**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**

June 2, 2022

Burke Wakefield
Principal Owner
Southern Red Rock, LLC
1080 3rd Street
Pleasant Grove, AL 35127

RE: Draft Permit
Southern Red Rock - Sayre
NPDES Permit Number AL0081248
Jefferson County (073)

Dear Mr. Wakefield:

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 and modify 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.

This permit requires Discharge Monitoring Reports (DMR) to be submitted utilizing the Department's web-based electronic reporting system. Please read Part I.D of the permit carefully and visit https://aepacs.adem.alabama.gov/nviro/ncore/external/home.

Should you have any questions concerning this matter, please contact Clint Dear at (334) 274-4238 or clint.dear@adem.alabama.gov.

Sincerely,

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

EJR/cdd File: DPER/42666

cc: Clint Dear, 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 Surface Mining Commission

**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)

ADEM
Alabama Department of Environmental Management

# NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

PERMITTEE: Southern Red Rock, LLC
1080 3rd Street
Pleasant Grove, AL 35127

FACILITY LOCATION: Southern Red Rock - Sayre
Sayre Mine Road
Sayre, AL 35139
Jefferson County
T15S, RW, and S20

PERMIT NUMBER: AL0081248

DSN & RECEIVING STREAM: 001-1 Locust Fork

*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

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# PART I DISCHARGE LIMITATIONS, CONDITIONS, AND REQUIREMENTS

## A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

### 1. Active Mining 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. Except as provided in Parts I.A.2. and 3., 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] |
| Specific Conductance<br>00095 | ------- | Report<br>µS/cm | Report<br>µS/cm | Grab | 2/Month |
| Sulfate (As S)<br>00154 | ------- | Report<br>mg/L | Report<br>mg/L | Grab | 2/Month |
| pH<br>00400 | 6.0<br>s.u. | ------- | 9.0<br>s.u. | Grab | 2/Month |
| Solids, Total Suspended<br>00530 | ------- | 35.0<br>mg/L | 70.0<br>mg/L | Grab | 2/Month |
| Iron, Total (As Fe)<br>01045 | ------- | 3.0<br>mg/L | 6.0<br>mg/L | Grab | 2/Month |
| Manganese, Total (As Mn)<br>01055 | ------- | 2.0<br>mg/L | 4.0<br>mg/L | Grab | 2/Month |
| Flow, In Conduit or Thru Treatment Plant[2]<br>50050 | ------- | Report<br>MGD | Report<br>MGD | Instantaneous | 2/Month |
| Toxicity, Ceriodaphnia Acute[3]<br>61425 | ------- | ------- | 0<br>pass(0)/fail(1) | Grab | 1/Quarter |
| Toxicity, Ceriodaphnia Chronic[4]<br>61426 | ------- | ------- | 0<br>pass(0)/fail(1) | Grab | 1/Quarter |
| Toxicity, Pimephales Acute[3]<br>61427 | ------- | ------- | 0<br>pass(0)/fail(1) | Grab | 1/Quarter |
| Toxicity, Pimephales Chronic[4]<br>61428 | ------- | ------- | 0<br>pass(0)/fail(1) | Grab | 1/Quarter |
| Solids, Total Dissolved (TDS)<br>70296 | ------- | Report<br>mg/L | Report<br>mg/L | Grab | 1/Quarter |

[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.
[3] See Part IV.B. for Effluent Toxicity Limitations and Biomonitoring Requirements for Acute Toxicity.
[4] See Part IV.C for Effluent toxicity Limitations and Biomonitoring Requirements for Chronic Toxicity.

## 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 in accordance with plans and specifications approved by the ASMC, if applicable. This requirement shall not apply to pumped discharges from the underground works of underground coal mines where no surface structure is required by the ASMC, 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. 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. Except as provided in Parts IV.B. and C., the Permittee shall collect samples of the discharge from each constructed and certified point source identified on Page 1 of this Permit and described more fully in the Permittee's application, at the frequency specified in Part I.A. Analysis of the samples shall be conducted for the parameters specified in Part I.A.

b. For each permitted, constructed, and certified point source which results from direct pumped drainage from the underground works of an underground coal mine or from surface drainage, if the final effluent is pumped in order to discharge (e.g. incised ponds, old highwall cuts, old pit areas or depressions), at least one grab sample from the permitted point source shall be obtained and analyzed each quarterly (three month) monitoring period if a discharge occurs at any time during the quarterly monitoring period.

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

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

2.

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. If required by the Director, 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.c. 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.

**3. Reduction, Suspension, or Termination of Monitoring and/or Reporting Requirements**

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

(3) The Permittee has certified to the Director that the 100% Bond Release has been granted by the Alabama Surface Mining Commission for all areas disturbed in the drainage basin(s) associated with the discharge;

(4) 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;

(5) 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;

(6) 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;

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

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

(9) The Permittee has certified to the Director in writing as part of the request, its compliance with (1) through (8) 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.

c. If monitoring reductions or releases have been granted by the Department for requirements under a previous permit version, permit requirements shall remain reduced or released for the approved outfalls. However, should any changes occur at the site or discharge conditions upon which the monitoring reduction or release was based, the Permittee is required to notify the Department in writing and immediately resume the monitoring and reporting requirements.

d. The Department may require the Permittee in writing to resume monitoring requirements for released outfalls pursuant to Part I.B of the NPDES Permit.

## 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. 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.

**3. 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:

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

(2) 96-hour median tolerance limit data for organisms representative of the biota of the water(s) which the discharge(s) enter(s);

(3) Quantities to be used;

(4) Frequencies of use;

(5) Proposed discharge concentrations; and

(6) 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.

**4. Facility Identification**

3. 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(s).

4.

**5. 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.

**6. 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.

**7. 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.1.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.

b. If the Permittee wishes to establish the affirmative defense of an upset for technology-based effluent limit noncompliance, the Permittee must demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the Permittee can identify the specific cause(s) of the upset;

(2) The wastewater treatment facility was at the time being properly operated in accordance with Part II.B.d.

(3) The Permittee submitted notice of the noncompliance during the upset as required by Part II.B.2.c; and

(4) The Permittee complied with any remedial measures required under Part II.A.7. of this Permit.

c. If the Permittee wishes to establish the affirmative defense of an upset for technology-based effluent limit noncompliance, the Permittee shall:

(1) No later than 24-hours after becoming aware of the occurrence of the upset, orally report the occurrence and circumstances of the upset to the Director in accordance with Part I.G.2.; and

(2) No later than five (5) days after becoming aware of the occurrence of the upset, furnish 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.

d. 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 eligible to be considered as a result of an upset 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.

e. The Permittee has the burden of proof in defense of any enforcement action as a result of noncompliance of technology-based effluent limits the Permittee proposes to attribute to an upset.

## 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. Requirements for Metals, Cyanide, and Phenols Monitoring and Reporting**

a. For all outfalls, the Permittee shall collect a sample of the discharge to be analyzed for antimony, arsenic, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, zinc, cyanide, and phenols no later six months following the effective date of the Permit. The analyses shall be submitted on EPA Form 2C and received by the Department no later than 28 days following six months after the effective date of the Permit.

b. For all outfalls, should a discharge not occur within the first six months following the effective date of this Permit, the Permittee shall collect a sample of the discharge to be analyzed for antimony, arsenic, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, zinc, cyanide, and phenols no later than six months following the date of the first discharge. The analyses shall be submitted on EPA Form 2C

and received by the Department no later than 28 days following six months after the first discharge.

c. Parts II.C.3.a. and b. do not apply for any outfall that is represented by analyses conducted at a substantially similar outfall as indicated on EPA Form 2C or 2D.

d. The Permit shall be reopened, if required, to address any new information resulting from the completion and submittal of the data referenced in Parts II.C.3.a. and b.

**4. 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.

e. If this permit was issued for a "new discharger" or "new source" associated with a "surface coal mine" it shall expire eighteen months after issuance if "construction" has not begun during that eighteen-month period, unless the Permittee has not started "construction" pending issuance of a permit by the "ASMC" and at the time the NPDES permit was issued had complied with the application requirements of the "ASMC" Administrative Code Title 880. In such cases, the NPDES permit shall expire 18 months after issuance of the "ASMC" permit if "construction" has not begun during that eighteen-month period. This period shall be tolled by any administrative request for hearing or an administrative or judicial stay.

**5. 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.

**6. 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.

**7. 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. **Applications must be submitted electronically via the Department's current electronic permitting system. The Department's current online permitting system, Alabama Environmental Permitting and Compliance System (AEPACS), can be found online at https://aepacs.adem.alabama.gov/nviro/ncore/external/home.**

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 as 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 subject to penalties and/or imprisonment as provided by the AWPCA and/or the AEMA.

### 3. Permit Enforcement

5. 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. Acid or ferruginous mine drainage - means mine drainage which, before any treatment, either has a pH of less than 6 or a total iron concentration equal to or greater than 10 mg/l.

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

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

6.

4. Alkaline mine drainage - means mine drainage which, before any treatment, has a pH equal to or greater than 6.0 and total iron concentration of less than 10 mg/l.

7.

5. 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).

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

7. BOD - means the five-day measure of the pollutant parameter biochemical oxygen demand

8. Bypass - means the intentional diversion of waste streams from any portion of a treatment facility.

9. CBOD - means the five-day measure of the pollutant parameter carbonaceous biochemical oxygen demand.

8.

10. Coal Mine - means an area, on or beneath land, used or disturbed in activities related to the extraction, removal, or recovery of coal from natural or artificial deposits, including active mining and reclamation.

11. Coal Preparation Plant - means a facility where coal is subjected to cleaning, concentrating, or other processing or preparation in order to separate coal from its impurities and then is loaded for transit to a consuming facility.

12. Coal Preparation Plant Associated Areas - means the coal preparation plant yards, immediate access roads, coal refuse piles and coal storage piles and facilities.

13. Coal Preparation Plant Water Circuit - means all pipes, channels, basins, tanks, and all other structures and equipment that convey, contain, treat, or process any water that is used in coal preparation processes within a coal preparation plant.

14. Coal Refuse Disposal Pile - means any coal refuse deposited on the earth and intended as permanent disposal or long-term storage (greater than 180 days) of such material, but does not include coal refuse deposited within the active mining area or coal refuse never removed from the active mining area.

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

9.

16. 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.

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

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

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

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

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

22. 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).

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

24. DO - means dissolved oxygen.

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

26. 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.

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

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

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

30. 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).

31. 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.

32. 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.

33. 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.

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

35. MGD - means million gallons per day.

36. 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.)

37. 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.

38. 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.

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

40. 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.

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

42. 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).

43. 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.

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

45. 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.

46. 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.

47. 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".

48. 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.

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

50. 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.

51. 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.

10.

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

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

54. TRC - means Total Residual Chlorine.

55. TSS – means the pollutant parameter Total Suspended Solids

56. Total Year-to-Date discharge limitation - means the sum of the discharge mass flow rates of a pollutant on all previous days within a calendar year. For days when data has not been collected, the mass flow rates shall be assumed to be equal to the most recent calculated daily mass flow rate.

57. 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.

58. 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.

59. 24-hour precipitation event - means that amount of precipitation which occurs within any 24-hour period.

60. 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.

61. 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.

62. 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.

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

64. 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.

# PART IV SPECIAL REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

## A. 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.

## B. EFFLUENT TOXICITY LIMITATIONS AND BIOMONITORING REQUIREMENTS FOR ACUTE TOXICITY

Except as provided below, the Permittee shall perform 48-hour acute toxicity screening tests on the discharges required to be tested for acute toxicity in Part I.A. of this Permit.

The Permittee may certify, in writing, that the activities at the site at the time of sample collection will result in representative discharges, and therefore perform the toxicity tests on only the samples collected from the representative outfalls. The certification must be signed by a responsible official of the Permittee as defined in ADEM Admin Code r. 335-6-6-.09 and include the following statement:

> "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."

### 1. Test Requirements

a. The tests shall be performed using undiluted effluent.

b. Any test where survival in the effluent concentration is less than 90% and statistically lower than the control indicates acute toxicity and constitutes noncompliance with this Permit.

**2. General Test Requirements**

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

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

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

d. Should results from five consecutive testing periods indicate that the effluent does not exhibit acute toxicity, the Permittee may request, in writing, that the Toxicity monitoring and reporting requirements be suspended. It remains the responsibility of the Permittee to comply with the Toxicity monitoring and reporting requirements until written authorization to suspend the monitoring and reporting is received by the Permittee from the Director.

11.

**3. Reporting Requirements**

a. The Permittee shall notify the Department in writing within 48 hours after toxicity has been demonstrated by the scheduled test(s).

b. Biomonitoring test results obtained during each monitoring period shall be summarized and reported using the appropriate Discharge Monitoring Report (DMR) form approved by the Department. In accordance with Section 6. of this part, an effluent toxicity report containing the information in Section 6. shall be included with the DMR. Two copies of the test results must be submitted to the Department no later than 28 days after the month in which the tests were performed.

**4. Additional Testing Requirements**

a. If acute toxicity is indicated (noncompliance with permit limit), the Permittee shall perform two additional valid acute toxicity tests in accordance with these procedures. The toxicity tests shall be performed on new samples collected during the first discharge event after becoming aware of the acute toxicity. The additional samples shall be collected a minimum of 12 hours apart, or sooner if the discharge is not expected to continue for 12 hours. In the event that the discharge ceases prior to collection of the second additional sample, the sample shall be collected during the beginning of the next discharge event. The results of these tests shall be submitted no later than 28 days following the month in which the tests were performed. Additional testing sample collection and analysis timeframes may be extended, as necessary, to obtain the samples during discharges.

