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

February 05,2019

Rickey L. Byrd
President
RLB Hauling & Contracting, Inc.
8205 Prospect Street
Citronelle, AL 36522

RE: Draft Permit
RLB Pit 1
NPDES Permit No. AL0083712
Mobile County (097)

Dear Mr. Byrd:

Transmitted herein is a draft of the above referenced permit. Please review the enclosed draft permit carefully. This draft permit may contain additions/revisions to 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 issue the above referenced permit, ADEM Admin. Code r. 335-6-6-.21 requires a public notice of the draft permit in a local newspaper followed by a period of at least 30 days for public comment before the permit can be reissued.

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.

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)

Please be aware that your permit requires you to apply for participation in the Department's web-based electronic environmental (E2) reporting system for submittal of DMRs. The E2 DMR system allows ADEM to electronically validate, acknowledge receipt, and upload data to the state's central wastewater database. This improves the accuracy of reported compliance data and reduces costs to both the regulated community and ADEM. The Permittee Participation Package may be downloaded online at **https://e2.adem.alabama.gov/npdes** or you may obtain a hard copy by submitting a written request or by emailing e2admin@adem.alabama.gov.

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

Should you have any questions concerning this matter, please contact Amber H. Powell by email at amber.powell@adem.alabama.gov or by phone at (334) 271-7975.

Sincerely,

Catherine A. McNeill, Chief
Mining and Natural Resource Section
Stormwater Management Branch
Water Division

CAM/ahp File: DPER/34041

Enclosure

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

ADEM
Alabama Department of Environmental Management

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM INDIVIDUAL PERMIT

PERMITTEE: RLB Hauling & Contracting, Inc.
8205 Prospect Street
Citronelle, AL 36522

FACILITY LOCATION: RLB Pit 1
Off Villard Byrd Rd.
Mt Vernon, AL 36560
Mobile County
T2N, R1W, S21

PERMIT NUMBER: AL0083712

DSN & RECEIVING STREAM: 001-1 Borrow Creek/Groundwater

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

ISSUANCE DATE:

EFFECTIVE DATE:

EXPIRATION DATE:

DRAFT

Alabama Department of Environmental Management

MINING AND NATURAL RESOURCE SECTION

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

TABLE OF CONTENTS

PART I DISCHARGE LIMITATIONS, CONDITIONS, AND REQUIREMENTS

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

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

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[1]
pH 00400	6.0 s.u.	--------	8.5 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	35.0 mg/L	70.0 mg/L	Grab	2/Month
Flow, In Conduit or Thru Treatment Plant[2] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month

B. REQUIREMENTS TO ACTIVATE A PROPOSED MINING OUTFALL

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

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

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

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

C. DISCHARGE MONITORING AND RECORD KEEPING REQUIREMENTS

1. Sampling Schedule and Frequency

a. The Permittee shall collect at least one grab sample of the discharge to surface waters from each constructed and certified point source identified on Page 1 of this Permit and described more fully in the Permittee's application twice per month at a rate of at least every other week if a discharge occurs at any time during the two week period, but need

[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.

not collect more than two samples per calendar month. Each sample collected shall be analyzed for each parameter specified in Part I.A. of this Permit.

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

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

2. Measurement Frequency

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

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

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

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

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

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

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

3. Monitoring Schedule

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

a. MONITORING REQUIRED MORE FREQUENTLY THAN MONTHLY AND MONTHLY shall be conducted during the first full month following the effective date of coverage under this Permit and every month thereafter. More frequently than monthly and monthly monitoring may be done anytime during the month, unless restricted elsewhere in this Permit, but the results should be reported on the last Discharge Monitoring Report (DMR) due for the quarter (i.e., with the March, June, September, and December DMRs).

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

date of this Permit and is then required to monitor once during each quarter thereafter. Quarterly monitoring may be done anytime during the quarter, unless restricted elsewhere in this Permit, but the results should be reported on the last DMR due for the quarter (i.e., with the March, June, September, and December DMRs).

c. SEMIANNUAL MONITORING shall be conducted at least once during the period of January through June and at least once during the period of July through December. The Permittee shall conduct the semiannual monitoring during the first complete semiannual calendar period following the effective date of this Permit and is then required to monitor once during each semiannual period thereafter. Semiannual monitoring may be done anytime during the semiannual period, unless restricted elsewhere in this Permit, but it should be reported on the last DMR due for the month of the semiannual period (i.e., with the June and December DMRs).

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

4. Sampling Location

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

5. Representative Sampling

Sample collection and measurement actions taken as required herein shall be representative of the volume and nature of the monitored discharge and shall be in accordance with the provisions of this Permit.

6. Test Procedures

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

a. For parameters with an EPA established Minimum Level (ML), report the measured value if the analytical result is at or above the ML and report "0" for values below the ML. Test procedures for the analysis of pollutants shall conform to 40 CFR Part 136, guidelines published pursuant to Section 304(h) of the FWPCA, 33 U.S.C. Section 1314(h), and ADEM Standard Operating Procedures. If more than one method for analysis of a substance is approved for use, a method having a minimum level lower than the permit limit shall be used. If the minimum level of all methods is higher than the permit limit, the method having the lowest minimum level shall be used and a report of less than the minimum level shall be reported as zero and will constitute compliance, however should EPA approve a method with a lower minimum level during the term of this Permit the Permittee shall use the newly approved method.

b. For pollutant parameters without an established ML, an interim ML may be utilized. The interim ML shall be calculated as 3.18 times the Method Detection Level (MDL) calculated pursuant to 40 CFR Part 136, Appendix B.

Permittees may develop an effluent matrix-specific ML, where an effluent matrix prevents attainment of the established ML. However, a matrix specific ML shall be based

upon proper laboratory method and technique. Matrix-specific MLs must be approved by the Department, and may be developed by the Permittee during permit issuance, reissuance, modification, or during compliance schedule.

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

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

The Minimum Level utilized for procedures identified in Parts I.C.6.a. and b. shall be reported on the Permittee's DMR. When an EPA approved test procedure for analysis of a pollutant does not exist, the Director shall approve the procedure to be used.

7. Recording of Results

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

a. The facility name and location, point source number, date, time, and exact place of sampling or measurements;

b. The name(s) of person(s) who obtained the samples or measurements;

c. The dates and times the analyses were performed;

d. The name(s) of the person(s) who performed the analyses;

e. The analytical techniques or methods used including source of method and method number; and

f. The results of all required analyses.

8. Routine Inspection by Permittee

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

b. 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 environmental (E2) 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 E2 reporting system.** The E2 reporting system Permittee Participation Package may be downloaded online at https://e2.adem.alabama.gov/npdes.

c. If the electronic environmental (E2) 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 E2 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 E2 system resuming operation, the Permittee shall enter the data into the E2 reporting system unless an alternate timeframe is approved by the Department. An attachment should be included with the E2 DMR submittal verifying the original submittal date (date of the fax, copy of dated e-mail, or hand-delivery stamped date).

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. The Permittee shall report "No Discharge During Quarterly Monitoring Period" on the appropriate DMR Form for each point source receiving pumped discharges pursuant to Part I.C.1.b. provided that no discharge has occurred at <u>any</u> time during the entire quarterly (three month) monitoring period.

h. 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.

i. 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."

j. All DMRs, reports, and forms required to be submitted by this Permit, the AWPCA and the Department's rules and regulations, 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

k. 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.

l. 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. Form 401 or 421 must be submitted to the Director in accordance with Parts I.D.2.a. and b. The completed form must document the following information:

(1) A description of the discharge and cause of noncompliance;

(2) The period of noncompliance, including exact dates, times, and duration of the noncompliance. If not corrected by the due date of the written report, then the Permittee is to state the anticipated timeframe that is expected to transpire before the noncompliance is resolved; 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

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

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

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

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

(4) Unless waived in writing by the Department, the Permittee has submitted inspection reports prepared and certified by a Professional Engineer (PE) registered in the State of Alabama or a qualified professional under the PE's direction which certify that the facility has been fully reclaimed or that water quality remediation has been achieved. The first inspection must be conducted

approximately one year prior to and the second inspection must be conducted within thirty days of the Permittee's request for termination of monitoring and reporting requirements;

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

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

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

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

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

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

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

E. OTHER REPORTING AND NOTIFICATION REQUIREMENTS

1. Anticipated Noncompliance

The Permittee shall give the Director written advance notice of any planned changes or other circumstances regarding a facility which may result in noncompliance with permit requirements.

2. Termination of Discharge

The Permittee shall notify the Director, in writing, when all discharges from any point source(s) identified on Page 1 of this Permit and described more fully in the Permittee's application have permanently ceased.

3. Updating Information

a. The Permittee shall inform the Director of any change in the Permittee's mailing address or telephone number or in the Permittee's designation of a facility contact or officer(s) having the authority and responsibility to prevent and abate violations of the AWPCA,

the AEMA, the Department's rules and regulations, and the terms and conditions of this Permit, in writing, no later than ten (10) days after such change. Upon request of the Director, the Permittee shall furnish the Director with an update of any information provided in the permit application.

b. If the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information with a written explanation for the mistake and/or omission.

