LANCE R. LEFLEUR
DIRECTOR

KAY IVEY
GOVERNOR

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

May 6, 2022

Davis Henry
President
Henry Brick Company
PO Box 850
Selma, AL 36702

RE: Draft Permit
Claude Jack Mine
NPDES Permit Number AL0082457
Dallas County (047)

Dear Mr. Henry:

Transmitted herein is a draft of the above referenced permit. Please review the enclosed draft permit carefully. If previously permitted, the draft may contain additions/revisions to the language in your current permit. Please submit any comments on the draft permit to the Department within 30 days from the date of receipt of this letter.

Since the Department has made a tentative decision to reissue the above referenced permit, ADEM Admin. Code r. 335-6-6-.21 requires a public notice of the draft permit followed by a period of at least 30 days for public comment before the permit can be issued. The United States Environmental Protection Agency will also receive the draft permit for review during the 30-day public comment period.

Any mining, processing, construction, land disturbance, or other regulated activity proposed to be authorized by this draft permit is prohibited prior to the effective date of the formal permit. Any mining or processing activity within the drainage basin associated with each permitted outfall which is conducted prior to Departmental receipt of certification from a professional engineer licensed to practice in the State of Alabama, that the Pollution Abatement/Prevention Plan was implemented according to the design plan, or notification from the Alabama Surface Mining Commission that the sediment control structures have been certified, is prohibited.

Please be aware that Part I.D of your permit requires that you submit DMRs through the Alabama Environmental Permitting and Compliance System (AEPACS) upon issuance of this permit unless valid justification as to why you cannot participate is submitted in writing. The AEPACS can be found at https://aepacs.adem.alabama.gov/nviro/ncore/external/home.

Should you have any questions concerning this matter, please contact Ange Boatwright by email at maboatwright@adem.alabama.gov or by phone at (334) 274-4208.

Sincerely,

Eric Reidy, Chief
Mining and Natural Resource Section
Stormwater Management Branch
Water Division

EJR/mab File: DPER/38226

Enclosure

cc: Ange Boatwright, ADEM
Environmental Protection Agency Region IV
Alabama Department of Conservation and Natural Resources
U.S. Fish and Wildlife Service
Alabama Historical Commission
Advisory Council on Historic Preservation
Alabama Department of Labor

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

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

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

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

Alabama Department of Environmental Management

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM INDIVIDUAL PERMIT

PERMITTEE:	Henry Brick Company, Inc. Post Office Box 850 Selma, AL 36702
FACILITY LOCATION:	Claude Jack Mine Race Street Selma, AL 36702 Dallas County T17N, R11E, S29
PERMIT NUMBER:	AL0082457
DSN & RECEIVING STREAM:	001-1 Unnamed Tributary to Beech 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

Alabama Department of Environmental Management

MINING AND NATURAL RESOURCE SECTION
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

TABLE OF CONTENTS

PART I DISCHARGE LIMITATIONS, CONDITIONS, AND REQUIREMENTS

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS 4
Frequency 4

B. REQUIREMENTS TO ACTIVATE A PROPOSED MINING OUTFALL 4

C. DISCHARGE MONITORING AND RECORD KEEPING REQUIREMENTS 4
1. Sampling Schedule and Frequency 4
2. Measurement Frequency 5
3. Monitoring Schedule 5
4. Sampling Location 6
5. Representative Sampling 6
6. Test Procedures 6
7. Recording of Results 7
8. Routine Inspection by Permittee 7
9. Records Retention and Production 8
10. Monitoring Equipment and Instrumentation 8

D. DISCHARGE REPORTING REQUIREMENTS 8
1. Requirements for Reporting of Monitoring 8
2. Noncompliance Notification 10
3. Reduction, Suspension, or Termination of Monitoring and/or Reporting 11

E. OTHER REPORTING AND NOTIFICATION REQUIREMENTS 12
1. Anticipated Noncompliance 12
2. Termination of Discharge 12
3. Updating Information 12
4. Duty to Provide Information 12

F. SCHEDULE OF COMPLIANCE 13

PART II OTHER REQUIREMENTS, RESPONSIBILITIES, AND DUTIES

A. OPERATIONAL AND MANAGEMENT REQUIREMENTS 14
1. Facilities Operation and Management 14
2. Pollution Abatement and/or Prevention Plan 14
3. Best Management Practices (BMPs) 14
4. Biocide Additives 15
5. Facility Identification 16
6. Removed Substances 16
7. Loss or Failure of Treatment Facilities 16
8. Duty to Mitigate 17

B. BYPASS AND UPSET 17
1. Bypass 17
2. Upset 18

C. PERMIT CONDITIONS AND RESTRICTIONS 19
1. Prohibition against Discharge from Facilities Not Certified 19
2. Permit Modification, Suspension, Termination, and Revocation 19
3. Automatic Expiration of Permits for New or Increased Discharges 20
4. Transfer of Permit 20

5. Groundwater 21
6. Property and Other Rights 21

D. RESPONSIBILITIES 21
1. Duty to Comply 21
2. Change in Discharge 21
3. Compliance with Toxic or Other Pollutant Effluent Standard or Prohibition 22
4. Compliance with Water Quality Standards and Other Provisions 22
5. Compliance with Statutes and Rules 23
6. Right of Entry and Inspection 23
7. Duty to Reapply or Notify of Intent to Cease Discharge 23

PART III ADDITIONAL REQUIREMENTS, CONDITIONS, AND LIMITATIONS

A. CIVIL AND CRIMINAL LIABILITY 24
1. Tampering 24
2. False Statements 24
3. Permit Enforcement 24
4. Relief From Liability 24

B. OIL AND HAZARDOUS SUBSTANCE LIABILITY 24

C. AVAILABILITY OF REPORTS 24

D. DEFINITIONS 24

E. SEVERABILITY 29

F. PROHIBITIONS AND ACTIVIES NOT AUTHORIZED 29

G. DISCHARGES TO IMPAIRED WATERS 29

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 each point source identified on Page 1 of this Permit and described more fully in the Permittee's application, if the outfalls have been constructed and certified. Discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[1]
pH 00400	6.0 s.u.	-------	8.5 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	-------	35.0 mg/L	Grab	2/Month
Flow, In Conduit or Thru Treatment Plant[2] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month

B. REQUIREMENTS TO ACTIVATE A PROPOSED MINING OUTFALL

1. Discharge from any point source identified on Page 1 of this Permit which is a proposed outfall is not authorized by this Permit until the outfall has been constructed and certification received by the Department from a professional engineer, registered in the State of Alabama, certifying that such facility has been constructed according to good engineering practices and in accordance with the Pollution Abatement and/or Prevention (PAP) Plan.

2. Certification required by Part I.B.1. shall be submitted on a completed ADEM Form 432. The certification shall include the latitude and longitude of the constructed and certified outfall.

3. Discharge monitoring and Discharge Monitoring Report (DMR) reporting requirements described in Part I.C. of this Permit do not apply to point sources that have not been constructed and certified.

4. Upon submittal of the certification required by Part I.B.1. to the Department, all monitoring and DMR submittal requirements shall apply to the constructed and certified outfall.

C. DISCHARGE MONITORING AND RECORD KEEPING REQUIREMENTS

1. Sampling Schedule and Frequency

a. The Permittee shall collect at least one grab sample of the discharge to surface waters from each constructed and certified point source identified on Page 1 of this Permit and described more fully in the Permittee's application twice per month at a rate of at least every other week if a discharge occurs at any time during the two week period, but need not collect more than two samples per calendar month. Each sample collected shall be analyzed for each parameter specified in Part I.A. of this Permit.

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[1] See Part I.C.2. for further measurement frequency requirements.

[2] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

b. If the final effluent is pumped in order to discharge (e.g. from incised ponds, old highwall cuts, old pit areas or depressions, etc.), the Permittee shall collect at least one grab sample of the discharge from each point source identified on Page 1 of this Permit and described more fully in the Permittee's application each quarterly (three month) monitoring period if a discharge occurs at any time during the quarterly monitoring period which results from direct pumped drainage. Each sample collected shall be analyzed for each parameter specified in Part I.A. of this Permit.

c. The Permittee may increase the frequency of sampling listed in Parts I.C.1.a and I.C.1.b; however, all sampling results must be reported to the Department and included in any calculated results submitted to the Department in accordance with this Permit.

2. Measurement Frequency

Measurement frequency requirements found in Part I.A. shall mean:

a. A measurement frequency of one day per week shall mean sample collection on any day of discharge which occurs every calendar week.

b. A measurement frequency of two days per month shall mean sample collection on any day of discharge which occurs every other week, but need not exceed two sample days per month.

c. A measurement frequency of one day per month shall mean sample collection on any day of discharge which occurs during each calendar month.

d. A measurement frequency of one day per quarter shall mean sample collection on any day of discharge which occurs during each calendar quarter.

e. A measurement frequency of one day per six months shall mean sample collection on any day of discharge which occurs during the period of January through June and during the period of July through December.

f. A measurement frequency of one day per year shall mean sample collection on any day of discharge which occurs during each calendar year.

3. Monitoring Schedule

The Permittee shall conduct the monitoring required by Part I.A. in accordance with the following schedule:

a. 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. More frequently than monthly and monthly monitoring may be done anytime during the month, unless restricted elsewhere in this Permit, but the results should be reported on the last Discharge Monitoring Report (DMR) due for the quarter (i.e., with the March, June, September, and December DMRs).

b. 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 the results should be reported on the last DMR due for the quarter (i.e., with the March, June, September, and December DMRs).

c. 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 semiannual calendar 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 reported on the last DMR due for the month of the semiannual period (i.e., with the June and December DMRs).

d. 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 reported on the December DMR.

4. Sampling Location

Unless restricted elsewhere in this Permit, samples collected to comply with the monitoring requirements specified in Part I.A. shall be collected at the nearest accessible location just prior to discharge and after final treatment, or at an alternate location approved in writing by the Department.

5. Representative Sampling

Sample collection and measurement actions 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.

6. 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, guidelines published pursuant to Section 304(h) of the FWPCA, 33 U.S.C. Section 1314(h), and ADEM Standard Operating Procedures. 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 pollutant parameters without an established ML, an interim ML may be utilized. The interim ML shall be calculated as 3.18 times the Method Detection Level (MDL) calculated pursuant to 40 CFR Part 136, Appendix B.

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

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 identified in Parts I.C.6.a. and b. 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.

7. 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 or measurements;

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.

8. Routine Inspection by Permittee

a. The Permittee shall inspect all point sources identified on Page 1 of this Permit and described more fully in the Permittee's application and all treatment or control facilities or systems used by the Permittee to achieve compliance with the terms and conditions of this Permit at least as often as the applicable sampling frequency specified in Part I.C.1 of this Permit.

b. The Permittee shall maintain a written log for each point source identified on Page 1 of this Permit and described more fully in the Permittee's application in which the Permittee shall record the following information:

(1) The date and time the point source and any associated treatment or control facilities or systems were inspected by the Permittee;

(2) Whether there was a discharge from the point source at the time of inspection by the Permittee;

(3) Whether a sample of the discharge from the point source was collected at the time of inspection by the Permittee;

(4) Whether all associated treatment or control facilities or systems appeared to be in good working order and operating as efficiently as possible, and if not, a description of the problems or deficiencies; and

(5) The name and signature of the person performing the inspection of the point source and associated treatment or control facilities or systems.

9. Records Retention and Production

a. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this 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 (3) years from the date of the sample collection, 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, AEMA, 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, the Permittee shall provide the Director with a copy of any record required to be retained by this paragraph. Copies of these records should not be submitted unless requested.

b. All records required to be kept for a period of three (3) years shall be kept at the permitted facility or an alternate location approved by the Department in writing and shall be available for inspection.

10. 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.

D. DISCHARGE REPORTING REQUIREMENTS

1. Requirements for Reporting of Monitoring

a. Monitoring results obtained during the previous three (3) months shall be summarized for each month on a Discharge Monitoring Report (DMR) Form approved by the Department, and submitted to the Department so that it is received by the Director no later than the 28th day of the month following the quarterly reporting period (i.e., on the 28th day of January, April, July, and October of each year).

b. The Department utilizes a web-based electronic reporting system for submittal of DMRs. **Except as allowed by Part I.D.1.c. or d., the Permittee shall submit all DMRs required by Part I.D.1.a. by utilizing the Department's current electronic reporting system.** The Department's current reporting system, Alabama Environmental Permitting and Compliance System (AEPACS), can be found online at https://aepacs.adem.alabama.gov/nviro/ncore/external/home.

c. If the electronic reporting system is down (i.e. electronic submittal of DMR data is unable to be completed due to technical problems originating with the Department's system; this could include entry/submittal issues with an entire set of DMRs or individual parameters), permittees are not relieved of their obligation to submit DMR data to the Department by the required submittal date. However, if the electronic reporting system is down on the 28th day of the month or is down for an extended period of time as determined by the

Department when a DMR is required to be submitted, the facility may submit the data in an alternate manner and format acceptable to the Department. Preapproved alternate acceptable methods include faxing, e-mailing, mailing, or hand-delivery of data such that they are received by the required reporting date. Within five calendar days of the electronic reporting system resuming operation, the Permittee shall enter the data into the reporting system unless an alternate timeframe is approved by the Department. An attachment should be included with the electronic DMR submittal verifying the original submittal date (date of the fax, copy of dated e-mail, or hand-delivery stamped date).

d. 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 Part I.D.1.j.

e. If the Permittee, using approved analytical methods as specified in Part I.C.6., monitors any discharge from a point source identified on Page 1 of this Permit and describe more fully in the Permittee's application 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 Form, and the increased frequency shall be indicated on the DMR Form.

f. In the event no discharge from a point source identified on Page 1 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 Form.

g. Each DMR Form submitted by the Permittee to the Department in accordance with Part I.D.1. must be legible and bear an original signature or electronic signature. Photo and electronic copies of the signature are not acceptable and shall not satisfy the reporting requirements of this Permit.

h. All reports and forms required to be submitted by this Permit, the AWPCA, and the Department's rules and regulations, shall be signed by a "responsible official" of the Permittee as defined in ADEM Admin. Code r. 335-6-6-.09 or a "duly authorized representative" of such official as defined in ADEM Admin. Code r. 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 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."

i. All DMRs, reports, and forms required to be submitted by this Permit, the AWPCA and the Department's rules and regulations, shall be submitted through the Department's electronic reporting system, AEPACS, or, if in hardcopy, shall be addressed to:

> Alabama Department of Environmental Management
> Water Division, Mining and Natural Resource Section

Post Office Box 301463
Montgomery, Alabama 36130-1463

Certified and Registered Mail shall be addressed to:

Alabama Department of Environmental Management
Water Division, Mining and Natural Resource Section
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059

j. Unless authorized in writing by the Department, approved reporting forms required by this Permit or the Department are not to be altered, and if copied or reproduced, must be consistent in format and identical in content to the ADEM approved form. Unauthorized alteration, falsification, or use of incorrectly reproduced forms constitutes noncompliance with the requirements of this Permit and may significantly delay processing of any request, result in denial of the request, result in permit termination, revocation, suspension, modification, or denial of a permit renewal application, or result in other enforcement action.

k. If this Permit is a reissuance, 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.D.1.

2. Noncompliance Notification

a. The Permittee must notify the Department if, for any reason, the Permittee's discharge:

(1) Potentially threatens human health or welfare;

(2) Potentially threatens fish or aquatic life;

(3) Causes an in-stream water quality criterion to be exceeded;

(4) Does not comply with an applicable toxic pollutant effluent standard or prohibition established under Section 307(a) of the FWPCA, 33 U.S.C. §1317(a);

(5) Contains a quantity of a hazardous substance which has been determined may be harmful to the public health or welfare under Section 311(b)(4) of the FWPCA, 33 U.S.C. §1321(b)(4); or

(6) Exceeds any discharge limitation for an effluent parameter as a result of an unanticipated bypass or upset.

The Permittee shall orally or electronically report any of the above occurrences, describing the circumstances and potential effects 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 or electronic report, the Permittee shall submit to the Director a written report as provided in Part I.D.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 a written report to the Director as provided in Part I.D.2.c. This report must be submitted with the next Discharge Monitoring Report required to be submitted by Part I.D.1. of this Permit after becoming aware of the occurrence of such noncompliance.

c. Any written report required to be submitted to the Director in accordance with Parts I.D.2.a. and 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.

1. Reduction, Suspension, or Termination of Monitoring and/or Reporting

a. The Director may, with respect to any point source identified on Page 1 of this Permit and described more fully in the Permittee's application, authorize the Permittee to reduce, suspend, or terminate the monitoring and/or reporting required by this Permit upon the submission of a written request for such reduction, suspension, or termination by the Permittee provided:

(1) All mining, processing, or disturbance in the drainage basin(s) associated with the discharge has ceased and site access is adequately restricted or controlled to preclude unpermitted and unauthorized mining, processing, transportation, or associated operations/activity;

(2) Permanent, perennial vegetation has been re-established on all areas mined or disturbed for at least one year since mining has ceased in the drainage basin(s) associated with the surface discharge, or all areas have been permanently graded such that all drainage is directed back into the mined pit to preclude all surface discharges;

(3) Unless waived in writing by the Department, the Permittee has been granted, in writing, a 100% Bond Release, if applicable, by the Alabama Department of Industrial Relations and, if applicable, by the Surface Mining Commission for all areas mined or disturbed in the drainage basin(s) associated with the discharge;

(4) Unless waived in writing by the Department, the Permittee has submitted inspection reports prepared and certified by a Professional Engineer (PE) registered in the State of Alabama or a qualified professional under the PE's direction which certify that the facility has been fully reclaimed or that water quality remediation has been achieved. The first inspection must be conducted approximately one year prior to and the second inspection must be conducted within thirty days of the Permittee's request for termination of monitoring and reporting requirements;

(5) All surface effects of the mining activity such as fuel or chemical tanks, preparation plants or equipment, old tools or equipment, junk or debris, etc., must be removed and disposed of according to applicable state and federal regulations;

(6) The Permittee's request for termination of monitoring and reporting requirements contained in this Permit has been supported by monitoring data covering a period of at least six consecutive months or such longer period as is necessary to assure that the data reflect discharges occurring during varying seasonal climatological conditions;

(7) The Permittee has stated in its request that the samples collected and reported in the monitoring data submitted in support of the Permittee's request for monitoring termination or suspension are representative of the discharge and were collected in accordance with all Permit terms and conditions respecting sampling times (e.g., rainfall events) and methods and were analyzed in accordance with all Permit terms and conditions respecting analytical methods and procedures;

(8) The Permittee has certified that during the entire period covered by the monitoring data submitted, no chemical treatment of the discharge was provided;

(9) The Permittee's request has included the certification required by Part I.D.1.e. of this Permit; and

(10) The Permittee has certified to the Director in writing as part of the request, its compliance with (1) through (9) above.

b. It remains the responsibility of the Permittee to comply with the monitoring and reporting requirements of this Permit until written authorization to reduce, suspend, or terminate such monitoring and/or reporting is received by the Permittee from the Director.

E. 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 on Page 1 of this Permit and described more fully in the Permittee's application have permanently ceased.

3. Updating Information

a. The Permittee shall inform the Director of any change in the Permittee's mailing address or telephone number or in the Permittee's designation of a facility contact or officer(s) having the authority and responsibility to prevent and abate violations of the AWPCA, the AEMA, the Department's rules and regulations, and the terms and conditions of this Permit, in writing, no later than ten (10) days after such change. Upon request of the Director, 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

a. The Permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, suspending, terminating, or revoking and reissuing this Permit, in whole or in part, or to

determine compliance with this Permit. The Permittee shall also furnish to the Director upon request, copies of records required to be maintained by this Permit.

b. The Permittee shall furnish to the Director upon request, within a reasonable time, available information (name, phone number, address, and site location) which identifies offsite sources of material or natural resources (mineral, ore, or other material such as iron, coal, coke, dirt, chert, shale, clay, sand, gravel, bauxite, rock, stone, etc.) used in its operation or stored at the facility.

F. SCHEDULE OF COMPLIANCE

The Permittee shall achieve compliance with the discharge limitations specified in Part I.A. of this Permit in accordance with the following schedule:

Compliance must be achieved by the effective date of this Permit.

PART II OTHER REQUIREMENTS, RESPONSIBILITIES, AND DUTIES

A. OPERATIONAL AND MANAGEMENT REQUIREMENTS

1. Facilities Operation and Management

The Permittee shall at all times 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 this 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 this Permit.

2. Pollution Abatement and/or Prevention Plan

a. The Pollution Abatement and/or Prevention (PAP) Plan shall be prepared and certified by a registered PE licensed to practice in the State of Alabama, and shall include, at a minimum:

(1) The information indicated in ADEM Admin. Code ch. 335-6-9 and its Appendices A and B;

(2) A description of methods which will be implemented to prevent offsite vehicle tracking onto roadways and/or into ditches at the entrances and/or exits of the Permittee's operations;

(3) A description of setbacks from waters of the State in units of linear feet on the horizontal plane; a description of the methods taken to visibly delineate setbacks from waters of the State; and a description of any other actions taken to prevent encroachment upon setbacks;

(4) A description of the methods used to delineate the boundaries of coverage under this Permit such that the boundaries are readily visible during the life of the operation;

(5) A description of any other Best Management Practices (BMPs) which will be implemented to provide control of all nonpoint source pollution that is or may be associated with the Permittee's operations;

b. The PAP Plan shall become a part of this Permit and all requirements of the PAP Plan shall become requirements of this Permit pursuant to ADEM Admin Code r. 335-6-9-.05(2). The PAP Plan shall be amended if the Department determines that the existing sediment control measures, erosion control measures, or other site management practices are ineffective or do not meet the requirements of this Permit).