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

**5. Test Methods**

The tests shall be performed in accordance with the latest edition of the "EPA Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms" and shall be performed using the fathead minnow (*Pimephales promelas*) and the cladoceran (*Ceriodaphnia dubia*).

**6. Effluent Toxicity Testing Reports**

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

a. Introduction

(1) Facility Name, location and county

(2) Permit number

(3) Toxicity testing requirements of permit

(4) Name of receiving water body

(5) Contract laboratory information (if tests are performed under contract)

(i) Name of firm

(ii) Telephone number

(iii) Address

(6) Objective of test

b. Plant Operations

(1) Discharge operating schedule (if other than continuous)

(2) Volume of discharge during sample collection to include Mean daily discharge on sample collection date (MGD, CFS, GPM)

c. Source of Effluent Water and Dilution Water

(1) Effluent samples

(i) Sample point

(ii) Sample collection dates and times

(iii) Sample collection method

(iv) Physical and chemical data of undiluted effluent samples (water temperature, pH, alkalinity, hardness, specific conductance, total residual chlorine (if applicable), etc.)

(v) Sample temperature when received at the laboratory

(vi) Lapsed time from sample collection to delivery

(vii) Lapsed time from sample collection to test initiation

12.

(2) Dilution Water samples

(i) Source

(ii) Collection date(s) and time(s) (where applicable)

(iii) Pretreatment (if applicable)

(iv) Physical and chemical characteristics (pH, hardness, water temperature, alkalinity, specific conductivity, etc.)

d. Test Conditions

(1) Toxicity test method utilized

(2) End point(s) of test

(3) Deviations from referenced method, if any, and reason(s)

(4) Date and time test started

(5) Date and time test terminated

(6) Type and volume of test chambers

(7) Volume of solution per chamber

(8) Number of organisms per test chamber

(9) Number of replicate test chambers per treatment

(10) Test temperature, pH and dissolved oxygen as recommended by the method (to include ranges)

(11) Feeding frequency, and amount and type of food

(12) Light intensity (mean)

e. Test Organisms

(1) Scientific name

(2) Life stage and age

(3) Source

(4) Disease treatment (if applicable)

f. Quality Assurance

(1) Reference toxicant utilized and source

(2) Date and time of most recent acute reference toxicant test(s), raw data, and current cusum chart(s)

(3) Results of reference toxicant test(s) (LC50, etc.), report concentration-response relationship and evaluate test sensitivity. The most recent reference toxicant test shall be conducted within 30-days of the routine.

(4) Physical and chemical methods utilized

g. Results

(1) Provide raw toxicity data in tabular form, including daily records of affected organisms in each concentration (including controls) and replicate

(2) Provide table of endpoints: LC50, NOAEC, Pass/Fail (as required in the applicable NPDES permit)

(3) Indicate statistical methods used to calculate endpoints

(4) Provide all physical and chemical data required by method

(5) Results of test(s) (LC50, NOAEC, Pass/Fail, etc.), report concentration-response relationship (definitive test only), report percent minimum significant difference (PMSD)

h. Conclusions and Recommendations

(1) Relationship between test endpoints and permit limits

(2) Action to be taken

## C. EFFLUENT TOXICITY LIMITATIONS AND BIOMONITORING REQUIREMENTS FOR CHRONIC TOXICITY

Except as provided below, the Permittee shall perform short-term chronic toxicity tests on the discharges required to be tested for chronic toxicity by Part I.A. of this permit.

The Permittee may certify, in writing, that the activities at the site at the time of sample collection will result in representative discharges, and therefore perform the toxicity tests on only the samples collected from the representative outfalls. The certification must be signed by a responsible official of the Permittee as defined in ADEM Admin Code r. 335-6-6-.09 and include the following statement:

> "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."

### 1. Test Requirements (Screening Test)

a. The tests shall be performed using undiluted effluent.

b. Any test result that shows a statistically significant reduction in survival, growth or reproduction between the control and the test at the 95% confidence level indicate chronic toxicity and constitute noncompliance with this permit.

**2. General Test Requirements**

a. A grab sample shall be obtained for use in the above biomonitoring tests and collected every other day so that the laboratory receives water samples on the first, third and fifth day of the seven-day test period. The holding time for each sample shall not exceed 36 hours, unless sample collection was not possible due to discharge cessation. The control water shall be a water prepared in the laboratory in accordance with the EPA procedure described in EPA 821-R-02-013 or the most current edition or another control water selected by the Permittee and approved by the Department.

b. Should the discharge cease prior to the third grab sample on the fifth day of discharge, the chronic test shall be terminated early and the code "NODI=F" shall be reported on the DMR to indicate insufficient flow. A report of insufficient flow shall not indicate noncompliance with the chronic toxicity testing requirements.

c. Effluent toxicity tests in which the control survival is less than 80%, *P. promelas* dry weight per surviving control organism is less than 0.25 mg, Ceriodaphnia number of young per surviving control organism is less than 15, Ceriodaphnia reproduction where less than 60% of surviving control females produce three broods or in which the other requirements of the EPA Test Procedure are not met shall be unacceptable and the Permittee shall rerun the tests as soon as practical within the monitoring period.

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

13.

e. Should results from five consecutive testing periods indicate that the effluent does not exhibit chronic toxicity, the Permittee may request, in writing, that the Toxicity monitoring and reporting requirements be suspended. It remains the responsibility of the Permittee to comply with the Toxicity monitoring and reporting requirements until written authorization to suspend the monitoring and reporting is received by the Permittee from the Director.

**3. Reporting Requirements**

a. The Permittee shall notify the Department in writing within 48 hours after toxicity has been demonstrated by the scheduled test(s).

b. Biomonitoring test results obtained during each monitoring period shall be summarized and reported using the appropriate Discharge Monitoring Report (DMR) form approved by the Department. In accordance with Section 6. of this part, an effluent toxicity report containing the information in Section 6. shall be included with the DMR. Two copies of the test results must be submitted to the Department no later than 28 days after the month in which the tests were performed.

**4. Additional Testing Requirements**

a. If chronic toxicity is indicated (noncompliance with permit limit), the Permittee shall perform two additional valid chronic toxicity tests in accordance with these procedures. The toxicity tests shall be performed on new samples collected during the first discharge event after becoming aware of the chronic toxicity. The additional samples shall be collected a minimum of 12 hours apart, or sooner if the discharge is not expected to continue for 12 hours. In the event that the discharge ceases prior to collection of the second additional sample, the sample shall be collected during the beginning of the next discharge event. The results of these tests shall be submitted no later than 28 days following the month in which the tests were performed. Additional testing sample collection and analysis timeframes may be extended, as necessary, to obtain the samples during discharges.

b. After evaluation of the results of the additional tests, the Department will determine if additional action is appropriate and may require additional testing and/or toxicity reduction measures. The Permittee may be required to perform a Toxicity Identification Evaluation (TIE) and/or a Toxicity

Reduction Evaluation (TRE). The TIE/TRE shall be performed in accordance with the most recent protocols/guidance outlined by EPA (e.g., EPA/600/2-88/062, EPA/600/R-92/080, EPA/600/R-92/081, EPA/833/B-99/022 and/or EPA/600/6-91/005F, etc.).

**5. Test Methods**

The tests shall be performed in accordance with the latest edition of the "EPA Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms." The Larval Survival and Growth Test, Methods 1000.0, shall be used for the fathead minnow (*Pimephales promelas*) test and the Survival and Reproduction Test, Method 1002.0, shall be used for the cladoceran (*Ceriodaphnia dubia*) test.

**6. Effluent Toxicity Testing Reports**

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

a. Introduction

(1) Facility name, location and county

(2) Permit number

(3) Toxicity testing requirements of permit

(4) Name of receiving water body

(5) Contract laboratory information (if tests are performed under contract)

(i) Name of firm

(ii) Telephone number

(iii) Address

(6) Objective of test

b. Plant Operations

(1) Discharge Operating schedule (if other than continuous)

(2) Volume of discharge during sample collection to include Mean daily discharge on sample collection dates (MGD, CFS, GPM)

(3) Design flow of treatment facility at time of sampling

c. Source of Effluent and Dilution Water

(1) Effluent samples

(i) Sampling point

(ii) Sample collection dates and times

(iii) Sample collection method

(iv) Physical and chemical data of undiluted effluent samples (water temperature, pH, alkalinity, hardness, specific conductance, total residual chlorine (if applicable), etc.)

(v) Lapsed time from sample collection to delivery

(vi) Lapsed time from sample collection to test initiation

(vii) Sample temperature when received at the laboratory

(2) Dilution Water

(i) Source

(ii) Collection/preparation date(s) and time(s)

(iii) Pretreatment (if applicable)

(iv) Physical and chemical characteristics (water temperature, pH, alkalinity, hardness, specific conductance, etc.)

d. Test Conditions

(1) Toxicity test method utilized

(2) End point(s) of test

(3) Deviations from referenced method, if any, and reason(s)

(4) Date and time test started

(5) Date and time test terminated

(6) Type and volume of test chambers

(7) Volume of solution per chamber

(8) Number of organisms per test chamber

(9) Number of replicate test chambers per treatment

(10) Test temperature, pH and dissolved oxygen as recommended by the method (to include ranges)

(11) Specify if aeration was needed

(12) Feeding frequency, amount and type of food

(13) Specify if (and how) pH control measures were implemented

(14) Light intensity (mean)

14.

e. Test Organisms

(1) Scientific name

(2) Life stage and age

(3) Source

(4) Disease(s) treatment (if applicable)

f. Quality Assurance

(1) Reference toxicant utilized and source

(2) Date and time of most recent chronic reference toxicant test(s), raw data and current control chart(s). The most recent chronic reference toxicant test shall be conducted within 30 days of the routine.

(3) Dilution water utilized in reference toxicant test

(4) Results of reference toxicant test(s) (NOEC, IC25, PASS/FAIL, etc.), report concentration-response relationship and evaluate test sensitivity

(5) Physical and chemical methods utilized

g. Results

(1) Provide raw toxicity data in tabular form, including daily records of affected organisms in each concentration (including controls) and replicate

(2) Provide table of endpoints: NOECs, IC25s, PASS/FAIL, etc. (as required in the applicable NPDES permit)

(3) Indicate statistical methods used to calculate endpoints

(4) Provide all physical and chemical data required by method

(5) Results of test(s) (NOEC, IC25, PASS/FAIL, etc.), report concentration-response relationship (definitive test only), report percent minimum significant difference (PMSD) calculated for sublethal endpoints determined by hypothesis testing.

h. Conclusions and Recommendations

(1) Relationship between test endpoints and permit limits

(2) Actions to be taken

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**
**WATER DIVISION**

**NPDES INDIVIDUAL PERMIT RATIONALE**

| | |
|---|---|
| **Company Name:** | Southern Red Rock, LLC |
| **Facility Name:** | Southern Red Rock - Sayre |
| **County:** | Jefferson |
| **Permit Number:** | AL0081248 |
| **Prepared by:** | Clint Dear |
| **Date:** | May 26, 2022 |
| **Receiving Waters:** | Locust Fork of the Black Warrior River |
| **Permit Coverage**: | Red Rock Mining and Associated Areas |
| **SIC Code:** | 1429 |

The Department has made a tentative determination that the available information is adequate to support reissuance and modification of this permit. The modification covers the addition of Chronic Toxicity. The modification also covers the frequency change to 2/Month for Specific Conductance and Sulfate.

This proposed permit covers a red rock mine and associated areas.

The applicant has leased a 4.5 acre area of red rock for recovery that is surrounded by over 30 acres of dry basins associated with former coal mining activities. The applicant has proposed to use the surrounding basins in the treatment of the stormwater originating on the 4.5 acres of red rock recovery, due to the lack of space within the leased property to construct a basin. However, because these basins are located outside of the proposed permitted area, the outfall will be located within a drainage way to the basins at the edge of the permitted area. The drainage way will contain check dams to minimize sediment draining to the basins. The sampling location will be located at a Department approved alternative location between the existing basins and Locust Fork of the Black Warrior River.

This proposed permit authorizes treated discharges into stream segments, other State waters, or local watersheds that currently have a water quality use classification of Fish and Wildlife (F&W) (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.

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 streams.

The Department has utilized 40 CFR Part 434 and ADEM Admin. Code r. 335-6-10-.09 for coal mining to determine appropriate discharge limitations (pH, Total Suspended Solids, Total Iron as Fe, and Total Manganese as Mn) for red rock mining, because red rock is a product of coal mining and pollutants are

expected to be similar. The active mining discharge limitations for Toxicity are based on ADEM Admin. Code r. 335-6-10-.09(1)(c)1(iv).

The instream water quality standards for pH in streams classified as F&W are 6.0 – 8.5 s.u. per ADEM Admin. Code r. 335-6-10-.09. However, due to the fact that discharges are expected only in response to rain events, it is the opinion of the Department that discharges with an allowable pH daily maximum of 9.0 s.u. will not adversely affect the instream pH based on the low discharge/stream flow ratio.

The additional effluent and Toxicity monitoring is required so that future determinations can be made as to whether or not a reasonable potential to cause or contribute to an excursion of numeric or narrative water quality standards exists.