4. Duty to Provide Information

a. The Permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, suspending, terminating, or revoking and reissuing this Permit, in whole or in part, or to determine compliance with this Permit. The Permittee shall also furnish to the Director upon request, copies of records required to be maintained by this Permit.

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

F. SCHEDULE OF COMPLIANCE

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

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

PART II OTHER REQUIREMENTS, RESPONSIBILITIES, AND DUTIES

A. OPERATIONAL AND MANAGEMENT REQUIREMENTS

1. Facilities Operation and Management

The Permittee shall at all times operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities only when necessary to achieve compliance with the conditions of this Permit.

2. Pollution Abatement and/or Prevention Plan

The Pollution Abatement and/or Prevention (PAP) Plan shall be prepared and certified by a registered Professional Engineer (PE), licensed to practice in the State of Alabama, and shall include at a minimum, the information indicated in ADEM Admin. Code r. 335-6-9-.03 and ADEM Admin. Code ch. 335-6-9 Appendices A and B. The PAP Plan shall become a part of this Permit and all requirements of the PAP Plan shall become requirements of this Permit pursuant to ADEM Admin. Code r. 335-6-9-.05(2).

3. Best Management Practices (BMPs)

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

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

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

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

e. Spill Prevention, Control, and Management

The Permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan acceptable to the Department that is prepared and certified by a Professional Engineer (PE), registered in the State of Alabama, for all onsite petroleum product or other pollutant storage tanks or containers as required by applicable state (ADEM Admin. Code r. 335-6-6-.12(r)) and federal (40 C.F.R. §§112.1-.7)

regulations. The Permittee shall implement appropriate structural and/or non-structural spill prevention, control, and/or management 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. Careful consideration should be applied for tanks or containers located near treatment ponds, water bodies, or high traffic areas. In most situations this would require construction of a containment system if the cumulative storage capacity of petroleum products or other pollutants at the facility is greater than 1320 gallons. 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 applicant shall maintain onsite or have readily available flotation booms to contain, and sufficient material to 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 an approved manner.

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

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

4. Biocide Additives

a. The Permittee shall notify the Director in writing not later than sixty (60) days prior to instituting the use of any biocide corrosion inhibitor or chemical additive in any cooling or boiler system(s) regulated by this Permit. Notification is not required for additives that should not reasonably be expected to cause the cooling water or boiler water to exhibit toxicity as determined by analysis of manufacturer's data or testing by the Permittee. Such notification shall include:

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

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

(c) Quantities to be used;

(d) Frequencies of use;

(e) Proposed discharge concentrations; and

(f) EPA registration number, if applicable.

b. The use of any biocide or chemical additive containing tributyl tin, tributyl tin oxide, zinc, chromium, or related compounds in any cooling or boiler system(s) regulated by the Permit is prohibited except as exempted below. The use of a biocide or additive containing zinc, chromium or related compounds may be used in special circumstances if (1) the permit contains limits for these substances, or (2) the applicant demonstrates

during the application process that the use of zinc, chromium or related compounds as a biocide or additive will not pose a reasonable potential to violate the applicable State water quality standards for these substances. The use of any additive, not identified in this Permit or in the application for this Permit or not exempted from notification under this Permit is prohibited, prior to a determination by the Department that permit modification to control discharge of the additive is not required or prior to issuance of a permit modification controlling discharge of the additive.

5. Facility Identification

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

6. Removed Substances

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

7. Loss or Failure of Treatment Facilities

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

8. Duty to Mitigate

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

B. BYPASS AND UPSET

1. Bypass

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

b. A bypass is not prohibited if:

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

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

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

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

c. A bypass is not prohibited and need not meet the discharge limitations specified in Part I.A. of this Permit if:

(1) It is unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the Permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The Permittee submits a written request for authorization to bypass to the Director at least ten (10) days, if possible, prior to the anticipated bypass or within 24 hours of an unanticipated bypass, the Permittee is granted such authorization, and Permittee complies with any conditions imposed by the Director to minimize any adverse impact to waters resulting from the bypass.

d. The Permittee has the burden of establishing that each of the conditions of Parts II.B.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. Except as provided in Parts II.B.2.b. and c., a discharge which results from an upset need not meet the applicable discharge limitations specified in Part I.A. of this Permit if:

(1) No later than 24-hours after becoming aware of the occurrence of the upset, the Permittee orally reports the occurrence and circumstances of the upset to the Director; and

(2) No later than five (5) days after becoming aware of the occurrence of the upset, the Permittee furnishes the Director with evidence, including properly signed, contemporaneous operating logs, design drawings, construction certification, maintenance records, weir flow measurements, dated photographs, rain gauge measurements, or other relevant evidence, demonstrating that:

(i) An upset occurred;

(ii) The Permittee can identify the specific cause(s) of the upset;

(iii) The Permittee's treatment facility was being properly operated at the time of the upset; and

(iv) The Permittee promptly took all reasonable steps to minimize any adverse impact to waters resulting from the upset.

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

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

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

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

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

C. PERMIT CONDITIONS AND RESTRICTIONS

1. Prohibition against Discharge from Facilities Not Certified

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

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

2. Permit Modification, Suspension, Termination, and Revocation

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

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

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

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

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

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

(6) The existence of material and substantial alterations or additions to the facility or activity generating wastewater which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;

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

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

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

3. Automatic Expiration of Permits for New or Increased Discharges

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

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

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

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

(ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(2) Entered into a binding contractual obligation for the purpose of placement, assembly, or installation of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under the paragraph. The entering into a lease with the State of Alabama for exploration and production of hydrocarbons shall also be considered beginning construction.

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

4. Transfer of Permit

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

5. Groundwater

Unless authorized on page 1 of this Permit, this Permit does not authorize any discharge to groundwater. Should a threat of groundwater contamination occur, the Director may require groundwater monitoring to properly assess the degree of the problem, and the Director may require that the Permittee undertake measures to abate any such discharge and/or contamination.

6. Property and Other Rights

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

D. RESPONSIBILITIES

1. Duty to Comply

a. The Permittee must comply with all terms and conditions of this Permit. Any permit noncompliance constitutes a violation of the AWPCA, AEMA, and the FWPCA and is grounds for enforcement action, for permit termination, revocation and reissuance, suspension, modification, or denial of a permit renewal application.

b. The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the FWPCA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Permit has not yet been modified to incorporate the effluent standard, prohibition or requirement.

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

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

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

f. The discharge of a pollutant from a source not specifically identified in the permit application for this Permit and not specifically included in the description of an outfall in this Permit is not authorized and shall constitute noncompliance with this Permit.

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

2. Change in Discharge

a. The Permittee shall apply for a permit modification at least 180 days in advance of any facility expansion, production increase, process change, or other action that could result in the discharge of additional pollutants, increase the quantity of a discharged pollutant, or that could result in an additional discharge point. This requirement also applies to pollutants that are not subject to discharge limitations in this Permit. No new or increased discharge may begin until the Director has authorized it by issuance of a permit modification or a reissued permit.

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

3. Compliance with Toxic or Other Pollutant Effluent Standard or Prohibition

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Sections 301(b)(2)(C),(D),(E) and (F) of the FWPCA, 33 U.S.C. §1311(b)(2)(C),(D),(E), and (F); 304(b)(2) of the FWPCA, 33 U.S.C. §1314(b)(2); or 307(a) of the FWPCA, 33 U.S.C. §1317(a), for a toxic or other pollutant discharged by the Permittee, and such standard or prohibition is more stringent than any discharge limitation on the pollutant specified in Part I.A. of this Permit or controls a pollutant not limited in Part I.A. of this Permit, this Permit shall be modified to conform to the toxic or other pollutant effluent standard or prohibition and the Permittee shall be notified of such modification. If this Permit has not been modified to conform to the toxic or other pollutant effluent standard or prohibition before the effective date of such standard or prohibition, the authorization to discharge in this Permit shall be void to the extent that any discharge limitation on such pollutant in Part I.A.

of this Permit exceeds or is inconsistent with the established toxic or other pollutant effluent standard or prohibition.

4. Compliance with Water Quality Standards and Other Provisions

a. On the basis of the Permittee's application, plans, or other available information, the Department has determined that compliance with the terms and conditions of this Permit will assure compliance with applicable water quality standards. However, this Permit does not relieve the Permittee from compliance with applicable State water quality standards established in ADEM Admin. Code ch. 335-6-10, and does not preclude the Department from taking action as appropriate to address the potential for contravention of applicable State water quality standards which could result from discharges of pollutants from the permitted facility.

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

c. If the Department determines, on the basis of a notice provided pursuant to Part II.C.2. of this Permit or any investigation, inspection, or sampling, that a modification of this Permit is necessary to assure maintenance of water quality standards or compliance with other provisions of the AWPCA or FWPCA, the Department may require such modification and, in cases of emergency, the Director may prohibit the noticed act until the Permit has been modified.

5. Compliance with Statutes and Rules

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

b. This Permit does not authorize the noncompliance with or violation of any Laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws. FWPCA, 33 U.S.C. Section 1319, and Code of Alabama 1975, Section 22-22-14.

