII performed by a contract laboratory or consulting firm?

☒ Yes (list the name, address, and telephone number of, and pollutants analyzed by, each such laboratory or firm below)☐ No (go to Section X)

A. Name	B. Address	C. Area Code & Phone No.	D. Pollutants Analyzed
Enersolv, sample collector (analyzed by Pace Analytical)	2220 Beltline Road S.W. Decatur, AL 35601	256-350-0846	pH, COD, Dissolved Solids, Suspended Solids, Oil/Grease, Ammonia-Nitrogen, Nitrate-Nitrite, Total Phosphorus, Total Kjeldahal Nitrogen

X. 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 and imprisonment for knowing violations.

A. Name & Official Title (Type Or Print) Joshua M. Brown - Plant Manager	B. Area Code and Phone No. (256) 309-0501
C. Signature 	D. Date Signed 5/13/19

Part A – You must provide the results of at least one analysis for every pollutant in this table. Complete one table for each outfall. See instructions for additional details.

Part B – List each pollutant that is limited in an effluent guideline which the facility is subject to or any pollutant listed in the facility's NPDES permit for its process wastewater (if the facility is operating under an existing NPDES permit). Complete one table for each outfall. See the instructions for additional details and requirements.

Continue on Reverse

Continued from the Front

Part C - List each pollutant shown in Table 2F-2, 2F-3, and 2F-4 that you know or have reason to believe is present. See the instructions for additional details and requirements. Complete one table for each outfall.

[illegible]

Part D – Provide data for the storm event(s) which resulted in the maximum values for the flow weighted composite sample.

1. Date of Storm Event	2. Duration of Storm Event (in minutes)	3. Total rainfall during storm event (in inches)	4. Number of hours between beginning of storm measured and end of previous measurable rain event	5. Maximum flow rate during rain event (gallons/minute or specify units)	6. Total flow from rain event (gallons or specify units)
4/14/2019	140	0.97	>72	0.87 inches/hour	0.97/12 ft x ~50,000 ft2 = ~4,042 ft3 = ~30,326 gal

7. Provide a description of the method of flow measurement or estimate.

Flow was estimated using the rainfall depth multiplied by the impervious surface area of the site. Pervious area of the site assumed to infiltrate runoff into the soil for a rainfall event of the size observed and sampled.

[Company Overview](#)[About Us](#)[Leadership](#)[Business Leadership](#)

Leadership

Executive Leadership

**Seifi Ghasemi**

Chairman, President and Chief Executive Officer

[View Biography](#)

**Ivo Bols**

President

Europe and Africa

[View Biography](#)

**Richard Boocock**

Senior Vice President, Chief Information Officer
and Special Advisor to the Chairman

[View Biography](#)

**Victoria Brifo**

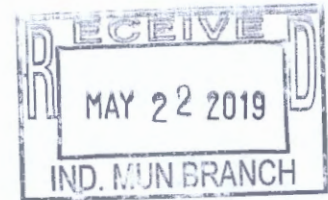
Senior Vice President and
Chief Human Resources Officer

[View Biography](#)

**M. Scott Crocco**

Executive Vice President and
Chief Financial Officer

[View Biography](#)





Marie Ffolkes

President

Americas

[View Biography](#)



Sean D. Major

Executive Vice President,

General Counsel and Secretary

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Wilbur W. Mok

President

Asia

[View Biography](#)



Dr. Samir J. Serhan

Executive Vice President

[View Biography](#)



Naji Skaf

President

Middle East, Egypt and Turkey

[View Biography](#)

Corporate Leadership



Christopher Alsop

Director

Air Separation Unit Product Line

[View Biography](#)



Raymond R. Bailey

Vice President

Environment, Health, Safety and Quality

[View Biography](#)



Nick Bloxam

Executive Director

Central Procurement

[View Biography](#)



Oliver Chen

Director

Gasification Project Execution Unit

[View Biography](#)



David R. Edmondson

Vice President and Project Director-Jazan

[View Biography](#)



Senior Vice President, Corporate Controller
and Principal Accounting Officer

[View Biography](#)



Patrick J. Garay

Vice President
Strategic Projects
[View Biography](#)



Peter Hagger

Vice President
Global Engineering
[View Biography](#)



Dorothy L. Jarosik

Vice President
Shared Business Services
[View Biography](#)



William Karlson

Executive Director
Technology
[View Biography](#)



Joerg Linsenmaier

Vice President
Project Management, Manufacturing
and Construction
[View Biography](#)



Katie McDonald
Vice President
Corporate Communications
[View Biography](#)



Simon R. Moore
Vice President
Investor Relations and Corporate Relations
[View Biography](#)



Melissa Schaeffer
Vice President
Chief Audit Executive
[View Biography](#)



Michael Sicinski
Executive Director
IGCC Gasification/Power JV-Jazan
[View Biography](#)



Theresa Simpson
Director
Quality and Continuous Improvement
[View Biography](#)



Charles G. Stinner
Vice President
Taxes
[View Biography](#)



Robert Tikovsky
Executive Director
Process Gases Product Line
[View Biography](#)