The applicant has, in accordance with 40 CFR Part 122.21 and their NPDES permit application, submitted representative data relative to metals, cyanide, and total phenols as part of the application. The data is a result of a sample taken in-pond at a nearby red rock mining site covered under NPDES Permit No. AL0059684. The Department has accepted the data from an in-pond ample because dischargers from the site are rare, and a sample from a discharge was not attainable for analysis. The Department has acknowledged that the other Part A, B, and C pollutants listed in EPA Form 2C and 2D are not believed present in the waste stream due to the processes involved in the mining activity. Therefore, testing for the other Part A, B, and C pollutants listed in EPA Form 2C and 2D is not required.

The ELGs of 40 CFR Part 434.62 allow the pH level in the final discharge to exceed 9.0 s.u. when neutralization and sedimentation treatment technology results in the Permittee's inability to comply with the applicable total manganese limitations. The acidity and metals composition of each discharge is unique and sometimes a pH value of 10.5 is necessary for the removal of manganese. However, the discharge shall not cause the in-stream pH to deviate more than 1.0 s.u. from the normal or natural pH, nor be less than 6.0 s.u., nor greater than 8.5 s.u. in accordance with ADEM Admin. Code r. 335-6-10-.09.

The precipitation event discharge limitations for the daily minimum and maximum for pH and the daily maximums for Total Iron as Fe and Settleable Solids are afforded under certain conditions and do not apply automatically. These alternative technology based limits are based on the ELGs for precipitation events found in 40 CFR Part 434.63.

Additional effluent monitoring for Specific Conductance, Sulfate as S, Total Dissolved Solids (TDS), and Acute/Chronic Whole Effluent Toxicity (WET) testing is required so that future determinations can be made as to whether or not a reasonable potential to cause or contribute to an excursion of numeric or narrative WQS exists from this and similar discharges.

The applicant has, in accordance with 40 CFR Part 122.21 and their NPDES permit application, submitted representative effluent and background stream data for metals, cyanide, and total phenols as part of the application. The Department has acknowledged that the other Part A, B, and C pollutants listed in EPA Form 2C and 2D are not believed to be present in the waste stream due to the processes involved in the mining activity. Therefore, testing for the other Part A, B, and C pollutants listed in EPA Form 2C and 2D is not required. The Department has reviewed available data in ALAWADR, ADEM's water quality database, and found nothing to contradict the data submitted by the applicant.

The Department completed a reasonable potential analysis (RPA) of the discharges based on the laboratory data provided in the application. The RPA indicates whether or not pollutants in treated effluent have the potential to contribute to excursions of Alabama's in-stream WQS. Based on the analytical data submitted by the Permittee, the RPA indicates that there was no reasonable potential for instream WQS to be exceeded.

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.

In accordance with ADEM Admin. Code r. 335-6-3-.07 the design professional engineer (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.

The Pollution Abatement/Prevention (PAP) plan for this facility has been prepared by a 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. By Memorandum of Understanding with the Alabama Surface Mining Commission (ASMC) the PAP for coal operations is reviewed/approved by ASMC. 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.

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 § 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.

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 pollutant(s) to a water of the State with an approved Total Maximum Daily Load (TMDL).

The applicant is not proposing 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.

Facility Name: **Southern Red Rock, LLC - Southern Red Rock - Sayre**

NPDES No.: **AL0081248** **Outfalls 001-1** [1234]

| | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | Human Health Consumption Fish only (µg/l) | | | | | |
| | **Freshwater F&W classification.** | | | Freshwater Acute (µg/l) $Q_s$ =1Q10 | | | | | | Freshwater Chronic (µg/l) $Q_s$ = 7Q10 | | | | | | Carcinogen $Q_s$ = Annual Average Non-Carcinogen $Q_s$ = 7Q10 | | | |
| ID | Pollutant | RP? | Carcinogen yes | Background Instream (Cs) Daily Max | Max Daily Discharge as reported by Applicant[4] ($C_{dmax}$) | Water Quality Criteria ($C_r$) | Draft Permit Limit ($C_{dmax}$) | 20% of Draft Permit Limit | RP? | Background Instream (Cs) Monthly Ave | Avg Daily Discharge as reported by Applicant ($C_{davg}$)[4] | Water Quality Criteria ($C_r$) | Draft Permit Limit ($C_{davg}$) | 20% of Draft Permit Limit | RP? | Water Quality Criteria ($C_r$) | Draft Permit Limit ($C_{davg}$) | 20% of Draft Permit Limit | RP? |
| 1 | Antimony | | | 0 | 0 | - | - | - | - | 0 | 0 | - | - | - | - | 3.73E+02 | 2.47E+06 | 4.94E+05 | No |
| 2 | Arsenic | | YES | 0 | 0 | 340.000 | 1717118.835 | 343423.767 | No | 0 | 0 | 150.000 | 992246.193 | 198449.239 | No | 3.03E-01 | 9.58E+04 | 1.92E+04 | No |
| 3 | Berylium | | | 0 | 0 | - | - | - | - | 0 | 0 | - | - | - | - | - | - | - | - |
| 4 | Cadmium | | | 0 | 1.03 | 2.014 | 10170.031 | 2034.006 | No | 0 | 1.03 | 0.246 | 1627.260 | 325.452 | No | - | - | - | - |
| 5 | Chromium/ Chromium III | | | 0 | 2.16 | 569.763 | 2877504.685 | 575500.937 | No | 0 | 2.16 | 74.115 | 490265.682 | 98053.136 | No | - | - | - | - |
| 6 | Chromium/ Chromium VI | | | 0 | 2.16 | 16.000 | 80805.592 | 16161.118 | No | 0 | 2.16 | 11.000 | 72764.721 | 14552.944 | No | - | - | - | - |
| 7 | Copper | | | 0 | 57.2 | 13.439 | 67872.219 | 13574.444 | No | 0 | 57.2 | 8.956 | 59242.068 | 11848.414 | No | 1.30E+03 | 8.60E+06 | 1.72E+06 | No |
| 8 | Lead | | | 0 | 0 | 64.581 | 326158.549 | 65231.710 | No | 0 | 0 | 2.517 | 16647.534 | 3329.507 | No | - | - | - | - |
| 9 | Mercury | | | 0 | 0 | 2.400 | 12120.839 | 2424.168 | No | 0 | 0 | 0.012 | 79.380 | 15.876 | No | 4.24E-02 | 2.81E+02 | 5.61E+01 | No |
| 10 | Nickel | | | 0 | 84.6 | 468.236 | 2364754.349 | 472950.870 | No | 0 | 84.6 | 102.983 | 681231.561 | 136246.312 | No | 1.97E+03 | 1.30E+07 | 2.60E+06 | No |
| 11 | Selenium | | | 0 | 3.23 | 20.000 | 101006.990 | 20201.398 | No | 0 | 3.23 | 5.000 | 33074.873 | 6614.975 | No | 2.43E+03 | 1.61E+07 | 3.22E+06 | No |
| 12 | Silver | | | 0 | 0.47 | 3.217 | 16245.748 | 3249.150 | No | 0 | 0.47 | - | - | - | - | - | - | - | - |
| 13 | Thallium | | | 0 | 0 | - | - | - | - | 0 | 0 | - | - | - | - | 2.74E-01 | 1.81E+03 | 3.62E+02 | No |
| 14 | Zinc | | | 0 | 161.4 | 117.180 | 591802.250 | 118360.450 | No | 0 | 161.4 | 118.139 | 781486.390 | 156297.278 | No | 1.49E+04 | 9.85E+07 | 1.97E+07 | No |
| 15 | Cyanide | | | 0 | 0 | 22.000 | 111107.689 | 22221.538 | No | 0 | 0 | 5.200 | 34397.868 | 6879.574 | No | 9.33E+03 | 6.17E+07 | 1.23E+07 | No |
| 16 | Total Phenolic Compounds | | | 0 | 0 | - | - | - | - | 0 | 0 | - | - | - | - | - | - | - | - |
| 17 | Hardness (As CaCO3) | | | 0 | 0 | - | - | - | - | 0 | 0 | - | - | - | - | - | - | - | - |

[1]Outfalls 001-1 discharges to an Unnamed Tributary to Locust Fork. The 7Q10 for the receiving stream is 30.7 cfs.
This is the receiving stream flow value used in the calculations.

[2]Outfall 001-1 is reported to have a discharge flow rate of .003 MGD. This is the discharge flow rate used in the calculations.

[3]A hardness of 100 mg/L was used in the calculations based on submitted data sampled from AL0081248.

[4]Discharge data for all parameters are a result of an inpond sample obtained from Outfall 002-1 at AL0059684 (Southern Red Rock) on January 5, 2016.

# Atkins Engineering, LLC

Civil & Environmental Engineering and Consulting

May 5, 2017

ATTN: Michael T. Bergh
Alabama Department of Environmental Management
Mining and Natural Resources Section - Water Division
PO Box 301463 Montgomery, Alabama 36130-1463

**RE: Renewal Request Submittal**
**Proposed Southern Red Rock, Sayre**
**Jefferson County**

Dear Sirs:

Enclosed is the Form 315 and supporting documents completed for the above referenced site. If you have any questions or need additional information, feel free to call me at (205) 388-0147.

Sincerely,
Atkins Engineering, LLC.

Brian Atkins

Brian Atkins, P.E.
Principal Owner

176 Richardson Road Jasper, AL 35504
Tel: (205) 388.0147 Fax: (205) 302.0705

**LANCE R. LEFLEUR**
DIRECTOR

**ROBERT J. BENTLEY**
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

NOV 17 2016

Mr. Burke Wakefield
Principal Owner
Southern Red Rock, LLC
1080 3rd Street
Pleasant Grove, Alabama 35127

RE: Permit Renewal Notice
NPDES Permit No. AL0081248
Sayre Mine
Jefferson County (073)

Dear Mr. Wakefield:

Our records indicate that the "Sayre Mine" NPDES Permit is scheduled to expire on October 31, 2017. Departmental regulations require a completed NPDES permit application for reissuance and the appropriate processing fee be submitted in such a manner that the documents and fee arrive at the Department's Montgomery office no later than **180 days** before the permit expiration date. For NPDES Permit No. AL0081248, a complete reissuance application and fee must be received by May 4, 2017.

ADEM Admin. Code r. 335-6-9-.05 requires that all surface mining operations must have a valid NPDES Permit. If the permit will no longer be required, the regulations require the submittal of a notice to that effect. That notice is also required to be submitted no later than 180 days prior to permit expiration.

The required application form (ADEM Form 315) can be found on the Department's website at http://www.adem.state.al.us/DeptForms/Form315.pdf. Before processing your application, the Department must receive all application fees applicable for the facility. The application fee can be found within ADEM Admin. Code r. 335-1- 6. All fees paid pursuant to the regulation requirements are non-refundable. Please complete and return a copy of the appropriate pages of the permit application with the necessary fees to:

**Alabama Department of Environmental Management**
**Mining and Natural Resource Section**
**Water Division**
**Post Office Box 301463**
**Montgomery, Alabama 36130-1463**

Should you have any questions or comments concerning this letter, please contact me by phone at (334) 274-4238 or by email at mtbergh@adem.alabama.gov.

Sincerely,

Michael T. Bergh

Michael T. Bergh
Mining and Natural Resources Section
Water Division

File: EXPL / 42666

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

## 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, RECLAMATION, AND ASSOCIATED AREAS

R# 17-41751 M. Bergh $5280.00

INSTRUCTIONS: 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 IN INK ONLY.

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

RECEIVED
MAY 02 2017
STORM WATER MANAGEMENT BRANCH

| NPDES Permit Number (Not applicable if initial permit application): | County(s) in which Facility is Located: |
|---|---|
| AL 0081248 | Jefferson |

| Company/Permittee Name: | | | Facility Name (*e.g.*, Mine Name, Pit Name, *etc.*): | | |
|---|---|---|---|---|---|
| Southern Red Rock, LLC. | | | Southern Red Rock - Sayre | | |
| Mailing Address of Company/Permittee: | | | Physical Address of Facility (as near as possible to entrance): | | |
| 1080 3rd St. | | | Sayre Mine Road Rd. - Sayre, Al. off Old Highway 78 | | |
| City: | State: | Zip: | City: | State: | Zip: |
| Pleasant Grove | Al. | 35127 | Sayre | Al. | 35139 |
| Permittee Phone Number: | Permittee Fax Number: | | Latitude and Longitude of entrance: | | |
| (205)966-3346 | Not Available | | 33* 43' 03.99 86* 58'27.50" | | |

| Responsible Official (as described on page 13 of this application): | | | Responsible Official Title: | | |
|---|---|---|---|---|---|
| Burke Wakefield | | | Principal Owner | | |
| Mailing Address of Responsible Official: | | | Physical Address of Responsible Official: | | |
| 1080 3rd St. | | | 542 Jordan Lane | | |
| City: | State: | Zip: | City: | State: | Zip: |
| Pleasant Grove | AL. | 35127 | Sylvan Springs | AL. | 35518 |
| Phone Number of Responsible Official: | Fax Number of Responsible Official: | | Email Address of Responsible Official: | | |
| (205)966-3346 | Not Available | | brjwakefield@aol.com | | |

| Facility Contact: | | | Facility Contact Title: | |
|---|---|---|---|---|
| Burke Wakefield | | | Principal Owner | |
| Physical Address of Facility Contact: | | | Phone Number of Facility Contact: | Fax Number of Facility Contact: |
| 1080 3rd St. | | | (205)966-3346 | Not Available |
| City: | State: | Zip: | Email Address of Facility Contact: | |
| Pleasant Grove | AL. | 35127 | brjwakefield@aol.com | |