6. Right of Entry and Inspection

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

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

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

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

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

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

a. If the Permittee intends to continue to discharge beyond the expiration date of this Permit, the Permittee shall file with the Department a complete permit application for reissuance of this Permit at least 180 days prior to its expiration.

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

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

PART III ADDITIONAL REQUIREMENTS, CONDITIONS, AND LIMITATIONS

A. CIVIL AND CRIMINAL LIABILITY

1. Tampering

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

2. False Statements

Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished as provided by applicable State and Federal law.

3. Permit Enforcement

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

4. Relief From Liability

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

B. OIL AND HAZARDOUS SUBSTANCE LIABILITY

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

C. AVAILABILITY OF REPORTS

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

D. DEFINITIONS

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

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

3. Average monthly discharge limitation - means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar

month divided by the number of "daily discharges" measured during that month (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).

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

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

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

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

8. Construction Sand and Gravel mine - means an area, on or beneath land, used or disturbed in activity related to the extraction, removal, or recovery of sand and/or gravel from natural or artificial deposits, including active mining, reclamation, and mineral storage areas.

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

10. Daily discharge - means the discharge of a pollutant measured during any consecutive 24-hour period in accordance with the sample type and analytical methodology specified by the discharge permit.

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

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

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

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

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

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

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

18. DO - means dissolved oxygen.

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

20. 8HC - means 8-hour composite sample, including any of the following:

    a. The mixing of at least 5 equal volume samples collected at constant time intervals of not more than 2 hours over a period of not less than 8 hours between the hours of 6:00 a.m. and 6:00 p.m. If the sampling period exceeds 8 hours, sampling may be conducted beyond the 6:00 a.m. to 6:00 p.m. period.

b. A sample continuously collected at a constant rate over period of not less than 8 hours between the hours of 6:00 a.m. and 6:00 p.m. If the sampling period exceeds 8 hours, sampling may be conducted beyond the 6:00 a.m. to 6:00 p.m. period.

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

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

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

24. Geometric Mean - means the Nth root of the product of the individual values of any set of values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero (0) shall be considered one (1).

25. Grab Sample - means a single influent or effluent portion which is not a composite sample. The sample(s) shall be collected at the period(s) most representative of the discharge.

26. Indirect Discharger - means a nondomestic discharger who discharges pollutants to a publicly owned treatment works or a privately owned treatment facility operated by another person.

27. Industrial User - means those industries identified in the Standard Industrial Classification manual, Bureau of the Budget 1967, as amended and supplemented, under the category "Division D – Manufacturing" and such other classes of significant waste producers as, by regulation, the Director deems appropriate.

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

29. MGD - means million gallons per day.

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

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

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

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

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

32. New Source - means:

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

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

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

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

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

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

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

36. Point Source - means "any discernible, confined and discrete conveyance, including but not limited to any pipe, channel, ditch, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged." Section 502(14) of the FWPCA, 33 U.S.C. §1362(14).

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

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

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

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

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

42. Privately Owned Treatment Works - means any devices or system which is used to treat wastes from any facility whose operator is not the operator of the treatment works, and which is not a "POTW".

43. Publicly Owned Treatment Works (POTW) - means a wastewater collection and treatment facility owned by the State, municipality, regional entity composed of two or more municipalities, or another entity created by the State or local authority for the purpose of collecting and treating municipal wastewater.

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

45. Severe property damage - means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

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

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

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

49. TRC - means Total Residual Chlorine.

50. TSS – means the pollutant parameter Total Suspended Solids

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

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

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

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

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

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

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

55. Upset - means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit discharge limitations because of factors beyond the control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate facilities, lack of preventive maintenance, or careless or improper operation.

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

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

58. Weekly (7-day and calendar week) Average – is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The calendar week is defined as beginning on Sunday and ending on Saturday. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for the calendar week shall be included in the data for the month that contains the Saturday.

E. SEVERABILITY

The provisions of this Permit are severable, and if any provision of this Permit or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

F. PROHIBITIONS AND ACTIVIES NOT AUTHORIZED

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

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

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

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

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

G. DISCHARGES TO IMPAIRED WATERS

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

2. Facilities that discharge into a receiving stream which is listed on the State of Alabama's §303(d) list of impaired waters, and with discharges that contain the pollutant(s) for which the waters are impaired, must within six (6) months of the Final §303(d) list approval, document in its BMP plan how the BMPs will control the discharge of the pollutant(s) of concern, and must ensure that there

will be no increase of the pollutants of concern. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan.

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

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION

NPDES INDIVIDUAL PERMIT RATIONALE

Company Name: RLB Hauling & Contracting, Inc.

Facility Name: RLB Pit 1

County: Mobile

Permit Number: AL0083712

Prepared by: Amber Powell

Date: November 28, 2018

Receiving Waters: Borrow Creek, and Groundwater

Permit Coverage: Construction Sand, Gravel, Shale and Common Clay Pit and Associated Areas

SIC Codes: 1442, 1459

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

This proposed permit covers a construction sand, gravel, shale and common clay pit and associated areas which discharge to ground and surface waters.

This proposed permit authorizes treated discharges into a stream segment, other State water, or local watershed that currently has a water quality classification of Fish and Wildlife (F&W) (ADEM Admin. Code r. 335-6-10-.09). 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 for the receiving stream.

Effluent limitations for TSS are established by Best Professional Judgment (BPJ) and are based on proper implementation of best management practices at the facility. These parameters are indicative of the pollutants typically discharged by a facility covered by this permit and have been shown not to adversely affect water quality. Monitoring for discharges to groundwater is not required because of the natural treatment provided by the sand and gravel formation; however, discharges to surface waters must be monitored twice per month.

Discharge limitations for pH of 6.0 – 8.5 s.u. are based on instream water quality standards for streams classified as Fish & Wildlife found in ADEM Admin. Code r. 335-6-10-.09. The proposed limitations have been shown to be protective of water quality. Regardless, 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.

The applicant has requested, in accordance with 40 CFR Part 122.21 and their NPDES permit application, a waiver from testing for the Part A, B, and C pollutants listed in the EPA Form 2C and 2D that are not addressed in their application. They have also certified that due to the processes involved in their mining activity these pollutants are believed to be not present in the waste stream.

The Pollution Abatement/Prevention (PAP) plan for this facility has been prepared by a professional engineer (PE) registered in the State of Alabama and is designed to ensure reduction of pollutants in the waste stream to a level that, if operated properly, the discharge will not contribute to or cause a violation of applicable State water quality standards. 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 water quality standards.

In accordance with ADEM Admin. Code r. 335-6-3-.07 the design professional engineer, 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 water quality standards, when such treatment facilities are properly operated.

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

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

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 proposing discharges of pollutant(s) to an ADEM identified Tier I water.

The proposed permit action authorizes new or increased discharges of pollutant(s) to receiving waters determined by the Department to be waters where the quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water (Tier II). Pursuant to ADEM Admin. Code r. 335-6-10 (Antidegradation Policy and Implementation of the Antidegradation Policy), the applicant has submitted and the Department has reviewed/considered information regarding (1) demonstration of necessity/importance, (2) alternatives analysis, and (3) if required, calculation(s) of total annualized costs for technically feasible treatment alternatives regarding the proposed new or increased discharges to Tier II waters. The Department has determined, based on the applicant's demonstration, that the proposed new or increased discharges to the Tier II waters are necessary for important economic or social development in the area in which the waters are located.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION

ANTIDEGRADATION RATIONALE

Company Name: RLB Hauling & Contracting, Inc.

Facility Name: RLB Pit 1

County: Mobile

Permit Number: AL0083712

Prepared by: Amber H. Powell

Date: November 28, 2018

Receiving Waters: Borrow Creek and Groundwater

Stream Category: Tier II as defined by ADEM Admin. Code 335-6-10-.12

Discharge Description: Construction Sand and Gravel, Shale and Common Clay Pit, and Associated Areas

The following preliminary determination was prepared in accordance with ADEM Admin. Code 335-6-10-.12(7)(c):

The Department has reviewed the information submitted by applicant in accordance with ADEM Admin. Code 335-6-10-.12(9). The applicant has demonstrated that there are no technically or economically viable treatment options in its alternatives analysis that would completely eliminate a direct discharge.

The permit applicant has indicated that the following economic and social benefits will result from this project:

1. The Permittee will employ one individual if the NPDES permit is issued, but will reduce the number of employees if the Permit is not issued.

2. The Permittee expects that the issuance of the above referenced NPDES permit will result in an estimated $14,000 in State or Local Taxes.

3. The Permittee will be providing a source of quality base materials for local residential, commercial and road construction projects, which serves to keep costs for these projects at a reasonable level.

The Department has determined that the discharge proposed by the permit applicant is necessary for important economic and social development in the area of the outfall location in the receiving water.

Reviewed By: Catherine McNeill

Date: 2-5-19

R# 1846125 $1385.00 P:235563.1 F:20708.6 R# 1846125 $4,435.00

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
FIELD OPERATIONS DIVISION 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

RECEIVED MAY 15 2018 STORM WATER MANAGEMENT BRANCH

PLEASE READ THE ACCOMPANYING INSTRUCTIONS CAREFULLY BEFORE COMPLETING THIS FORM. 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.