3. Best Management Practices (BMPs)

a. Unless otherwise authorized in writing by the Director, the Permittee shall provide a means of subsurface withdrawal for any discharge from each point source identified on Page 1 of this Permit and described more fully in the Permittee's application. Notwithstanding the above provision, a means of subsurface withdrawal need not be provided for any discharge caused by a 24-hour precipitation event greater than a 10-year, 24-hour precipitation event.

b. Dilution water shall not be added to achieve compliance with discharge limitations except when the Director has granted prior written authorization for dilution to meet water quality requirements.

c. The Permittee shall minimize the contact of water with overburden, including but not limited to stabilizing disturbed areas through grading, diverting runoff, achieving quick growing stands of temporary vegetation, sealing acid-forming and toxic-forming materials, and maximizing placement of waste materials in back-fill areas.

d. The Permittee shall prepare, submit to the Department for approval, and implement a Best Management Practices (BMPs) Plan for containment of any or all process liquids or solids, in a manner such that these materials do not present a potential for discharge, if so required by the Director. 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.

e. Spill Prevention, Control, and Management

The Permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan acceptable to the Department that is prepared and certified by a Professional Engineer (PE), registered in the State of Alabama, for all onsite petroleum product or other pollutant storage tanks or containers as provided by ADEM Admin. Code r. 335-6-6-.08(j)5. The Plan shall describe and the Permittee shall implement appropriate structural and/or non-structural spill prevention, control, and/or management pursuant to ADEM Admin. Code r. 335-6-6-.12 (r) sufficient to prevent any spills of pollutants from entering a ground or surface water of the State or a publicly or privately owned treatment works. The Plan shall include at a minimum, the engineering requirements provided in 40 C.F.R. §§112.1. 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. Such containment systems shall be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided. The Plan shall list any materials which the Permittee may utilize to contain and to absorb fuel and chemical spills and leaks. The Permittee shall maintain sufficient amounts of such materials onsite or have sufficient amounts of such materials readily available to contain and/or absorb fuel and chemical spills and leaks. Soil contaminated by chemical spills, oil spills, etc., must be immediately cleaned up or be removed and disposed of in a manner consistent with all State and federal regulations.

f. All surface drainage and storm water runoff which originate within or enters the Permittee's premises and which contains any pollutants or other wastes shall be discharged, if at all, from a point source identified on Page 1 of this Permit and described more fully in the Permittee's application.

g. The Permittee shall take all reasonable precautions to prevent any surface drainage or storm water runoff which originates outside the Permittee's premises and which contains any pollutants or other wastes from entering the Permittee's premises. At no time shall the Permittee discharge any such surface drainage or storm water runoff which enters the Permittee's premises if, either alone or in combination with the Permittee's effluent, the discharge would exceed any applicable discharge limitation specified in Part I.A. of this Permit.

4. Biocide Additives

a. The Permittee shall notify the Director in writing not later than sixty (60) days prior to instituting the use of any biocide corrosion inhibitor or chemical additive in any cooling or boiler system(s) regulated by this Permit. Notification is not 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:

(a) Name and general composition of biocide or chemical;

(b) 96-hour median tolerance limit data for organisms representative of the biota of the water(s) which the discharge(s) enter(s);

(c) Quantities to be used;

(d) Frequencies of use;

(e) Proposed discharge concentrations; and

(f) EPA registration number, if applicable.

b. The use of any biocide or chemical additive containing tributyl tin, tributyl tin oxide, zinc, chromium, or related compounds in any cooling or boiler system(s) regulated by the Permit 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.

5. Facility Identification

The Permittee shall clearly display prior to commencement of any regulated activity and until permit coverage is properly terminated, the name of the Permittee, entire NPDES permit number, facility or site name, and other descriptive information deemed appropriate by the Permittee at an easily accessible location(s) to adequately identify the site, unless approved otherwise in writing by the Department. The Permittee shall repair or replace the sign(s) as necessary upon becoming aware that the identification is missing or is unreadable due to age, vandalism, theft, weather, or other reason.

6. Removed Substances

Solids, sludges, filter backwash, or any other pollutants or other wastes removed in the course of treatment or control of wastewaters shall be disposed of in a manner that complies with all applicable Department rules and regulations.

7. Loss or Failure of Treatment Facilities

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

8. Duty to Mitigate

The Permittee shall promptly take all reasonable steps to minimize or prevent any violation of this Permit or to mitigate and minimize any adverse impact to waters resulting from noncompliance with any discharge limitation specified in Part I.A. of this Permit, including such accelerated or additional monitoring of the discharge and/or the receiving waterbody as is necessary to determine the nature and impact of the noncomplying discharge.

B. BYPASS AND UPSET

1. Bypass

a. Any bypass is prohibited except as provided in Parts II.B.1.b. and c.

b. A bypass is not prohibited if:

(1) It does not cause any applicable discharge limitation specified in Part I.A. of this Permit to be exceeded;

(2) The discharge resulting from such bypass enters the same receiving water as the discharge from the permitted outfall;

(3) It is necessary for essential maintenance of a treatment or control facility or system to assure efficient operation of such facility or system; and

(4) The Permittee monitors the discharge resulting from such bypass at a frequency, at least daily, sufficient to prove compliance with the discharge limitations specified in Part I.A. of this Permit.

c. A bypass is not prohibited and need not meet the discharge limitations specified in Part 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 the Permittee could have installed adequate backup equipment 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, if possible, prior to the anticipated bypass or within 24 hours of an unanticipated bypass, the Permittee is granted such authorization, and Permittee complies with any conditions imposed by the Director to minimize any adverse impact to waters resulting from the bypass.

d. The Permittee has the burden of establishing that each of the conditions of Parts II.B.I.b. or c. have been met to qualify for an exception to the general prohibition against bypassing contained in Part II.B.1.a. and an exemption, where applicable, from the discharge limitations specified in Part I.A. of this Permit.

2. Upset

a. The Permittee may seek to demonstrate that noncompliance with technology-based effluent limits occurred as a result of an upset if the conditions of Part II.B.2.b are met and if the Permittee complies with the conditions provided in Part II.B.2.c:

(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; 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, design drawings, construction certification, maintenance records, weir flow measurements, dated photographs, rain gauge measurements, 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 treatment 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 to waters resulting from the upset.

b. Notwithstanding the provisions of Part II.B.2.a., a discharge which is an overflow from a treatment facility or system, or an excess discharge from a point source associated with a treatment facility or system and which results from a 24-hour precipitation event larger than a 10-year, 24-hour precipitation event is not exempted from the discharge limitations specified in Part I.A. of this Permit unless:

(1) The treatment facility or system is designed, constructed, and maintained to contain the maximum volume of wastewater which would be generated by the facility during a 24-hour period without an increase in volume from precipitation and the maximum volume of wastewater resulting from a 10-year, 24-hour precipitation event or to treat the maximum flow associated with these volumes.

In computing the maximum volume of wastewater which would result from a 10-year, 24-hour precipitation event, the volume which would result from all areas contributing runoff to the individual treatment facility must be included (i.e., all runoff that is not diverted from the mining area and runoff which is not diverted from the preparation plant area); and

(2) The Permittee takes all reasonable steps to maintain treatment of the wastewater and minimize the amount of overflow or excess discharge.

c. The Permittee has the burden of establishing that each of the conditions of Parts II.B.2.a. and b. have been met to qualify for an exemption from the discharge limitations specified in Part I.A. of this Permit.

C. PERMIT CONDITIONS AND RESTRICTIONS

1. Prohibition against Discharge from Facilities Not Certified

a. Notwithstanding any other provisions of this Permit, if the permitted facility has not obtained or is not required to obtain a permit from the Alabama Surface Mining Commission, any discharge(s) from any point or nonpoint source(s) from the permitted facility which was not certified to the Department on a form approved by the Department by a professional engineer, registered in the State of Alabama, as being designed, constructed, and in accordance with plans and specifications reviewed by the Department is prohibited; or

b. Notwithstanding any other provisions of this Permit, if the permitted facility has obtained or is required to obtain a permit from the Alabama Surface Mining Commission, any discharge(s) from any point or nonpoint source(s) from the permitted facility which is associated with a treatment facility which was not constructed and certified to the Alabama Surface Mining Commission pursuant to applicable provisions of said Commission's regulations, is prohibited until the Permittee submits to the Alabama Surface Mining Commission, certification by a professional engineer, registered in the State of Alabama, certifying that such facility has been constructed in accordance with plans and specifications approved by the Alabama Surface Mining Commission. This requirement shall not apply to pumped discharges from the underground works of underground coal mines where no surface structure is required by the Alabama Surface Mining Commission, provided the Department is notified in writing of the completion or installation of such facilities, and the pumped discharges will meet permit effluent limits without treatment.

2. Permit Modification, Suspension, Termination, and Revocation

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

(1) The violation of any term or condition of this Permit;

(2) The obtaining of this Permit by misrepresentation or the failure to disclose fully all relevant facts;

(3) The submission of materially false or inaccurate statements or information in the permit application or reports required by the Permit;

(4) The need for a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(5) The existence of any typographical or clerical errors or of any errors in the calculation of discharge limitations;

(6) The existence of 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;

(7) The threat of the Permittee's discharge on human health or welfare; or

(8) Any other cause allowed by ADEM Admin. Code ch. 335-6-6.

b. The filing of a request by the Permittee for modification, suspension, termination, or revocation and reissuance of this Permit, in whole or in part, does not stay any Permit term or condition of this Permit.

3. Automatic Expiration of Permits for New or Increased Discharges

a. Except as provided by ADEM Admin. Code r. 335-6-6-.02(h) and 335-6-6-.05, if this Permit was issued for a new discharger or new source, it shall expire eighteen months after the issuance date if construction has not begun during that eighteen month period.

b. Except as provided by ADEM Admin. Code r. 335-6-6-.02(h) and 335-6-6-.05, if any portion of this Permit was issued or modified to authorize the discharge of increased quantities of pollutants to accommodate the modification of an existing facility, that portion of this Permit shall expire eighteen months after this Permit's issuance if construction of the modification has not begun within eighteen month period.

c. Construction has begun when the owner or operator has:

(1) Begun, or caused to begin as part of a continuous on-site construction program:

(i) Any placement, assembly, or installation of facilities or equipment; or

(ii) 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

(2) 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.

d. The automatic expiration of this Permit for new or increased discharges if construction has not begun within the eighteen month period after the issuance of this Permit may be tolled by administrative or judicial stay.

4. 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 this 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.

5. Groundwater

Unless authorized on page 1 of this Permit, this Permit does not authorize any discharge 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.

6. 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. RESPONSIBILITIES

1. Duty to Comply

a. The Permittee must comply with all terms and conditions of this Permit. Any permit noncompliance constitutes a violation of the AWPCA, AEMA, 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 Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the FWPCA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Permit has not yet been modified to incorporate the effluent standard, prohibition or requirement.

c. For any violation(s) of this Permit, the Permittee is subject to a civil penalty as authorized by the AWPCA, the AEMA, the FWPCA, and Code of Alabama 1975, §§22-22A-1 et. seq., as amended, and/or a criminal penalty as authorized by Code of Alabama 1975, §22-22-1 et. seq., as amended.

d. The necessity to halt or reduce production or other activities in order to maintain compliance with the conditions of this Permit shall not be a defense for a Permittee in an enforcement action.

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

f. 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.

g. The Permittee shall take all reasonable steps, including cessation of production or other activities, to minimize or prevent any violation of this Permit or to minimize or prevent any adverse impact of any permit violation.

2. 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, increase the quantity of a discharged pollutant, or

that could result in an additional discharge point. This requirement also applies to pollutants 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 knows or has reason to believe that it has begun or expects to begin to discharge any pollutant listed as a toxic pollutant pursuant to Section 307(a) of the FWPCA, 33 U.S.C. §1317(a), any substance designated as a hazardous substance pursuant to Section 311(b)(2) of the FWPCA, 33 U.S.C. §1321(b)(2), any waste listed as a hazardous waste pursuant to Code of Alabama 1975, §22-30-10, or any other pollutants or other wastes which is not subject to any discharge limitations specified in Part I.A. of this Permit and was not reported in the Permittee's application, was reported in the Permittee's application in concentrations or mass rates lower than that which the Permittee expects to begin to be discharged, or has reason to believe has begun to be discharged.

3. Compliance with Toxic or Other Pollutant Effluent 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 Sections 301(b)(2)(C),(D),(E) and (F) of the FWPCA, 33 U.S.C. §1311(b)(2)(C),(D),(E), and (F); 304(b)(2) of the FWPCA, 33 U.S.C. §1314(b)(2); or 307(a) of the FWPCA, 33 U.S.C. §1317(a), for a toxic or other pollutant discharged by the Permittee, and such standard or prohibition is more stringent than any discharge limitation on the pollutant specified in Part I.A. of this Permit or controls a pollutant not limited in Part I.A. of this Permit, this Permit shall be modified to conform to the toxic or other 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 or other pollutant effluent standard or prohibition before the effective date of such standard or prohibition, the authorization to discharge in this Permit shall be void to the extent that any discharge limitation on such pollutant in Part I.A. of this Permit exceeds or is inconsistent with the established toxic or other pollutant effluent standard or prohibition.

4. Compliance with Water Quality Standards and Other Provisions

a. 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 will assure compliance with applicable water quality standards. However, this Permit does not relieve the Permittee from compliance with applicable State water quality standards established in ADEM Admin. Code ch. 335-6-10, and does not preclude the Department from taking action as appropriate to address the potential for contravention of applicable State water quality standards which could result from discharges of pollutants from the permitted facility.

b. Compliance with Permit terms and conditions notwithstanding, if the Permittee's discharge(s) from point source(s) identified on Page 1 of this Permit cause(s) or contribute(s) to a condition in contravention of State water quality standards, the Department may require abatement action to be taken by the Permittee, modify the Permit pursuant to the Department's rules and regulations, or both.

c. If the Department determines, on the basis of a notice provided pursuant to Part II.C.2. of 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 noticed act until the Permit has been modified.

5. Compliance with Statutes and Rules

a. This Permit has been issued under ADEM Admin. Code div. 335-6. All provisions of this division, that are applicable to this Permit, are hereby made a part of this Permit. A copy of this division may be obtained for a small charge from the Office of General Counsel, Alabama Department of Environmental Management, 1400 Coliseum Blvd., Montgomery, AL 36110-2059.

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.

6. Right of Entry and Inspection

The Permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

a. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the Permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by the AWPCA, any substances or parameters at any location.

7. 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 with the Department a complete permit application for reissuance of this Permit at least 180 days prior to its expiration.

b. If the Permittee does not desire to continue the discharge(s) allowed by this Permit, the Permittee shall notify the Department at least 180 days prior to expiration of this Permit of the Permittee's intention not to request reissuance of this Permit. This notification must include the information required in Part I.D.4.a. and be signed by an individual meeting the signatory requirements for a permit application as set forth in ADEM Admin. Code r. 335-6-6-.09.

c. Failure of the Permittee to submit to the Department a complete application for reissuance of this Permit at least 180 days prior to the expiration date of this Permit will void the automatic continuation of this Permit provided by ADEM Admin. Code r. 335-6-6-.06; and should this Permit not be reissued for any reason, any discharge after the expiration of this Permit will be an unpermitted discharge.

PART III ADDITIONAL REQUIREMENTS, CONDITIONS, AND LIMITATIONS

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 this Permit shall, upon conviction, be subject to penalties and/or imprisonment as provided by the AWPCA and/or the AEMA.

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 punished as provided by applicable State and Federal law.

3. Permit Enforcement

This NPDES Permit is a Permit for the purpose of the AWPCA, the AEMA, and the FWPCA, and as such all terms, conditions, or limitations of this Permit are enforceable under State and Federal law.

4. Relief From Liability

Except as provided in Part II.B.1. (Bypass) and Part II.B.2. (Upset), nothing in this Permit shall be construed to relieve the Permittee of civil or criminal liability under the AWPCA, AEMA, 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 to under Section 311 of the FWPCA, 33 U.S.C. §1321.

C. AVAILABILITY OF REPORTS

Except for data determined to be confidential under Code of Alabama 1975, §22-22-9(c), all reports prepared in accordance with the terms of this Permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential. Knowingly making any false statement in any such report may result in the imposition of criminal penalties as provided for in Section 309 of the FWPCA, 33 U.S.C. §1319, and Code of Alabama 1975, §22-22-14.

D. DEFINITIONS

1. Alabama Environmental Management Act (AEMA) - means Code of Alabama 1975, §§22-22A-1 et. seq., as amended.

2. Alabama Water Pollution Control Act (AWPCA) - means Code of Alabama 1975, §§22-22-1 et. seq., as amended.

3. 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).

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

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. Controlled Surface Mine Drainage – means any surface mine drainage that is pumped or siphoned from the active mining area.

9. Crushed stone mine - means an area on or beneath land which is mined, quarried, or otherwise disturbed in activity related to the extraction, removal, or recovery of stone from natural or artificial deposits, including active mining, reclamation, and mineral storage areas, for production of crushed stone.

10. 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.

11. Daily maximum - means the highest value of any individual sample result obtained during a day.

12. Daily minimum - means the lowest value of any individual sample result obtained during a day.

13. Day - means any consecutive 24-hour period.

14. Department - means the Alabama Department of Environmental Management.

15. Director - means the Director of the Department or his authorized representative or designee.

16. Discharge - means "[t]he addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other waste into waters of the state." Code of Alabama 1975, §22-22-1(b)(8).

17. Discharge monitoring report (DMR) - means the form approved by the Director to accomplish monitoring report requirements of an NPDES Permit.

18. DO - means dissolved oxygen.

19. E. coli – means the pollutant parameter Escherichia coli.

20. 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.

21. EPA - means the United States Environmental Protection Agency.

22. Federal Water Pollution Control Act (FWPCA) - means 33 U.S.C. §§1251 et. seq., as amended.

23. Flow – means the total volume of discharge in a 24-hour period.

24. 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).

25. 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.

26. 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.

27. 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.

28. mg/L - means milligrams per liter of discharge.

29. MGD - means million gallons per day.

30. Monthly Average - means, other than for E. coli bacteria, the arithmetic mean of all the composite or grab samples taken for the daily discharges collected in one month period. The monthly average for E. coli 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. (Zero discharges shall not be included in the calculation of monthly averages.)

31. New Discharger - means a person owning or operating any building, structure, facility or installation:

a. From which there is or may be a discharge of pollutants;

b. From which the discharge of pollutants did not commence prior to August 13, 1979, and which is not a new source; and

c. Which has never received a final effective NPDES Permit for dischargers at that site.

32. New Source - means:

a. A new source as defined for coal mines by 40 CFR Part 434.11 (1994); and

b. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under Section 306 of FWPCA which are applicable to such source; or

(2) After proposal of standards of performance in accordance with Section 306 of the FWPCA which are applicable to such source, but only if the standards are promulgated in accordance with Section 206 within 120 days of their proposal.

33. NH3-N - means the pollutant parameter ammonia, measured as nitrogen.

34. 1-year, 24-hour precipitation event - means the maximum 24-hour precipitation event with a probable recurrence interval of once in one year as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

35. Permit application - means forms and additional information that are required by ADEM Admin. Code r. 335-6-6-.08 and applicable permit fees.

36. 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. §1362(14).

37. Pollutant - includes for purposes of this Permit, but is not limited to, those pollutants specified in Code of Alabama 1975, §22-22-1(b)(3) and those effluent characteristics, excluding flow, specified in Part I.A. of this Permit.

38. Pollutant of Concern - means those pollutants for which a water body is listed as impaired or which contribute to the listed impairment.

39. Pollution Abatement and/or Prevention Plan (PAP Plan) – mining operations plan developed to minimize impacts on water quality to avoid a contravention of the applicable water quality standards as defined in ADEM Admin. Code r. 335-6-9-.03

40. Preparation, Dry - means a dry preparation facility within which the mineral/material is cleaned, separated, or otherwise processed without use of water or chemical additives before it is shipped to the customer or otherwise utilized. A dry preparation plant includes all ancillary operations and structures necessary to clean, separate, or otherwise process the mineral/material, such as storage areas and loading facilities. Dry preparation also includes minor water spray(s) used solely for dust suppression on equipment and roads to minimize dust emissions.

41. Preparation, Wet - means a wet preparation facility within which the mineral/material is cleaned, separated, or otherwise processed using water or chemical additives before it is shipped to the customer or otherwise utilized. A wet preparation plant includes all ancillary operations and structures necessary to clean, separate, or otherwise process the mineral/material, such as storage areas and loading facilities. Wet preparation also includes mineral extraction/processing by dredging, slurry pumping, etc.

42. 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".

43. Publicly Owned Treatment Works (POTW) - 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.

44. Receiving Stream - means the "waters" receiving a "discharge" from a "point source".

45. 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.

46. 10-year, 24-hour precipitation event - means that amount of precipitation which occurs during the maximum 24-hour precipitation event with a probable recurrence interval of once in ten years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

47. TKN - means the pollutant parameter Total Kjeldahl Nitrogen.

48. TON - means the pollutant parameter Total Organic Nitrogen.

49. TRC - means Total Residual Chlorine.

50. TSS – means the pollutant parameter Total Suspended Solids

51. Treatment facility and treatment system - means all structures which contain, convey, and as necessary, chemically or physically treat mine and/or associated preparation plant drainage, which remove pollutants limited by this Permit from such drainage or wastewater. This includes all pipes, channels, ponds, tanks, and all other equipment serving such structures.

52. 24HC - means 24-hour composite sample, including any of the following:

    a. The mixing of at least 12 equal volume samples collected at constant time intervals of not more than 2 hours over a period of 24 hours;

    b. A sample collected over a consecutive 24-hour period using an automatic sampler composite to one sample. As a minimum, samples shall be collected hourly and each shall be no more than one twenty-fourth (1/24) of the total sample volume collected; or

    c. A sample collected over a consecutive 24-hour period using an automatic composite sampler composited proportional to flow.

53. 24-hour precipitation event - means that amount of precipitation which occurs within any 24-hour period.

54. 2-year, 24-hour precipitation event - means the maximum 24-hour precipitation event with a probable recurrence interval of once in two years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

55. 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 control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate facilities, lack of preventive maintenance, or careless or improper operation.