II. MEMBER INFORMATION

A. Identify the name, title/position, and unless waived in writing by the Department, the residence address of every officer, 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 (P.O. Box is Not Acceptable) |
|---|---|---|
| Tammy Wakefield | Registered Agent | 542 Jordan Lane, Sylvan Springs AL. 35518 |
| | | (205)744-7629 |
| | | |

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 or single proprietorship, 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: N/A

D. Land Owner(s): Drummond Coal, Leased Red Rock Boundary to Southern Red Rock

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

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 license to mine suspended or revoked? | ☐ | ☑ |
| (3) An Alabama or federal mining permit suspended or terminated? | ☐ | ☑ |
| (4) A reclamation bond, or similar security deposited in lieu of a bond, or portion thereof, forfeited? | ☐ | ☑ |
| (5) A bond or similar security deposited in lieu of a bond, or portion thereof, the purpose of which was to secure compliance with any requirement of the Alabama Water Improvement Commission or Alabama Department of Environmental Management, 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 months) 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 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 Industrial Relations (ADIR), or other agency, to the applicant, parent corporation, subsidiary, or LLC member for this facility whether presently effective, expired, suspended, revoked, or terminated:

None

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, ASMC, or ADIR, to the applicant, parent corporation, subsidiary, or LLC member for other facilities whether presently effective, expired, suspended, revoked, or terminated:

Southern Red Rock - Pleasant Grove Mine AL0059684

VI. PROPOSED SCHEDULE

Anticipated Activity Commencement Date: Jan. 2011 Anticipated Activity Completion Date: 2022

VII. ACTIVITY DESCRIPTION & INFORMATION

A. Proposed Total Area of the Permitted Site: 10 acres Proposed Total Disturbed Area of the Permitted Site: 4.5 acres

B. Township(s), Range(s), Section(s): 15S, 4W, 20

C. Detailed Directions to Site: From Birmingham, Old Highway 78 West to Sayre Mine Road, to Gated Drummond Haul Road

D. Is/ will this facility:

| | | 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 ADIR permit coverage? | ☐ | ☑ |
| (11) | generate, treat, store, or dispose of hazardous or toxic waste ? (If "Yes," attach a detailed explanation.) | ☐ | ☑ |
| (12) | 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 | ____Sand &/or Gravel | ____Chalk | ____Talc | ____Crushed rock (other) |
| ____Bentonite | ____Industrial Sand | ____Marble | ____Shale &/or Common Clay | ____Sandstone |
| ____Coal | ____Kaolin | ____Coal fines/refuse recovery | ____Coal product, coke | 100% Slag, Red Rock |
| ____Fire clay | ____Iron ore | ____Dimension stone | ____Phosphate rock | ____Granite |
| ____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
- ☐ Construction related temporary borrow pits/areas
- ☑ Mineral transportation ___rail ___barge ✓ truck
- ☐ Preparation plant waste recovery
- ☐ Hydraulic mining, dredging, instream or between stream-bank mining
- ☐ Grading, clearing, grubbing, *etc.*
- ☐ Pre-construction ponded water removal
- ☑ Excavation
- ☐ Pre-mining logging or land clearing
- ☐ Waterbody relocation or other alteration
- ☐ Creek/stream crossings
- ☐ 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: _____

B. Primary SIC Code: 1429 Description: Crushed Stone

Secondary SIC Code(s): _____ Description: _____

C. Narrative Description of the Activity: Mining of construction aggregate (red rock) with stockpiling, loading, and transport off site via trucks

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* | *Contents* | *Volume* | *Contents* | *Volume* | *Contents* |
|---|---|---|---|---|---|
| _____gallons | _____ | _____gallons | _____ | _____gallons | _____ |
| _____gallons | _____ | _____gallons | _____ | _____gallons | _____ |

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 is 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 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
(k) Buildings and structures, including fuel/water tanks
(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 XII (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), whether or not the stream is included in a TMDL, latitude and longitude (to seconds) of location(s) of each discharge point, distance of receiving water from outfall in feet, number of disturbed acres, the number of drainage acres which will drain through each treatment system, outfall, or BMP, and if the outfall discharges to an ADEM listed CWA Section 303(d) waterbody segment at the time of application submittal.

| Action | Outfall E/P | Receiving Water | Latitude | Longitude | Distance to Rec. Water | Disturbed Acres | Drainage Acres | ADEM WUC | 303(d) Segment (Y/N) | TMDL Segment* (Y/N) |
|---|---|---|---|---|---|---|---|---|---|---|
| Re- | P-001 | UT Locust Fork | 33*43'04.34" | 86*58'27.80" | 200 ft | 4.5 | 10 | F/W | No | No |
| Issue | | of Warrior River | | | | | | | | |
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*If a TMDL Compliance Schedule is requested, the following should be attached as supporting documentation: (1) Justification for the requested Compliance Schedule (e.g. time for design and installation of control equipment, etc.); (2) Monitoring results for the pollutant(s) of concern which have not previously been submitted to the Department (sample collection dates, analytical results (mass and concentration), methods utilized, MDL/ML, etc. should be reported as available); (3) Requested interim limitations, if applicable; (4) Date of final compliance with the TMDL limitations; and (5) Any other additional information available to support the requested compliance schedule.

XVI. DISCHARGE CHARACTERIZATION

A. Modified EPA Form 2C Submittal

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

☑ No, the applicant does not request a waiver and a complete modified EPA Form 2C is attached.

B. The applicant is required to supply the following information separately for every P or E outfall. If necessary, attach extra sheets. 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 (C), average pH in standard units, average daily discharge in pounds per day of $BOD_5$, Total Suspended Solids, Total Iron, Total Manganese, and Total Aluminum (if bauxite or bauxitic clay):

| Outfall E/P | Information Source - # of Samples | Flow cfs | Flow gpd | Frequency hours/day | Frequency days/mth | 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 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| P | 1 Sample* | <0.1 | 3.1K** | 24 | 30.4 | 21.9 | 6.28 | 0.015 | 0.077 | 0.0025 | 0.0002 | 0.002 |
| | | | | | | | 5.89** | | | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| | * Initial Sample | | **Based | | | | *** | | | | | |
| | was taken from | | on 56" | | | | Field | | | | | |
| | standing water | | per year | | | | Test | | | | | |
| | on site | | 10 Ac. | | | | | | | | | |
| | | | Basin | | | | | | | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |

C. The applicant is required to supply the following information separately for every P or E outfall. If necessary, attach extra sheets. Identify and list expected average daily discharge in pounds per day of any other pollutant(s) listed in EPA Form 2C, Item V – Intake And Effluent Characteristics, Parts A, B, & C that are not referenced in Part XV.B., 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 | lbs/day | lbs/day | lbs/day | lbs/day | lbs/day | lbs/day | lbs/day | lbs/day |
| Attached | EPA 2C Form | | | | | | | | | | |
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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 | Other |
|---|---|---|---|---|---|---|---|---|
| P-001 | Open Channel | Excavation of Red Rock from | Yes* | No | No | Yes | No | |
| | with Rip Rap Checks | Former Mine Lease Boundary | | | | | | |
| | | (10) | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | *Site has not experinced | discharge due to existing | | | | | | |
| | sedimentation areas | which are porous Red Rock | | | | | | |
| | | | | | | | | |
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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**: Excavation of Red Rock from Former Mine Lease Boundary.

XVIII. PROPOSED NEW OR INCREASED DISCHARGES

A. Pursuant to ADEM Admin. Code Chapter 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 (XVII.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?

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

XIX. POLLUTION ABATEMENT PLAN (PAP) SUMMARY

**Outfall(s):** E-001

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

☐ The applicant has completed the surface water discharge alternatives analysis and has supporting documentation, including annualized costs for each technically feasible alternative available for review upon request

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

| |
|---|
| No new sediment basins are recommended, the lease site is less than 5 acres. |
| Existing Sediment basins are in place beyond site lease boundary, these basins are 50% filled with coal fines. |
| Lease agreement includes measures for protection of coal fines from additional siltation as a recoverable resource. |
| Staged Rip Rap checks provide control of site drainage, no discharges have occurred during previous permit period |
| due to the porous nature of the Red Rock Excavation areas which are disturbed. |
| The facility lease boundary has no ponds in series. |
| No Stream Crossings are present. |
| |
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| |

XX. POLLUTION ABATEMENT PLAN (PAP) REVIEW CHECKLIST

| Y | N | N/A | |
|---|---|---|---|
| ✓ | | | PE Seal with License # |
| ✓ | | | Name and Address of Operator |
| ✓ | | | Legal Description of Facility |
| | | | **General Information:** |
| ✓ | | | Name of Company |
| ✓ | | | Number of Employees |
| ✓ | | | Products to be Mined |
| ✓ | | | Hours of Operation |
| ✓ | | | Water Supply and Disposition |
| | | | **Topographic Map:** |
| ✓ | | | Mine Location |
| | ✓ | | Location of Prep Plant |
| | ✓ | | Location of Treatment Basins |
| ✓ | | | Location of Discharge Points |
| ✓ | | | Location of Adjacent Streams |
| | | | **1"- 500' or Equivalent Facility Map:** |
| ✓ | | | Drainage Patterns |
| ✓ | | | Mining Details |
| ✓ | | | All Roads, Structures Detailed |
| ✓ | | | All Treatment Structures Detailed |
| | | | **Detailed Design Diagrams:** |
| ✓ | | | Plan Views |
| ✓ | | | Cross-section Views |
| ✓ | | | Method of Diverting Runoff to Treatment Basins |
| | | | **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 |
| ✓ | | | Schedule of Cleaning and/or abandonment |
| | | | **Other:** |
| ✓ | | | Precipitation/Volume Calculations/Diagram Attached |
| ✓ | | | BMP Plan for Haul Roads |
| ✓ | | | Measures for Minimizing Impacts to Adjacent Stream i.e., Buffer Strips, Berms, etc. |
| ✓ | | | Methods for Minimizing Nonpoint Source Discharges |
| ✓ | | | 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):**

| |
|---|
| Facility has no wet prep plant, only dry prep, screening, crushing. |
| No new basins are proposed, site is less than 5 Acres. |
| Existing Sediment basins are in place from historical mining operations, these basins are 50% filled with coal fines. |
| Lease agreement includes measures for protection of coal fines from additional siltation as a recoverable resource. |

XXI. 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.

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 and Individual NPDES Permit prior to commencement of any land disturbance. Such 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 Industrial Relations (ADIR) 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. Send the completed form, supporting documentation, and the appropriate fees 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.state.al.us
www.adem.alabama.gov

XXII. PROFESSIONAL ENGINEER (PE) CERTIFICATION

A detailed, comprehensive Pollution Abatement/Prevention Plan (PAP) must be prepared, signed, and certified by a professional engineer (PE), registered in the State of Alabama 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."

Address 176 Richardson Road, Jasper, Al. 35504

PE Registration # 27797

Name and Title (type or print) Brian Atkins, P.E.

Phone Number (205)388-0147

Signature

Date Signed 5/1/17

XXIII. RESPONSIBLE OFFICIAL SIGNATURE*

This application must be signed 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.

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.

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.

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."

Name (type or print) Burke Wakefield

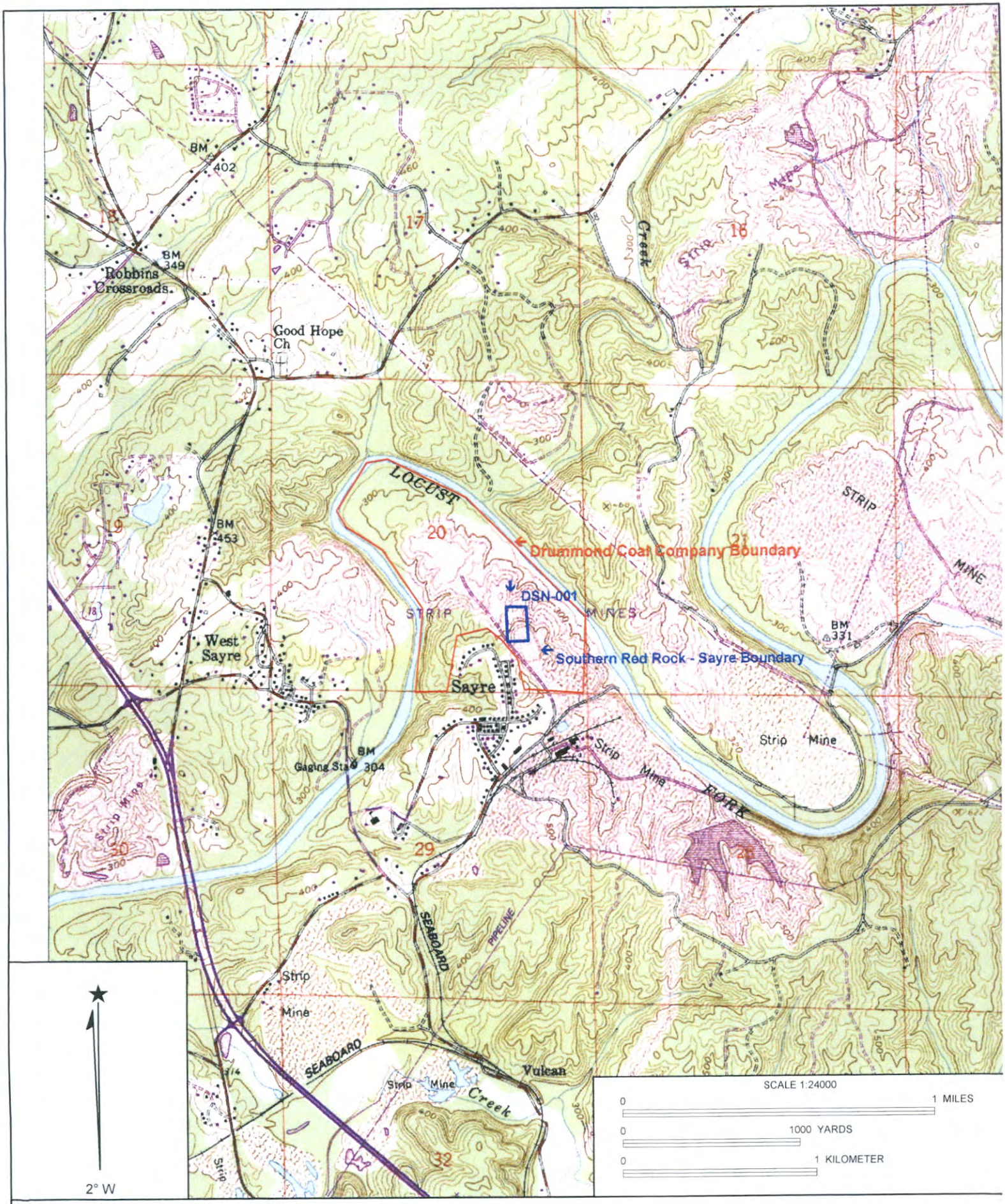
Official Title Principal Owner

Signature

Date Signed 5/1/17

*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.