I. APPLICANT INFORMATION Initial Issuance: ☑ Major Modification: ☐ Reissuance: ☐ NPDES AL 0083712

Reissuance & Modification: ☐ Minor Modification: ☐ Transfer: ☐ Voluntary Termination: ☐

Company Name RLB Hauling & Contracting, Inc.	Facility Name RLB Pit 1
Responsible Official and Title Rickey L. Byrd Sr., President	Facility Contact and Title Rickey L. Byrd Sr., President
Mailing Address of Applicant 8205 Prospect Street	Facility Contact Street Address 8205 Prospect Street
City State Zip Citronelle, AL 36522	City State Zip Citronelle, AL 36522

Business Phone Number 251-866-0806, 251-490-9161	Fax Number 251-866-0800	Facility Contact Phone Number 251-445-0302

Responsible Official Street/Physical Address & Phone Number 8205 Prospect Street, Citronelle, AL 36522, 251-490- 9161, rlbhauling59@att.net	Email Address rogburn@headcompanies.com

Registered Agent Name, Address, & Phone Number
W. Joe Taylor, P.E., Environmental Engineer, Al License No. 22783, Taylor Engineering, LLC, PO Box 1875, Daphne, AL 36526

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	Residence Address (PO Box not acceptable)
Rickey L. Byrd, Sr.	President	8205 Prospect Street, Citronelle, AL 36522

II. OFFICER INFORMATION

Name of each corporation, partnership, association, and single proprietorship (other than applicant) having an Alabama NPDES permit at any time during the sixty (60) month period immediately preceding the date on which this form is signed for which any individual identified in Item I 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:

Name of corporation, partnership, association, or single proprietorship	Name of individual (from Item I)	Title/position in corporation, partnership, association, or single proprietorship
RLB Hauling & Contracting, Inc.	Rickey L. Byrd, Sr.	President

III. LEGAL STRUCTURE OF APPLICANT

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

☐ Government Agency _____ ☐ Other _____ ☐ Other _____

☑ Yes ☐ No If not an Individual or Single Proprietorship, applicant is properly registered with the Alabama Secretary of State's office. If "No", please explain:

Parent Corporation and Subsidiary Corporations of Applicant, if any: N/A

Land owner(s): Weaver Alex Z & Lizzie A, P O Box 228, Mount Vernon, Al 36560

Mining Sub-contractor(s)/Operator(s), If Known: RLB Hauling & Contracting, Inc.

IV. COMPLIANCE HISTORY

Has the applicant ever had (If the response to any item is yes, attach a letter of explanation.):

	Yes	No
(a) an Alabama NPDES-SID-UIC permit suspended or terminated?	☐	☑
(b) an Alabama license to mine suspended or revoked?	☐	☑
(c) an Alabama or federal mining permit suspended or terminated?	☐	☑
(d) a reclamation bond, or similar security deposited in lieu of a bond, or portion thereof, forfeited?	☐	☑
(e) 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?	☐	☑

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

N/A

V. PROPOSED SCHEDULE

Anticipated Activity schedule: Commencement date: June 1, 2007 Completion date or year: March 31, 2022

Proposed Area of the Permitted site: Total area in acres: 15 Disturbed area in acres: 5.5

VI. OTHER PERMITS/AUTHORIZATIONS

1) List any other NPDES or other environmental permits, 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, or revoked (include permit numbers):

NPDES ALG890342, ADIR Permit #12607

2) List any other NPDES or other ADEM permits, 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, or revoked (include permit numbers):

ALR16D428

VII. ACTIVITY DESCRIPTION & INFORMATION

Township(s), Range(s), Section(s) T2N, R1W, Section 21 County(s) Mobile

Directions To Site From Hwy 43 in Mt Vernon, go west on Co. Rd 96, right on Red Foxx Rd, right on Villard Byrd Road, left on 1st private road.

	Yes	No	Is/will this facility:		Yes	No	
(a)	■	☐	an existing facility which currently results in discharges to State waters	(b)	☐	■	be located within any 100-year flood plain?
(c)	☐	■	a proposed facility which will result in a discharge to State waters?	(d)	☐	■	discharge to Municipal Separate Storm Sewer?
(e)	☐	■	discharge to waters of or be located in the Coastal Zone?	(f)	☐	■	need/have ADEM UIC permit coverage?
(g)	☐	■	be located on Indian/ historically significant lands?	(h)	☐	■	need/have ADEM SID permit coverage?
(i)	☐	■	need/have ASMC permit coverage?	(j)	■	☐	need/have ADIR permit coverage?
(k)	☐	■	generate, treat, store, or dispose of hazardous or toxic waste ? If "yes", attach a detailed explanation.				
(l)	☐	■	be located in or discharge to a Public Water Supply (PWS) Watershed(s) or be located within ½ mile of any PWS well?				

VIII. PROPOSED ACTIVITY TO BE CONDUCTED - Check All that apply

Type(s) of activity presently conducted at applicant's existing facility or proposed to be conducted at proposed facility (check each one that applies):

■ Surface mining ☐ Underground mining ☐ Auger mining ☐ Quarrying ☐ Hydraulic mining ■ Mineral storing

☐ Within-bank mining ☐ Lime production ☐ Cement production ☐ Synthetic fuel production ☐ Alternative fuels operation

☐ Other beneficiation/manufacturing operations ☐ Chemicals used in process or wastewater treatment (coagulant, biocide, etc.)

■ Mineral loading ☐ Mineral wet preparation ☐ Mineral dry processing (crushing & screening)

☐ Chemical processing or leaching ☐ Solution mining ■ Construction related temporary borrow pits/areas

■ Mineral transportation ___rail ___barge X truck ☐ Hydraulic mining, dredging, instream or between stream-bank mining

☐ Preparation plant waste recovery ■ Onsite construction/mining waste/debris/equipment storing/disposing

■ Excavation ■ Grading , clearing, grubbing, etc. ■ Reclamation of disturbed areas

■ Pre-mining logging or land clearing ☐ Pre-construction ponded water removal ☐ Waterbody relocation or other alteration

☐ Adjacent/associated asphalt/concrete plant(s) ☐ Low volume sewage treatment package plant ☐ Creek/stream crossings

☐ Other (Describe): _____ ☐ Other (Describe): _____

Primary SIC Code 1499 Description Miscellaneous Nonmetallic Minerals, Except Fuels

Secondary SIC Code _____ Description _____

Narrative Description: Mining of sand, clay, and chert

of the Activity _____

IX. MATERIAL TO BE REMOVED, PROCESSED, OR TRANSLOADED – List relative percentages for All that apply

List relative percentages of mineral(s) or mineral products presently mined, quarried, recovered, prepared, processed, handled, transloaded, or disposed at applicant's existing facility or to be mined, quarried, recovered, prepared, processed, handled, transloaded, or disposed at applicant's proposed facility. **If more than one mineral is to be mined, list the relative proportions of each mineral by tonnage for the life of the mine.**

10% Dirt-Chert	55% Sand-Gravel	_____ Chalk	_____ Talc	_____ Crushed rock - other
_____ Bentonite	_____ Industrial Sand	_____ Coal product, coke	_____ Marble	35% Shale & Common Clay
_____ Coal	_____ Lignite	_____ Fire clay	_____ Iron ore	_____ Coal fines/refuse recovery
_____ Slag, Red Rock	_____ Phosphate rock	_____ Granite	_____ Limestone, crushed limestone and dolomite	
_____ Bauxitic clay	_____ Kaolin	_____ Dimension stone	_____ Gold, other trace minerals (be specific) _____	
_____ Bauxite ore (for Aluminum production)		_____ Other (be specific) _____	_____ Other (be specific) _____	

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

Will fuels, chemicals, compounds or liquid waste be used or stored onsite? ☐ Yes ☑ No If "yes", identify and indicate amount below:

Capacity	Contents	Capacity	Contents	Capacity	Contents
_____ gallons	_____	_____ gallons	_____	_____ gallons	_____
_____ gallons	_____	_____ gallons	_____	_____ gallons	_____

If "yes", a detailed SPCC Plan with acceptable format/content, including diagrams, must be attached to application according to 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, attach Material Safety Data Sheets (MSDS) for chemicals/compounds used or proposed to be used at the facility.

XI. POLLUTION ABATEMENT & PREVENTION (PAP) PLAN

☑ Yes ☐ No ADEM 335-6-9 PAP and Appendix A & B Checklists have been completed and are attached as part of this application.

☑ Yes ☐ No A detailed PAP Plan with format/content acceptable to ADEM is attached to application according to ADEM Admin. Code R. 335-6-9-.03 and Appendices A & B, or has been submitted to ASMC according to submittal procedures for ASMC regulated facilities (see next response).