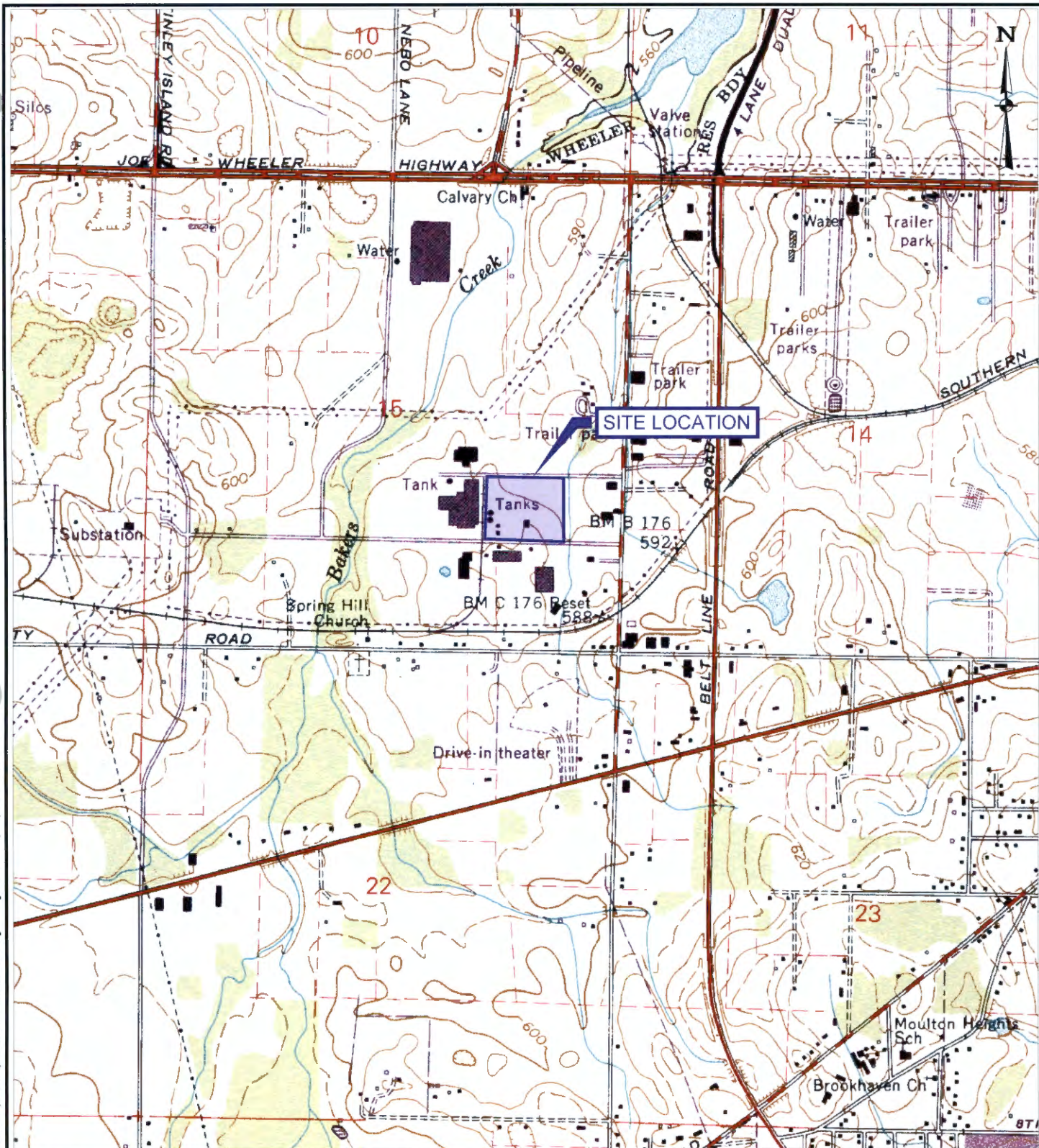


Gregory E. Weigard
Vice President and Corporate Treasurer
[View Biography](#)



Aimee White
Director
Standard Plants Product Line
[View Biography](#)

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REFERENCE: USGS 7.5 MINUTE SERIES QUADRANGLE, MORGAN COUNTY - DECATUR, ALABAMA.

SCALE: 1 INCH=2,000 FEET



AIR PRODUCTS

AECOM

7389 Florida Blvd., Suite 300
Baton Rouge, Louisiana 70806
225/922-5700

SCALE: AS SHOWN	DRAWN BY: WPS CHKD. BY: WGS	DATE: 05/13/19 DATE: 05/13/19
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AIR PRODUCTS AND CHEMICALS, INC.
DECATUR, ALABAMA

SITE LOCATION MAP

PROJ. NO.

60602742

FIG. NO.

1

I:\Projects\CADD\PRODUCTS\ALABAMA\60602742\00001\60602742-00001-02.dwg - Figure 1 - 4/30/2019 12:47 PM



REFERENCE: GOOGLE EARTH 2017 AERIAL IMAGE, MORGAN COUNTY - DECATUR, ALABAMA.

SCALE: 1 INCH=200 FEET



**AIR
PRODUCTS**

AECOM

7389 Florida Blvd., Suite 300
Baton Rouge, Louisiana 70806
225/922-5700

SCALE:
AS SHOWN

DRAWN BY: WPS
CHKD. BY: WGS

DATE: 05/13/19
DATE: 05/13/19

AIR PRODUCTS AND CHEMICALS, INC.
DECATUR, ALABAMA

SITE AERIAL LAYOUT
WITH
OUTFALL LOCATION

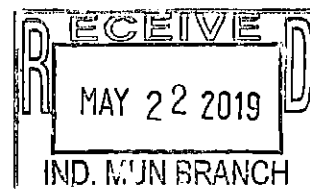
PROJ. NO.

60602742

FIG. NO.