56. Waters - means "[a]ll waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the State, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership, or corporation unless such waters are used in interstate commerce." Code of Alabama 1975, §22-22-1(b)(2). "Waters" include all "navigable waters" as defined in §502(7) of the FWPCA, 33 U.S.C. §1362(7), which are within the State of Alabama.

57. Week - means the period beginning at twelve midnight Saturday and ending at twelve midnight the following Saturday.

58. 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.

E. 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.

F. PROHIBITIONS AND ACTIVIES NOT AUTHORIZED

1. Discharges from disposal or landfill activities as described in ADEM Admin. Code div. 335-13 are not authorized by this Permit unless specifically approved by the Department.

2. Relocation, diversion, or other alteration of a water of the State is not authorized by this Permit unless specifically approved by the Department.

3. Lime or cement manufacturing or production and discharge of process waters from such manufacturing or production is not authorized by this Permit unless specifically approved by the Department.

4. Concrete or asphalt manufacturing or production and discharge of process waters from such manufacturing or production is not authorized by this Permit unless specifically approved by the Department.

5. 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.

G. DISCHARGES TO IMPAIRED WATERS

1. This Permit does not authorize new sources or new discharges of pollutants of concern to impaired waters unless consistent with an EPA-approved or EPA-established Total Maximum Daily Load (TMDL) and applicable State law, or unless compliance with the limitations and requirements of the Permit ensure that the discharge will not contribute to further degradation of the receiving stream. Impaired waters are those that do not meet applicable water quality standards and are identified on the State of Alabama's §303(d) list or on an EPA-approved or EPA-established TMDL. Pollutants of concern are those pollutants for which the receiving water is listed as impaired or contribute to the listed impairment.

2. Facilities that discharge into a receiving stream which is listed on the State of Alabama's §303(d) list of impaired waters, and with discharges that contain the pollutant(s) for which the waters are impaired, must within six (6) months of the Final §303(d) list approval, document in its BMP plan how the BMPs will control the discharge of the pollutant(s) of concern, and must ensure that there will be no increase of the pollutants of concern. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan.

3. If the facility discharges to impaired waters as described above, it must determine whether a TMDL has been developed and approved or established by EPA for the listed waters. If a TMDL is

approved or established during this Permit cycle by EPA for any waters into which the facility discharges, the facility must review the applicable TMDL to see if it includes requirements for control of any water discharged by the Permittee. Within six (6) months of the date of TMDL approval or establishment, the facility must notify the Department on how it will modify its BMP plan to include best management practices specifically targeted to achieve the allocations prescribed by the TMDL, if necessary. Any revised BMP plans must be submitted to the Department for review. The facility must include in the BMP plan a monitoring component to assess the effectiveness of the BMPs in achieving the allocations.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION

NPDES INDIVIDUAL PERMIT RATIONALE

Company Name:	Henry Brick Company, Inc.
Facility Name:	Claude Jack Mine
County:	Dallas
Permit Number:	AL0082457
Prepared by:	Ange Boatwright
Date:	May 6, 2022
Receiving Waters:	Unnamed Tributary to Beech Creek
Permit Coverage:	Shale and/or Common Clay mine, Transportation and storage, and Associated Areas
SIC Code:	1459

The Department has made a tentative determination that the available information is adequate to support reissuance of this permit.

This proposed permit covers shale and/or common clay mine, transportation and storage, and associated areas which discharge to surface waters of the state.

The proposed permit authorizes treated discharges into an unnamed tributary to Beech Creek classified as Fish and Wildlife (F&W) per ADEM Admin. Code ch. 335-6-11. If the requirements of the proposed permit are fully implemented, the facility will not discharge pollutants at levels that will cause or contribute to a violation of the F&W classification.

Information included in the Permittee's application shows that the Permittee intends to impact waters of the United States (U.S.) within the area covered by the Permit. Any impacts to waters of the U.S. must be appropriately permitted through the U.S. Army Corps of Engineers (USACE) before any impacts may occur. Any surface waters not covered under a USACE Permit must maintain the required 50-foot setbacks under ADEM Admin. Code r. 335-6-9-.07.

Full compliance with the proposed permit terms and conditions is expected to be protective of instream water quality and ensure consistency with applicable instream State water quality standards (WQS) for the receiving stream.

Technology Based Effluent Limits (TBELs) for shale and common clay have not yet been developed by the EPA. The pollutants expected to be discharged from the facility, and therefore limited in the proposed permit, are pH and Total Suspended Solids (TSS) (40 CFR 401.16).

Effluent limitations for TSS are those proposed by the EPA for shale and/or common clay mine drainage in the *Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Mineral Mining and Processing Point Source Category* (July 1979). The TSS limit in the proposed permit is a daily maximum of 35 mg/l.

The discharge limitations for pH of 6.0 – 8.5 s.u. are based on the instream water quality standards for pH in streams classified as Fish and Wildlife per ADEM Admin. Code r. 335-6-10-.09.

The applicant has requested, in accordance with 40 CFR Part 122.21 and their NPDES permit application, a waiver from testing for the Part A, B, and C pollutants listed in the EPA Form 2C and 2D that are not addressed in their

application. They have also certified that due to the processes involved in their mining activity these pollutants are believed to be not present in the waste stream.

The Pollution Abatement/Prevention (PAP) plan for this facility has been prepared by a professional engineer (PE) registered in the State of Alabama and is designed to ensure reduction of pollutants in the waste stream to a level that, if operated properly, the discharge will not contribute to or cause a violation of applicable State WQS. The proposed permit terms and conditions are predicated on the basis of ensuring a reduction of pollutants in the discharge to a level that reduces the potential of contributing to or causing a violation of applicable State WQS.

In accordance with ADEM Admin. Code r. 335-6-3-.07 the design PE, as evidenced by their seal and/or signature on the application, has accepted full responsibility for the effectiveness of the waste treatment facility to treat the Permittee's effluent to meet NPDES permit limitations and requirements, and to fully comply with Alabama's WQS, when such treatment facilities are properly operated.

If there is a reasonable potential that a pollutant present in the treated discharges from a facility could cause or contribute to a contravention of applicable State WQS above numeric or narrative criteria, 40 CFR Part 122 requires the Department to establish effluent limits using calculated water quality criterion, establish effluent limits on a case-by-case basis using criteria established by EPA, or establish effluent limits based on an indicator parameter. Based on available information, potential pollutants discharged from this facility, if discharged within the concentrations allowed by this permit, would not have a reasonable potential to cause or contribute to a contravention of applicable State WQS.

Pursuant to ADEM Admin. Code r. 335-6-6-.12(r) this permit requires the Permittee to design and implement a Spill Prevention Control and Countermeasures (SPCC) plan for all stored chemicals, fuels and/or stored pollutants that have the potential to discharge to a water of the State. This plan must meet the minimum engineering requirements as defined in 40 CFR Part 112 and must provide for secondary containment adequate to control a potential spill.

The applicant is not proposing discharges into a stream segment or other State water that is included on Alabama's current CWA §303(d) list.

The applicant is not proposing discharges of pollutants to a water of the State with an approved Total Maximum Daily Load (TMDL).

The applicant is not proposing new discharges of pollutant(s) to an ADEM identified Tier I water.

The proposed permit does not authorize new or increased discharges of pollutants to a Tier II water. Therefore, the Antidegradation Policy (ADEM Admin. Code 335-6-10-.04) does not apply to this.

R.E. McGough, Inc.
Process - Compliance - Solutions

1655 McFarland Blvd N.
Suite 169
Tuscaloosa, AL 35406
Phone: 205-345-6399
Fax: 205-349-4006

September 2, 2020

Ms. Ange Boatright
ADEM - Water Division
Mining & Natural Resources Section
1400 Coliseum Blvd.
Montgomery, AL 36110

Re: **NPDES Permit Renewal Application**
Henry Brick Company, Inc.
Claude Jack Mine
Selma, Dallas County
NPDES Permit AL0082457

Ms. Boatright:

Please find attached a copy of the above referenced document for Henry Brick Company in Selma.

If you have any questions or need additional information, please let me know at 205-345-6399 or by email at rmcgough@bellsouth.net.

Sincerely,

Randy McGough, P.E.

Attachment

Cc: Mr. Ken Smith

R.E. McGough, Inc.
Process - Compliance - Solutions

1655 McFarland Blvd N.
Suite 169
Tuscaloosa, AL 35406
Phone: 205-345-6399
Fax: 205-349-4006

September 2, 2020

Ms. Ange Boatright
ADEM - Water Division
Mining & Natural Resources Section
1400 Coliseum Blvd.
Montgomery, AL 36110

Re: **NPDES Permit Renewal Application**
Henry Brick Company, Inc.
Claude Jack Mine
Selma, Dallas County
NPDES Permit AL0082457

Ms. Boatright:

Please find attached a copy of the above referenced document for Henry Brick Company in Selma.

If you have any questions or need additional information, please let me know at 205-345-6399 or by email at rmcgough@bellsouth.net.

Sincerely,

Randy McGough, P.E.

Attachment

Cc: Mr. Ken Smith

Mining NPDES Permit Renewal Application

Henry Brick Company, Inc.
Claude Jack Mine
(AL0082457)

P.O. Box 850
Selma, AL 36702

September 2020

Prepared By:

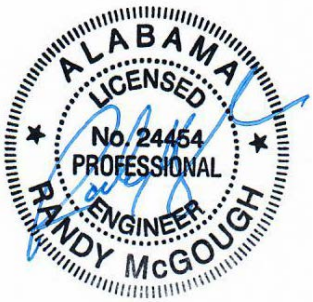
R.E. McGough, Inc.

1655 McFarland Blvd. N.
Suite 169
Tuscaloosa, AL 35406
(205) 345-6399

CERTIFICATIONS

PREPARER CERTIFICATION

I certify that this document was prepared by me or someone under my direct supervision and that I am a Licensed Professional Engineer in the State of Alabama.



Randy McGough, P.E.
AL License No. 24454

9/1/2020
Date

RESPONSIBLE OFFICIAL TRUTH AND ACCURACY 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 persons who manage the system or those directly responsible for gathering the information, the information 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 submitting false information, including the possibility of fine and imprisonment for knowing violations.

Davis Henry
President
Henry Brick Company, Inc.

9/1/20
Date

TABLE OF CONTENTS

1 EXECUTIVE SUMMARY 5

2 ADEM FORM 315 8

3 ATTACHMENTS TO ADEM FORM 315 9

4 SEDIMENT CONTROLS 12

5 APPENDIX 18

LIST OF FIGURES

Figure 1-1: Location of Claude Jack Clay Mine 6

Figure 1-2: Site Layout 7

Figure 3- 1: Required Topographical Map Submittal 10

Figure 3-2: Required Detailed Facility Map Submittal 11

Figure 4-1: Sedimentation Pond Typical Cross Section 13

Figure 4-2: Stream Crossing (Constructed Bridge) 17

1 EXECUTIVE SUMMARY

Henry Brick Company, Inc. operates a brick manufacturing facility in Selma, Alabama. The primary components of brick manufacturing are shale and clay. The company currently mines clay and shale from different mines in Dallas and Bibb Counties. As the surface extraction of clay and shale progresses, the remaining excavated areas are typically reclaimed and/or used as settling ponds for additional mining areas.

This document presents information to apply for renewal of the current NPDES discharge permit for the Claude Jack Mine. The location of this existing mine is along Race Street, north of the intersection of Jeff Davis and Race Street. The existing mine location is in Section 29, Township 17N, Range 11E. **Figure 1-1** shows the location of the property on an excerpt of the Burnsville USGS quadrangle.

The mining operations consist of surface excavation and stockpiling of mixed clay and sand. This stockpiled mix is then loaded into trucks for transport to the brick manufacturing facility nearby in Selma. The mining operations at this site commenced in late 2016. **Figure 1-2** is a more detailed aerial map of the site. All drainage from the mining area is discharged from the settling pond via Outfall 001E as depicted on the enclosed figures. All haul roads and stream crossings were constructed and are maintained in accordance with good engineering and best management practices as described in the enclosed plans.

This document contains the ADEM application form and checklists. The Pollution Abatement and Prevention (PAP) Plan and Spill Prevention Control and Countermeasures (SPCC) Plan are included as attachments to this document.

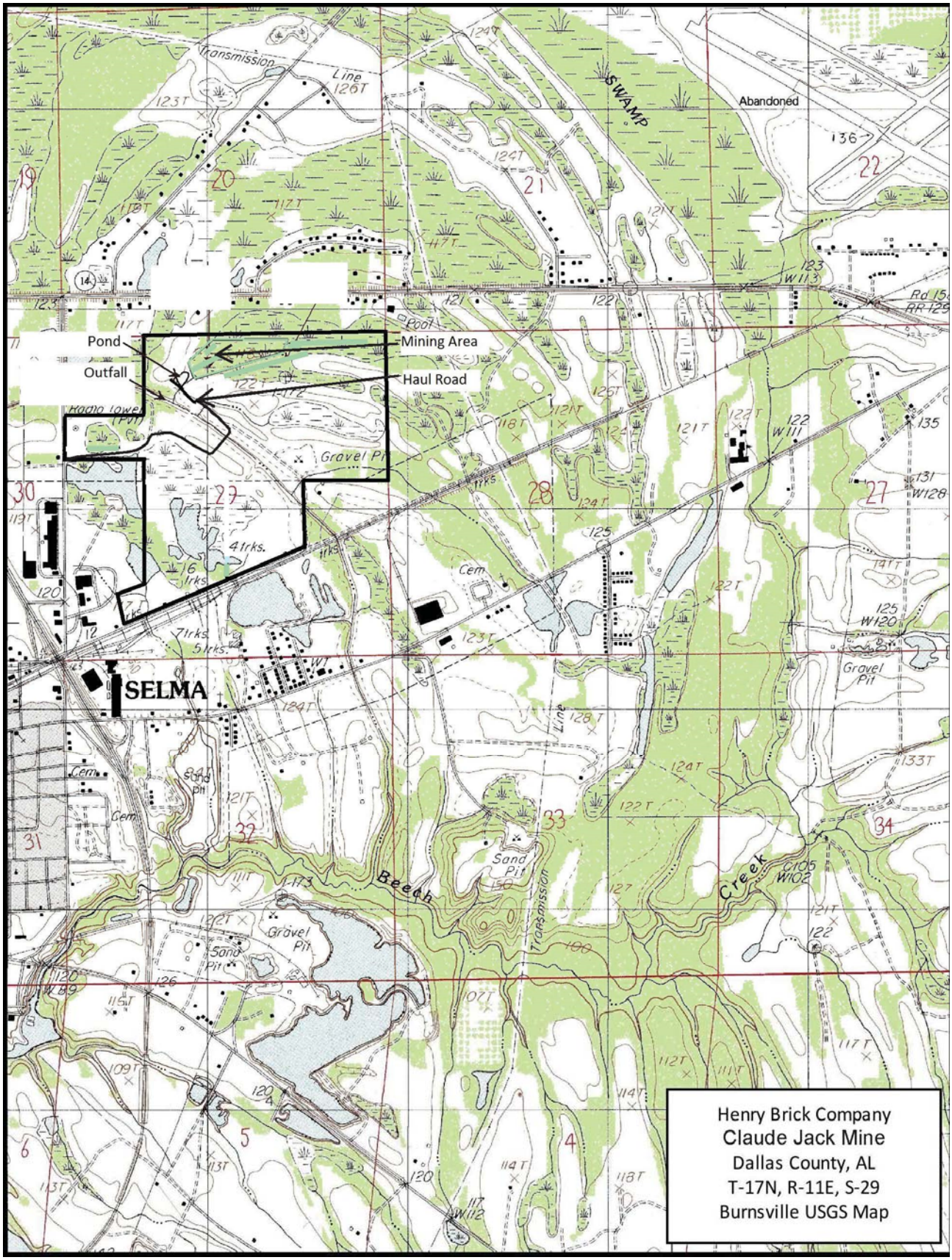


Figure 1-1: Location of Claude Jack Clay Mine

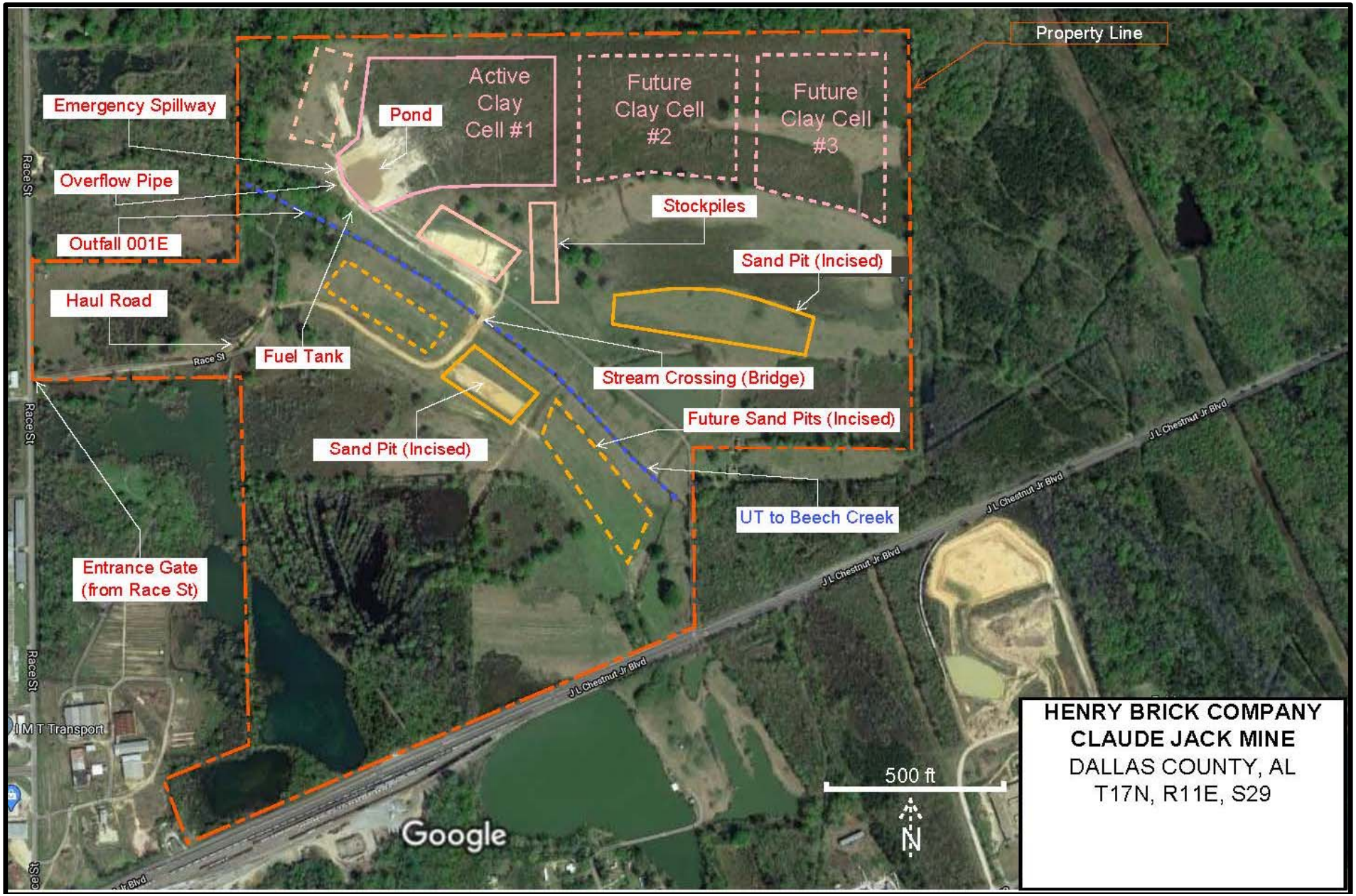


Figure 1-2: Site Layout

2 ADEM FORM 315

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
NPDES INDIVIDUAL PERMIT APPLICATION (MINING OPERATIONS)

Instructions: This form should be used to submit an application for an NPDES individual permit to authorize discharges from surface & underground mineral, ore, or mineral product mining, quarrying, excavation, borrowing, hydraulic mining, storage, processing, preparation, recovery, handling, loading, storing, or disposing activities, and associated areas including pre-mining site development, construction, excavation, clearing, disturbance, and reclamation. Please complete all questions. Respond with "N/A" as appropriate. Incomplete or incorrect answers or missing signatures will delay processing. Attach additional comments or information as needed. If space is insufficient, continue on an attached sheet(s) as necessary. Commencement of activities applied for as detailed in this application are not authorized until permit coverage has been issued by the Department. Please type or print legibly in blue or black ink.