N/A _____ If a coal facility, detailed mining and engineering design plan(s) are on file with or have been submitted to ASMC.
Date

If response is "No", or if a coal facility and an application has not been filed with ASMC, please explain:

N/A

XII. 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 outline of legal boundary of entire property (property lines and lease boundaries)
(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

[symbols identified in Theodore D. Steger, Topographic Maps, U.S. Interior Dept., Geological Survey, 1978 (No. 0--274--961), as updated/revised]

XIII. 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 or equivalent 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) location of mining or pond cleanout waste storage/disposal areas
(d) If noncoal, location of topsoil storage areas
(e) Other information relevant to facility or operation
(f) location of facility sign showing permittee name, facility name, and NPDES Number

XIV. PROPOSED NEW OR INCREASED DISCHARGES

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 determine, based on the applicant's demonstration, that 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. Complete items 1 – 6 below.

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

If "Yes", applicant is requesting issuance, modification, or reissuance & modification of permit coverage for new or expanded discharges of pollutant(s) not previously permitted. Complete this Item, Item XV, and Item XVI as necessary. **Attach additional sheets/documentation and supporting information as needed.**

1) What environmental or public health problem will the discharge be correcting? There is no surface discharge. The rain that falls on the disturbed soils runs into the pit, which has a high hydraulic conductivity, i.e. the discharge is all to groundwater for any rain event. Since there is no surface discharge, then there is not environmental or public health problem that the discharge applies to.

2) How much will the discharger be increasing employment (at its existing facility or as a result of locating a new facility)? No increase in employment over the number of employees who have been working at the site since 2006; there is one (1) part-time employee.

3) How much reduction in employment will the discharger be avoiding? One (1) employee

4) How much additional state or local taxes will the discharger be paying? Property tax will remain the same whether or not the pit is in operation. Sales tax is based on approximately 40,000 cubic yards. If we estimate at approximately $5 per cubic yard then the approximate total is $200,000. Using a 7 percent sales tax across the board, we get an annual sales tax of $14,000.

5) What public service to the community will the discharger be providing? Adequate supply of fill for construction projects.

6) What economic or social benefit will the discharger be providing to the community? Continue to provide employment and tax revenue to the county and state.

XV. ALTERNATIVES ANALYSIS – ADEM Form 311 3/02

Pursuant to ADEM Admin. Code Chapter 335-6-10, an evaluation of the discharge alternatives identified below has been completed and the following conclusions, as indicated, were reached. All proposed new or expanded discharges of pollutant(s) covered by the Individual NPDES permitting program are subject to the provisions of the antidegradation policy. As part of the permit application review process, the Department is required to determine, based on the applicant's demonstration, that 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. As a part of this demonstration, a registered professional engineer (PE) licensed to practice in the State of Alabama must complete an evaluation of the discharge alternatives, to include calculation of total annualized project costs (Item XVI) for each technically feasible alternative. Technically feasible alternatives with total annualized pollution control project costs that are less than 110% of the preferred alternative total annualized pollution control project costs for the Tier 2 new or increased discharge proposal are considered viable alternatives. **Supporting documentation is attached, referenced, or otherwise handled as appropriate.**

Alternative	Viable	Non-Viable	Reason/Rationale For Indicating Non-Viable
1) Treatment/Discharge Proposed In This Application	X		
2) Land Application		X	Water quantity too great
3) Pretreatment/Discharge to POTW By SID Permit		X	POTW not available
4) Relocation of Discharge		X	Proposed alternative has no surface discharge to be relocated
5) Reuse/Recycle – Pollution Prevention		X	No washing/processing is involved. Reuse/recycle is as needed.
6) Other Process/Treatment Alternatives		X	Retention/settling on-site is most viable process alternative
7) Underground Injection By UIC Permit		X	Regulatory applicability of NPDES program
8) Other Project Specific Alternative(s) Identified By the Applicant Or The ADEM			
9) Other Project Specific Alternative(s) Identified By the Applicant Or The ADEM			

COMMENTS: _____

XVI. CALCULATION OF TOTAL ANNUALIZED PROJECT COSTS FOR PRIVATE SECTOR PROJECTS - ADEM Form 313 3/02
(ADEM Form 312 3/02 - Public Sector Project is available upon request)

This item must be completed for each technically feasible alternative evaluated in Item XV. **Copy, complete, and attach additional blocks/sheets and supporting information as needed.**

Capital Costs of pollution control project to be expended or financed by applicant (Supplied by applicant)	$1,000 (1)	* While actual payback schedules may differ across projects and companies, assume equal annual payments over a 10-year period for consistency in comparing projects.
Interest Rate for Financing (Expressed as a decimal)	0.05 (i)	
Time Period of Financing (Assume 10 years *)	10 years (n)	
Annualization Factor ** = $\frac{i}{(1+i)^{10}-1} + i$ i = Interest Rate	0.12950 (2)	** Or refer to Appendix B (application information) for calculated annualization factors.
Annualized Capital Cost [Calculate: (1) x (2)]	$130 (3)	
Annual Cost of Operation & Maintenance (including but not limited to monitoring, inspection, permitting fees, waste disposal charges, repair, administration & replacement) ***	$3,000 (4)	*** For recurring costs that occur less frequently than once a year, pro rate the cost over the relevant number of years (e.g., for pumps replaced once every three years, include one-third of the cost in each year).
Total Annual Cost of Pollution Control Project [(3) + (4)]	$3,130 **(5)**	

XVII. RECEIVING WATERS

List the requested permit Action for each outfall (issue, reissue, add, delete, move, etc.), Outfall Designation including noting "E" for existing and "P" for proposed, name of receiving water(s), ADEM water use classification (WUC) for the receiving water, latitude and longitude (to seconds) of location(s) that run-off enters the receiving water, 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	ADEM WUC	Latitude	Longitude	Distance to Rec. Water	Disturbed Acres	Drainage Acres	303(d) Segment (Y/N)
issue	001E	Borrow Creek	F&W	31° 07' 33.9"N	88°04' 58.4"W	+/- 250 ft.	5.5	15	N

XVIII. DISCHARGE CHARACTERIZATION

☒ Yes, pursuant to 40 CFR 122.21, the applicant requests a waiver for completion of EPA forms 2C and/or 2D 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.

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

If a completed EPA form 2C and/or 2D is not attached, 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 gallons/day and in cfs, frequency of discharge in hours per day and days per month, average summer and winter temperature of discharge(s) in degrees centigrade (C), average daily discharge in pounds per day of Total Iron, Total Manganese, BOD_5, Total Aluminum (if bauxite or bauxitic clay), and Total Suspended Solids:

Outfall E/P	Information Source - # of Samples	Flow cfs	Flow gpd	Frequency hours/day	Frequency days/mnth	pH s.u.	BOD_5 lbs/day	Sum/Win Temp, C.	TSS lbs/day	Tot Fe lbs/day	Tot Mn lbs/day	Tot Al lbs/day
001E	similar project	0.003	2016	rainfall driven	rainfall driven	7.2	0.0336	26/7	0.1176	0.0096	0.0006	N/A

Please 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 XVIII above, that you know or there is reason to believe could be present in the discharge(s) at levels of concern. I/we (PE and applicant) certify that that I/we have reviewed the list of pollutants referenced in EPA Forms 2C & 2D, and the pollutants listed in EPA Form 2C and/or 2D that are not listed below are believed absent or not present at levels of concern in any proposed or existing discharge(s) from this facility:

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	lbs/day
001E	N/A	N/A										

XIX. DISCHARGE STRUCTURE DESCRIPTION AND POLLUTANT SOURCE

If a completed EPA form 2C and/or 2D is not attached, the applicant is required to detail existing and proposed point source(s) covered by this permit application. Specify 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. Please check all responses which describe the discharge origin.

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
001E	pumping from sump	6, 8, 9	X	X	N/A	X	N/A	N/A

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:** _____.

XX. INFORMATION

Contact the Department <u>prior</u> 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 and the Department grants a waiver (Item XVIII-Discharge Information). Proposed activities described in this application for this facility qualify for coverage under ADEM Admin. Code Chapter 335-6-9 including Appendices A & B, and there are no other potential pollutants, processes, process wastewaters or activities that require permit coverage.

Coverage under the Department's NPDES Construction Stormwater Permit Program allows for short-lived, construction related, limited removal or relocation of offsite fill material, and does not provide coverage for mining activities described in ADEM Admin. Code Chapter 335-6-9 that exceeds or will exceed 5 un-reclaimed acres. 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.

I understand by submission of this application, that I am 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.

An information package, example PAP and SPCC plans, and other information are available upon request.