2

**AIR PRODUCTS AND CHEMICALS, INC.
DECATUR, ALABAMA FACILITY**



Section 8 of the facility's SPCC/SWPP/BMP Plan has been included as part of the NPDES permit renewal application package. This section appears below. It contains descriptions of the Best Management Practices (BMPs) both general and specific that are used at the Decatur, AL facility to prevent/minimize the threat of pollution entering surface water, air land or groundwater.

8 MEASURES AND CONTROLS

The most effective method to prevent pollution of surface water or ground water is to implement Best Management Practices (BMPs). BMPs are measures or practices used to reduce the amount of pollution entering surface water, air, land or ground water. BMPs may take the form of a process, activity or physical structure. There are three types of BMPs implemented at APCI facilities:

- Baseline BMPs
- Advanced Generic BMPs
- Advanced Site-Specific BMPs

If a particular advanced BMP is implemented at this facility, the location where it is implemented is identified in Worksheet B2. For example, if the BMP described in Section 8.2.1 is implemented at a bulk storage container, the entry for the storage container in Worksheet B2 will identify "BMP 8.2.1 - Secondary Containment" in the BMP column of the worksheet. Any other applicable advanced BMPs should also be identified in Worksheet B2. Baseline BMPs will not be identified in Worksheet B2 since they generally apply to the entire facility and not necessarily to a specific source.

8.1 BASELINE BEST MANAGEMENT PRACTICES

Baseline BMPs are general practices that apply to most industrial sites, independent of the types of materials used, processes employed, products manufactured, or site location. Baseline BMPs are relatively simple, inexpensive, and cost-effective because they emphasize prevention of pollution rather than treatment of pollutants. The baseline BMPs listed in Section 8.1 are employed across the entire facility and are not necessarily associated with any specific source of significant materials listed in Worksheet B2 of Appendix B.

8.1.1 Good Housekeeping

Good housekeeping involves a common sense approach to improve and maintain a clean and orderly work environment by implementing the following practices:

- Sweeping parking lots
- Storing chemicals in a neat and orderly manner
- Clean up discharges promptly
- Regular refuse pickup and disposal
- Good storage and material inventory practices, including labeling of all containers
- Schedule routine cleanup efforts
- Discuss and promote good housekeeping practices with employees

8.1.2 Preventive Maintenance

A preventive maintenance program is an effective BMP for preventing surface water or ground water pollution. A preventive maintenance program should include:

- Timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins, etc.)
- Inspection and testing of facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface water and

ground water (including pipes, pumps, storage containers and bins, pressure vessels, pressure release valves, and process and material handling equipment)

- Proper maintenance of facility equipment and systems

8.1.3 Release Response and Reporting Procedures

Effective discharge and release response and reporting procedures are important because they provide for rapid response to mitigate the impact of the release. Release response and reporting procedures for this facility are described in more detail in Section 9. These procedures describe the following measures that will be implemented upon discovery of a significant release:

- Access the risk
- Control the release to the extent possible
- Report the release to management and government agencies
- Clean up the impacted area as soon as possible
- Follow up with preventive measures

8.1.4 Inspections

This facility is required to conduct a formal, documented inspection on a/an annual basis using a copy of Worksheet B2. Inspection criteria are listed in the instructions to Worksheet B2.

In addition to documented inspections, regular observations of process and material storage areas are encouraged to ensure that discharges are detected and responded to as in a timely manner. Observations can be conducted during employees' regular "rounds" of the facility grounds and need not be formally documented.

8.1.5 Personnel Training

Pollution prevention training must be held at least annually. Training must be documented in the facility's training database or in employee records located at the facility. Personnel are trained in the following areas:

- Release Prevention, Reporting, and Response - a review of emergency procedures, communications, and reporting and cleanup techniques.
- Pollution Prevention - a review of the purpose, goal, content, and regulatory requirements of this Plan, potential sources of oil pollution at the site, BMPs implemented at the site, and the role personnel fulfill in pollution prevention.
- General facility operations
- Operation and maintenance of equipment to prevent oil discharges
- Corporate Environmental Training courses, as applicable (ex. "Preventing Accidental Pollution of Surface Waters").
- Discharge Briefings - a discussion of any known discharges or failures, malfunctioning components, and any recently developed precautionary measures.

8.1.6 Recordkeeping and Internal Reporting Procedures

Good record keeping and reporting procedures help to identify and communicate information about potential sources of surface water and ground water contamination and assure that appropriate measures are taken. This Plan includes procedures for recording incidents, such as spills or other discharges, along with other information describing the quality and quantity of potential pollution sources. All pertinent information regarding a discharge will be documented and records maintained for three years. Pollution prevention record keeping and reporting are integrated into current management systems and include:

- The use of the SAP preventive maintenance system, or an equivalent system, for scheduling applicable preventive maintenance tasks and inspections.
- Required reporting of discharges to Line Management, Environmental Specialist, and Corporate Environmental.
- Recording of incidents via the APCI Incident Tracking System
- The periodic review of significant safety and environmental issues or incidents and corrective action progress by a Line and Staff Management Safety Committee.