Name: BROOKSIDE
Date: 5/31/2011
Scale: 1 inch equals 2000 feet

Location: 033° 43' 04.34" N 086° 58' 27.80" W NAD 27
Caption: Figrue 1 - Site Location Map
Southern Red Rock Sayre

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ATKINS ENGINEERING, LLC

CIVIL AND ENVIRONMENTAL ENGINEERING AND CONSULTING

PROJECT No.

DRAWING No.

SEAL

TITLE Figure 2 - Site Aerial

Individual MNPS Permit Application
Southern Red Rock - Sayre
Sayre Mine Road, Sayre, Alabama

| DRAWN BY | CHECKED BY | SCALE | DATE |
|---|---|---|---|
| B. Atkins | N/A | 1" approx. 150' | 11-29-11 |

SGS

# Analysis Report

January 10, 2012

**F410501 SGS NORTH AMERICA INC**
216 OXMOOR CIRCLE
BIRMINGHAM AL 35209



ATTN: BILL MURPHY

| | | | |
|---|---|---|---|
| Client Sample ID: | SAYRE WATER SOUTHERN RE | Sample Point: | SAYREWATER SOUTHERN RED RO |
| Date Sampled: | Dec 12, 2011 | Mine: | |
| Date Received: | Dec 19, 2011 | Control Number: | |
| Product Description: | WATER | Method: | GRAB |
| Comments: | "Note: Reporting limit is the method detection limit." | | |

**SGS Minerals Sample ID: 411-1168295-001**

| TESTS | RESULT | UNIT | METHOD | REPORTING LIMIT | ANALYZED DATE | TIME | ANALYST |
|---|---|---|---|---|---|---|---|
| pH | 5.89 | s. u. | SM 4500-H+ | 0.01 | 2011-12-22 | 09:30:09 | MS |
| Total Suspended Solids | <3 | mg/L | SM 2540 D | 3 | 2011-12-22 | 08:20:31 | PM |
| **GENERAL WATER QUALITY** | | | | | | | |
| Oxygen Demand, Biochemical (BOD5) | 6.00 | mg/L | SM 5210 B | 2.12 | 2011-12-20 | 11:20:22 | MS |
| **METALS BY ICP** | | | | | | | |
| Aluminum, Al - Total | 0.071 | mg/L | EPA 200.7 | 0.002 | 2011-12-20 | 12:00:30 | PV |
| Calcium, Ca - Total | 23.3 | mg/L | EPA 200.7 | 2 | 2011-12-20 | 12:00:30 | PV |
| Iron, Fe - Total | 0.100 | mg/L | EPA 200.7 | 0.002 | 2011-12-20 | 12:00:30 | PV |
| Magnesium, Mg - Total | 17.0 | mg/L | EPA 200.7 | 2 | 2011-12-20 | 12:00:30 | PV |
| Manganese, Mn - Total | 0.007 | mg/L | EPA 200.7 | 0.002 | 2011-12-20 | 12:00:30 | PV |

Marilyn Smith
Water Services Manager



*This document is issued by the Company under its General Conditions of Service accessible at http://www.sgs.com/terms_and_conditions.htm. Attention is drawn to the limitation of liability, indemnification and jurisdiction issues defined therein.*

*Any holder of this document is advised that information contained hereon reflects the Company's findings at the time of its intervention only and within the limits of Client's instructions, if any. The Company's sole responsibility is to its Client and this document does not exonerate parties to a transaction from exercising all their rights and obligations under the transaction documents. Any unauthorized alteration, forgery or falsification of the content or appearance of this document is unlawful and offenders may be prosecuted to the fullest extent of the law*

# Atkins Engineering, LLC

Civil & Environmental Engineering and Consulting

December 11, 2012

*Catherine McNeill -ADEM*
*Mining and Natural Resource Section*
Post Office Box 301463
Montgomery, Alabama 36130-1463

**RE: Outfall Sampling Point Request**
**Southern Red Rock Sayre– AL0081248**

Ms. McNeil,
The above referenced permit was issued with designation of the outfall point at the lease boundary of the site which lies within a historically mined area. Based on the drainage features leaving the lease boundary, the stormwater from the site travels through existing series of coal certified settling basins for greater than 1200 ft. prior to possible discharge to the Black Warrior River.

Since the ultimate compliance point of any site is the discharge to the receiving steam, Southern Red Rock would request that compliance samples be designated for collection at the entry to the Black Warrior River, not their lease boundary. We have attached the permit authorization and a site map locating the requested Latitude and Longitude for the proposed sampling point. If you have any questions, feel free to call me at (205)388-0147.

Thanks,

Brian Atkins

Brian Atkins, P.E.
Atkins Engineering
(205) 388-0147

176 Richardson Road Jasper, AL 35504
Tel: (205) 388.0147 Fax: (205) 302.0705

ADEM
Alabama Department of Environmental Management

# NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM INDIVIDUAL PERMIT

PERMITTEE: Southern Red Rock, LLC
1803 3rd Street
Pleasant Grove, AL 35127

FACILITY LOCATION: Southern Red Rock - Sayre
Sayre Mine Road
Sayre, AL 35139
Jefferson County
T15S, R4W, S20

PERMIT NUMBER: AL0081248

DSN & RECEIVING STREAM: 001-1 Locust Fork of the Black Warrior River

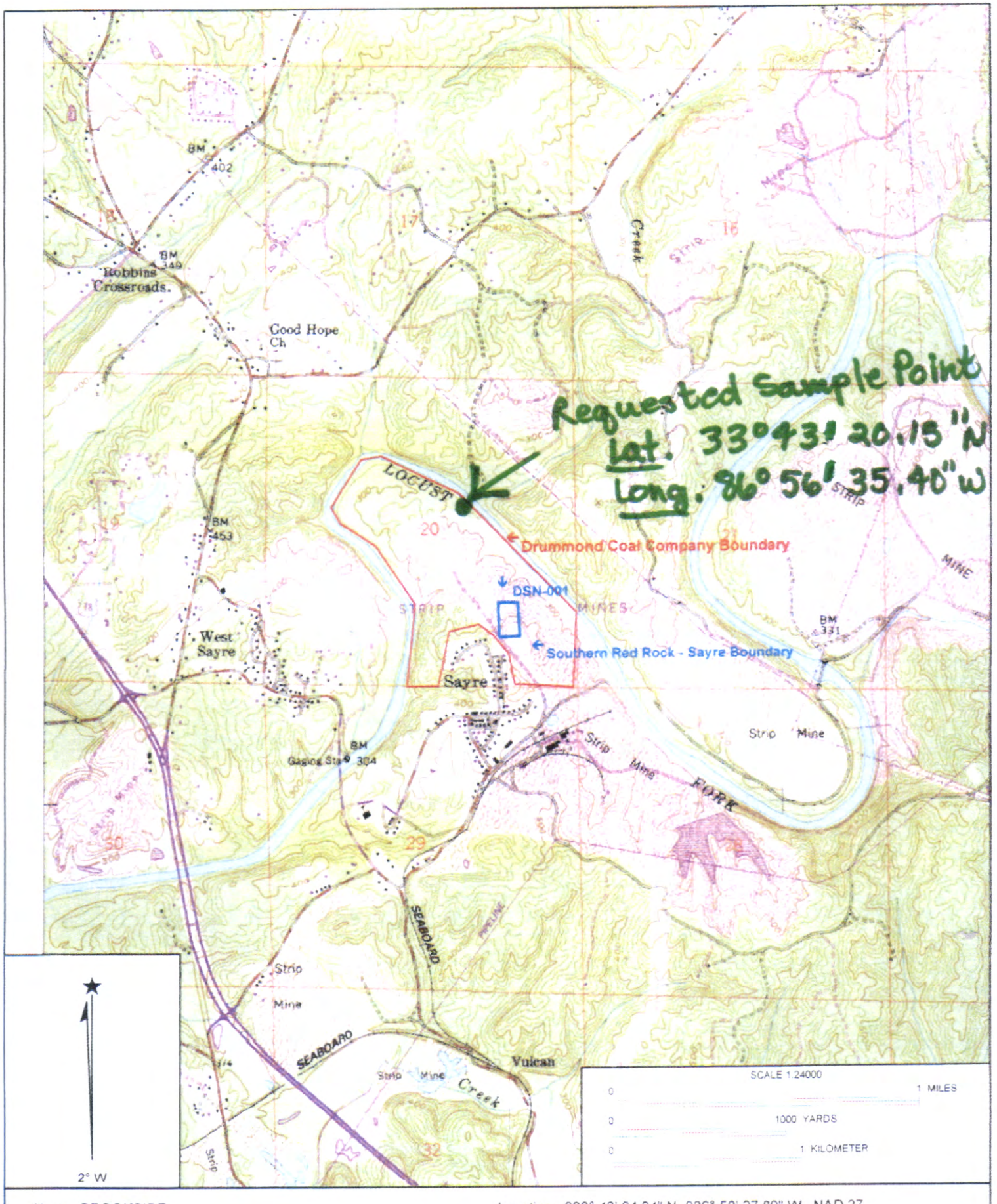
*In accordance with and subject to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1378 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (the "AWPCA"), the Alabama Environmental Management Act, as amended, Code of Alabama 1975, §§22-22A-1 to 22-22A-16, 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: November 1, 2012

EFFECTIVE DATE: November 1, 2012

EXPIRATION DATE: October 31, 2017

Glenda L. Doan
Alabama Department of Environmental Management




Name: BROOKSIDE
Date: 5/31/2011
Scale: 1 inch equals 2000 feet

Location: 033° 43' 04.34" N 086° 58' 27.80" W NAD 27
Caption: Figrue 1 - Site Location Map
Southern Red Rock Sayre

Copyright (C) 1999, Maptech, Inc

# Pollution Abatement And Prevention Plan Permit No. AL0081248

Prepared for:
Southern Red Rock, LLC
1080 3rd Street
Pleasant Grove, Alabama 35127

Sayre Red Rock Facility
Sayre Mine Road, Sayre, Alabama

Prepared by:
**Atkins Engineering, LLC**
176 Richardson Road
Jasper, Alabama 35504

May 2017

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Appendix A.....Sample DMR



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## SECTION 1
## POLLUTION ABATEMENT PLAN

The purpose of this Pollution Abatement Plan is to outline cost effective material management practices which minimize erosion, minimize or eliminate exposure of significant materials to storm water, and to outline planned storm water pollution control construction designed to improve storm water quality. This Plan also addresses employee training for spill prevention, preventative maintenance, and spill countermeasures.



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## SECTION 2
## FACILITY LOCATION

Sayre Red Rock (SAYRE) is located in Section 20, Township 15 South, Range 4 West, in Sayre, Jefferson County, Alabama. The facility is located at latitude N33°43'04", longitude W86°58'27", at the location indicated in Figure 1. The facility has one discharge point designated as outfall DSN 001P on Figure 2. An aerial photograph of the outfall is shown as Figure 3. The outfall discharges to an unnamed tributary of the Locust Fork of Warrior River.



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# SECTION 3
# SITE INDUSTRIAL ACTIVITIES

## 3.1 DESCRIPTION OF FACILITY ACTIVITIES

SAYRE will mine red rock gravel for wholesale. These materials are handled on-site by front-end loaders, track hoes, dump trucks, and rock crushers. Materials are typically mined, crushed, stockpiled, and loaded onto dump trucks for shipment off-site. Ancillary operations include portable fueling of material handling equipment from mobile fuel sources, maintenance of on-site equipment, materials weighing, and maintenance of the yard area and access roads. The site will maintain 3 employees with 8 AM to 5 PM operation.

## 3.2 MATERIAL HANDLING PRACTICES AND SIGNIFICANT MATERIALS EXPOSED TO PERCIPITATION

Portable diesel fueling operations will be conducted outdoors and incidental spillage is exposed to precipitation. No permanent storage tanks will be maintained on the site. All incidental spillage is handled as per typical good housekeeping and spill prevention measures described within this plan. Material handling equipment, sand, gravel, and other inert materials are also exposed to precipitation. The yard is compacted soil and gravel, and their will be exposed portions of buildings and scales.