Complete this form, attach additional information as necessary, enclose appropriate processing fee (including Greenfield fee if applicable) and send to:

Field Operations Division – MNPS
Alabama Department of Environmental Management
Phone: (334) 394-4311
Fax: (334) 394-4326

PO Box 301463
Montgomery, AL 36130-1463

1400 Coliseum Boulevard
Montgomery, AL 36110-2059

Email: mnps@adem.state.al.us

Microsoft WORD 97

Internet Web Page: www.adem.state.al.us

XXI. POLLUTION ABATEMENT PLAN (PAP) - APPENDIX A& B INFORMATION

Outfall(s): 001E

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

X	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):

The borrow pit provides sufficient capacity so that surface water discharges are not normally required. A 25 year, 24-hour rainfall event for the area is about 10.5 inches. Since no appreciable run-off into the pit is to occur, the design storm event for the 5.5 acre pit area equals about 9.6 acre-feet (11 * 10.5/12), discounting any filtration during the storm event. Assuming that all of the volume is collected in less than 1/4 of the pit area (say 3 acres), a depth of 2.4 feet would contain the storm event. The pit will be incised such that the pit walls enclose all areas and will be in excess of 15 feet, thereby preventing discharge to surface water (except as could be needed after an extreme event and/or during initial operations). In such case, surface discharge from the pits would be by pumping or the pump intake would be positioned in the upper portion of the water column, after sedimentation had occurred, to prevent discharge of unacceptable levels of suspended materials.

XXII. POLLUTION ABATEMENT PLAN (PAP) REVIEW CHECKLIST

Y	N	N/A	
X			PE Seal with License #
X			Name and Address of Operator
X			Legal Description of Facility
			General Information:
X			Name of Company
X			Number of Employees
X			Products to be Mined
X			Hours of Operation
X			Water Supply and Disposition
			Topographic Map:
X			Mine Location
		X	Location of Prep Plant
X			Location of Treatment Basins
X			Location of Discharge Points
X			Location of Adjacent Streams
			1"- 500' or Equivalent Facility Map:
X			Drainage Patterns
X			Mining Details
X			All Roads, Structures Detailed
X			All Treatment Structures Detailed
			Detailed Design Diagrams:
		X	Plan Views
		X	Cross-section Views
		X	Method of Diverting Runoff to Treatment Basins
			Narrative of Operations:
X			Raw Materials Defined
X			Processes Defined
X			Products Defined
			Schematic Diagram:
X			Points of Waste Origin
X			Collection System
X			Disposal System
			Post Treatment Quantity and Quality of Effluent:
X			Flow
X			Suspended Solids
X			Iron Concentration
X			pH
			Description of Waste Treatment Facility:
X			Pre-Treatment Measures
X			Recovery System
X			Expected Life of Treatment Basin
X			Schedule of Cleaning and/or abandonment
			Other:
X			Precipitation/Volume Calculations/Diagram Attached
X			BMP Plan for Haul Roads
X			Measures for Minimizing Impacts to Adjacent Stream i.e., Buffer Strips, Berms, etc.
X			Methods for Minimizing Nonpoint Source Discharges
X			Facility Closure Plans
		X	PE Rationale(s) For Alternate Standards, Designs or Plans

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

No preparation plants are utilized. The pit itself will act as a sedimentation basin (i.e., incised pit with the walls enclosing all areas). Therefore, no detailed design diagrams are needed. See PAP Plan.

XXIII. 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 XV) 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 Taylor Engineering, L.L.C., P.O. Box 1875, Daphne, AL 36526 PE Registration # AL 22783

Name and Title (type or print) W. Joe Taylor, P.E. Phone Number 251-626-8005

Signature W Joe Taylor Date Signed 05-11-2018

XXIV. 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) Rickey L. Byrd, Sr. Official Title President

Signature Rickey L Byrd Sr. Date Signed 05-11-2018

BEST MANAGEMENT PRACTICES (BMP) PLAN

For:

RLB PIT 1

8205 Prospect Street
Citronelle, AL 36522
Site Phone: 251-490-9161

Operator:

RLB Hauling & Contracting, Inc.

Mr. Ricky I. Byrd, Sr., President
8205 Prospect Street
Citronelle, AL 36522
Phone: 251-490-9161
Fax: 251-866-0800
rlbhauling59@att.net

Prepared By:

TAYLOR ENGINEERING, L.L.C.

P.O. Box 1875, Daphne, AL 36526
Office: (251) 626-8005, Fax: (251) 626-2893
Email: tengineering@bellsouth.net

W. Joe Taylor, P.E.
Environmental Engineer
AL License # 22783

Date: 05-11-2018

Taylor Engineering Project No.: 01832

Contents

SECTION 1: SITE EVALUATION, ASSESSMENT, AND PLANNING

1.1 Project/Site Information

Project/Site Name: **RLB Pit 1**

Project Street/Location: **Villard Byrd Road**

City: **Mt. Vernon** State: **AL** ZIP Code: **36560**

County or Similar Subdivision: **Mobile County**

Latitude/Longitude of Facility (Use **one** of three possible formats, and specify method)

Latitude:	Longitude:
31 7' 37.14" N	88 4' 58.67" W

Method for determining latitude/longitude:

☒ USGS topographic map (specify scale): 1" = 2000' ☐ EPA Web site ☐ GPS
☐ Other (please specify): _____

1.2 Contact Information/Responsible Parties

Operator:
RLB Hauling & Contracting, Inc.
Mr. Ricky I. Byrd, Sr., President
8205 Prospect Street
Citronelle, AL 36522
Phone: 251-490-9161
Fax: 251-866-0800
rlbhauling59@att.net

Project Manager(s) or Site Supervisor(s):
RLB Hauling & Contracting, Inc.
Mr. Ricky I. Byrd, Sr., President
8205 Prospect Street
Citronelle, AL 36522
Phone: 251-490-9161
rlbhauling59@att.net

BMP Plan Contact(s) / Qualified Credentialed Professional (QCP):
Taylor Engineering, L.L.C.
W. Joe Taylor, P.E., Environmental Engineer, AL License #22783
P.O. Box 1875
Daphne, AL 36526
Office: 251-626-8005, wjtaylor1@bellsouth.net

Qualified Credentialed Inspectors (QCI) or Qualified Person(s):
Taylor Engineering, L.L.C.
Rene' Taylor
P.O. Box 1875
Daphne, AL 36526
Office: 251-626-8005

This BMP Plan was Prepared by:
Taylor Engineering, L.L.C.
W. Joe Taylor, P.E., Environmental Engineer, AL License #22783
P.O. Box 1875
Daphne, AL 36526
Office: 251-626-8005

Emergency 24-Hour Contact:
RLB Hauling & Contracting, Inc.
Mr. Ricky I. Byrd, Sr., President
8205 Prospect Street
Citronelle, AL 36522
Phone: 251-490-9161
rlbhauling59@att.net

1.3 Nature and Sequence of Construction Activity

Describe the general scope of the work for the project, major phases of construction, etc, will include the following:

Proposed Activity(ies) to be Conducted:

☐Residential ☐Commercial ☐Industrial ☐Road Construction ☐Linear Utility

☒Other (please specify):

If Non-Coal, Non-Metallic Mining, Recovery, or Construction Material Management Site:

☐Dirt-Chert ☒**Sand**-Gravel ☒Shale-**Clay** ☐Crushed-Dimension Stone

☐Other (please specify):

Primary SIC Code: **1499**
Primary NAICS Code: **21232 & 212399**

Brief Description of Construction, Non-coal Mining, or Materials Management Activity:

Excavation, Storage, Transportation of Aggregate Mining Materials
Reclamation of Mined Areas

Mining, quarrying, or beneficiating sand, gravel, clay, and ceramic and refractory minerals--are classified in Industry 21232, Sand, Gravel, Clay, and Ceramic and Refractory Minerals Mining and Quarrying;

1.4 Soils, Slopes, Vegetation, and Current Drainage Patterns

Soil type(s): Soil type(s): Troup-Heidel association, undulating & Troup-Benndale association, rolling

Information Source(s): **Web Soil Survey and Mobile County Soil Maps**

Slopes (describe current slopes and note any changes due to grading or fill activities):
0 to 8 percent slopes exist throughout the entire site (native un-mined areas)

Drainage Patterns describe or provide map(s) of current drainage patterns and note any changes dues to grading or fill activities:

Stormwater runoff from the site discharges into the incised pit, where it enters ground water, then eventually discharges via seepage into the Private man Made lake Southwest of the Pit, then into Receiving waters, southwest of the pit.

Post-construction: The areas of the pit will be sloped to no more than 2:1 slope. Side slopes will be re-vegetated to stabilize the site. Incised Pit may be converted into aquaculture to raise catfish or other commercial fish.

1.5 Receiving Waters

The receiving waterway for this site is Borrow Creek.

1.6 Site Features and Sensitive Areas to be Protected

The wetlands associated with the receiving waters will be protected as will all drainage ways.

1.7 Potential Sources of Pollution

The major potential source of pollution from the site is sediment discharge within stormwater runoff, resulting from erosion of exposed soils. All disturbed areas on site that have not been covered with structures, or paving, or stabilized with vegetation or landscaping are subject to erode in the event of rain events that produce run-off.

In accordance with the ADEM National Pollutant Discharge Elimination System Permit General Permit, *"The Permittee must design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants."*

Sediment will be controlled/ treated at the site level. In the event that sediment is discharged from the site or an upset event occurs, it may be necessary to perform a delineation of sediment and develop a sediment remediation plan based on the severity of

the discharge. The contractor should contact the QCP immediately for assistance with remediation. The QCP will then notify ADEM within 24 hours of the noncompliant event. Within five (5) days, a written report describing the cause and location of the noncompliant event will be prepared and submitted to ADEM by the QCP.