8.1.7 Spill Cleanup Kits and Materials

Spill cleanup kits are maintained at the facility. They are routinely inspected to keep them in good working order. These kits are composed of absorbent sheets, pillows and booms, as appropriate. In addition, sorbent materials such as oil-dry or vermiculite should be available at all times. Alkaline neutralizing kits or materials such as soda ash or lime should also be available onsite from a nearby chemical distributor, for those facilities that use sulfuric acid for cooling water treatment. Spill cleanup kits or materials are maintained within a reasonable distance of the following areas:

- Truck fueling area and tractor staging/parking
- Truck terminal
- Air Separation Unit (ASU) compressor area/Air Separation Process
- Maintenance buildings and storage areas
- A dedicated spill kit on each truck tractor
- Process equipment with liquid materials in service

8.1.8 Emergency Response Contractors

In the event of a discharge, outside assistance for cleanup may be required. Worksheet B4 in Appendix B lists emergency response contractors located within a reasonable response time from this facility. The primary emergency response contractor has provided information regarding qualifications (availability of the necessary personnel and equipment within appropriate response time). Worksheet B10 in Appendix B has been completed by the response contractor and has been inserted in the Plan.

8.1.9 Emergency Preparedness and Communications

This facility has a Site Emergency Plan and Crisis Management Plan. They are located at the main gate and/or in each control building/room.

8.1.10 Security

This facility is completely surrounded by a security fence. Access to the site is controlled through a main gate. Entry through this gate can be made only by a security access code or through permission received from the Control Room. Storage containers, secondary containment systems, process areas and piping systems are confined within the fence line. The area is lighted and is subject to typical facility security measures, including restricted vehicular traffic.

8.2 ADVANCED GENERIC BEST MANAGEMENT PRACTICES

Advanced generic BMPs are generic measures or practices that are employed to address specific sources, materials, or activities that may be present at the facility. They include generic prevention, containment, and mitigation practices that can be applied to specific sources (e.g., fueling stations) commonly found at APCI facilities. Section 8.2 provides a reference list of advanced generic BMPs used at this facility. The locations where these source-specific BMPs are implemented are listed in Worksheet B2 of Appendix B.

8.2.1 Secondary Containment

Secondary containment systems are effective in controlling discharges. To be most effective, secondary containment systems and diversionary structures should meet the following standards:

- The systems block possible routes by which discharged materials could reasonably be expected to flow, migrate, or escape into surface waters or upon the land from within the containment areas. Manually operated valves are normally in a closed position and locked.
- The secondary containment systems have sufficient capacity to contain the largest probable discharge that could occur in the containment area plus an additional capacity to compensate for anticipated normal accumulation of rainwater.
- The secondary containment system is sufficiently impermeable to contain discharged material for the duration necessary for the cleanup or recovery of the discharged substance.
- The secondary containment system is routinely inspected for accumulated liquids, debris, or incompatible materials.
- No transfer area, curbed storage area, or secondary containment system is drained into a watercourse or public sewage treatment plant unless provision is made to retain, by secured valves or other means, any accumulated rainwater until its condition can be determined. Adequate records are to be kept for discharges of uncontaminated rainwater.
- No incompatible materials are stored within the same containment area.

8.2.2 Loading and Unloading Operations

The following measures are important to prevent releases of significant materials during transfer operations:

- Training - Prevention of the release of materials during transfer operation is accomplished through implementing procedures discussed during personnel training programs, regular safety meetings, and briefings.
- Vehicle positioning - Whenever possible, vehicles should be positioned within spill containment areas during transfer. Positioning near or over storm drains or sewer drains

should be avoided. Wheel blocks and emergency brakes should be used to avoid sudden movement of the vehicle. If the vehicle is positioned near a traffic corridor, traffic barriers should be placed to avoid collisions.

- Pre-positioning of spill kits, booms, or sewer block mats - If secondary containment is not available during loading or unloading, spill kits must be readily available and spill mats or booms should be pre-positioned to seal any nearby catch basins that could lead directly to surface water or sewer systems. The discharge diversionary measure should be capable of containing the maximum capacity of a single compartment of the vehicle being loaded or unloaded.
- Pre-inspection of connections, fittings, and hoses - Prior to each transfer operation, connections, hoses, gaskets and fittings must be checked to ensure they are in good working condition. Loading and unloading areas must be well illuminated if material transfer occurs at night.
- Drip pans - Drip pans or buckets must be used to catch small volume leakage from transfer hoses or fittings during transfer operations. Captured materials should be reused or properly disposed.
- Overfill prevention - During a delivery, plant procedures must ensure that the transfer is monitored continuously. Before a delivery, the liquid level in the receiving container is checked. Employee training procedures include instructing operators not to leave the delivery area prior to checking and disconnecting the transfer line. Prior to material transfer, qualified facility personnel and the driver are instructed to:
 - ◆ Predetermine the maximum volume of material that can be transferred without overfilling the container.
 - ◆ Check the liquid level in the container(s) during transfer to avoid overfilling the container.
- Prior to departure - Qualified personnel and the driver are instructed to:
 - ◆ Inspect the area for any sign of discharge. Control, report and clean up discharges immediately.
 - ◆ Ensure that all outlets from both the delivery vehicle and container have been tightened, adjusted, or replaced to prevent a discharge.

8.2.3 Aboveground Bulk Storage Containers

The following practices should be implemented for aboveground bulk storage containers (specifically aboveground tanks):

- All pipes leading to and from aboveground bulk storage container(s) that enter the container(s) below liquid level are equipped with valves sufficiently close to the container so as to prevent the contents of a container from escaping the confines of the secondary containment area in the event of a pipe rupture outside of the containment area. Any valves that permit the direct outward flow of container contents are kept in the closed position when in non-operating or standby status.
- In heavy traffic areas, protective guards or bollards should be placed around tanks and piping to prevent vehicle or forklift damage. Piping runs are above standard truck height and behind barriers.