## 3.3 SURVEY OF NON-STORM WATER DISCHARGES

On April 14, 2017, Mr. Brian Atkins, P.E. of Atkins Engineering, LLC visually surveyed the facility. A facility boundary map was compared to existing on-site conditions and facility processes. No undocumented discharges are believed present.



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## 3.4 SIGNIFICANT LEAKS AND SPILLS

The site has no current history of spill events.

## 3.5 NPDES MONITORING REQUIREMENTS

Upon traversing the drainage area and proposed site discharge point, it was noted that there are over 30 acres of dry basins associated with former coal mining activities at the site that completely surround the proposed facility. The basins are silted with coal fines that are very worthy to Drummond Coal Company, with whom the Red Rock Recovery lease is made. Not only will sedimentation affect the NPDES permit requirements, but the protection of the coal fines will be mandatory in order to maintain the site lease. These basins are so expansive and filled with fines that the drainage pathways between the series of ponds disappear into the massive fines like a sponge. Based on interpolation between the depth of fines in the ponds, and the height of the berms and dams which separate the basins from the river, there is approximately a depth of fines of 20-25 feet. These basins were pre-law coal sedimentation ponds with a standpipe discharge the Locust Fork of the Warrior River, which was silted over by the expansive coal fines.

Prior to exiting the site lease boundary, the stormwater at the site will be contained in a series of drainage ways and sedimentation areas that will filter and promote infiltration at the site. The expansive red rock cover at the site promotes infiltration of stormwater vs. runoff, very similar to the Pleasant Grove Red Rock facility. The most recent site stormwater observation visit was following a rain event that was greater than 1.5 inches of rain within an approximate 24 hour period with no sign of a discharge from the immediate Red Rock Lease Boundary. For typical stormwater characteristics representative of a possible site discharge, the similar discharge at the Pleasant Grove Red Rock facility (AL0059684) was included within updated EPA 2C forms in the renewal application.



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The Sayre Red Rock permit will require periodic testing of storm water from the designated outfall if a discharge were to occur. The permit will require collection of at least one grab sample of the storm water from the site every other week should a discharge occur. If no discharges occur during the monitoring period, then a record of such will be filed on DMRs.

NO discharges have occurred from the facility within the historic permit period. Although the site discharge is proposed for the drainage way leaving the red rock recovery area, the site compliance sampling point was designated as the ultimate potential discharge from the former mine settling ponds to the Locust Fork of Warrior River. The proposed discharge from the site is still designated in this manner since no historic discharges have taken place, and no discharges are expected.

Compliance parameters included pH, TSS, Fe, Mn, Al, and Flow. Proposed permit reporting is detailed in Appendix A on the sample DMR form provided for a currently permitted, similar facility.

## 3.6 POTENTIAL SOURCES OF SUSPENDED SOLIDS AND OIL AND GREASE

All exposed soil in the material storage yard, the gravel parking areas, and earth embankments are potential erosion zones, and potential sources of suspended solids in storm water runoff. All visible signs of erosion, such as rutting, slumping and broad wash-out zones are known areas of suspended solids generation and require immediate corrective action.

Potential sources of oil and grease include broken hydraulic hoses, fuel spills, waste oil/maintenance spills, and leaking equipment. Leaking equipment and spills are known sources of oil and grease, and require immediate maintenance and cleanup.


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## SECTION 4
## POLLUTION ABATEMENT CONTROLS

### 4.1 SITE DRAINAGE

The SAYRE facility is designed for storm water to sheet flow northeasterly towards sedimentation areas within the lease boundary. Should the site experience any discharge, existing mine settling basins are in place off site which would prevent discharge waters from reaching the Locust Fork of Warrior River. In the historical operations of the site, there have been no discharges from the lease boundary to the mine settling basins, and there is no evidence of the offsite mine basins discharging to the Warrior River.

It is necessary to maintain positive drainage from all leased areas into the sedimentation areas preventing stormwater from leaving the Red Rock excavations. This is necessary to minimize the volume of water that stands in the processing areas allowing the area to stay dry with minimal down time during rainy periods. Regular maintenance of the drainage features is required to insure positive drainage away from excavation work areas.

Currently, the site drainage ways appear to be working in the manner proposed for the site stormwater control. At the time of the site visit, a 1.5 inch rain event over 24 hours had occurred with no sign of discharge to the existing the site lease boundary. However, over time, sediment will accumulate. When sedimentation areas reach 60% capacity with sediment, then it will be necessary to dredge the accumulated sediment from the areas. The sediment used for fill as needed on-site, or sold as construction material/aggregate.

Phasing of mining activities on-site will provide for the existing sedimentation areas to maintain adequate capacity for sediment retention throughout future operations. The current 4.5 acre phase of operations will be expected to continue for a minimum of four years, with a maximum of 10 acres to be mined within any additional future phases.



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## 4.2 OUTFALL 001P CONTAINMENT BERMS

Earthen berms will be present within the major drainage way leading to the site discharge designated as 001P. The berms serve as containment for storm water to be treated and eventually infiltrate the site prior to reaching the permitted discharge. The structural integrity of the berms is essential for proper storm water management at the site. Therefore, regular inspection and maintenance of the berms is required.

## 4.3 RED ROCK SCREENING and WASHING

Red Rock will be screened prior to hauling from the site. The screen area will require inspection periodically to prevent dust and solids accumulation which could result in suspended solids issues. There will be no washing of materials at the site.

## 4.4 RED ROCK STORAGE

Screened red rock will be stockpiled prior to shipment off-site. The red rock stockpile areas will require inspection periodically to prevent dust and solids accumulation which could result in suspended solids issues.

## 4.5 EROSION PREVENTION AND REMEDIATION

Most of the flow across the SAYRE facility is sheet flow. However, occasionally, rutting and rill erosion will develop. When this happens, it will be necessary to grade or fill the area to maintain sheet flow.

Some areas of the facility are not used for storage nor traffic. It is recommended to establish turf grass on these areas. Proper seed selection and soil preparation is required to establish turf grass. A turf grass selection chart is available upon request.



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Areas to be planted must be disked or scarified prior to planting. Rough slope surfaces are preferred because they aid the establishment of vegetation, improve water infiltration, and decrease runoff velocity. Graded areas with smooth, hard surfaces may be initially attractive, but such surfaces increase the potential for erosion. A rough, loose soil surface gives a mulching effect that protects fertilizer and seed. Nicks in the surface are cooler and provide more favorable moisture conditions than hard, smooth surfaces; this aids seed germination.

There are different methods for achieving a roughened soil surface on a slope, and the selection of an appropriate method depends upon the type of slope. Tracking with equipment perpendicular to the slope, is a reliable method of scarification for industrial sites. Easily accessed areas may be plowed, disked, or scarified in a similar manner.

After the area has been prepared and seeded, it will be necessary to mulch the seed to obtain a significant germination rate. A light covering of hay, straw, or grass clippings will greatly increase the effectiveness of a turf grass planting program. It may be necessary to re-seed steep slopes (such as the banks of the drainage channel) several times before a suitable stand of turf grass is established.

## 4.6 OPEN CHANNEL MAINTENANCE

Several open channel flow ditches are present on the site. The dashed blue lines in Figure 2 represent those ditches. These ditches require periodic maintenance to drain effectively, and may change location as mining continues. The open channel ditches should remain stable due to their excavated nature into the red rock which is being mined. If necessary, the ditches' cross-section should be repaired to resemble the appropriate standard designs shown on Figures 4 and 5.


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## 4.7 GOOD HOUSEKEEPING

Limiting the materials exposed to storm water along with good housekeeping practices is a cost-efficient and effective method of maintaining storm water quality. Used tires, obsolete equipment, disabled vehicles, and miscellaneous debris should be removed from the site as part of regular facility maintenance.

## 4.8 GENERAL EROSION CONTROL MEASURES

Much of the storm water flow across the SAYRE facility is sheet flow. However, the potential exists for erosion channels to develop. If erosion channels develop, the area will be graded smooth and then seeded and mulched to maintain sheet flow. However, if the erosion channel appears to be chronic, it will be necessary to build an erosion resistant water course. Examples of typical engineered water courses and culvert outlet protection designs are shown in Figures 4 and 5.

## 4.9 SEDIMENTATION AREAS

The facility is graded to drain storm water towards the sedimentation areas prior to leaving the site. If a discharge were to occur, stormwater would exit the site through outfall 001P, into open channel ditches which flow to existing mine sedimentation ponds. To facilitate a controlled discharge, rock filter berms are used as the primary discharge control method.

The sedimentation areas on-site are in-sized with no discharge typically occurring. The areas will not typically experienced a discharge due to the high permeability of the on site materials leading to low run-off coefficients within the disturbed areas. The primary purpose of the sedimentation areas is to remove suspended solids from the storm water prior to discharge. If the full pool depth of the areas becomes less than four feet, then it may become necessary to dredge the areas to increase their storm water retention time. The sedimentation areas must be maintained throughout the permit life.

Dredged material from the sedimentation areas will be stock-piled and evaluated. If possible, dredges will be sold as construction aggregate. Otherwise, dredges will be used as on-site fill material.

Should site discharges occur from the sedimentation areas they will enter a series of existing mining basins at the site. The mining basins are expansive and prevent any stormwater discharge to the Locust Fork of Warrior River due to the historical coal fines retaining the majority of volume within the basins. Although the site discharge has been permitted at the drainage way leaving the red rock recovery area, the site compliance sampling point will be designated as the discharge from the mine settling ponds to the Locust Fork of Warrior River.

## 4.10 PETROLEUM USE AND STORAGE CONTROLS

Portable diesel fueling operations will be conducted at the site. No permanent storage tanks will be maintained on the site. All incidental spillage will be handled as per typical good housekeeping and spill prevention measures within this plan. General controls include incidental spill clean-up, inspection, secondary containment measures, and fuel handling administrative controls.

## 4.11 WASTEWATER TREATMENT

Sediment areas prior to 001P may exhibit low pH typical of mine runoff, and may require treatment prior to discharge. Typical treatment methods include application of quicklime (calcium carbonate, CaC03), or application of hydrated lime, (also known as calcium hydroxide, or milk of lime, $Ca(OH)_2$ ). Quicklime is a fine dry powder that can be applied to the inlet channels of the sedimentation areas. This type of treatment requires regular applications of quicklime and regular monitoring. For faster wastewater treatment, the liquid milk of lime can be pumped into the sedimentation areas. Both treatment methods are effective, but require several hours of contact time before any pH adjustment can be measured.

The volumes of "quicklime" or "milk of lime" necessary to modify the pH to within discharge limits is best determined empirically. With experience, the operator will become familiar with the necessary volumes of lime and required reaction times to produce the desired pH. The pH will be periodically checked from representative runoff at the site even if there are no discharges in order to be prepared for treatment should a stormwater discharge event occur. A facility process diagram is included as Figure 6.



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# SECTION 5
# SITE RECLAMATION

## 5.1 FINAL RECLAMATION

The site manager will ensure completion of the following steps during the mine's final reclamation, within two (2) years of the termination of mining activities at the site:

1. All mining and processing equipment (mobile or stationary) will be removed from the site.
2. Any portable fuel/lubricant storage vessels will be removed.
3. All man-made structures will be removed or demolished; any remains of such structures will be disposed of or recycled off-site.
4. Any remaining stockpiles of material will be transported elsewhere for sale, or utilized in the mine's reclamation.
5. Areas mined for red-rock will be graded to a 3:1 or flatter slope where necessary to minimize future erosion of topsoil, and to prevent bodies of standing water (other than reclaimed pits or settling ponds) from forming.
6. Gullies and washouts will be repaired by backfilling with soil or red-rock riprap, and stabilized with vegetative cover where appropriate
7. All lands shall be reclaimed to a neat, clean condition by removing litter, junk, worn-out or unuseable equipment, and cables.
8. Best management practices will be utilized to minimize erosion.
9. A suitable berm or backsloping will be employed along the tops of sheer walls above all benches to prevent uncontrolled surface runoff over the sheer wall.