The report will also include the expected period of noncompliance (dates & times), as well as the corrective measures taken to correct the noncompliance and mitigate any associated impacts on the environment.

1.8 Endangered Species

Are endangered or threatened species and critical habitats on or near the project area?

☐ Yes ☒ No

If yes, ADEM strongly recommends that the site operator work closely with the appropriate field office of the U.S. Fish and Wildlife Service www.fws.gov/southeast/es [Montgomery, AL (334) 285-9600; and Daphne, AL (251) 441-5181] and the Alabama Department of Conservation and Natural Resources Wildlife & Freshwater Fisheries [(334) 242-3465].

1.9 Historic Preservation

Are there any historic sites on or near the construction site?

☐ Yes ☒ No

If yes, ADEM strongly recommends that the site operator work closely with the Alabama Historical Commission's Historic Preservation office [(334) 230-2667.

1.10 Applicable Federal, State or Local Programs

US Army Corps of Engineers Permit for wetland impacts are not applicable for the Site. No wetland impact is anticipated, based on review of site conditions and attached US Fish & Wildlife Wetlands Inventory Maps.

1.11 Maps

The attached topographic map, plans or equivalent map(s), at a minimum, shows:

- *Sufficient detail to identify the location of the construction site;*
- *For non-linear projects, pre-construction contours at a sufficient interval to adequately determine pre-construction stormwater runoff patterns throughout the site. These pre-construction contours must be certified by a professional engineer or land surveyor presently licensed by the Board of Registration for Professional Engineers and Land Surveyors;*
- *The external and internal (if subdivided) property boundaries of the project;*
- *Areas to be disturbed by excavation, grading, or other activities;*
- *Identification of sediment control measures, erosion control measures, planned stabilization measures, and other site management practices;*
- *Locations of all waters of the state within a 1 mile radius of the site;*
- *Locations of wetlands and riparian zones;*
- *Locations of all points of discharge to waters of the State.*

SECTION 2: EROSION AND SEDIMENT CONTROL BMPS

This section provides the specific Best Management Practices for erosion & sediment control and stormwater management on the construction site. BMPs will be installed and maintained in accordance with the Alabama Handbook or industry standards on this site.

Refer to these sheets for proper installation and maintenance of best management practices described below. Additional details are available in the Alabama Handbook which is available at the following website:

http://swcc.alabama.gov/pdf/Handbooks&Guides/Complete%20ESC%20Handbook10-09.pdf

Please note, on any construction site, the conditions may change and require adjustments to the implemented BMPs on that site. The goal of all erosion and sediment control BMP plans is to reasonably address all likely construction conditions and the BMPs that mitigate the adverse potential impacts. But, not all conditions can be predicted on a dynamic construction site. The BMPs described in this section are intended to address the most likely conditions to be encountered on this construction site in a way that will result in a minimized discharge of pollutants for the site.

As changing site conditions occur that cannot be reasonably anticipated, the plan has to include enough information so that the contractor can also use their judgment to maintain compliance through the use of alternative BMPs that may be more effective to meet the challenges resulting from the changing site conditions.

If at any time during inspections, installation, maintenance, or repair, the contractor has questions concerning the appropriateness or effectiveness of the BMPs specified in this plan, Taylor Engineering, L.L.C. encourages them to contact Mr. W. Joe Taylor, P.E. (QCP) to discuss these changes.

Under the new ADEM NPDES General Permit, it is required that an updated BMP PLAN be maintained as follows:

a) The BMP PLAN shall be updated as necessary to address changes in construction activity, site weather patterns, new TMDLs finalized or approved by the EPA, new 303(d) listings approved by the EPA, or manufacturer specifications for specific control technologies.

b) The BMP PLAN shall be amended if inspections or investigations by site staff or by local, state, or federal officials determine that the existing sediment control measures, erosion control measures, or other site management practices are ineffective or do not meet the requirements of this permit. All necessary modifications to the BMP PLAN shall be made within seven (7) calendar days following notification of the inspection unless granted a time extension by the Department.

c) If existing sediment control measures, erosion control measures, or other site management practices prove ineffective in protecting water quality or need to be modified; or if additional sediment control measures, erosion control measures, or other site management practices are necessary to meet the requirements of Part III. A. B. C. and E., implementation shall be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, then new land disturbance activities must cease until the modified or additional controls can be implemented.

d) A copy of the BMP PLAN shall be maintained at the site during normal operating hours as defined by Part IV. T. of this permit when regulated land disturbing activities are occurring.

Documenting any changes to the BMP PLAN must be done in Appendix F – BMP PLAN Amendment Log and all changes must be approved/ certified by the QCP for the project.

2.1 Minimize Disturbed Area

According to the Alabama Handbook, protecting existing vegetation is the best method to prevent erosion, especially on steep slopes & in natural drainage areas. Also, establishing vegetation as soon as possible after the land disturbance is the best way to minimize erosion.

2.2 Phase Construction Activity

The project phasing for the land disturbing construction activities at this site will be critical for the proper installation, maintenance, and removal of BMPs as described in the following sections. The Project Phasing for this site is as follows:

- Phase I - Land clearing
- Phase II - Stripping and stockpiling top soil
- Phase III - Excavation of fill materials, sand and clay aggregates
- Phase IV - Reclamation & stabilization of excavated areas to maintain less than 5 acres of active land disturbance.

The following sections describe the appropriate BMPs for project phasing, including installation, maintenance, and inspection of BMPs. The BMPs for this site include controlling storm water flow onto and off the site, maintaining construction exits, perimeter controls and sediment barriers, stabilization of disturbed areas, inlet protection, minimization of dust, and other BMPs.

The site superintendant and crew will be responsible for the installation, daily inspections, maintenance, and removal of the BMP measures during the project phasing.

2.3 BMPs

Any excavated soils will be placed on areas where fill is needed and then graded and stabilized as needed. Vegetation within 50 feet of the wetland boundary on UT to Fowl River will not be disturbed.

1) Excavation and hauling equipment may be staged within the pit perimeter. Some of the equipment used to maintain the pit are common to the farming operations that have occurred on the property surrounding the pit, which is also owned by the operator's family.

2) A gravel construction exit will be installed to minimize vehicle tracking.

3) Install straw wattles, and other sediment barriers on the natural swale southwest of the pit. A silt fence has been installed along the border of areas southwest of the pit to prevent sediment impact and will be maintained until the berm around the pit has been fully stabilized with vegetation.

4) Access road will be maintained to prevent excessive erosion.

5) Reclaimed areas will be stabilized with permanent vegetation after final site grading.

6) Final stabilization employs vegetative cover of disturbed areas and must be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site.

7) Soil stockpiles and other disturbed areas outside the pit may require temporary stabilization to prevent sediment runoff.

8) All BMPs will be maintained as appropriate and removed when no longer needed.