- Containers must be clearly labeled. Associated valves and piping in congested piping areas should be clearly labeled to reduce human error.
- Containers are compatible with the material stored and the conditions of storage.
- Containers, associated piping, supports, and foundations must be routinely inspected for integrity. Integrity testing is any means to measure the strength of the container shell and may include leak testing to determine whether the container will discharge oil. Visual testing in conjunction with another method of testing is required. Monthly visual inspections alone might suffice in accordance with the deviation provision in section 112.7(a)(2), subject to good engineering practice if:
 - ◊ Internal corrosion poses minimal risk
 - ◊ Visual inspections conducted at least monthly
 - ◊ All sides are visible, and
 - ◊ Containers have no contact with the ground
- Containers in contact with the ground must be evaluated for integrity in accordance with industry standards and good engineering practice.

8.2.4 Fueling Stations

The following practices should be implemented at fueling stations:

- Avoid topping off - To minimize overfilling of truck fuel tanks, special fill procedures must be followed to ensure that there is adequate room for expansion of cooler diesel fuel drawn from underground tanks when it is placed in the truck saddle tanks and cryogenic delivery pump engines. Hot summer weather greatly increases the potential for overflow of vehicle fuel tanks that have been overfilled. To avoid this condition, the fuel tank should not be filled above the neck on the fuel tank.
- Avoid unattended filling - When refueling vehicles, the driver must hold the fuel nozzle in hand during the entire refueling operation, even if the fuel nozzle has an automatic shutoff device.
- Avoid hosing down - Cleaning the fueling area with running water should be avoided because the wash water will pick up fuel, oil and grease. Use dry clean-up methods whenever possible. Control and clean up petroleum discharges immediately.
- Keep spill kits accessible - An adequate supply of spill kit materials should be available before fueling vehicle. Control, report and clean up petroleum discharges immediately.
- Minimize storm water run-on - Minimize storm water run-on to the fueling area through flow diversion around the fueling station and using roofs over the fueling area when feasible.

8.2.5 Vehicle Maintenance and Repair

Many vehicle and equipment maintenance operations use materials that can be harmful to the environment. The following practices should be followed at vehicle and equipment maintenance operations to reduce or eliminate potential sources of pollution:

- Parts washing - Clean without using liquids (e.g., scraper, wire brush) whenever possible. Do all liquid cleaning at a centralized station so solvents and residues stay in one area.
- Use nontoxic or low toxicity solvents - Minimize the number and volume of hazardous materials used. Avoid chlorinated solvents. Choose cleaning agents that can be recycled.

- Control discharges - Collect leaking fluids in drip pans. Keep a drip pan under the vehicle while unclipping hoses, unscrewing filters, or removing parts. Control discharges from wrecked or damaged equipment that may be stored outdoors. Promptly transfer used fluids to proper waste or recycling containers. Do not leave full drip pans lying around.
- Drain oil filters - Used oil filters disposed of in trash cans can leak oil and contaminate surface water. Place used oil filters in a funnel over the waste oil recycling or disposal collection tank to drain excess oil before disposal. Whenever possible, crush and recycle oil filters.
- Never pour liquid wastes into drains or onto the ground - Do not pour liquid waste to floor drains, sinks, outdoor storm drains, or sewer connections.
- Recycle materials - Whenever possible, recycle degreasers, used oil and oil filters, antifreeze, cleaning solutions, automotive batteries, hydraulic fluid and tires.
- Segregate and label wastes - Separating wastes allows easier recycling and may reduce treatment costs. Locate waste and recycling containers in clearly marked and controlled areas.

8.2.6 Vehicle and Equipment Washing

Washing vehicles and equipment outdoors or in areas where wash water can flow onto the ground can pollute surface waters or ground waters. Wash water can contain high concentrations of oil and grease, phosphates, and suspended solids. To reduce or eliminate these potential sources of pollution:

- Use designated cleaning areas only. Wash water is regulated as a process waste water. It can only be discharged to a properly permitted sanitary sewer or process sewer line.
- If a permitted sewer line is not available, wash water should be collected in bermed areas or sumps for offsite disposal.
- As an alternative, offsite commercial washing facilities can be used.

8.2.7 Waste Management Areas

Wastes discharged, leaked or lost from waste management areas may build up in soils or be carried away by rainfall. To reduce the potential for pollution, the following practices should be implemented:

- Minimize the amount of waste managed on-site.
- Prevent run-off and run-on from contacting waste management areas.
- Keep waste containers closed or securely covered.

8.2.8 Oil Transformers

The following practices should be implemented in oil transformer yard areas:

- Transformers should be inspected periodically for evidence of discharges.
- Discharges must be cleaned up as soon as possible.
- Adequate spill kit materials should be available to prevent a discharge from reaching a waterway.

8.2.9 Oil/Water Separators

The following practices should be implemented to assure proper operation of an oil/water separator unit:

- The level of oil captured in the unit should be routinely monitored and removed by a properly permitted used oil vendor.
- Any associated oil skimmers should be checked for proper operation.
- The waste water effluent from the unit should be routinely observed or monitored to determine if the unit is functioning properly.
- The unit should be periodically cleaned to remove accumulated solids on the bottom of the unit and on any coalescing plates.
- Discharges must be cleaned up as soon as possible.
- The discharge of solids and detergents to the oil/water separator should be minimized.