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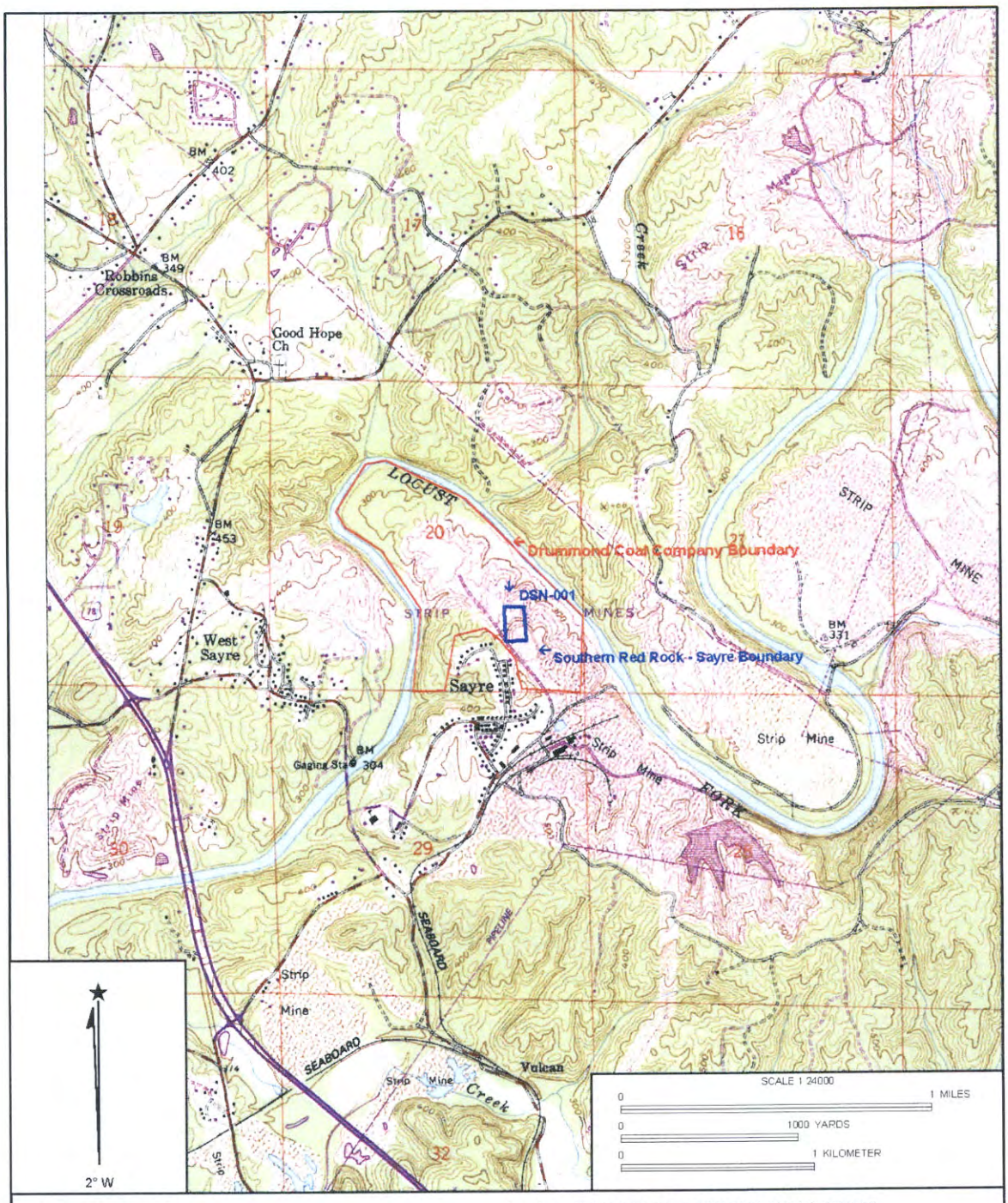
# FIGURES

**List of Figures:**

Figure 1.....Vicinity Map
Figure 2.....Outfall Map
Figure 3.....Aerial Photograph
Figure 4.....Improved Drainage Channel Design
Figure 5.....Facility Process Diagram




Name: BROOKSIDE
Date: 5/31/2011
Scale: 1 inch equals 2000 feet

Location: 033° 43' 04.34" N 086° 58' 27.80" W NAD 27
Caption: Figrue 1 - Site Location Map
Southern Red Rock Sayre

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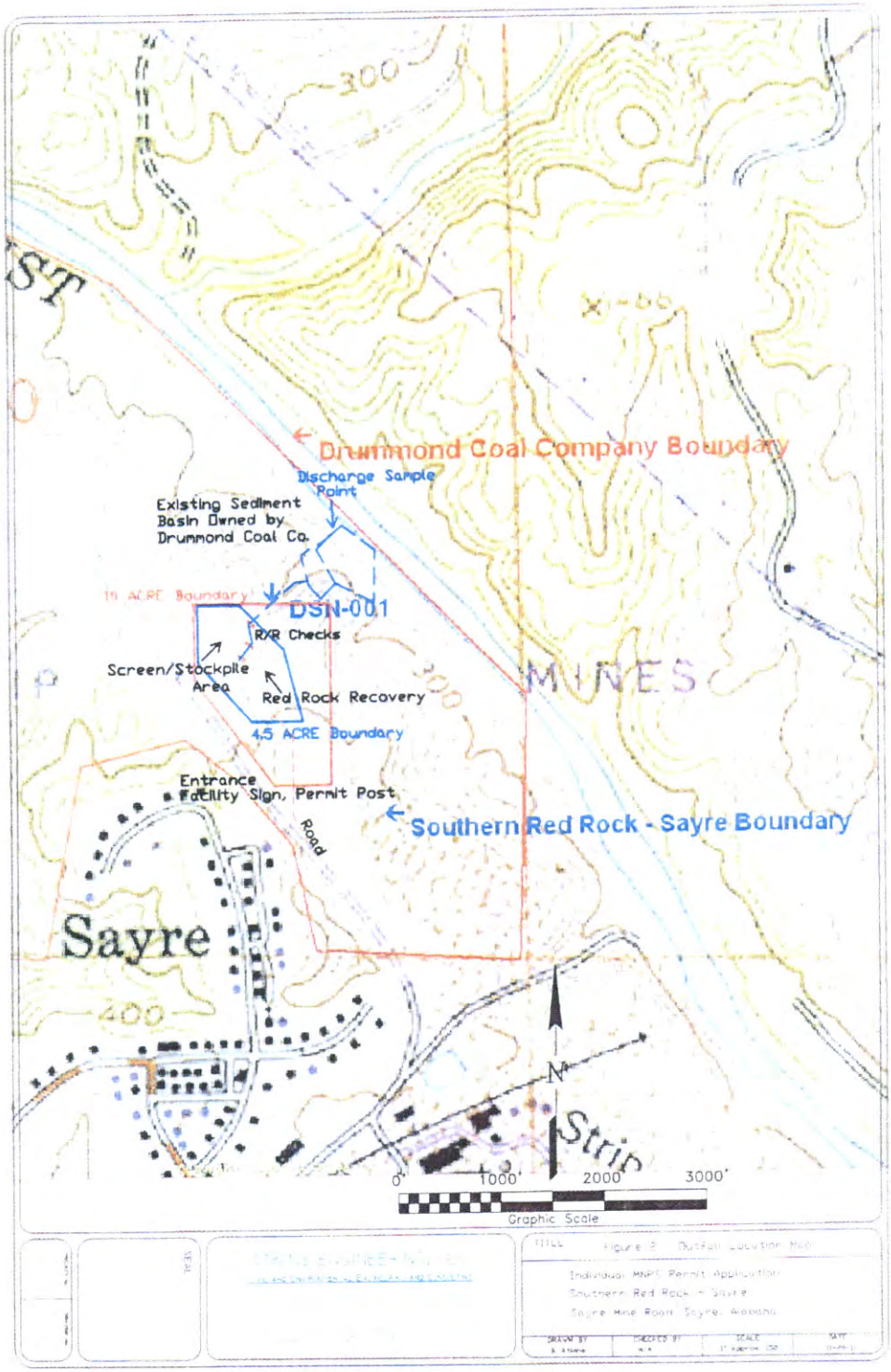
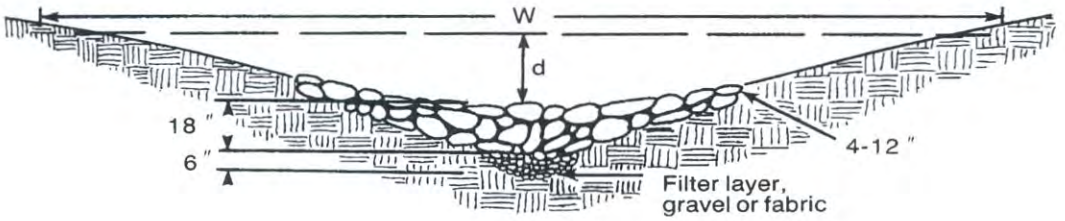
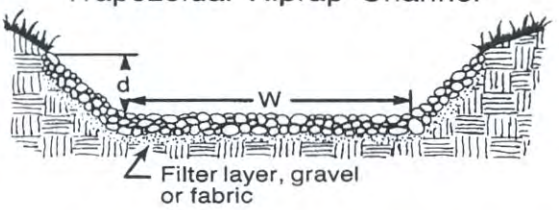

Drummond Coal Company Boundary
Discharge Sample Point
Existing Sediment Basin Owned by Drummond Coal Co.
10 ACRE Boundary
DSN-001
R/R Checks
Screen/Stockpile Area
Red Rock Recovery
4.5 ACRE Boundary
Entrance Facility Sign, Permit Post
Southern Red Rock - Sayre Boundary
Road
Sayre
Strip
MINES
300
400
N
0'
1000'
2000'
3000'
Graphic Scale

Drainage
38 ACRE Boundary
DSN-001P
R/R Check
Drainage
R/R Check
R/R Check
Existing Sediment Basin Owned by Drummond Coal Co.
Screen/Stockpile Area
Red Rock Recovery
4.5 ACRE Boundary
Entrance Facility Sign, Permit Post
GREEN ST
JOYCE ST
6167
6162
6151
6147
6147
6120
6137
N
0'
100'
200'
300'
Graphic Scale
Figure 2 - Site Aerial
Individual NNPS Permit Application
Southern Red Rock - Sayre
Sayre Mine Road, Sayre, Alabama

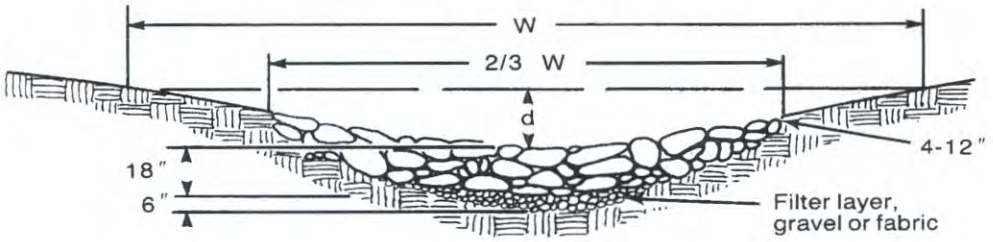
Vegetated V-shaped Waterway with Stone Center Drain