Purpose of this Application

☐ Initial Permit Application for New Facility ☐ Initial Permit Application for Existing Facility (*e.g.*, facility previously permitted less than 5 acres)
☐ Modification of Existing Permit ☒ Reissuance of Existing Permit ☐ Reissuance & Modification Existing Permit
☐ Reissuance & Transfer of Existing Permit ☐ Revocation and Reissuance of Existing Permit ☐ Other _____

I. GENERAL INFORMATION

NPDES Permit Number (Not applicable if initial permit application):	County(s) in which Facility is Located:
AL 0082457	Dallas

Company/Permittee and Facility Information

Company/Permittee Name			Facility Name		
Henry Brick Company			Claude Jack Mine		
Mailing Address of Company/Permittee:			Physical Address of Operation (as near as possible to main entrance):		
P.O. Box 850			Race Street; North of intersection to Jeff Davis		
City	State	Zip Code	City	State	Zip
Selma	AL	36702	Selma	AL	36702
Permittee Phone Number	Permittee Fax Number:		Latitude and Longitude of Main Entrance:		
(334) 875-2600	(334) 875-7842		32.424242, -86.996986		

Responsible Official (RO) Information

RO Name (as described on Page 12 of this application):			RO Official Title:		
Davis Henry			President		
Mailing Address:			Physical Address:		
P.O. Box 850			3409 Water Avenue		
City	State	Zip Code	City	State	Zip Code
Selma	AL	36702	Selma	AL	36702
Phone Number:	Fax Number:		Email Address:		
(334) 875-2600	(334) 875-7842		dhenry@henrybrick.com		

Facility Contact Information

Facility Contact Name:			Facility Contact Title:	
Ken Smith			EHS Manager	
Physical Address:			Phone Number:	Fax Number:
3409 Water Avenue			(334) 875-2600	(334) 875-7842
City	State	Zip Code	Email Address:	
Selma	AL	36702	ksmith@henrybrick.com	

II. MEMBER INFORMATION

A. Identify the name, title/position, and unless waived in writing by the Department, the resident address of every officer (a PO Box is not acceptable), general partner, LLP partner, LLC member, investor, director, or person performing a function similar to a director, of the applicant, and each person who is the record or beneficial owner of 10 percent or more of any class of voting stock of the applicant, or any other responsible official(s) of the applicant with legal or decision making responsibility or authority for the facility:

Name	Title/Position	Physical Address of Residence
Davis Henry	President	190 Lexington Drive, Selma, AL 36701

B. Other than the "Company/Permittee" listed in Part I, identify the name of each corporation, partnership, association, and single proprietorship for which any individual identified in Part II.A. is or was an officer, general partner, LLP partner, LLC member, investor, director, or individual performing a function similar to a director, or principal (10% or more) stockholder, that had an Alabama NPDES permit at any time during the five year (60 month) period immediately preceding the date on which this form is signed:

Name of Corporation, Partnership, Association, or Single Proprietorship	Name of Individual from Part II.A	Title/Position in Corporation, Partnership, Association, or Single Proprietorship

III. LEGAL STRUCTURE OF APPLICANT

A. Indicate the legal structure of the "Company/Permittee" listed in Part I:

☒ Corporation ☐ Association ☐ Individual ☐ Single Proprietorship ☐ Partnership ☐ LLP ☐ LLC

☐ Government Agency _____ ☐ Other _____

B. If not an individual, single proprietorship, or government agency, is the "Company/Permittee" listed in Part I. properly registered and in good standing with the Alabama Secretary of State's office. **(If the answer is "No," attach a letter of explanation.)** ☐ Yes ☐ No

C. Parent Corporation and Subsidiary Corporations of Applicant, if any:

D. Landowner(s):

Henry Brick Company

E. Sub-contractor(s)/Operator(s), if known:

IV. COMPLIANCE HISTORY

A. Has the applicant ever had any of the following:

Yes	No		
☐	☒	(1)	An Alabama NPDES, SID, or UIC permit suspended or terminated?
☐	☒	(2)	An Alabama or federal environmental permit suspended/terminated?
☐	☒	(3)	An Alabama State Oil & Gas Board permit or other approval suspended or terminated?
☐	☒	(4)	An Alabama or federal performance/environmental bond, or similar security deposited in lieu of a bond, or portion thereof, forfeited?

(If the response to any item of Part IV.A. is "Yes," attach a letter of explanation.)

B. Identify every Warning Letter, Notice of Violation (NOV), Administrative Action, or litigation issued to the applicant, parent corporation, subsidiary, general partner, LLP partner, or LLC Member and filed by ADEM or EPA during the three year (36 month) period preceding the date on which this form is signed. Indicate the date of issuance, briefly describe alleged violations, list actions (if any) to abate alleged violations, and indicate date of final resolution:

None

V. OTHER PERMITS/AUTHORIZATIONS

A. List any other NPDES, State Oil & Gas Board (OGB) Class II Injection well permits, or other environmental permits (including permit numbers), authorizations, or certifications that have been applied for or issued within the State by ADEM, EPA, Alabama Surface Mining Commission (ASMC), Alabama Department of Labor (ADOL), or other agency, to the applicant, parent corporation, subsidiary, or LLC member for this operation whether presently effective, expired, suspended, revoked or terminated:

B. List any other NPDES or other ADEM permits (including permit numbers), authorizations, or certifications that have been applied for or issued within the State by ADEM, EPA, OGB, ASMC, or ADOL to the applicant, parent corporation, subsidiary, or LLC member for other facilities whether presently effective, expired, suspended, revoked, or terminated:

Brick Plant NPDES-ALG230002; Faulk Mine NPDES-AL0054909; Shale Mine NPDES-AL0057576; Numerous ADOL Permits for these sites.

VI. PROPOSED SCHEDULE

Anticipated Activity Commencement Date: November 2016 Anticipated Activity Completion Date: September 2030

VII. ACTIVITY DESCRIPTION & INFORMATION

A. Proposed Total Area of the Permitted Site: 260 acres Proposed Total Disturbed Area of the Permitted Site: 120 acres

B. Township(s), Range(s), Section(s): T17N, R11E, Section 29

C. Detailed Directions to Site:

D. Is/will this operation:

Yes	No	
☒	☐	(1) an existing facility which currently results in discharges to State waters?
☐	☒	(2) a proposed facility which will result in a discharge to State waters?
☐	☒	(3) be located within any 100-year flood plain?
☐	☒	(4) discharge to Municipal Separate Storm Sewer?
☐	☒	(5) discharge to waters of or be located in the Coastal Zone?
☐	☒	(6) need/have ADEM UIC permit coverage?
☐	☒	(7) be located on Indian/historically significant lands?
☐	☒	(8) need/have ADEM SID permit coverage?
☐	☒	(9) need/have ASMC permit coverage?
☒	☐	(10) need/have ADOL permit coverage?
☐	☒	(11) generate, treat, store, or dispose of hazardous or toxic waste? (If "Yes," attach a detailed explanation.)
☐	☒	(l2) be located in or discharge to a Public Water Supply (PWS) watershed or be located within ½ mile of any PWS well?

VIII. MATERIAL TO BE REMOVED, PROCESSED, OR TRANSLOADED

List relative percentages of the mineral(s) or mineral product(s) that are proposed to be and/or are currently mined, quarried, recovered, prepared, processed, handled, transloaded, or disposed at the facility. **If more than one mineral is to be mined, list the relative percentages of each mineral by tonnage for the life of the mine.**

	Dirt &/or Chert	25%	Sand &/or Gravel		Coal product, coke		Talc		Crushed rock (other)	
	Bentonite		Industrial Sand	75%	Shale &/or Common Clay		Marble		Sandstone	
	Coal		Kaolin		Coal fines/refuse recovery		Chalk		Slag, Red Rock	
	Fire clay		Iron ore		Dimension stone		Granite		Phosphate rock	
	Bauxitic Clay		Bauxite Ore		Limestone, crushed limestone and dolomite					
	Gold, other trace minerals:				Other:					
	Other:				Other:					
	Other:				Other:					

IX. PROPOSED ACTIVITY TO BE CONDUCTED

A. Type(s) of activity presently conducted at applicant's existing facility or proposed to be conducted at facility (check all that apply):

- ☒ Surface mining
- ☐ Underground mining
- ☐ Quarrying
- ☐ Auger mining
- ☐ Hydraulic mining
- ☐ Within-bank mining
- ☐ Solution mining
- ☐ Mineral storing
- ☐ Lime production
- ☐ Cement production
- ☐ Synthetic fuel production
- ☐ Alternative fuels operation
- ☐ Mineral dry processing (crushing & screening)
- ☐ Mineral wet preparation
- ☐ Other beneficiation & manufacturing operations
- ☐ Mineral loading
- ☐ Chemical processing or leaching
- ☒ Grading, clearing, grubbing, *etc.*
- ☐ Pre-construction ponded water removal
- ☐ Excavation
- ☒ Pre-mining logging or land clearing
- ☐ Waterbody relocation or other alteration
- ☒ Creek/stream crossings
- ☐ Construction related temporary borrow pits/areas
- ☒ Mineral transportation: ☐ rail ☐ barge ☒ truck
- ☐ Preparation plant waste recovery
- ☐ Hydraulic mining, dredging, instream or between stream-bank mining
- ☐ Onsite construction debris or equipment storage/disposal
- ☐ Onsite mining debris or equipment storage/disposal
- ☒ Reclamation of disturbed areas
- ☐ Chemicals used in process or wastewater treatment (coagulant, biocide, etc.)
- ☐ Adjacent/associated asphalt/concrete plant(s)
- ☐ Low volume sewage treatment package plant
- ☐ Other (Please describe):

B. Primary SIC Code: 1459 Clay/Sand Mir NAICS Code: _____ Description: 1459 Clay/Sand Mining

Secondary SIC Code: _____ NAICS Code: _____ Description: _____

C. Narrative Description of the Activity:

Shallow mining of clay and sand. Stockpiling of clay/sand mix for removal to local brick manufacturing plant.

X. FUEL – CHEMICAL HANDLING, STORAGE & SPILL PREVENTION CONTROL & COUNTERMEASURES (SPCC) PLAN

A. Will fuels, chemicals, compounds, or liquid waste be used or stored onsite? ☒ Yes ☐ No

B. If "Yes," identify the fuel, chemicals, compounds, or liquid waste and indicate the volume of each:

Volume (*gallons*)	Contents	Volume (*gallons*)	Contents	Volume (*gallons*)	Contents
1,000	Diesel Fuel				

C. If "Yes", a detailed SPCC Plan with acceptable format and content, including diagrams, must be attached to application in accordance with ADEM Admin. Code R. 335-6-6-.12(r). Unless waived in writing by the Department on a programmatic, categorical, or individual compound/chemical basis, Material Safety Data Sheets (MSDS) for chemicals/compounds used or proposed to be used at the facility must be included in the SPCC Plan submittal.

XI. POLLUTION ABATEMENT & PREVENTION (PAP) PLAN

A. For non-coal mining facilities, a PAP Plan in accordance with ADEM Admin. Code r. 335-6-9-.03 has been completed and is attached as part of this application. ☒ Yes ☐ No

B. For coal mining facilities, a detailed PAP Plan has been submitted to ASMC according to submittal procedures for ASMC regulated facilities. ☐ Yes ☐ No

(1) If "Yes" to Part XI.B., provide the date that the PAP Plan was submitted to ASMC: _____

(2) If "No" to Part XI.B., provide the anticipated date that the PAP Plan will be submitted to ASMC: _____

XII. ASMC REGULATED ENTITIES

A. Is this coal mining operation regulated by ASMC? ☐ Yes ☐ No

B. If "Yes," provide copies as part of this application of any pre-mining hydrologic sampling reports and Hydrologic Monitoring Reports which have been submitted to ASMC within the 36 months prior to submittal of this application.

XIII. TOPOGRAPHIC MAP SUBMITTAL

Attach to this application a 7.5 minute series U.S.G.S. topographic map(s) or equivalent map(s) no larger than, or folded to a size of 8.5 by 11 inches (several pages may be necessary), of the area extending to at least one mile beyond property boundaries. The topographic or equivalent map(s) must include a caption indicating the name of the topographic map, name of the applicant, facility name, county, and township, range, & section(s) where the facility are located. Unless approved in advance by the Department, the topographic or equivalent map(s), at a minimum, must show:

(a) An accurate outline of the area to be covered by the permit

(b) An outline of the facility

(c) All existing and proposed disturbed areas

(d) Location of intake and discharge areas

(e) Proposed and existing discharge points

(f) Perennial, intermittent, and ephemeral streams

(g) Lakes, springs, water wells, wetlands

(h) All known facility dirt/improved access/haul roads

(i) All surrounding unimproved/improved roads

(j) High-tension power lines and railroad tracks

(l) Contour lines, township-range-section lines

(m) Drainage patterns, swales, washes

(n) All drainage conveyance/treatment structures (ditches, berms, etc.)

(o) Any other pertinent or significant feature

XIV. DETAILED FACILITY MAP SUBMITTAL

Attach to this application a 1:500 scale or better, detailed auto-CAD map(s) or equivalent map(s) no larger than, or folded to a size of 8.5 by 11 inches (several pages may be necessary), of the facility. The facility map(s) must include a caption indicating the name of the facility, name of the applicant, facility name, county, and township, range, & section(s) where the facility is located. Unless approved in advance by the Department, the facility or equivalent map(s), at a minimum, must show:

(a) Information listed in Item XIII (a) – (o) above

(b) If noncoal, detailed, planned mining progression

(c) If noncoal, location of topsoil storage areas

(d) Location of ASMC bonded increments (if applicable)

(e) Location of mining or pond cleanout waste storage/disposal areas

(f) Other information relevant to facility or operation

(g) Location of facility sign showing Permittee name, facility name, and NPDES Number

XV. RECEIVING WATERS

List the requested permit action for each outfall (issue, reissue, add, delete, move, *etc.*); outfall designation including denoting "E" for existing and "P" for proposed outfalls; name of receiving water(s); latitude and longitude (to seconds) of location(s) of each discharge point; distance of receiving water from the discharge point; number of disturbed acres; the number of drainage acres which will drain through each outfall; and if the outfall discharges to an ADEM listed CWA Section 303(d) waterbody segment or is included in a TMDL at the time of application submittal.

Action	Outfall E/P	Receiving Water	Latitude	Longitude	Distance to Rec. Water (ft)	Disturbed Area (acres)	Drainage Area (acres)	ADEM WUC	303(d) Segment (Y/N)	TMDL Segment* (Y/N)
reissue	E	UT to Beech Creek	32.426908	-86.991502	0	10	40	F&W	N	N
				-						
				-						
				-						
				-						
				-						
				-						
				-						

*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); (2) Monitoring results for the pollutant(s) of concern which have not previously been submitted to the Department including sample collection dates, analytical results in mass and concentration, methods utilized, and RL and MDL; (3) Requested interim limitations, if applicable; (4) Date of final compliance with the TMDL limitations; and (5) Any other additional information available to support the requested compliance schedule.

XVI. DISCHARGE CHARACTERIZATION

A. EPA Form 2C, EPA Form 2D, and/or ADEM Form 567 Submittal

☒ Yes, pursuant to 40 CFR 122.21, the applicant requests a waiver for completion of EPA Form 2C, EPA Form 2D, and ADEM Form 567 and certifies that the operating facility will discharge treated stormwater only; that chemical/compound additives are not used (unless waived in writing by the Department on a programmatic, categorical, or individual compound/chemical basis); that there are no process, manufacturing, or other industrial operations or wastewaters, including but not limited to lime or cement production and synfuel operations; and that coal and coal products are not mined nor stored onsite.

☐ No, the applicant does not request a waiver and a complete EPA Form 2C, EPA Form 2D, and/or ADEM Form 567 is attached.

B. The applicant is required to supply the following information separately for every proposed or existing outfall. (Attach extra sheets if necessary.) List expected average daily discharge flow rate in cfs and gpd; frequency of discharge in hours per day and days per month; average summer and winter temperature of discharge(s) in degrees centigrade; average pH in standard units; and average daily discharges in pounds per day of BOD_5, Total Suspended Solids, Total Iron, Total Manganese, and Total Aluminum (if bauxite or bauxitic clay or if otherwise believed present):

Outfall E/P	Information Source - # of Samples	Flow (cfs)	Flow (gpd)	Frequency (hours/day)	Frequency (days/month)	Sum/Win Temp, (°C)	pH (s.u.)	BOD_5 (lbs/day)	TSS (lbs/day)	Tot Fe (lbs/day)	Tot Mn (lbs/day)	Tot Al (lbs/day)
001E	15	0.5*	320,000*	24	1	27/10**	7.3*	4**	69.4*	24**	0.13**	NA
*	From Outfall	001E	data.									
**	Estimates	from	previous	application.								

C. The applicant is required to supply the following information separately for every proposed or existing outfall. (Attach extra sheets if necessary.) Identify and list expected average daily discharge of any other pollutant(s) listed in EPA Form 2C Tables A, B, C, D, and E that are not referenced in Part XVI.B. or otherwise submitted elsewhere, that you know is present or have reason to believe could be present in the discharge(s) at levels of concern:

Outfall E/P	Reason Believed Present	Information Source - # of Samples									
			lbs/day	mg/L	lbs/day	mg/L	lbs/day	mg/L	lbs/day	mg/L
NA										

XVII. DISCHARGE STRUCTURE DESCRIPTION & POLLUTANT SOURCE

The applicant is required to supply outfall number(s) as it appears on the map(s) required by this application [if this application is for a modification to an existing permit do not change the numbering sequence of the permitted outfalls], describe each, (*e.g.*, pipe, spillway, channel, tunnel, conduit, well, discrete fissure, or container), and identify the origin of pollutants. The response must be precise for each outfall. If the discharge of pollutants from any outfall is the result of commingling of waste streams from different origins, each origin must be completely described.

Outfall	Discharge structure Description	Description of Origin of pollutants	Surface Discharge	Groundwater Discharge	Wet Prep -Other Production Plant	Pumped or Controlled Discharge	Low Volume STP
001E	Pipe	Mining Area	Yes	No	No	Controlled	

Origin of Pollutants – typical examples: **(1)** Discharge of drainage from the underground workings of an underground coal mine, **(2)** Discharge of drainage from a coal surface mine, **(3)** Discharge of drainage from a coal preparation plant and associated areas, **(4)** Discharge of process wastewater from a gravel-washing plant, **(5)** Discharge of wastewater from an existing source coal preparation plant, **(6)** Discharge of drainage from a sand and gravel pit, **(7)** Pumped discharge from a limestone quarry, **(8)** Controlled surface mine drainage (pumped or siphoned), **(9)** Discharge of drainage from mine reclamation, **(10) Other** (please describe):

Discharge of overflow from sedimentation pond

XVIII. COOLING WATER

A. Does your facility use cooling water? ☐ Yes ☒ No

B. If "Yes," identify the source of the cooling water:

XIX. VARIANCE REQUEST

A. Do you intend to request or renew one or more of the CWA technology variances authorized at 40 CFR 122.21(m)? ☐ Yes ☒ No

B. If "Yes," select all that apply:

☐ Fundamentally different factors (CWA Section 301(n))

☐ Water quality related effluent limitations (CWA Section 302(b)(2))

☐ Non-conventional pollutants (CWA Section 301(c) and (g))

☐ Thermal discharges (CWA Section 316(a))

XX. PROPOSED NEW OR INCREASED DISCHARGES

A. Pursuant to ADEM Admin. Code ch. 335-6-10-.12(9), responses to the following questions must be provided by the applicant requesting NPDES permit coverage for new or expanded discharges of pollutant(s) to Tier 2 waters (except discharges eligible for coverage under general permits). As part of the permit application review process, the Department is required to consider, based on the applicant's demonstration, whether the proposed new or increased discharge to Tier 2 waters is necessary for important economic or social development in the area in which the waters are located.

☐ Yes. New/increased discharges of pollutant(s) or discharge locations to Tier 2 waters are proposed.

☒ No. New/increased discharges of pollutants(s) or discharge locations to Tier 2 waters are not proposed.

B. If "Yes," complete Items 1 through 6 of this Part (XIII.B.), ADEM Form 311-Alternative Analysis, and either ADEM Form 312 or ADEM Form 313-Calculation of Total Annualized Project Costs (Public-Section or Private-Sector, whichever is applicable). ADEM Form 312 or ADEM Form 313, whichever is applicable, should be completed for each technically feasible alternative evaluated on ADEM Form 311. ADEM Forms can be found on the Department's website at www.adem.alabama.gov/DeptForms. **Attach additional sheets/documentation and supporting information as needed.**

(1) What environmental or public health problem will the discharge be correcting?

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

(3) How much reduction in employment will the discharger be avoiding?

(4) How much additional state or local taxes will the discharger be paying?

(5) What public service to the community will the discharger be providing?

(6) What economic or social benefit will the discharger be providing to the community?

XXI. POLLUTION ABATEMENT & PREVENTION (PAP) PLAN SUMMARY (must be completed for all outfalls)

Yes	No	N/A	Outfall(s):	
☒	☐	☐	1.	Runoff from all areas of disturbance is controlled
☒	☐	☐	2.	Drainage from pit area, stockpiles, and spoil areas directed to a sedimentation pond
☒	☐	☐	3.	Sedimentation basin at least 0.25 acre/feet for every acre of disturbed drainage
☒	☐	☐	4.	Sedimentation basin cleaned out when sediment accumulation is 60% of design capacity
☒	☐	☐	5.	Trees, boulders, and other obstructions removed from pond during initial construction
☐	☐	☒	6.	Width of top of dam greater than 12'
☐	☐	☒	7.	Side slopes of dam no steeper than 3:1
☐	☐	☒	8.	Cutoff trench at least 8' wide
☐	☐	☒	9.	Side slopes of cutoff trench no less than 1:1
☐	☐	☒	10.	Cutoff trench located along the centerline of the dam
☐	☐	☒	11.	Cutoff trench extends at least 2' into bedrock or impervious soil
☐	☐	☒	12.	Cutoff trench filled with impervious material
☐	☐	☒	13.	Embankments and cutoff trench 95% compaction standard proctor ASTM
☐	☐	☒	14.	Embankment free of roots, tree debris, stones >6" diameter, etc.
☐	☐	☒	15.	Embankment constructed in lifts no greater than 12"
☐	☐	☒	16.	Spillpipe sized to carry peak flow from a one year storm event
☐	☐	☒	17.	Spillpipe will not chemically react with effluent
☒	☐	☐	18.	Subsurface withdrawal
☐	☐	☒	19.	Anti-seep collars extend radially at least 2' from each joint in spillpipe
☐	☐	☒	20.	Splashpad at the end of the spillpipe
☒	☐	☐	21.	Emergency Spillway sized for peak flow from 25-yr 24-hr event if discharge not into PWS classified stream
☐	☐	☒	22.	Emergency spillway sized for peak flow from 50-yr 24-hr event if discharge is into PWS classified stream
☒	☐	☐	23.	Emergency overflow at least 20' long
☒	☐	☐	24.	Side slopes of emergency spillway no steeper than 2:1
☒	☐	☐	25.	Emergency spillway lined with riprap or concrete
☒	☐	☐	26.	Minimum of 1.5' of freeboard between normal overflow and emergency overflow
☐	☐	☒	27.	Minimum of 1.5' of freeboard between max. design flow of emergency spillway and top of dam
☐	☐	☒	28.	All emergency overflows are sized to handle entire drainage area for ponds in series
☐	☐	☒	29.	Dam stabilized with permanent vegetation
☒	☐	☐	30.	Sustained grade of haul road <10%
☒	☐	☐	31.	Maximum grade of haul road <15% for no more than 300'
☒	☐	☐	32.	Outer slopes of haul road no steeper than 2:1
☒	☐	☐	33.	Outer slopes of haul road vegetated or otherwise stabilized
☒	☐	☐	34.	Detail drawings supplied for all stream crossings
☒	☐	☐	35.	Short-Term Stabilization/Grading And Temporary Vegetative Cover Plans
☒	☐	☐	36.	Long-Term Stabilization/Grading And Permanent Reclamation or Water Quality Remediation Plans

IDENTIFY AND PROVIDE DETAILED EXPLANATION FOR ANY "N" OR "N/A" RESPONSE(s):

1. See Section 4.3.3(a) of this report.
2. See Section 4.3.3(f) of this report.
3. Subsurface withdrawal is by gravity. Final discharge from the pond will be precipitation driven or by pump.
4. This facility does not discharge to a PWS.
5. There are currently no ponds in series at this facility.