8.2.10 Grease Traps and Grit Chambers

The following practices should be implemented to assure proper operation of grease traps and grit chambers:

- The levels of accumulated oil and solids should be routinely monitored and removed for proper disposal.
- Any associated oil skimmers should be checked for proper operation.
- The waste water effluent from the unit should be routinely observed or monitored to determine if the unit is functioning properly.
- Discharges must be cleaned up as soon as possible.

8.2.11 Drums and Bulk Container Storage Areas

The following practices must be implemented at drum and bulk container ("drums") storage areas:

- The contents of all drums must be properly identified by a label.
- Drums that are stored in a horizontal position must be tightly sealed to avoid seepage through the bung. Drip pans should be placed beneath horizontal drums that have a dispensing valve installed.
- Drums should be kept closed except when material is being added or withdrawn.
- For drums stored outdoors, drums caps must be used to avoid accumulated rainwater on the top lip of the drum causing contamination of the product. Outdoor drums must be stored off of the ground to prevent bottom corrosion and possible leakage from the drum. Wooden pallets may be used if an impervious surface is not available.
- Drums should be neatly stored with sufficient access and aisle space.

- Because empty drums often contain residual product, they must be managed according to the practices listed above, unless they have been thoroughly cleaned.
- Leaking drums must be immediately moved to a containment area, placed in a salvage drum, plugged, or the contents transferred into another drum. Discharged product must be cleaned up immediately.
- Drums must be routinely inspected for integrity. Integrity testing is any means to measure the strength of the container shell and may include leak testing to determine whether the container will discharge oil. Visual testing in conjunction with another method of testing is required. Monthly visual inspections alone might suffice in accordance with the deviation provision in section 112.7(a)(2), subject to good engineering practice if:
 - ◊ Internal corrosion poses minimal risk
 - ◊ Visual inspections conducted at least monthly
 - ◊ All sides visible and/or drum storage area is located away from vehicular traffic, and where discharges would be visible would not readily enter into a waterway conveyance (i.e. surface water, sewer system)
 - ◊ Containers have no contact with the ground
- Containers in contact with the ground must be evaluated for integrity in accordance with industry standards and good engineering practice.

8.2.12 Exceptional events/temporary equipment

Exceptional events, such as start-up/shut-down, significant maintenance, construction activity, and outages, may require the temporary use of oil-filled equipment and/or bulk storage of oil on-site. The plan will not be revised to account for the additional oil in the inventory or the use of the temporary equipment. However, all Best Management Practices listed in Section 8 shall be followed and all Discharge Response and Reporting Procedures listed in Section 9 will apply. Temporary oil-filled equipment and/or bulk oil storage must be visually inspected monthly, and will be included on Worksheet B9.

Oil-filled equipment and bulk oil storage will be deemed temporary in nature if they remain on the site for the sole purpose of supporting and only for the duration of the exceptional event. If temporary oil storage will last for a duration of greater than six months, Corporate Environmental must evaluate whether or not the plan must be revised to include the oil-filled equipment or oil storage. Examples of such equipment may include, but are not limited to, power generators and fire water blasters. Examples of bulk storage include, but are not limited to, additional 55-gallon drums required for compressor overhaul/oil change-out; additional fuel sources (whether drum or AST) for "temporary equipment" referenced above.

8.2.13 Sediment and Erosion Prevention

The following practices should be implemented in areas of high soil erosion potential or during construction periods when it could impact the integrity of spill prevention controls:

- Preserve existing vegetation or re-vegetate disturbed soil areas.
- Stabilize stream banks.
- Install interceptor dikes and swales.
- Use fabric filter fences around disturbed areas.
- Maintain storm water retention/detention ponds in good operating condition.

8.3 ADVANCED SITE SPECIFIC BEST MANAGEMENT PRACTICES

Advanced site-specific BMPs are measures or practices that are implemented at specific locations at this facility. They include BMPs for oil/water separators, bulk storage containers, operating and electrical equipment, or underground storage tank leak detection monitoring. Any deviations from the SPCC requirements will be documented, explaining the nonconformance and providing equivalent environmental protection by some other means. Examples may include measures for containment or diversionary structures and integrity testing. Site-specific BMPs implemented at this facility are described in Section 8.3 and the locations where they are implemented are identified in Worksheet B2 of Appendix B.

8.3.1 Truck Fuel Underground Storage Tank System

The truck fuel underground storage tank system consists of two STIP3 20,000-gallon diesel fuel underground storage tanks (USTs) and one STIP3 10,000 gallon diesel UST, installed in 1992. These tanks have suction pumps with underground suction piping, spill and overfill prevention devices, and an associated fuel dispensing island. A Total Containment piping sump is fitted to the tanks, in order to provide secondary containment for the submersible pump and a termination point for the double-wall piping.

In addition, these tanks are monitored with a Veeder Root 350 VLS ATG leak detection system, which consists of a sensing probe and a remote monitor. This system provides continuous monitoring on the level of product (in gallons and inches), water level (in inches), ullage, and fuel temperature (in degrees F). It will also provide in-tank leak detection to identify losses as small as .38 gallons per hour. Many of the reports and alarm limits are programmable and can be set to match operating requirements. A red alarm light is remotely mounted on the fueling island to indicate and alarm (overfill) condition.

To prevent fuel from discharging on the ground, the fill ports on the tanks are surrounded by a spill container with an internal drain path. A manual drain in the spill container can be used to drain the product back into the tank if there is a discharge. If water is found in the spill container DO NOT DRAIN the water back into the tank. The manhole will need to be balled out.