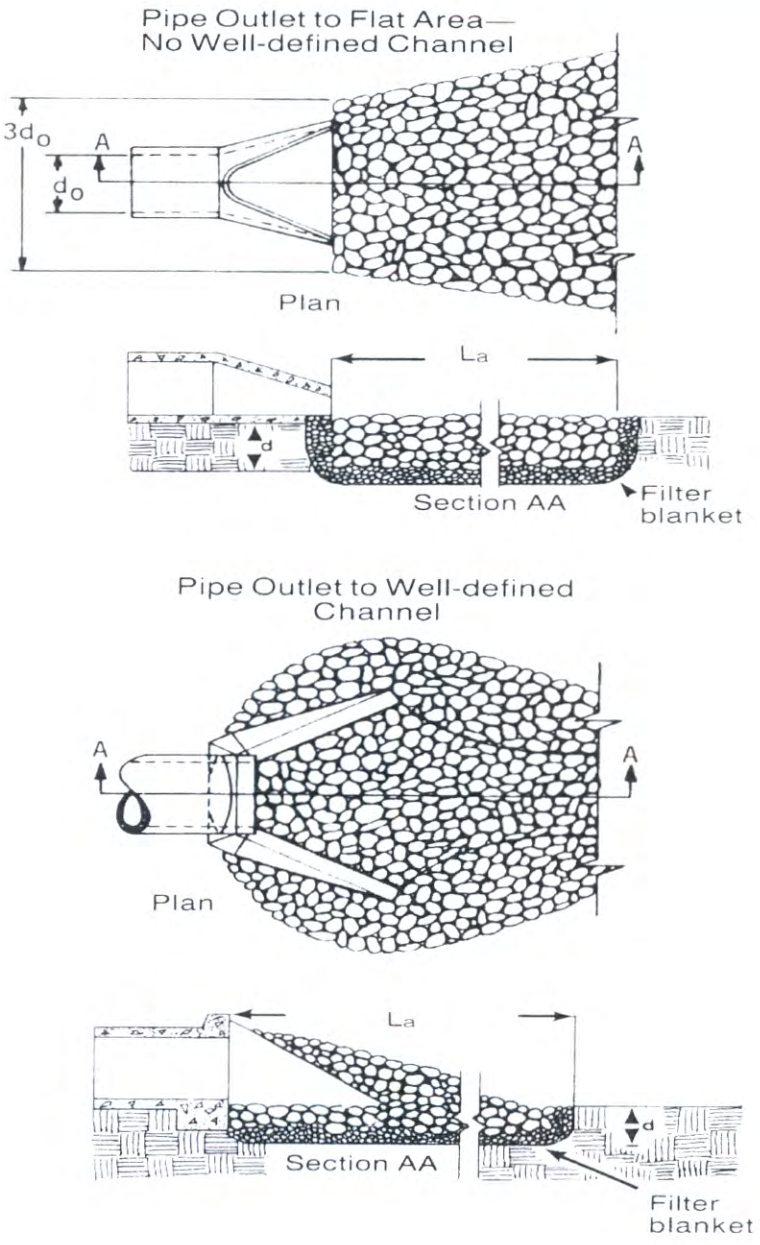

Trapezoidal Riprap Channel



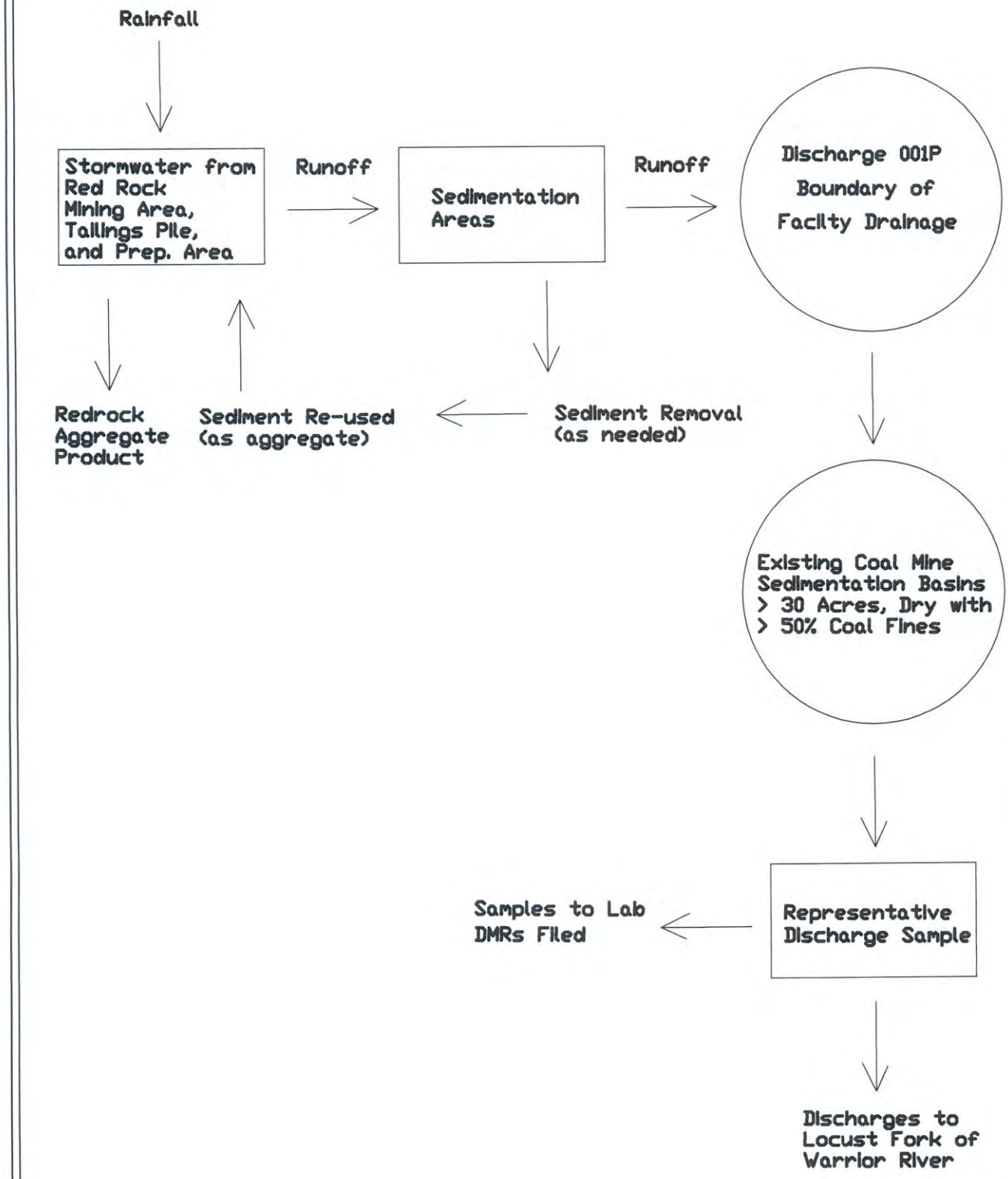

Vegetated Parabolic-shaped Waterway with Stone Center Drain




| | | |
|---|---|---|
| **Atkins Engineering, LLC**<br>Civil & Environmental Engineering and Consulting | PAPP Plan<br>Southern Red Rock<br>Pleasant Grove, Alabama | Figure 4 -Drainage Conveyance Structures |




| | | |
|---|---|---|
| **Atkins Engineering, LLC**<br>Civil & Environmental Engineering and Consulting | PAPP Plan<br>Southern Red Rock<br>Pleasant Grove, Alabama | Figure 5 -Drainage Inlet/Outlet Protection |




PROJECT No.

DRAWING No.

SEAL

ATKINS ENGINEERING, LLC
CIVIL AND ENVIRONMENTAL ENGINEERING AND CONSULTING
176 RICHARDSON ROAD JASPER, AL 35504
PHONE(205)388-0147 FAX (205)302-0705

TITLE Figure 6 - Process Flow Diagram

Individual MNPS Permit Application
Southern Red Rock - Sayre
Sayre Mine Road, Sayre, Alabama

| DRAWN BY | CHECKED BY | SCALE | DATE |
|---|---|---|---|
| B. Atkins | N/A | shown | 6-20-11 |

# APPENDIX A

## Discharge Monitoring Report Forms

5/1/2000

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING & NONPOINT SOURCE SECTION DISCHARGE MONITORING REPORT (DMR)

NPDES # AL0059684
Western Red Rock Division
OUTFALL NUMBER 001
Jefferson County Ptype 38

Western Steel, Inc.
1080 3rd Street
Pleasant Grove, AL 36127
(205) 744-4403

= Data Not Required

Year [ ] 1st Qtr [ ] Jan-Feb-Mar 2nd Qtr [ ] Apr-May-Jun 3rd Qtr [ ] Jul-Aug-Sep 4th Qtr [ ] Oct-Nov-Dec

| | STANDARD LIMITS | | | | | FLOW * |
|---|---|---|---|---|---|---|
| PARAM | pH | TSS | Fe | Mn | Al | |
| MIN | 6.0 | | | | Monitor | |
| AVG | | 35.0 | 3.0 | 2.0 | Monitor | |
| MAX | 9.0 | 70.0 | 6.0 | 4.0 | Monitor | |
| UNITS | s.u. | mg/l | mg/l | mg/l | mg/l | mgd |
| FREQ | 2/mth | 2/mth | 2/mth | 2/mth | 2/mth | 2/mth |
| DATES | | | | | | |
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| Mth Avg | | | | | | |
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| Mth Avg | | | | | | |

Pump Discharge Point (Y/N) [ ] pH Exemption Claimed (Y/N) [ ]

In accordance with Part I,B.,7. and Part II,B.,8. of the referenced NPDES permit, if the permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

Name of Permittee and/or Company(s) Collecting Samples And Performing Analyses.

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

Name & Title of Responsible Official | Signature | Date

* Instantaneous measure. Flow must be monitored in mgd each time sample is obtained.

Refer to Part I.A. of the permit. At least one sample must be obtained and analyzed for pumped or mechanical discharges if a discharge occurred at any time during the quarterly (three month) monitoring period. If applicable, list minimum of two required inspection dates for each month and report "No Discharge During Entire Quarter"

# Atkins Engineering, LLC

Civil & Environmental Engineering and Consulting

May 19, 2017

Michael T. Bergh -Environmental Engineering Specialist
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110

**RE:** **Southern Red Rock-Sayre Pit**
**MNPS Permit Addendum Data and Fee**

Please find the above referenced addendum EPA-2C data to the MNPS Permit with a $540 check for the difference in the site fee which was due for renewal. If you have any questions, feel free to call me at (205)388-0147.

Thanks,

Brian Atkins

Brian Atkins, P.E.
Atkins Engineering
(205) 388-0147

M. Bergh
R#17-42004
AL0081248
$540.00

176 Richardson Road Jasper, AL 35504
Tel: (205) 388.0147 Fax: (205) 302.0705

# NPDES MINING AND PREPARATION PLANT OUTFALL DATA FOR METALS, CYANIDE, AND DISSOLVED PHENOLS

| NPDES Permit No.: AL0081248 | | Applicant: Southern Red Rock, LLC | | | Facility: Southern Red Rock-Sayre |
|---|---|---|---|---|---|
| Outfall Sampled[1]: 001E – AL0059684 | Date of Sampling: 1/5/2016 | Was Sample Taken In-Pond? Yes | Was Sample Taken from Discharge? No | Substantially Identical Outfalls: 002E & 003P, from Pleasant Grove, Alabama Facility AL0059684 001P for Sayre, Alabama Facility AL0081248 | Description of Discharge: Mine Tailings (i.e., red rock, gravel, coal fines, and coke) With Stormwater runoff from Mine Spoil and Associated Areas |

Please supply the following information separately for every P or E outfall evaluated or tested. If necessary, attach extra sheets. If you are a coal facility, mark "X" in appropriate column for all listed metals, cyanide, and Dissolved phenols. If the outfall is existing, you must provide the results of at least one representative analysis for that pollutant for a substantially identical existing outfall at the facility. If the outfall is proposed, you must either submit at least one representative analysis for a substantially identical existing outfall at the facility or, if not available, at least one representative analysis for a substantially identical outfall at another similar facility.

| Pollutant and CAS No. (If available) | Mark "X" | | | Effluent | | | | | | | | | | | Instream[3] | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Existing Outfall (Testing Required) | Proposed Outfall – Parameter Believed Present | Proposed Outfall – Parameter Believed Absent[4] | Maximum Daily Value | | Maximum 30 Day Value (if available) | | Long Term Average Value (if available) | | # of Analyses | Frequency of Discharge (Days/Month Hours/Day) | EPA Approved Method Analysis Used[2] | Method Detection Limit (µg/L) | Receiving Water 7Q10 Flow (cfs) | Discharge Flow (cfs) | Background Instream Concentration (µg/L) | Instream Hardness (optional) (mg/L CaCO3) | Instream Flow (optional) (cfs) |
| | | | | Concentration (µg/L) | Mass (lbs) | Concentration (µg/L) | Mass (lbs) | Concentration (µg/L) | Mass (lbs) | | | | | | | | | |
| 1M. Antimony, Dissolved (7440-36-0) | | | X | BDL | --- | | | | | 1 | Precip. Based | EPA 200.8 | 1.92 | 0.02 | 0.07 | N/A | N/A | N/A |
| 2M. Arsenic, Trivalent (7440-38-2) | | | X | BDL | --- | | | | | 1 | Precip. Based | EPA 200.8 | 0.30 | 0.02 | 0.07 | N/A | N/A | N/A |
| 3M. Beryllium, Dissolved (7440-41-7) | | | X | BDL | --- | | | | | 1 | Precip. Based | EPA 200.8 | 2.20 | 0.02 | 0.07 | N/A | N/A | N/A |
| 4M. Cadmium, Dissolved (7440-43-9) | | X | | 1.03 | 0.0004 | | | | | 1 | Precip. Based | EPA 200.8 | 0.08 | 0.02 | 0.07 | N/A | N/A | N/A |
| 5M. Chromium, Dissolved (744-47-3) | | X | | 2.16 | 0.0008 | | | | | 1 | Precip. Based | EPA 200.8 | 1.64 | 0.02 | 0.07 | N/A | N/A | N/A |
| 6M. Copper, Dissolved (7440-50-8) | | X | | 57.2 | 0.0216 | | | | | 1 | Precip. Based | EPA 200.8 | 0.90 | 0.02 | 0.07 | N/A | N/A | N/A |
| 7M. Lead, Dissolved (7439-92-1) | | | X | BDL | --- | | | | | 1 | Precip. Based | EPA 200.8 | 0.31 | 0.02 | 0.07 | N/A | N/A | N/A |
| 8M. Mercury, Total (7439-97-6) | | | X | BDL | --- | | | | | 1 | Precip. Based | EPA 245.2 | 0.01 | 0.02 | 0.07 | N/A | N/A | N/A |
| 9M. Nickel, Dissolved (7440-02-0) | | X | | 84.6 | 0.0319 | | | | | 1 | Precip. Based | EPA 200.8 | 6.86 | 0.02 | 0.07 | N/A | N/A | N/A |
| 10M. Selenium, Dissolved (7782-49-2) | | X | | 3.23 | 0.0012 | | | | | 1 | Precip. Based | EPA 200.8 | 0.95 | 0.02 | 0.07 | N/A | N/A | N/A |
| 11M. Silver, Dissolved (7440-22-4) | | X | | 0.47 | 0.0002 | | | | | 1 | Precip. Based | EPA 200.8 | 0.15 | 0.02 | 0.07 | N/A | N/A | N/A |
| 12M. Thallium, Dissolved (74440-28-0) | | | X | BDL | --- | | | | | 1 | Precip. Based | EPA 200.8 | 0.08 | 0.02 | 0.07 | N/A | N/A | N/A |
| 13M. Zinc, Dissolved (7440-66-6) | | X | | 161.4 | 0.0609 | | | | | 1 | Precip. Based | EPA 200.8 | 16.45 | 0.02 | 0.07 | N/A | N/A | N/A |
| 14M. Cyanide, Total (57-12-5) | | | X | BDL | --- | | | | | 1 | Precip. Based | 4500-CN-E | 3.0 | 0.02 | 0.07 | N/A | N/A | N/A |
| 15M. Phenols, Total | | | X | BDL | --- | | | | | 1 | Precip. Based | EPA 420.1 | 6.0 | 0.02 | 0.07 | N/A | N/A | N/A |

[1] Sampling results must be representative of the discharge, as sampled from Western Red rock Pleasant Grove Mine with Same Activities and Spoil Characteristics.
[2] Test methods used must be in accordance with 40 CFR Part 136 and 40 CFR 122.21(g)(7)(i).
[2] Sampling results must be representative of the discharge.
[3] Instream sample is not submitted due to dry UT characteristics with no historical discharge from permitted site.
4 Parameters found to be below detection limits believed to be absent. (BDL = Below Detection Limit)