XXII. POLLUTION ABATEMENT & PREVENTION (PAP) PLAN REVIEW CHECKLIST

Yes	No	N/A	
			General Information:
☒	☐	☐	PE Seal with License #
☒	☐	☐	Name and Address of Operator
☒	☐	☐	Legal Description of Facility
☒	☐	☐	Name of Company
☒	☐	☐	Number of Employees
☒	☐	☐	Products to be Mined
☒	☐	☐	Hours of Operation
☒	☐	☐	Water Supply and Disposition
			Maps:
☒	☐	☐	Topographic Map including Information from Part XIII (a) – (o) of this Application
☒	☐	☐	1" – 500' or Equivalent Facility Map including Information from Part XIV of this Application
			Detailed Design Diagrams:
☒	☐	☐	Plan Views
☒	☐	☐	Cross-section Views
☒	☐	☐	Method of Diverting Runoff to Treatment Basins
☒	☐	☐	Line Drawing of Water Flow through Facility with Water Balance or Pictorial Description of Water Flow
			Narrative of Operations:
☒	☐	☐	Raw Materials Defined
☒	☐	☐	Processes Defined
☒	☐	☐	Products Defined
			Schematic Diagram:
☒	☐	☐	Points of Waste Origin
☒	☐	☐	Collection System
☒	☐	☐	Disposal System
			Post Treatment Quantity and Quality of Effluent:
☒	☐	☐	Flow
☒	☐	☐	Suspended Solids
☒	☐	☐	Iron Concentration
☒	☐	☐	pH
			Description of Waste Treatment Facility:
☒	☐	☐	Pre-Treatment Measures
☒	☐	☐	Recovery System
☒	☐	☐	Expected Life of Treatment Basin
☒	☐	☐	Measures for Ensuring Access to All Treatment Structures and Related Appurtenances including Outfall Locations
☒	☐	☐	Schedule of Cleaning and/or Abandonment
			Other:
☒	☐	☐	Precipitation/Volume Calculations/Diagram Attached
☒	☐	☐	BMP Plan for Haul Roads
☒	☐	☐	Measures for Minimizing Impacts to Adjacent Stream (*e.g.*, Buffer Strips, Berms)
☒	☐	☐	Measures for Ensuring Appropriate Setbacks are Maintained at All Times
☒	☐	☐	Methods for Minimizing Nonpoint Source Discharges
☐	☐	☒	If Chemical Treatment Used, Methods for Ensuring Appropriate Dosage
☐	☐	☒	Facility Closure Plans
☐	☐	☒	PE Rationale(s) For Alternate Standards, Designs or Plans

IDENTIFY AND PROVIDE DETAILED EXPLANATION FOR ANY "N" OR "N/A" RESPONSE(s):

1. There is no prep plant.
2. There are no facilities requiring closure.
3. There are no alternate standards, designs or plans.

XXIII. INFORMATION

Contact the Department prior to submittal with any questions or to request acceptable alternate content/format.
Be advised that you are not authorized to commence regulated activity until this application can be processed, publicly noticed, and approval to proceed is received in writing from the Department.

EPA Form(s) 1 and 2F need not be submitted unless specifically required by the Department. EPA Form(s) 2C and/or 2D are required to be submitted unless the applicant is eligible for a waiver and the Department grants a waiver, or unless the relevant information required by EPA Form(s) 2C and/or 2D are submitted to the Department in an alternative format acceptable to the Department.

Planned/proposed mining sites that are greater than 5 acres, that mine/process coal or metallic mineral/ore, or that have wet or chemical processing, must apply for and obtain coverage under an Individual or General NPDES Permit prior to commencement of any land disturbance. Such Individual NPDES Permit coverage may be requested via this ADEM Form 315.

The applicant is advised to contact:

(1) The Alabama Surface Mining Commission (ASMC) if coal, coal fines, coal refuse, or other coal related materials are mined, transloaded, processed, *etc.*;
(2) The Alabama Department of Labor (ADOL) if conducting non-coal mining operations;
(3) The Alabama Historical Commission for requirements related to any potential historic or culturally significant sites;
(4) The Alabama Department of Conservation and Natural Resources (ADCNR) for requirements related to potential presence of threatened/endangered species; and
(5) The US Army Corps of Engineers, Mobile or Nashville Districts, if this project could cause fill to be placed in federal waters or could interfere with navigation.

The Department must be in receipt of a completed version of this form, including any supporting documentation, and the appropriate processing fee [including Greenfield Fee and Biomonitoring & Toxicity Limits fee(s), if applicable], prior to development of a draft NPDES permit. The completed form, supporting documentation, and the appropriate fees must be submitted to:

Water Division
Alabama Department of Environmental Management
Post Office Box 301463
Montgomery, Alabama 36130-1463
Phone: (334) 271-7823
Fax: (334) 279-3051
h2omail@adem.alabama.gov
adem.alabama.gov

XXIV. PROFESSIONAL ENGINEER (PE) CERTIFICATION

A detailed, comprehensive Pollution Abatement & Prevention (PAP) Plan must be prepared, signed, and certified by a professional engineer (PE), registered in the State of Alabama, and the PE must certify as follows:

"I certify on behalf of the applicant, that I have completed an evaluation of discharge alternatives (Item XVIII) for any proposed new or increased discharges of pollutant(s) to Tier 2 waters and reached the conclusions indicated. I certify under penalty of law that technical information and data contained in this application, and a comprehensive PAP Plan including any attached SPCC plan, maps, engineering designs, etc. acceptable to ADEM, for the prevention and minimization of all sources of pollution in stormwater and authorized related process wastewater runoff has been prepared under my supervision for this facility utilizing effective, good engineering and pollution control practices and in accordance with the provisions of ADEM Admin. Code Division 335-6 , including Chapter 335-6-9 and Appendices A & B. If the PAP Plan is properly implemented and maintained by the Permittee, discharges of pollutants can reasonably be expected to be effectively minimized to the maximum extent practicable and according to permit discharge limitations and other permit requirements. The applicant has been advised that appropriate pollution abatement/prevention facilities and structural & nonstructural management practices or Department approved equivalent management practices as detailed in the PAP Plan must be fully implemented and regularly maintained as needed at the facility in accordance with good sediment, erosion, and other pollution control practices, permit requirements, and other ADEM requirements to ensure protection of groundwater and surface water quality."

Name (type or print):	Randy McGough	PE Registration #	24454
Title:	Consulting Engineer	Phone Number	205-345-6399
Address:	1655 McFarland Blvd. N., Ste 169, Tuscaloosa, AL 35406		
Signature:		Date Signed	9/1/2020

XXV. RESPONSIBLE OFFICIAL SIGNATURE*

This application must be signed and initialed by a Responsible Official of the applicant pursuant to ADEM Admin. Code Rule 335-6-6-.09 who has overall responsibility for the operation of the facility.

"I certify under penalty of law that this document, including technical information and data, the PAP Plan, including any SPCC plan, maps, engineering designs, and all other attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the PE and other person or persons under my supervision who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations. WDH *(initial here)*

"A comprehensive PAP Plan to prevent and minimize discharges of pollution to the maximum extent practicable has been prepared at my direction by a PE for this facility utilizing effective, good engineering and pollution control practices and in accordance with the provisions of ADEM Admin. Code Division 335-6, including Chapter 335-6-9 and Appendices A & B, and information contained in this application, including any attachments. I understand that regular inspections must be performed by, or under the direct supervision of, a PE and all appropriate pollution abatement/prevention facilities and structural & nonstructural management practices or Department approved equivalent management practices identified by the PE must be fully implemented prior to and concurrent with commencement of regulated activities and regularly maintained as needed at the facility in accordance with good sediment, erosion, and other pollution control practices and ADEM requirements. I understand that the PAP Plan must be fully implemented and regularly maintained so that discharges of pollutants can reasonably be expected to be effectively minimized to the maximum extent practicable and according to permit discharge limitations and other requirements to ensure protection of groundwater and surface water quality. I understand that failure to fully implement and regularly maintain required management practices for the protection of groundwater and surface water quality may subject the Permittee to appropriate enforcement action. WDH *(initial here)*

"I certify that this form has not been altered, and if copied or reproduced, is consistent in format and identical in content to the ADEM approved form. WDH *(initial here)*

"I further certify that the discharges described in this application have been tested or evaluated for the presence of non-stormwater discharges and any non-mining associated beneficiation/process pollutants and wastewaters have been fully identified." WDH *(initial here)*

"I acknowledge my understanding that if coal, coal fines, coal refuse, or other coal related materials are mined, transloaded, processed, etc., that I may be required to obtain a permit from the ASMC. WDH *(initial here)*

"I acknowledge my understanding that if non-coal, non-limestone materials are mined, transloaded, processed, etc., that I may be required to obtain a permit from the ADOL. WDH *(initial here)*

"I acknowledge my understanding that if the proposed activities will be conducted in or potentially impact waters of the state or waters of the US (including wetlands), that I may be required to obtain a permit from the USACE." WDH *(initial here)*

Name (type or print): Davis Henry Official Title: President

Signature: Davis Henry Date Signed 9/11/20

*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.

3 ATTACHMENTS TO ADEM FORM 315

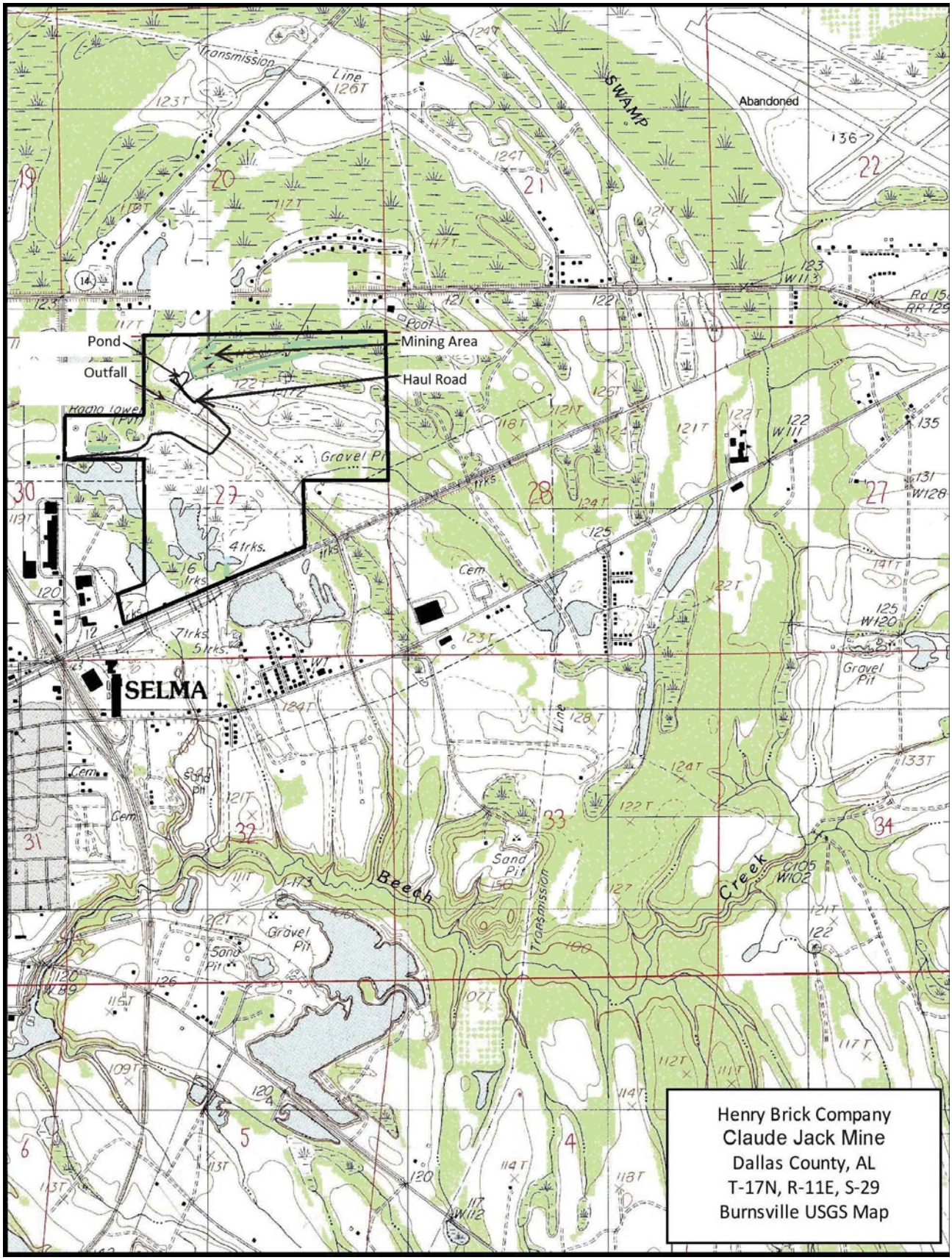


Figure 3- 1: Required Topographical Map Submittal

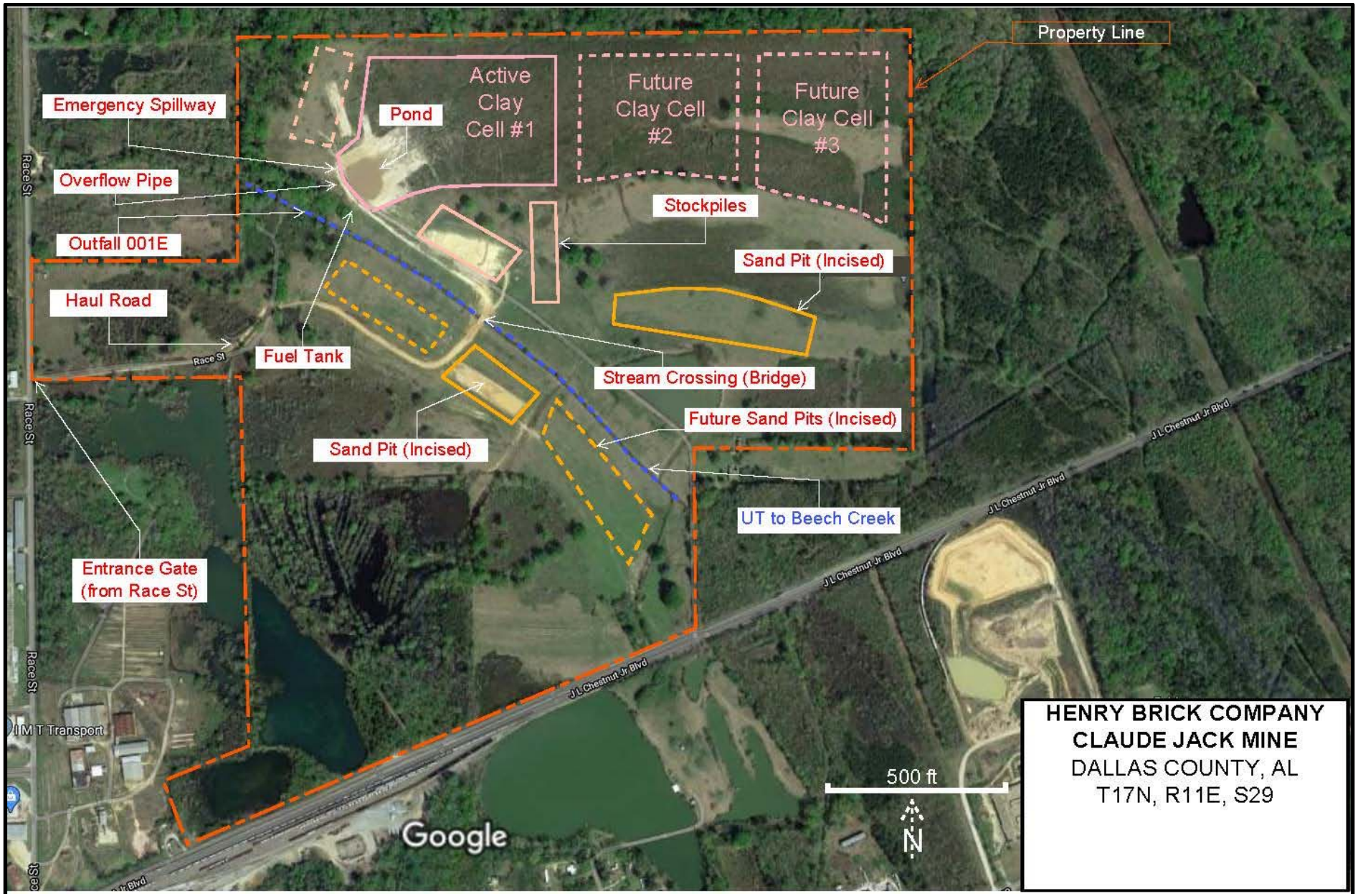


Figure 3-2: Required Detailed Facility Map Submittal

4 SEDIMENT CONTROLS

4.1 Introduction

The pollution abatement facilities are designed and constructed so as to control both spoil runoff and pit drainage. There is very little overburden in the mining areas. The clay and sand are at or near the surface and located in natural depressions. As material is removed, the depression is deepened, creating a pit or an incised impoundment in the earth. This mining sequence is significant because it results in very little direct runoff from spoil piles or the mining areas. Instead, the runoff is routed to the pit bottoms and/or to the sedimentation pond, which discharges through Outfall 001E into a concrete lined stream to Beech Creek.

The clay mining sequence will continue to progress from the northwest portion of the property to the northeast. Once clay mining in a specific portion of the property is completed, the resulting pit will become a settling pond for the next clay mining area, thus creating a series of ponds to control the discharge from the mining areas. The mining of sand results in incised pits that do not discharge surface water due to infiltration.

A haul road from Race Street to the west provides access to the site. It includes a section that crosses the concrete lined stream near the central portion of the property (as shown on the aerial map). A bridge was built across the stream in a way that does not interfere with the existing concrete lining. A photo of the bridge is included.

4.2 Diversions

As site conditions dictate, diversions will be placed at specific sides of the mining areas to route the runoff from the undisturbed areas of the property around the mining areas. As mining progresses, the diversions will be placed above the other mine areas. These diversions will minimize runoff from the undisturbed portions of the property from entering the disturbed areas.

4.3 Sedimentation Pond

4.3.1 Introduction

One sedimentation pond currently serves the Henry Brick Claude Jack Clay Mine operation. The pond is a result of the initial clay removal in Cell #1. This pond discharges by either gravity or pump into the concrete lined drainage ditch to Beech Creek at Outfall 001E. Runoff from the mine areas is routed into the sedimentation pond before being discharged through the outfall. **Figure 4-1** shows a typical cross section of the sedimentation pond.

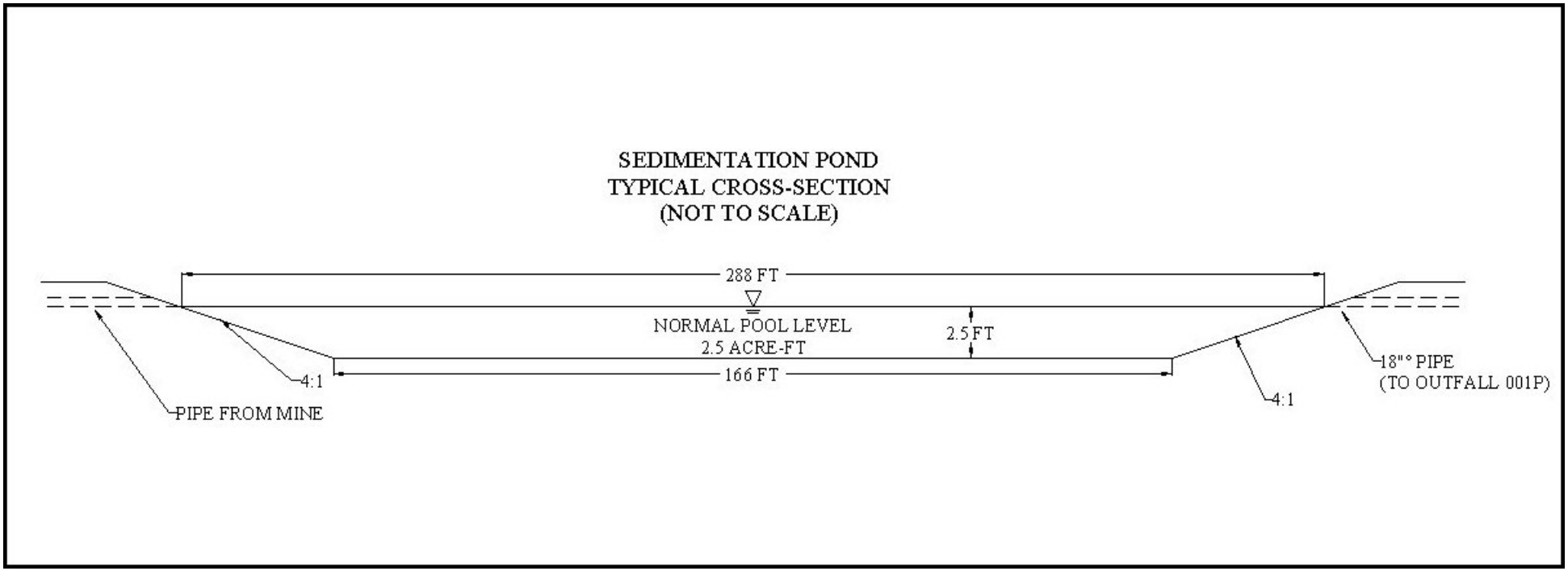


Figure 4-1: Sedimentation Pond Typical Cross Section

4.3.2 Sediment Volume

The sedimentation pond is constructed as previously designed. The sedimentation pond, which is the pit bottom, provides the minimum 0.25 acre-ft of storage capacity for every acre of disturbed land draining to the pond. The sedimentation pond is incised (excavated below the surrounding ground surface). The dam contains the discharge pipe and an emergency spillway. No debris is allowed to impact the discharge of the overflow pipe or spillway. Accumulated sediment and sludge in the sedimentation pond will be removed if the pond has lost 60% of its liquid storage capacity due to sedimentation. Solids removed from the pond will be placed in a controlled area for dewatering prior to moving and hauling.