Overfill protection valves have been installed in the fill tubes. When the liquid in the tank rises to a certain level (approximately 95% of the tank capacity), the valve mechanism is released and the valve closes automatically. This reduces the flow rate to approximately 2-5 gallons per minute through the bypass valve, and the operator may stop filling at this point. If the tank is intentionally overfilled beyond 99% capacity, the bypass valve closes completely to disallow any additional liquid flow into the tank. The valve resets itself when the tank drops below these levels.

Any discharges that occur on the concrete fueling station pad drain to the 14.50 Oil/Water Separator where the discharged product is captured and can be removed.

8.3.2 Oily Water Control System

8.3.2.1 Pollutant Sources

Contaminated rainwater run-off from the foundations of the following equipment discharges to the oil/water separator for treatment prior to discharge from the facility:

- Truck Fueling Station (See Section 8.3.1)
- 01.10 Main Air Compressor (930 gals)
- 01.30 Heat Pump/ Pipeline Nitrogen Compressor (745 gals)
- 01.40 Air Recycle Compressor (700 gals)
- 01.50A Cold Compressor and 01.50B Warm Compressor (300 gals total)

Discharges from the equipment in the compressor building as listed below, would either be contained within the building or would leave the building through a floor drain. All floor drains in this building lead to the oil/water separator. If a small discharge should occur, the oil will be contained on the equipment foundation, cleaned up and disposed of properly. Large discharges would be captured by the oil/water separator and then the oil would be removed for off-site treatment.

8.3.2.2 Oil/Water Separator

The plant's two oil/water separators are the Fram Industrial, Model OPL-75, design capacity of 75 gpm. The terminal's oil/water separator is an aboveground with a total capacity of 500 gallons.

Because the individual pieces of process equipment will contain oil, the concrete pads have secondary curbing/containment and are designed to drain to the oil/water separator through normally open lines in the unlikely event of an oil spill. The containment volume of the oil/water separator is sized to hold the largest single spill from any of its tributary sources. Containers of lubricating oil and grease for use in mechanical equipment and vehicles will be stored indoors. Floor drains located in these areas are connected to the oil/water separator. Periodically, the oil will be removed for disposal in a lawful manner and/or recycled by an approved vendor.

Wastewater from truck washing will also be routed to an oil/water separator. Occasionally, interior building floors will be hosed down and will generate a wastewater stream containing small amounts of dirt and oil. Floor drains in these areas will be connected to the oil/water separator. On the average, floor washing generates 10 gallons per minute during the weekly 30-minute wash period.

Any small spills related to a used oil vendor pumping the stored oil from the oil/water separator would be cleaned up using sorbent materials. A large spill could be prevented from reaching a storm drain through the use of oil booms.

The plant's oil/water separator is a Fram Industrial, Model OPL-75, design capacity of 75 gpm. The terminal's oil/water separator is an aboveground with a total capacity of 500 gallons.

The oil water separator will be inspected annually. At a minimum, the separator will be cleaned out biennially. During any inspection of the discharge, if any oil sheen is noted, the separator will be inspected and cleaned out, if necessary.

8.3.3 Cooling Water Treatment Building

A small building adjacent to the cooling tower houses two 40-gal containers of Gengard corrosion inhibitor. Under roof, outside the building and on secondary containment are 275-gal totes containing water treatment chemicals (93% sulfuric acid and 12.5 % sodium hypochlorite). When the totes need to be replenished, the empties are swapped out with full ones. A floor drain in the building that is connected to the sanitary sewer is plugged under normal conditions. Major discharges of water treatment chemicals should be recovered and reused in the cooling tower. Since these treatment chemicals do not contain petroleum products or oils, they are not required to be covered by this SPCC Plan/

8.3.4 Aboveground Bulk Storage Oil Containers

8.3.4.1 Shop Fabricated Tanks

The lube cube oil container/s (provide description) is/are UL 142 listed and meets fire code requirements, including NFPA 30 for flammable and combustible liquid storage. The double-wall container/s is/are UL listed as integral secondary containment and therefore do not require dikes for leak containment.

The welds of the primary container/s are continuous, and the material of construction is ASTM A-569 or A-36 carbon steel. The primary container is pressure tested in the factory to UL 142 specs (3 PSI). The primary tank exterior is painted with one coat of shop primer. There is a minimum of 2 support feet.

The secondary (double-wall) container is UL 142 listed, and welds are continuous. The double-wall provides a minimum of 110% secondary containment. The exterior and portion of the exposed primary container is painted with one coat of shop primer. The secondary containment is tank pressure tested at the factory to UL 142 specs.

8.3.4.2 Oil Drums

Oil containers are of carbon steel construction. The tight-head unlined drums meet UN packaging standards (UN 1A1/Y1.8/300) for shipping of hazardous materials and are ambient air tested to reject leaking containers. Two expanded rolling hoops provide freight utilization and vacuum resistance. Surfaces are prepared for optimum paint adhesion and are tested for resistance to heat and abrasion, color stability, impact and corrosion resistance.

Oil drums are stored in a secondarily contained storage area (concrete floor and berm) with a roof.

Bulk storage containers must be routinely inspected for integrity. Worksheet B9 found in Appendix B provides instructions and a log sheet to conduct the month visual integrity testing. Since internal corrosion poses a minimal risk, visual inspections are conducted at least monthly, all sides are visible, containers are not in contact with the ground, and inventory is routinely reconciled, the monthly inspections alone will suffice in accordance with the deviation provision in 112.7(a)(2). The required integrity inspections will be conducted in the areas containing drum capacities of 55 gallons or greater.