4.3.3 Regulatory Checklist

The sedimentation pond is constructed with a pipe installed to facilitate discharge sampling; therefore, no dams or embankments are necessary. The pond was designed and constructed to meet the minimum construction criteria as found in the guidelines in Appendix A of Chapter 335-6-9-Surface Mining Rules. The rules are specifically addressed in the following paragraphs:

(a) The sedimentation pond is an "excavated pond" rather than an "embankment pond".[1] The earthen material across each natural channel impounds no water at the normal pool level. For all practical purposes, there is no dam.

(b) There is no dam. See item (a) above.

(c) There is no dam. See item (a) above.

(d) There is no dam. See item (a) above.

(e) There is no dam. See item (a) above.

(f) There is a pipe in the pond, but it is not a spillpipe as would be expected through a dam. When necessary, a pump is used to maintain the normal pool level below the pipe invert.

(g) There are no spillpipes. See item (f) above.

[1] Natural Resources Conservation Service. November 1997 (Revised). Ponds-Planning, Design, Construction. Agricultural Handbook Number 590. United States Department of Agriculture. An embankment pond is made by building an embankment or dame across a stream or watercourse where the stream valley is depressed enough to permit storing 5 feet or more of water (page 1). An excavated pond is a reservoir constructed mainly by excavation in flat terrain. A relatively short embankment section on the downstream watercourse side may be necessary for desired storage amount (page 72).

(h) There are no spillpipes. See item (f) above. Pumps provide subsurface withdrawal in order to ensure that no floating solids are discharged.

(i) There are no spillpipes. See item (f) above.

(j) There are no spillpipes or dams. See items (a) and (f) above. Riprap is placed at the discharge end of the pipe to provide erosion protection.

(k) The emergency spillway is designed to safely carry the expected peak flow from a 25-year/24-hour (or shorter duration) storm. The slopes of the entrance and exit do not exceed 3 percent. The emergency spillway has a control section of at least 20 feet long. The sides slopes are not steeper than 2:1. The emergency spillway is lined with riprap to prevent erosion.

(l) The elevation difference between the pipe invert and the top of the crest of the open-channel spillway is three (3) feet. There are no dams. See item (a) above.

(m) There are no ponds in series.

(n) There are no dams. See item (a) above.

4.3.4 Pond Design Calculations

The peak inflow to the sedimentation pond was analyzed using the rational method. The design calculations can be found in the Appendix of the Pollution Abatement/Prevention Plan. The peak inflow to the sedimentation pond from the 10-acre mining area during a 25-year/24-hour storm event is 15.2 cubic feet per second (cfs) with a volume of 1.25 acre-ft. The discharge pipe is 18 inches in diameter and is sized to adequately convey the flow from a 1-year/24-hour storm event. The emergency spillway is designed for a 25-year/24-hour storm event, with a control length of 20 feet, with dimensions of 5 ft x 1 ft.

4.3.5 Pond Discharge Loading

Effluent pond discharge loading calculation for TSS is based on analysis for the Hwy 41 Mine from actual discharges between January 2017 and June 2020. The majority of these were pump discharges at a rate of 0.320 MGD (24 hours). Loadings for BOD, Iron, and Manganese are estimated based on analysis data from a similar Henry Brick mining operation (Faulk Mine - NPDES Permit AL0054909).

Using these values, the conversion from the concentrations shown on the laboratory report to the loadings shown on the application are as follows:

Sedimentation Pond 2 (Outfall 002E)

BOD_5 = (1.5 lbs/1,000,000 lbs)*(320,000 gal/day)*(8.34 lbs/gal) = 4 lbs/day

TSS = (26 lbs/1,000,000 lbs)*(320,000 gal/day)*(8.34 lbs/gal) = 69.4 lbs/day

FE = (8.85 lbs/1,000,000 lbs)*(320,000 gal/day)*(8.34 lbs/gal) = 24 lbs/day

Mn = (0.05 lbs/1,000,000 lbs)*(320,000 gal/day)*(8.34 lbs/gal) = 0.13 lbs/day

4.4 Stockpile Areas

Areas in which surface mined minerals are stockpiled, and areas in which refuse resulting from any type of mining operation is or has been deposited, drain to the sedimentation pond. This system minimizes the possibility of sediment laden, acidic, or toxic waters being deposited into the stream.

4.5 Stream Crossing

One stream crossing is necessary for the haul road. The haul road crosses a concrete lined, unnamed tributary stream to Beech Creek in the central portion of the property. The stream crossing consists of a constructed concrete bridge over a large corrugated metal pipe and does not impact the existing concrete lining of the stream bed and walls. Please see **Figure 4-2** which is a picture of the bridge.

Figure 4-2: Stream Crossing (Constructed Bridge)

5 APPENDIX

- **Wetlands delineation report for the site.**
- **PAP Plan**

Goodwyn Mills Cawood

PO Box 242128
Montgomery, AL 36124

T (334) 271-3200
F (334) 272-1566

www.gmcnetwork.com

August 18, 2020

Mr. Ken Smith
Henry Brick Company
3409 Water Avenue
Selma, Alabama 36703

RE: Waters of the U.S. Delineation
Henry Brick – Claude Jack Mine
Selma, Dallas County, Alabama

Mr. Smith:

In July and August 2020, representatives of Goodwyn, Mills, & Cawood, Inc., (GMC) performed a waters of the U.S. including wetlands and stream delineation at the above reference project site. The subject site is further described as being located off of J L Chestnut Jr Boulevard in Sections 29 of Township-17-North, Range-11-East (Figure 1). The center coordinates of the site are latitude 32.426573° and longitude -86.986703° (Figures 1 and 2). The entire project area is located within the Upper Alabama Watershed (HUC 3150201).

Please find below a list of information that can be found in the Appendix Section:

Appendix A:

- Figure 1- Aerial Map
- Figure 2 – USGS Quadrangle Map
- Figure 3 – Dallas County Soil Map

GMC traversed the property to identify potential jurisdictional waters of the U.S. including streams and wetlands, regulated under the U.S. Army Corps of Engineers (USACE). Jurisdictional streams are classified as perennial or intermittent. The delineation was conducted in accordance with the 2010 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0). Wetland boundaries were flagged according to the three required wetland field indicators (vegetation, soils, and hydrology).

GMC representatives identified one (1) concrete lined channel, one (1) intermittent stream, and approximately 143.8 acres of wetlands on the project site. The concrete lined channel flows northwest to southeast through the center of the property. The intermittent stream flows into the concrete lined channel on the west side of the property. The wetland areas consists of a mix of emergent wetlands within the open fields and forested wetlands. The attached figures depict the location of each resource identified.

Thank you for allowing our firm to provide environmental services for the above referenced project. Should you have any questions or need additional information, please feel free to contact me anytime either by phone or by email at april.henley@gmcnetwork.com.

Sincerely,
GOODWYN, MILLS AND CAWOOD, INC

April Henley

April Henley
Biologist

REF. SHEET: ESRI WORLD IMAGERY
DESCRIPTION: WATERS OF THE U.S. DELINEATION

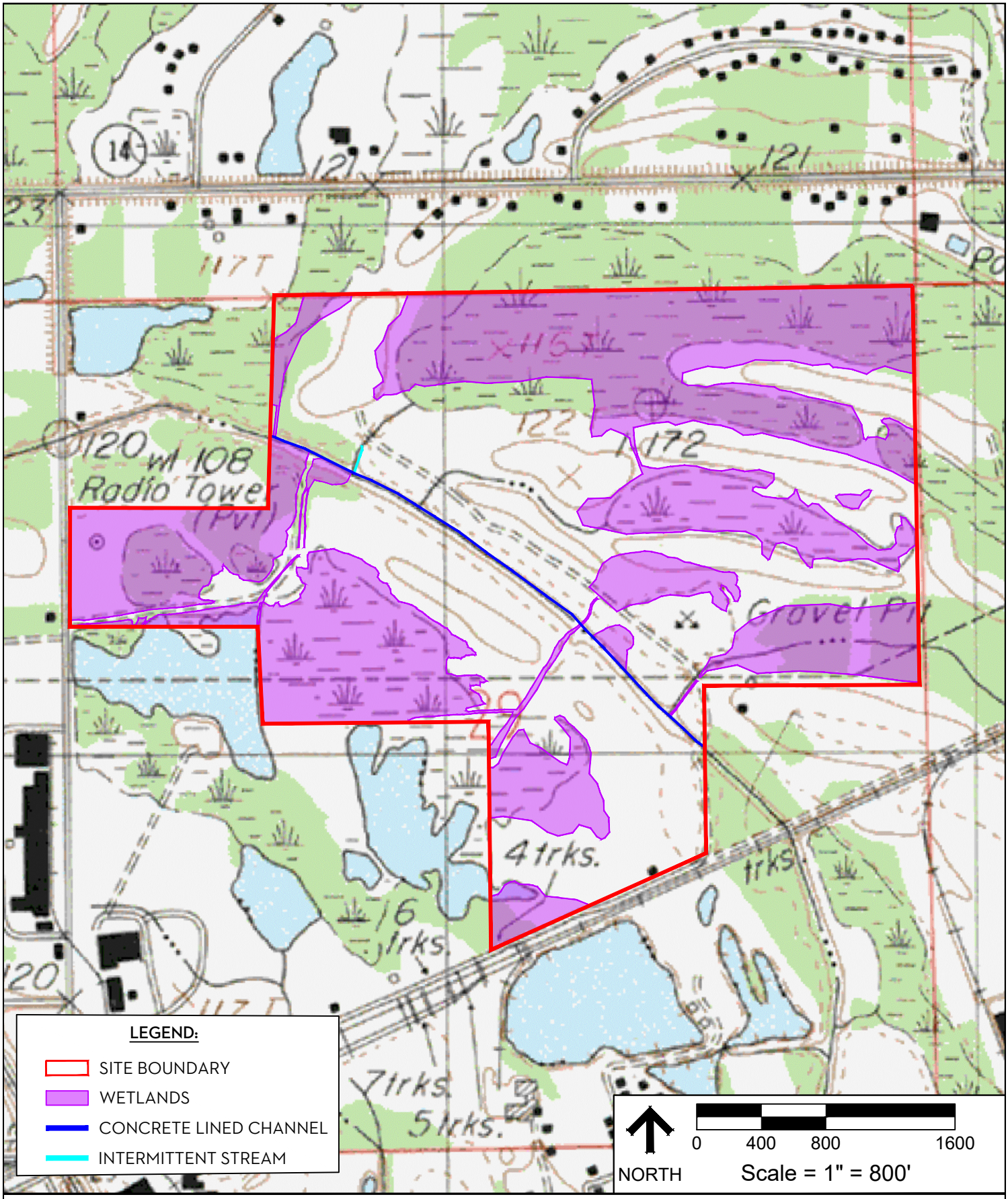
HENRY BRICK - CLAUDE JACK MINE
SELMA, DALLAS COUNTY, ALABAMA

FIGURE 1
AERIAL PHOTOGRAPH

GMC # EMGM205012
DATE: 08/18/20
DRAWN BY: AYH

2660 East Chase Lane, Suite 200
Montgomery, AL 36117
T 334.271.3200
GMCNETWORK.COM

GMC



REF. SHEET: BURNSVILLE, ALABAMA QUADRANGLE MAP
DESCRIPTION: WATERS OF THE U.S. DELINEATION

HENRY BRICK CLAUDE JACK MINE
SELMA, DALLAS COUNTY, ALABAMA

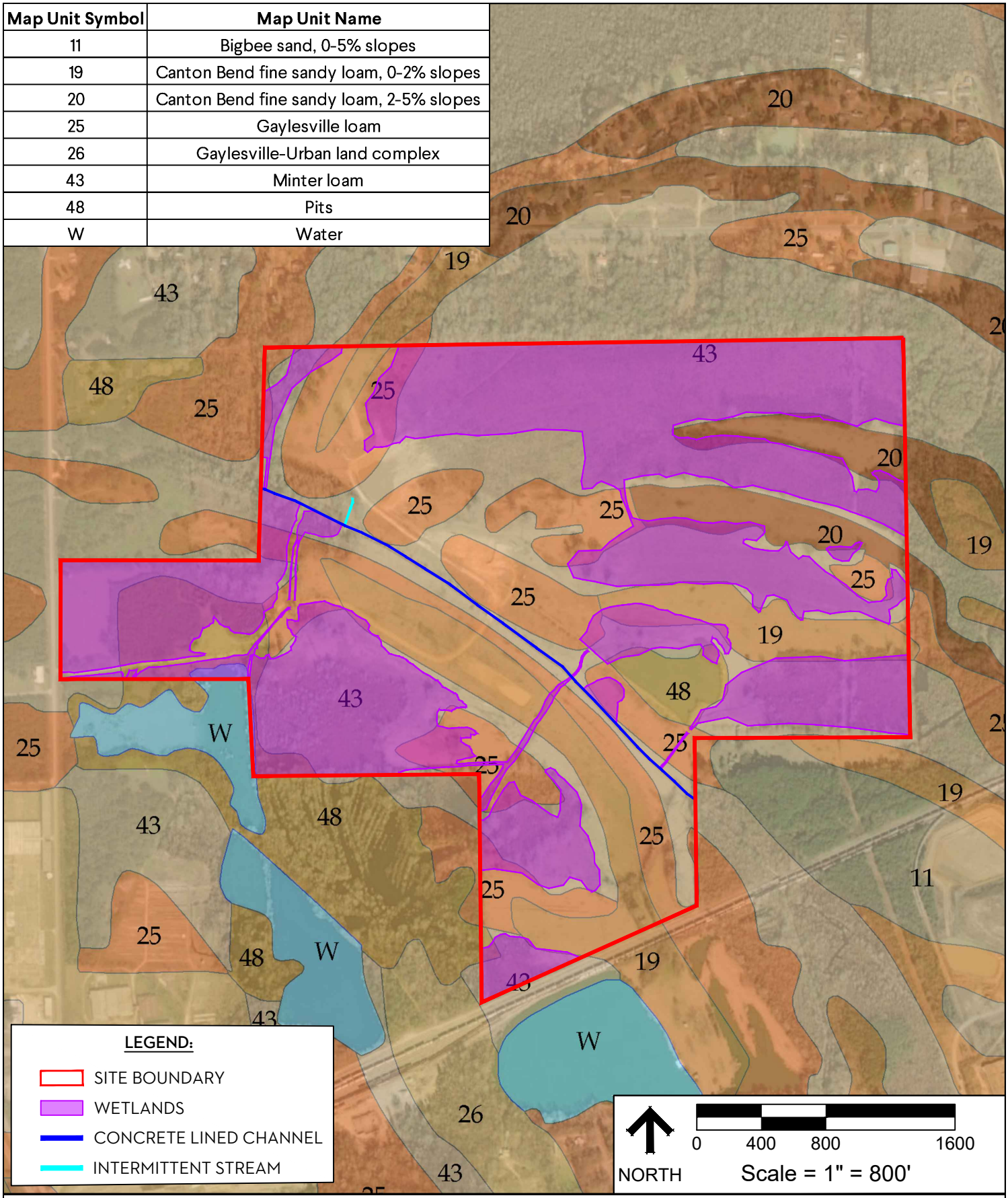
FIGURE 2
USGS QUADRANGLE MAP

GMC # EMGM205012
DATE: 08/18/20
DRAWN BY: AYH

2660 East Chase Lane, Suite 200
Montgomery, AL 36117
T 334.271.3200
GMCNETWORK.COM

GMC

Map Unit Symbol	Map Unit Name
11	Bigbee sand, 0-5% slopes
19	Canton Bend fine sandy loam, 0-2% slopes
20	Canton Bend fine sandy loam, 2-5% slopes
25	Gaylesville loam
26	Gaylesville-Urban land complex
43	Minter loam
48	Pits
W	Water



REF. SHEET: DALLAS COUNTY SOIL SURVEY
DESCRIPTION: WATERS OF THE U.S. DELINEATION

HENRY BRICK - CLAUDE JACK MINE
SELMA, DALLAS COUNTY, ALABAMA

FIGURE 3

SOIL MAP

GMC # EMGM205012
DATE: 08/18/20
DRAWN BY: AYH

2660 East Chase Lane, Suite 200
Montgomery, AL 36117
T 334.271.3200
GMCNETWORK.COM

GMC

Polution Abatement/Prevention Plan

Henry Brick Company, Inc.

Claude Jack Mine
P.O. Box 850 (3409 Water Avenue)
Selma, AL 36702

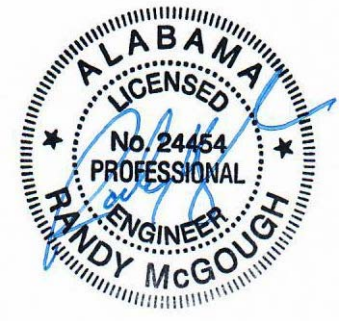
September 2020

Prepared By:
R.E. McGough, Inc.
1655 McFarland Blvd. N.
Suite 169
Tuscaloosa, AL 35406
(205) 345-6399

CERTIFICATIONS

PREPARER CERTIFICATION

I certify that this document was prepared by me or someone under my direct supervision and that I am a Licensed Professional Engineer in the State of Alabama.



Randy McGough, P.E.
AL License No. 24454

9-1-2020
Date

TABLE OF CONTENTS

1 POLLUTION ABATEMENT/PREVENTION PLAN 5

1. Introduction 5
2. Name and Address 5
3. General Information 5
4. Topographic Map 5
5. Diversions 9
6. Operations 9
7. Waste Characteristics 9
8. Waste Treatment Facilities 11
9. Haul Road Sediment Control 11
10. Stream Impact Minimization 12
11. Non-Point Impact Minimization 12
12. Construction Certification 12
13. Watershed Classification 13
14. Facility Closure 13

2 APPENDIX 14

LIST OF FIGURES

Figure 1: Claude Jack Clay Mine Layout 7

Figure 2: Site Layout 8

Figure 3: Waste Flow Schematic 10

Figure 4: Sedimentation Pond Typical Cross-Section 15

Figure 5: Cross Section of Outlet Pipe 16

Figure 6: Stream Crossing (Constructed Bridge) 17

1 POLLUTION ABATEMENT/PREVENTION PLAN

1. Introduction

The plan follows the regulatory outline with each section introduced by the applicable portion of Rule 335-6-9-.03 "Pollution Abatement and/or Prevention Plan".

2. Name and Address

335-6-9-.03(2)(a) *name and address of the operator and a legal description of the area to be mined.*

The operator is Henry Brick Company, Inc., P. O. Box 850 (3409 Water Ave.), Selma, Alabama 36702. The mining area is located in Section 29, Township 17N, Range 11E. The legal description is as follows:

PARCEL #	LOCATION	ACRES
12 09 29 0 001 001.000	T17N, S29, R11E	20.00
12 09 29 0 001 001.700	T17N, S29, R11E	141.00
12 09 29 0 002 001.000	T17N, S29, R11E	9.00
12 09 29 0 002 001.700	T17N, S29, R11E	94.00
12 09 29 0 004 001.000	T17N, S29, R11E	37.00

3. General Information

335-6-9-.03(2)(b) *general information, including name and affiliation of company, number of employees, product(s) to be mined, hours of operation and water supply and disposition.*

Henry Brick Company, Inc. is a manufacturer of quality face bricks. The mine produces clay and sand which is an essential mix for the quality face bricks. Six to eight employees are required to conduct the surface mining operation. Seven of the employees are equipment operators and one is the supervisor. The mine generally operates during daylight hours on weekdays. No water supply is needed for the mining operation. The only water that will be generated is runoff from precipitation in specific areas.

4. Topographic Map

335-6-9-.03(2)(c) *topographic map showing location of mine, preparation plant, settling basin and all waste water discharge points.*

Figure 1 is an excerpt from the Burnsville USGS topographic map, which shows the location of the mine, the sedimentation pond, and the discharge point. **Figure 2** is a site map of the facility. There is no preparation plant associated with this mine.

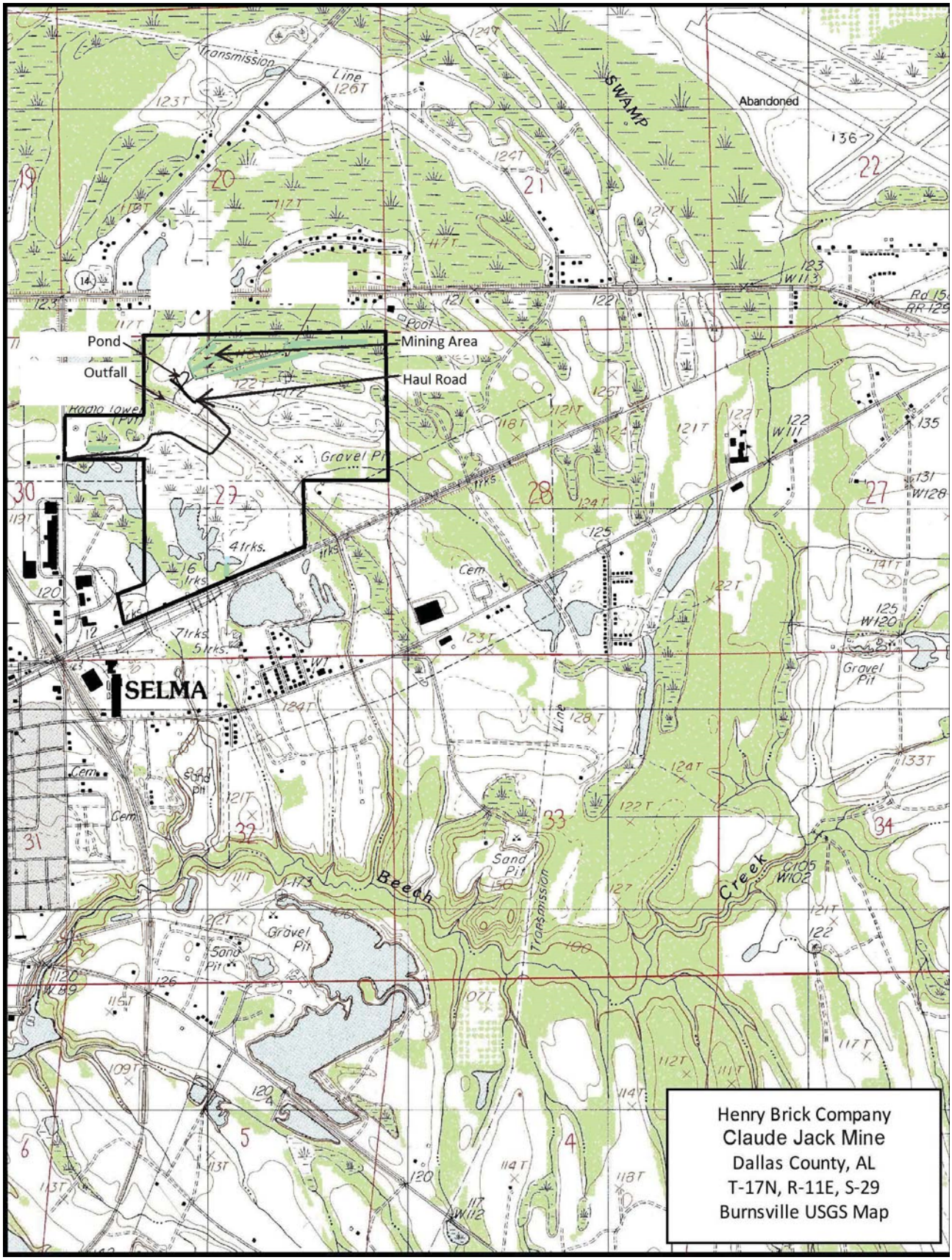


Figure 1: Claude Jack Clay Mine Layout

Figure 2: Site Layout

5. Diversions

335-6-9-.03(2)(d) *method and plan for diverting surface water runoff from operational areas and mineral and refuse storage piles.*

As site conditions dictate, diversions will be placed at specific sides of the mining areas to route the runoff from the undisturbed areas of the property around the mining areas. As mining progresses, the diversions will be placed above the other mine areas. These diversions will minimize runoff from the undisturbed portions of the property from entering the disturbed areas.

6. Operations

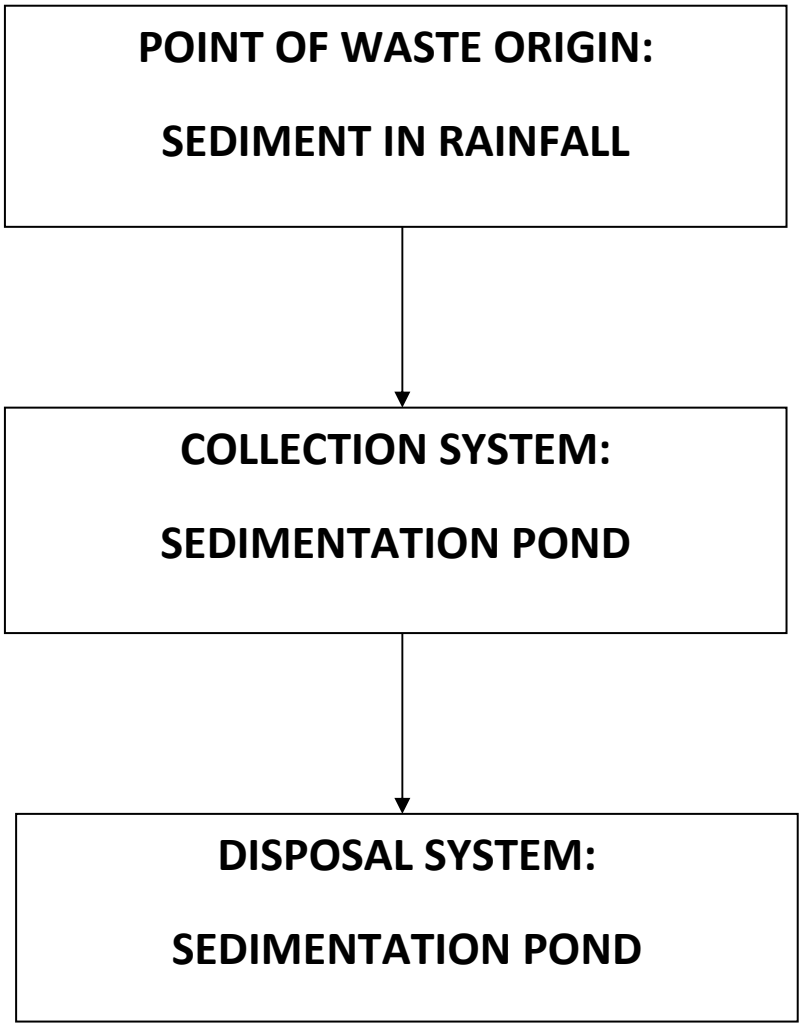
335-6-9-.03(2)(e) *narrative account of operation(s) explaining and/or defining raw materials, processes and products. Blockline or schematic diagrams indicating points of waste origin and its collection and disposal shall be included.*

The mine produces clay and sand, a 75/25 mix of components of the quality face bricks produced by Henry Brick Company. The loading equipment (backhoe, loader, etc.) will normally load trucks directly from the stockpiles of the mix for use in the winter months when mining is unfeasible. Rainwater and surface runoff that enters the pits will be routed to the bottom of the pit and pumped to the sedimentation pond. **Figure 3** is the required schematic.

7. Waste Characteristics

335-6-9-.03(2)(f) *quantity and characteristics of waste after treatment with respect to flow, suspended solids, total iron, and pH.*

The water discharged from the sedimentation pond is precipitation driven unless a pump is necessary. When a pump is used, the volume discharged should not exceed 320,000 gallons in one day. Based upon analytical data from the discharges from the mine, the average suspended solids concentration of the effluent is 26 mg/L and the average pH is 7.3. Estimates for the total iron concentration of the effluent should be less than 10 mg/L.



WASTE FLOW SCHEMATIC

CLAUDE JACK CLAY MINE

Figure 3: Waste Flow Schematic

8. Waste Treatment Facilities

335-6-9-.03(2)(g) *description of waste treatment facilities, pretreatment measures and recovery systems including expected life of sedimentation basins and schedules for cleaning or proper abandonment of such basins. If earthen sedimentation basins are a portion of the treatment scheme, plans for the construction of these facilities should meet minimum construction criteria as found in the Guidelines in Appendix A.*

One sedimentation pond currently serves the Henry Brick Claude Jack Clay Mine operation. The pond receives runoff from the mine area and the stock pile area. The discharge from this sedimentation pond flows into a concrete lined drainage ditch to Beech Creek at Outfall 001E.

The sedimentation pond is constructed as previously designed. The sedimentation pond, which is the pit bottom, provides the minimum 0.25 acre-ft of storage capacity for every acre of disturbed land draining to the pond. The sedimentation pond is incised (excavated below the surrounding ground surface). The dam contains the discharge pipe and an emergency spillway. No debris is allowed to impact the discharge of the overflow pipe or spillway. Accumulated sediment and sludge in the sedimentation pond will be removed if the pond has lost 60% of its liquid storage capacity due to sedimentation. Solids removed from the pond will be placed in a controlled area for dewatering prior to moving and hauling.

The pond is equipped with a pipe designed to carry the peak flow from a 1-year, 24-hour storm event and is constructed of material that does not chemically react with the effluent. Subsurface withdrawal is accomplished by pumping to ensure that no floating solids are discharge. A splash pad, constructed of riprap, is at the discharge pipe to prevent erosion from the discharge. The pond has an emergency spillway designed for a 25-year, 24-hour storm event.

The sedimentation pond is and will be maintained until operation of the facility has ceased and permission from ADEM has been granted to remove the sedimentation pond. The pond design calculations and detail drawings can be found in the Appendix.

9. Haul Road Sediment Control

335-6-9-.03(2)(h) *a plan to eliminate or minimize sediment and other pollutants from haul roads must be included and should meet minimum design criteria as established by the Guidelines in Appendix B.*

One haul road is used to access this facility from Race Street. The road will meet the specifications listed below, with the exception of item 6:

(1) No sustained grade shall exceed 10 percent.

(2) The maximum grade shall not exceed 15 percent for 300 feet. There shall not be more than 300 feet of 15 percent maximum grade for each 1000 feet of road constructed.

(3) Haul roads within the mining area shall be constructed so that runoff from the road passes through a sedimentation basin.

(4) Outer slopes for haul roads out of the permitted area shall not be steeper than 2:1 and shall be seeded with both annual and perennial grasses with at least 80 percent cover to avoid erosion. Where this is not possible, basins, hay filters, or diversion ditches shall be cut, built, or placed to intercept runoff.

(5) Roads shall be surfaced with either slag, chert, crushed limestone, crushed sandrock, or red rock, other than temporary roads for limited access.

(6) No streams will be crossed. *See Section 4.5 of the Application Package for information on the stream crossing.*

10. Stream Impact Minimization

335-6-9-.03(2)(I) *location of all streams in or adjacent to the mining area and those measures which will be taken to minimize the impact on water quality when the mining operation is located in close proximity to such streams. Such measures may include but not be limited to setbacks, buffer strips, or screens.*

The main mining area is north of a concrete lined drainage ditch that leads to Beech Creek, the sedimentation pond discharges to this concrete lined drainage ditch (Outfall 001E). The mining operation is not in close proximity to the stream so neither setbacks, buffer strips, nor screens are necessary. The sedimentation pond is sufficient to minimize the impact on the receiving stream.

11. Non-Point Impact Minimization

335-6-9-.03(2)(j) *those measures to be employed to minimize the effect of any non-point source pollution which may be generated as a result of the surface mining operation.*

All surface runoff from the mine drains to the sedimentation pond. If any disturbed areas cannot be diverted to the pond, sedimentation fencing will be used to control any runoff pollution.

12. Construction Certification

335-6-9-.03(2)(k) *all pollution abatement facilities must be certified by the design engineer as being constructed in accordance with the approved plans.*

Copies of the plans and certifications were sent after initial construction was completed at the facility.

13. Watershed Classification

335-6-9-.03(2)(l) *the applicant shall specify if the proposed mining operation is to be constructed in the watershed of an impoundment classified as a public water supply or a direct tributary thereon.*

The mining operation is in the watershed of Beech Creek, a tributary of the Alabama River. No impoundment classified as a public water supply is located on Beech Creek. Beech Creek is classified as Fish and Wildlife.

14. Facility Closure

Once the facility is no longer active and is released by ADEM and ADIR, the mined areas will be graded to match surrounding contours and will be planted with indigenous vegetation.

2 APPENDIX

POND DESIGN CALCULATIONS:

Sedimentation Pond – Outfall 001

Disturbed Area (acres)	10
Runoff Coefficient	0.20
25-yr/24-hr Rainfall (in/hr)[1]	7.6
1-yr/24-hr Rainfall (in/hr)	3.8
Time of Concentration (hr)[2]	0.5

Sedimentation Pond (Required Size)[3]

Volume Required = (0.25 acre ft/ acre)(10 acres)

Volume Required (acre-ft) = 2.5

Spill Pipe Size[4]

$Q = 1.49(AR^{2/3})(s^{1/2}/n)$

$Q = (0.276/n)(D^{8/3})(s^{1/2})$

n(cast iron) 0.012

s(ft/ft) 0.02

Solve for diameter yields 18 inch pipe

Emergency Spillway[5]

Q=CIA

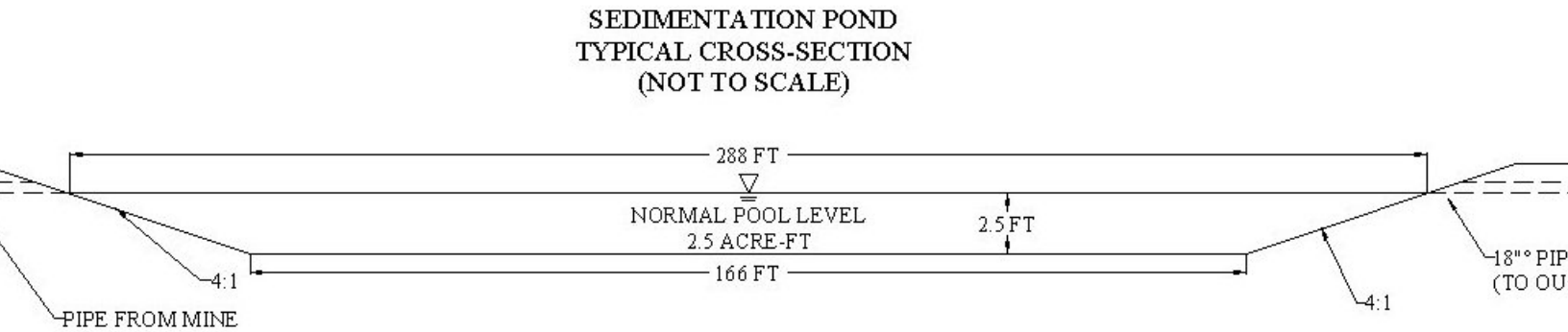
Q (cfs) = 7.6

$Q = 3.367*(w)*(h)^{1.5}$

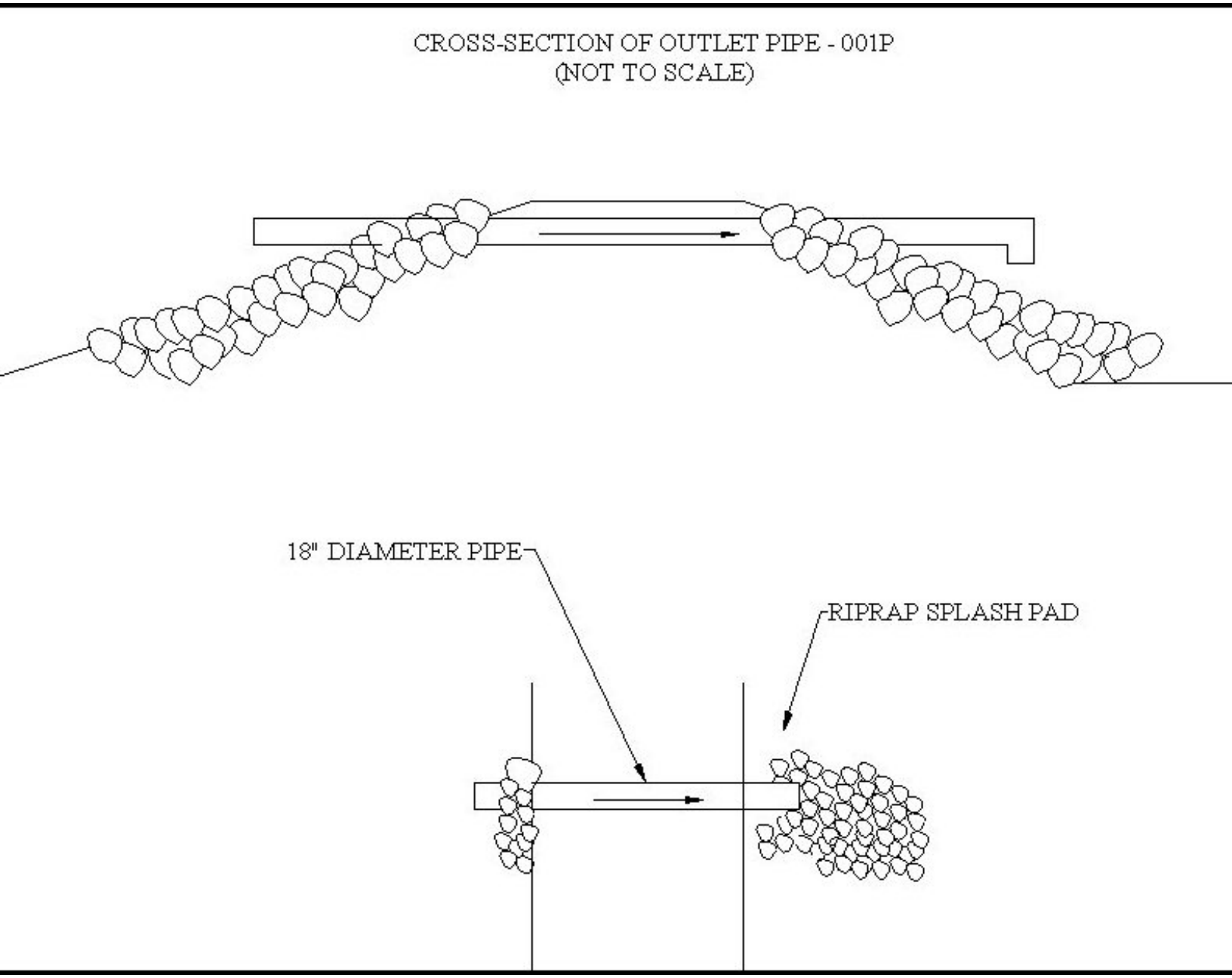
Solve for width yields 5 ft wide with a water height at crest of open spillway 1 foot

Emergency Spillway Size = 5ft x 1 ft

1. Rainfall interpolated from TP-40
2. Time of Concentration (T_c) = Travel Time (T_t)
   $T_t = ((0.007)(nL)^{0.8})/((P_2^{0.5})(s^{0.4}))$
   Where n = 0.011, L = 609 ft, P_2 = 4.4 in (TP-40 2yr/24 hr)
   Solve T_t
   T_c = 0.13 hr, so use 0.50 hour
3. Based on 0.25 acre ft/acre ADEM requirement
4. Sized for 24-hour/25-year storm event
5. Model as rectangular weir with a height of water of 1 ft



dimentation Pond Typical Cross-Section



re 5: Cross Section of Outlet Pipe

Figure 6: Stream Crossing (Constructed Bridge)

Spill Prevention Control and Countermeasures Plan

Henry Brick Company, Inc.

Claude Jack Mine
P.O. Box 850 (3409 Water Avenue)
Selma, AL 36702

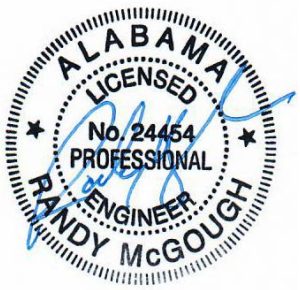
September 2020

Prepared By:
R.E. McGough, Inc.
1655 McFarland Blvd. N.
Suite 169
Tuscaloosa, AL 35406
(205) 345-6399

CERTIFICATIONS

PREPARER CERTIFICATION

I certify that this document was prepared by me or someone under my direct supervision and that I am a Licensed Professional Engineer in the State of Alabama.



Randy McGough, P.E.
AL License No. 24454

9/1/2020
Date

RESPONSIBLE OFFICIAL TRUTH AND ACCURACY CERTIFICATION

This plan shall be amended as necessary to satisfy facility requirements. This plan shall be reviewed every 5 years. (40 CFR 112.5 (b)) All technical amendments to the plan shall be certified by a Professional Engineer. (40 CFR 112.5(c)).

I certify that this plan was prepared in accordance with good engineering practices, and has the full approval of management at a level with authority to commit the necessary resources.

Davis Henry
President
Henry Brick Company

9/1/20
Date

TABLE OF CONTENTS

1 SPILL, PREVENTION, CONTROL. AND COUNTERMEASURES PLAN 5

A. PLAN BACKGROUND 5

B. NAME AND ADDRESS OF OWNER/OPERATOR 5

C. LOCATION AND TYPE OF FACILITY 5

D. PERSON RESPONSIBLE FOR FACILITY REGULATORY COMPLIANCE 6

E. SPILL EXPERIENCE 8

F. CONTAINMENT STRUCTURES 8

G. FACILITY DRAINAGE 8

H. BULK STORAGE TANKS 8

I. FACILITY PUMPING AND IN-PLANT PROCESS OPERATIONS 8

J. FACILITY TANK TRUCK UNLOADING 10

K. TRAINING 10

L. SECURITY 10

M. PERSONNEL TO BE NOTIFIED IN THE EVENT OF A SPILL 11

N. EMERGENCY REPORTING 11

O. GENERAL STEPS TO TAKE SHOULD A SPILL OCCUR 12

P. REPORTING A SPILL 13

Q. INSPECTIONS AND RECORDS 13

R. PUBLICITY 14

2 APPENDIX 15

LIST OF FIGURES

Figure 1: Site Location 6

Figure 2: Site Layout 7

Figure 3: Containment Structure 9

1 SPILL, PREVENTION, CONTROL. AND COUNTERMEASURES PLAN

A. PLAN BACKGROUND

This Spill Prevention, Control, and Countermeasures Plan (SPCC Plan) is prepared in accordance with the Code of Federal Regulations (CFR), Title 40 Section 112.7 guidelines dated January 2014. The Plan outlines procedures to prevent oil spills from being discharged into the environment. This plan must be amended and recertified within 6 months of a change in facility design, construction, operation, or maintenance which materially affects the facility's potential for discharge of oil into the environment. The owner or operator of the facility must complete a review and evaluation of the SPCC Plan at least once every three years. The plan must be amended and recertified by a professional engineer at least once every five years.