8.3.5 Any Other Site Specific Details

8.3.5.1 Transformers

There are three transformers on site. Two of these units (one containing 419 gallons of oil and the other containing 261 gallons of oil) are located in a graveled transformer yard area and protected by a fence from damage. The other transformer containing 268 gallons of oil is located next to the Centrifugal Chiller. In general, transformers are self-monitoring. Any loss of oil would lead to a failure of the device and interruption in the electrical power transmission. Should a discharge occur, the gravel bed would restrict the movement of oil. A discharge would only affect the surface soils, which would be excavated and replaced along with the gravel in the event of a discharge. Absorbent materials would also be used to minimize soil contamination.

Good housekeeping involves a common sense approach to improve and maintain a clean and orderly work environment by implementing the following practices:

- Sweeping parking lots
- Storing chemicals in a neat and orderly manner
- Clean up discharges promptly
- Regular refuse pickup and disposal
- Good storage and material inventory practices, including labeling of all containers
- Schedule routine cleanup efforts
- Discuss and promote good housekeeping practices with employees

8.3.6 Preventive Maintenance

A preventive maintenance program is an effective BMP for preventing surface water or ground water pollution. A preventive maintenance program should include:

- Timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins, etc.)
- Inspection and testing of facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface water and ground water (including pipes, pumps, storage containers and bins, pressure vessels, pressure release valves, and process and material handling equipment)
- Proper maintenance of facility equipment and systems

8.3.7 Release Response and Reporting Procedures

Effective discharge and release response and reporting procedures are important because they provide for rapid response to mitigate the impact of the release. Release response and reporting procedures for this facility are described in more detail in Section 9. These procedures describe the following measures that will be implemented upon discovery of a significant release:

- Access the risk
- Control the release to the extent possible
- Report the release to management and government agencies
- Clean up the impacted area as soon as possible
- Follow up with preventive measures

8.3.8 Inspections

This facility is required to conduct a formal, documented inspection on a/an annual basis using a copy of Worksheet B2. Inspection criteria are listed in the instructions to Worksheet B2.

In addition to documented inspections, regular observations of process and material storage areas are encouraged to ensure that discharges are detected and responded to as in a timely manner. Observations can be conducted during employees' regular "rounds" of the facility grounds and need not be formally documented.

8.3.9 Personnel Training

Pollution prevention training must be held at least annually. Training must be documented in the facility's training database or in employee records located at the facility. Personnel are trained in the following areas:

- Release Prevention, Reporting, and Response - a review of emergency procedures, communications, and reporting and cleanup techniques.
- Pollution Prevention - a review of the purpose, goal, content, and regulatory requirements of this Plan, potential sources of oil pollution at the site, BMPs implemented at the site, and the role personnel fulfill in pollution prevention.
- General facility operations
- Operation and maintenance of equipment to prevent oil discharges
- Corporate Environmental Training courses, as applicable (ex. "Preventing Accidental Pollution of Surface Waters").
- Discharge Briefings – a discussion of any known discharges or failures, malfunctioning components, and any recently developed precautionary measures.

8.3.10 Recordkeeping and Internal Reporting Procedures

Good record keeping and reporting procedures help to identify and communicate information about potential sources of surface water and ground water contamination and assure that appropriate measures are taken. This Plan includes procedures for recording incidents, such as spills or other discharges, along with other information describing the quality and quantity of potential pollution sources. All pertinent information regarding a discharge will be documented and records maintained for three years. Pollution prevention record keeping and reporting are integrated into current management systems and include:

- The use of the SAP preventive maintenance system, or an equivalent system, for scheduling applicable preventive maintenance tasks and inspections.
- Required reporting of discharges to Line Management, Environmental Specialist, and Corporate Environmental.
- Recording of incidents via the APCI Incident Tracking System
- The periodic review of significant safety and environmental issues or incidents and corrective action progress by a Line and Staff Management Safety Committee.

8.3.11 Spill Cleanup Kits and Materials

Spill cleanup kits are maintained at the facility. They are routinely inspected to keep them in good working order. These kits are composed of absorbent sheets, pillows and booms, as appropriate. In addition, sorbent materials such as oil-dry or vermiculite should be available at all times. Alkaline neutralizing kits or materials such as soda ash or lime should also be available onsite from a nearby chemical distributor, for those facilities that use sulfuric acid for cooling water treatment. Spill cleanup kits or materials are maintained within a reasonable distance of the following areas:

- Truck fueling area and tractor staging/parking
- Truck terminal
- Air Separation Unit (ASU) compressor area/Air Separation Process
- Maintenance buildings and storage areas
- A dedicated spill kit on each truck tractor
- Process equipment with liquid materials in service

8.3.12 Emergency Response Contractors

In the event of a discharge, outside assistance for cleanup may be required. Worksheet B4 in Appendix B lists emergency response contractors located within a reasonable response time from this facility. The primary emergency response contractor has provided information regarding qualifications (availability of the necessary personnel and equipment within appropriate response time). Worksheet B10 in Appendix B has been completed by the response contractor and has been inserted in the Plan.

8.3.13 Emergency Preparedness and Communications

This facility has a Site Emergency Plan and Crisis Management Plan. They are located at the main gate and/or in each control building/room.

8.3.14 Security

This facility is completely surrounded by a security fence. Access to the site is controlled through a main gate. Entry through this gate can be made only by a security access code or through permission received from the Control Room. Storage containers, secondary containment systems, process areas and piping systems are confined within the fence line. The area is lighted and is subject to typical facility security measures, including restricted vehicular traffic.