B. NAME AND ADDRESS OF OWNER/OPERATOR

Contact Location Address	Mailing Address
Henry Brick Company, Inc.	Henry Brick Company, Inc.
3409 Water Ave.	P.O. Box 850
Selma, AL 36703	Selma, AL 36702
Phone: 334-875-2600	Phone: 334-875-2600
Facility Contact	
Ken Smith, EHS Manager	
Phone: 334-875-2600	

C. LOCATION AND TYPE OF FACILITY

Henry Brick Company is located in Selma (Dallas County), Alabama. Figure 1 shows location of the proposed mine area taken from an excerpt of the Burnsville USGS topographic map. The proposed facility is an onshore, non-transportation related facility which mines clay to be used as an ingredient in bricks (SIC code 1459). Figure 2 shows a more detailed site plan.

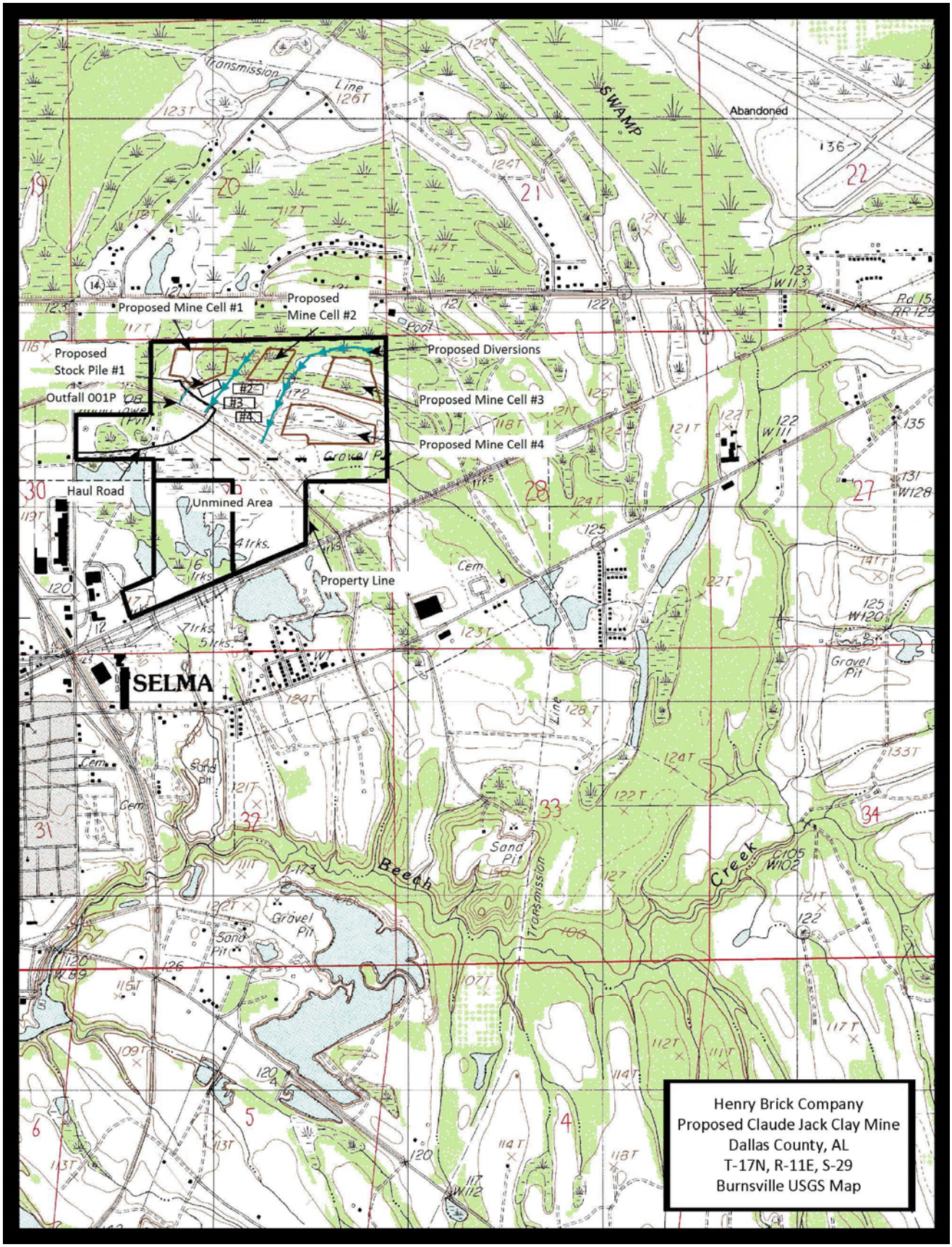


Figure 1: Site Location

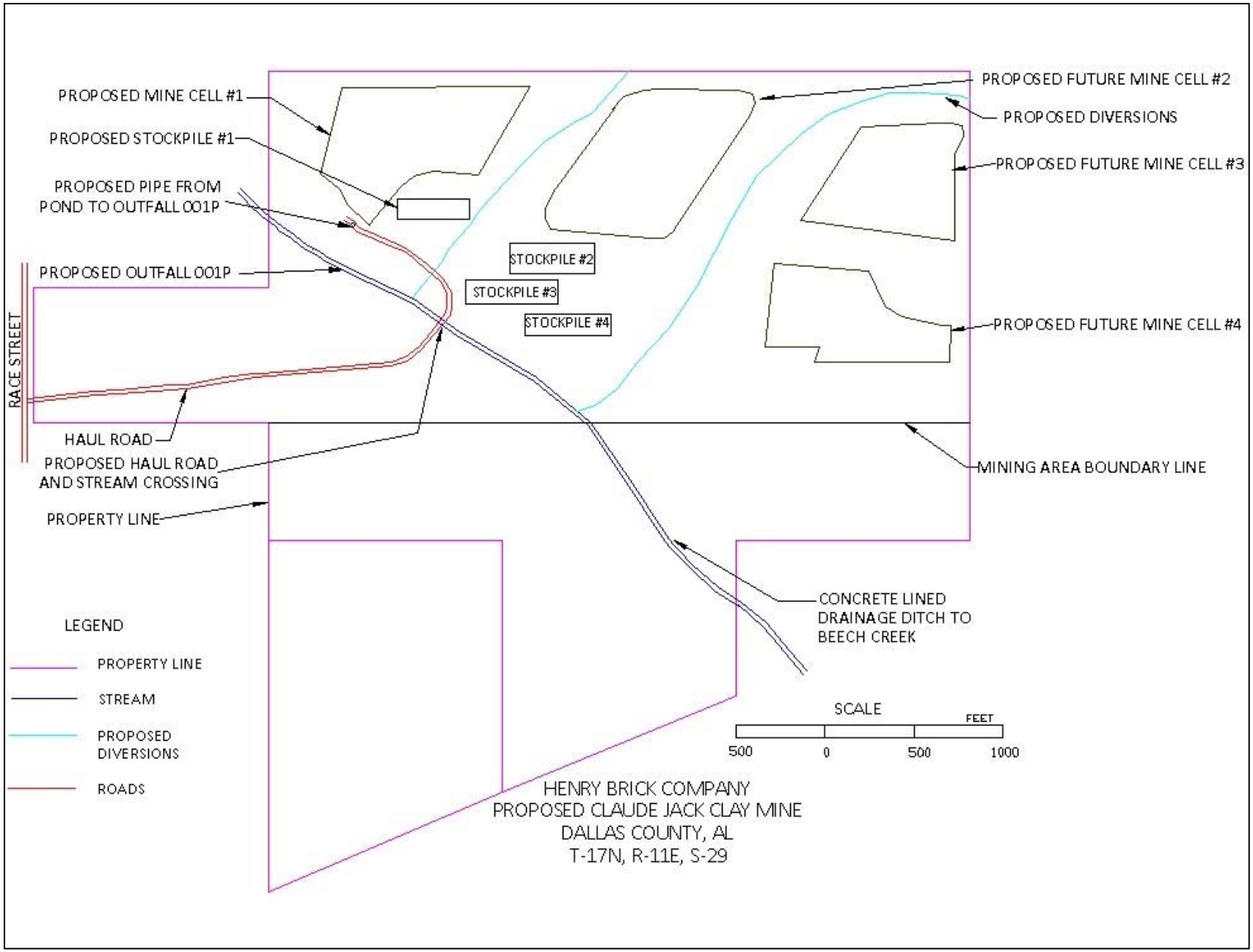


Figure 2: Site Layout

D. PERSON RESPONSIBLE FOR FACILITY REGULATORY COMPLIANCE

Ken Smith, EHS Manager

E. SPILL EXPERIENCE

Since this is a proposed facility, it has had no prior spill experience.

F. CONTAINMENT STRUCTURES

The diesel storage tank will have an earthen dike composed of clay material surrounding it (Figure 3). The dike will be approximately two feet high, compacted to a 95% density. Should water accumulate in the dike and its discharge becomes necessary, the water will be inspected for a sheen. If a sheen is not visible, the water will be discharged into the natural drainage course. If a sheen is visible, the contamination will be removed and included with the material being hauled from the facility for use in the manufacture of clay brick. The dike around the tank will hold the contents of the tank plus the volume of water produced from a 10 year/24 hour rainfall event.

G. FACILITY DRAINAGE

Drainage on the property flows towards the proposed sedimentation pond (Figure 1). The sedimentation pond is designed to contain the required 0.25 acre-ft for every acre disturbed. Rainwater from the mining area will be pumped to the sedimentation pond prior to discharge.

H. BULK STORAGE TANKS

The 1,000 gallon diesel storage tank will be permanently installed with a portable pump. It is company policy to inspect the inside of the tank when the tank is down for cleaning or repair. The outside of the tank will be checked periodically for signs of deterioration or leakage. The volume of the tank will be measured periodically to detect leaks and prior to filling to prevent spills.

I. FACILITY PUMPING AND IN-PLANT PROCESS OPERATIONS

If a section of buried line is exposed for any reason, the line will be carefully examined for deterioration. If corrosion damage is found, corrective action shall be taken as indicated by the magnitude of the damage. It is company policy to periodically inspect all above ground valves and pipelines. It is also company policy that when a pipeline is not in service, or in standby service for an extended time, the terminal connection at the transfer point shall be

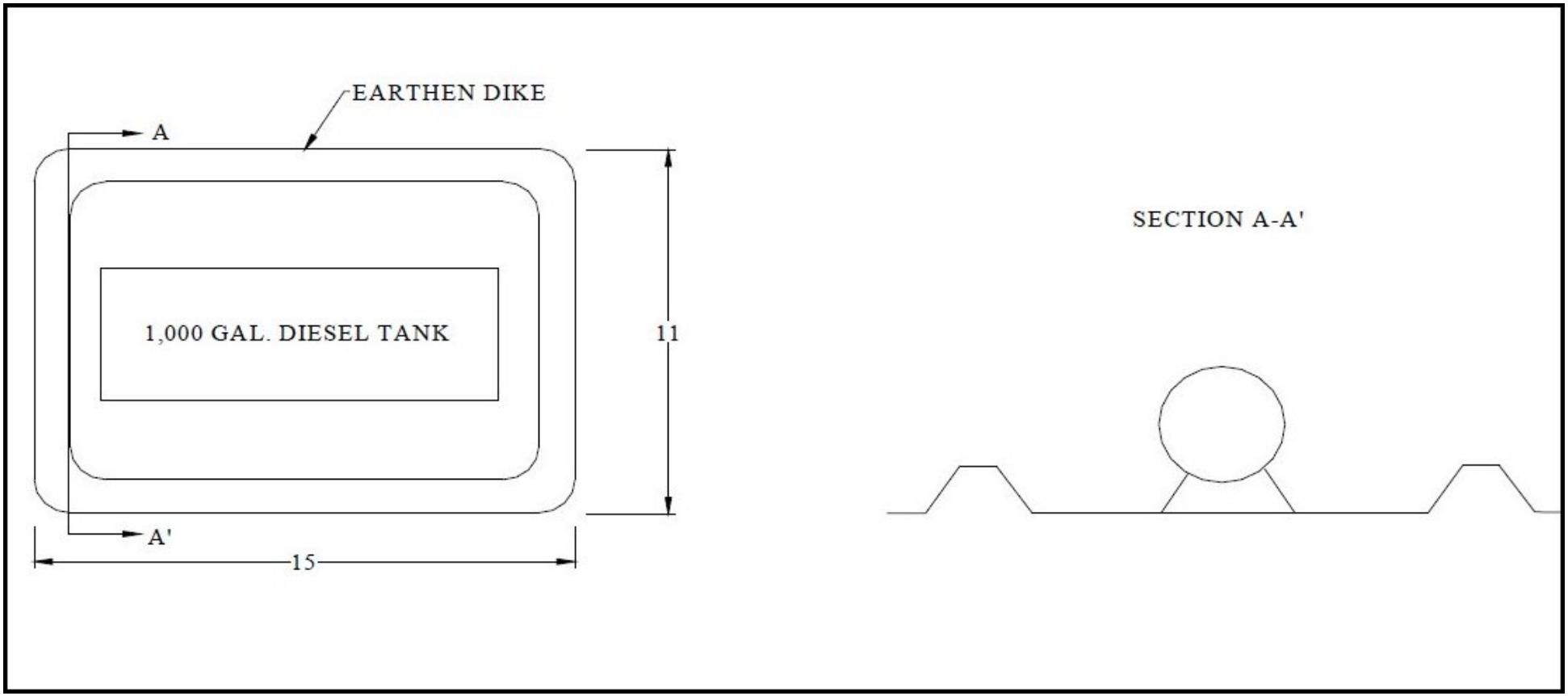


Figure 3: Containment Structure

capped or blank-flanged, and marked as to origin. All vehicular traffic granted entry into the facility are warned verbally or by appropriate signs to be sure that the vehicle will not endanger above ground or below ground piping.

J. FACILITY TANK TRUCK UNLOADING

The diesel fuel will be unloaded beside the diesel tank. It is the responsibility of the driver to unload the trucks. The driver must stay with the tanker during the unloading. If the transfer lines are not properly connected or disconnected and a spill occurs, some may fall on the ground outside the dike. Due to relatively flat terrain located immediately around the unloading points, a spill would move slowly and would easily be stopped by constructing an earthen dam. The spill could then be properly cleaned up.

Prior to filling and departure of tank trucks, it is the responsibility of the driver to examine the lower most drain of the tank truck and examine the fittings for leaks. If leakage is found, the outlet shall be tightened, adjusted, or replaced to prevent liquid leakage while in transit.

K. TRAINING

All facility personnel that will participate in implementing the SPCC will receive training. The employees initial training, as well as subsequent training must be recorded and kept on file for a period of three years. A training sheet can be found in the attachments. Key personnel will receive yearly training. Others will be trained as needed to insure they can perform their duties swiftly should a spill occur.

L. SECURITY

40 CFR 112.7.e.9. requires that:

(i) All plants handling, processing, and storing oil should be fully fenced, and entrance gates should be locked and/or guarded when the plant is not in production or is unattended.

The area around the diesel storage tank will be fenced and locked when not in use.

(ii) The master flow and drain valves and any other valves that will permit direct outward flow of the tanks' content to the surface should be securely locked in the closed position when not in operation or on standby.

Padlocks will be placed on the covers for the tank and a portable pump must be used to access the diesel storage tank.

(iii) The starter control on all oil pumps should be locked in the off position or located at a site accessible only to authorized personnel when the pumps are in non-operating or non-standby status.

The portable pump will be operated by authorized personnel only.

(iv) The loading/unloading connections of oil pipelines should be securely capped or blank-flanged when not in service or standby service for an extended time. This security practice should also apply to pipelines that are emptied of liquid content either by draining or by inert gas pressure.

The loading/unloading connections of the tank will be securely capped. These items are accessible to authorized personnel only.

(v) Facility lighting should be maintained as required to be compatible with the type and location of the facility. This will aid in (A) the discovery of spills occurring during hours of darkness both by operating personnel, if present, and by non-operating personnel, and (B) prevention of spills occurring through acts of vandalism.

The facility will operate only during the day and is fenced and locked when not in use.

M. PERSONNEL TO BE NOTIFIED IN THE EVENT OF A SPILL

NAME	**IN-PLANT**
Ken Smith, EHS Manager	(334) 875-2600

N. EMERGENCY REPORTING

The regulatory agencies will want to know who you are, where the spill is located, what was spilled, how much was spilled, and what you are doing to clean up the spill. You are bound by law to report to the authorities a spill that reaches navigable waters or the release of hazardous materials into the environment. A release to the environment includes contaminating surface water, groundwater, and soil.

When reporting a spill, fill in the information required on the reporting form at the end of this plan. Any petroleum spill that reaches navigable waters, endangers the environment, or endangers the public must be reported. If a spill is reportable, the following agencies must be notified:

AGENCY	PHONE
National Response Center 24 Hour Spill Reporting Hotline	1-800-424-8802
EPA Region 4 24 Hour Spill Reporting Number	404-562-8700
ADEM Montgomery, Alabama	334-271-7710
EPA Regional Administrator	404-562-8357
EMA 24 Hour Hotline	800-434-0699

O. GENERAL STEPS TO TAKE SHOULD A SPILL OCCUR

The regulatory personnel will expect that all contaminated material be removed from the spill site. This includes oil slicks, sludge, oil stained banks, and debris.

1. Stop further spillage by closing valves, stopping pumps, etc;

2. Assess extent of spill, type of material spilled, and possible other sources;

3. Look for fire hazards;

4. Contain the spill by constructing temporary dams using hand tools or equipment to minimize spreading of material;

5. Assess the spill a second time to determine if any material has reached navigable water;

6. If the spill has been contained within the area and no material has reached navigable water, then skip #7 and begin clean up; or

7. If the contaminant has reached navigable water then make the telephone calls listed in section N under Emergency Reporting and then clean up.

SPECIFIC STEPS FOR SPILLS IN CERTAIN AREAS

1) Should a spill occur from an unloading tank truck:

a) Dam with soil;

b) Turn off truck unloading pump;

c) Close all valves used fill storage tank; and

d) Remove the contaminated material to the stockpile area for use as clay brick material.

2) Should a spill occur from the tank:

a) Dam with soil if outside diked area;

b) Attempt to stop the source of the spill;

c) Pump usable diesel fuel into separate storage tank; and

d) Remove the contaminated material and unusable diesel fuel to the stockpile area for use as clay brick material.

P. REPORTING A SPILL

The regulatory agencies will want to know who you are, where the spill is located, what was spilled, how much was spilled, and what you are doing to clean up the spill. You are bound by law to report to the authorities a spill that reaches navigable waters or the release of hazardous materials into the environment. A release to the environment includes contaminating surface water, ground water, and soil.

Q. INSPECTIONS AND RECORDS

Required inspections listed in 40 CFR 112.7.e.8 should be performed in accordance with the written procedures developed for the facility and must be kept on file for three years. The inspection logs attached must be signed by the inspector or supervisor. Inspection procedures are listed below:

Quarterly Inspections

Quarterly inspections will be conducted using the attached quarterly inspection log. Quarterly inspection items include:

1. Dike integrity: The inspector shall check for the presence of any deterioration or breaks in the containment structure. Problems will be noted for repair;

2. Tanks: The outside of the tank shall be inspected for signs of deterioration, leaks, or corrosion. Tank conditions will be noted on the inspection schedule for repair;

3. Ancillary equipment: Mechanical fittings, valves, piping, pumps, gaskets, and other ancillary equipment within the dike will be inspected for signs of visible leaks sufficiently large enough to cause the accumulation of diesel in the diked area;

4. Security equipment: Fences, locks, and other security equipment will be checked quarterly to determine if they are functioning properly;

5. Spill control equipment: Ensure that there are adequate amounts;

6. Facility: Check for signs of erosion or siltation; and

7. Storm water drains and outfalls: Check for signs of erosion or siltation.

R. PUBLICITY

A very large spill may cause extensive contamination and initiate calls or visits from the news media. It is very important from a legal stand point that all inquiries be referred to the main office for appropriate handling.

2 ATTACHMENTS

1. Inspection Logs
2. Employee Training Data Form

FACILITY INSPECTION LOG FOR HENRY BRICK COMPANY; CLAUDE JACK CLAY MINE

P.O. BOX 850 (3409 WATER AVE.), SELMA, AL 36702

Year:	**Signature:**

Quarterly		**Week of Month**					**Date and Time of Inspections**	
Item	**Possible Problems**	**1**	**2**	**3**	**4**	**5**		
Spill Control Equipment (Sorbent materials, booms, shovels, etc.)	Adequate amounts of each						**1st Quarter**	
Security Devices (Gates, Locks, Fencing, etc.)	Need replacing, etc.						**2nd Quarter**	
Dike	Deterioration, cracks, leaks							
Tanks	Deterioration, cracks, leaks						**3rd Quarter**	
Stormwater Outfalls & Drainage Ditches	Signs of erosion, Signs of Staining						**4th Quarter**	
Pipings, gaskets, valves	Leaks or corrosion							

INSTRUCTIONS: ***Check date on which inspection was made for each item. Note any problems, maintenance items, or observations on the back of this sheet with the date and nature of repairs and/or remedial action.***

HENRY BRICK COMPANY

MINING EMPLOYEE TRAINING DATA FORM[1]

Employee Name: _____

Position _____

Date first employed in position:

TRAINING							
Date							
Instructor							
Please Check Either Initial or Continuing							
Initial Training							
Continuing Training							
Please Check All Categories Below That Apply							
Site Operations							
BMPs							
Discharge Structures							
Access Road							
Stream Crossings							
Fuel Tank Operations							
Other							
Other							
Other							
Other							
Other							
Other							

[1]This form must be filled out by the supervisor whenever an employee is hired or assigned to a new position and should be kept at the facility until the facility closes down or three years after the last day the employee was employed.