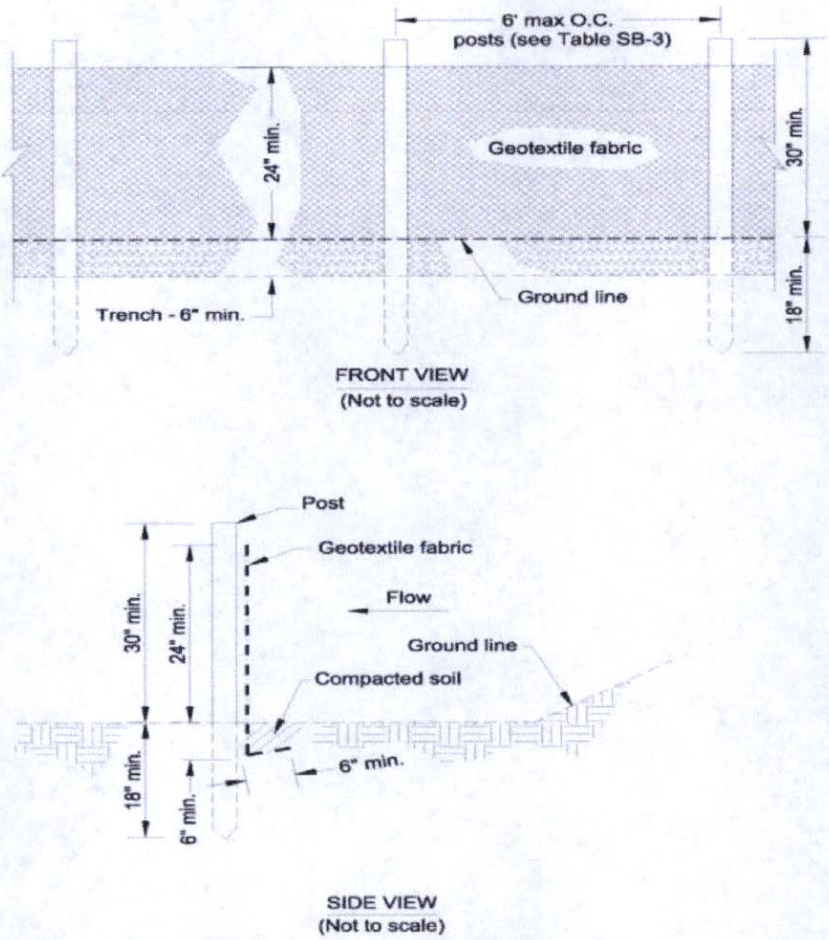


Figure 1 – Silt Fence Installation

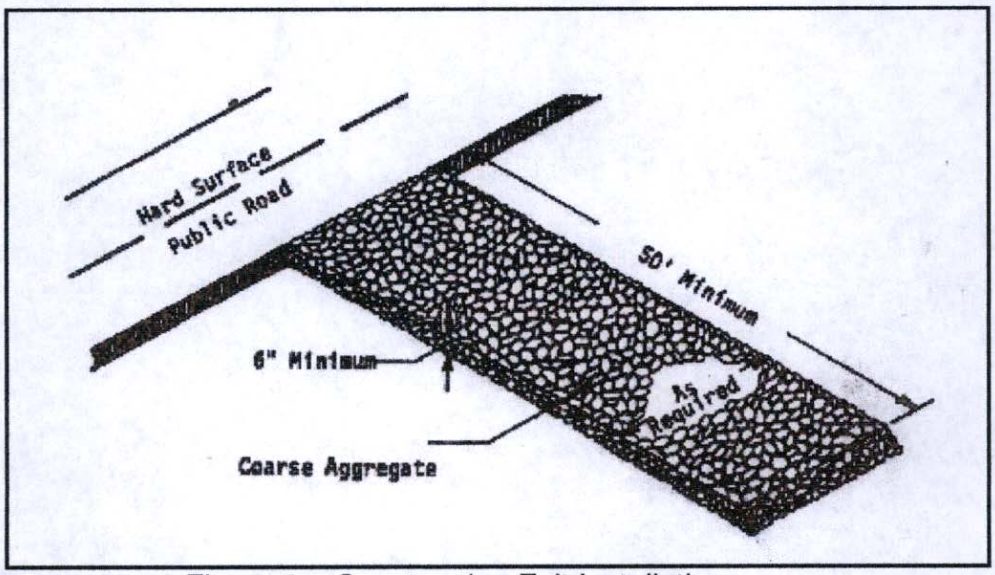


Figure 2 – Construction Exit Installation

SECTION 3: GOOD HOUSEKEEPING BMPS

3.1 Material Handling and Waste Management

All facility staff is required to stick to the following guidelines for the proper storage and handling of wastes at the site. This section describes the designation of waste collection areas on the site. The location of the areas is expected to change from time to time to adjust to the site construction activities. Inspection of waste materials is a daily operation.

The following are some general guidelines for the proper management of waste:

1) Scrap or surplus building materials (wood, metals, rubber, plastic, glass, masonry, & other solid wastes) will be placed within designated areas and stored in a neat and orderly fashion. Do not place these items within drainage areas.
2) Used oil, oily rags, used absorbent mats/booms, paints, thinners, solvents, detergents, cleaners, muriatic acid, etc., blasting sand, paint scrapings, or other potentially hazardous waste sources must be stored, maintained, and disposed of in accordance with ADEM Land Division Guidelines.
3) Provide containers - you must have an adequate number of containers with lids or covers to place over the containers prior to rainfall.
4) Arrange for waste collection on a timely basis to prevent container overflow.
5) If a spill occurs, clean it up immediately to prevent its contents from spreading. Immediately contact the site supervisor if there is any question about the proper clean-up of the materials.
6) Collect, remove & properly dispose of all construction wastes only at approved facilities.
7) Respect hazardous products & their wastes. Check with your local Alabama Department of Environmental Management (ADEM) Branch Office (450-3400), ADEM Land Division, Solid/Hazardous Waste Branch Montgomery, AL (334-271-7757 or 334-271-7700), local waste management firm, or a professional environmental consultant for more specific guidance.

3.2 Establish Proper Staging Areas for Building Materials

BMP Description: Designate areas for material & supplies onsite.
Installation Schedule: Upon beginning of each project phase.
Maintenance and Inspection: Daily
Responsible Staff: on-site personnel

Proper storage, use, management, and disposal of regulated chemicals results in a reduction in stormwater run-off pollution.

1) Designate areas for material supplies; then lay out in fenced areas to limit access & theft. Store chemicals on pallets placed on plastic; cover & secure from wind & rain or store in portable buildings.
2) Properly Store, Manage, & Handle paints, thinners, & solvents to prevent spills & to avoid expensive environmental investigations.
3) Keep Spill Cleanup Supplies On Hand – oil-absorbent booms, pads, granules, plastic bags, rolls of plastic liner, etc. should be kept in the construction trailer (if there is one) or in the supervisor's truck.
4) Use small, adequately-ventilated portable buildings - Use one building for storing grease, hydraulic & lube oil, paints, solvents, cleaners, & spill clean-up supplies. Have another building to store drums for oily rags & used absorbent materials disposal, petroleum or paint waste, etc.
5) Do Not Store Reactive Chemicals Together – read the Material Safety Data Sheets (MSDS) for each chemical & know the response actions for spills, exposure, etc.

3.3 Establish Proper Equipment/Vehicle Fueling & Maintenance Practice

No Vehicle Maintenance or Fueling to be done on site.

3.4 Control Equipment/ Vehicle Washing

No Equipment or Vehicle Washing will be done on site.

3.5 Spill Prevention and Control Plan

No Fuel Tanks on-site. In the event a Fuel Tank is located on site then the SPCC Plan will be developed.

3.6 Any Additional BMPs

Other BMPS may be implemented or added if site conditions change during inspection of site.

BMP Description: N/A
Installation Schedule:
Maintenance and Inspection:
Responsible Staff: Site Personnel

3.7 Non-Stormwater Discharge Management

N/A

SECTION 4: SELECTING POST-CONSTRUCTION BMPs

BMP Description:

Final Site Stabilization – All disturbed areas should be permanently vegetated, or covered with landscaping, buildings, pavement or other impervious structures.

SECTION 5: INSPECTIONS

5.1 Inspections

1. Inspection Personnel:

QCP: W. Joe Taylor, P.E., Environmental Engineer, AL License #22783

QCI: Staff under the direct supervision of W. Joe Taylor, P.E.:
Rene' Y. Taylor

Daily Inspections will be performed by the Operator.

2. Inspection Schedule and Procedures:

Maintenance of installed BMPs will continue until project is completed. Inspections of areas will be performed in accordance with the Administrative Code Rules 335-6-X as applied to surface mines.

The on-site personnel will visually observe all parts of the project where active disturbance, work, or construction occurred. During these daily observations, any rainfall measurements will be noted as will any BMP deficiencies. The on-site personnel will maintain a log of all daily observations and also record any rainfall measurements and BMP deficiencies.

Annually, Taylor Engineering, L.L.C. will complete comprehensive site inspections of the entire facility.

During these inspections, Taylor Engineering will observe all land disturbance, material storage areas, drainage ways, as well as outfalls and receiving waters.

The purpose of these site inspections is to ensure that effective erosion and sediment controls are fully implemented and maintained, and that pollutant discharges have been prevented/ minimized to the maximum extent practicable.

Each site inspection will be recorded on the ADEM Inspection Report Form, which can be downloaded from the ADEM website.

BMP PLAN evaluations will be performed by the QCP, Mr. W. Joe Taylor, P.E., at a minimum of once every year.

During the QCP inspections, Mr. Taylor will evaluate all erosion and sediment controls being implemented for adequacy and consistency with site conditions.

If based on the BMP PLAN evaluation, the QCP identifies any needed modifications or additions to erosion and sediment controls, the BMP PLAN will be updated.

Problems should be corrected whenever identified by on-site personnel. Taylor Engineering will send inspection reports to the site superintendent and any sub-contractors who are disturbing land; the necessary corrections should be made as soon as possible.

According to the ADEM NPDES General Permit,

"Any poorly functioning erosion controls or sediment controls, non-compliant discharges, or any other deficiencies observed during the inspections required under Part III.G.2 shall be corrected as soon as possible, but not to exceed five (5) days of the inspection unless prevented by unsafe weather conditions."

5.2 Responsible Official Assignment

N/A (if applicable the Responsible Official Assignment Form is attached in Appendix H.)

5.3 Corrective Action Log

Corrective Action Log:

Attached in Appendix E

SECTION 6: RECORDKEEPING AND TRAINING

6.1 Recordkeeping

RLB Hauling & Contracting, Inc. will retain records of all inspection reports, any monitoring information, and maintenance records for a period of at least three (3) years from the date of the inspection, measurement, or report. This period may be extended by request of the ADEM director at any time. If litigation or enforcement action is ongoing, the records should be kept until the litigation is resolved.

Records will include:

1) All records in this BMP Plan and appendices,
2) Notice of Intent,
3) Inspection Reports,
4) Copy of ADEM NPDES Facility Permit
5) Correspondence to and from ADEM.

These records will be maintained at

RLB Hauling & Contracting, Inc.
Mr. Ricky I. Byrd, Sr., President
8205 Prospect Street
Citronelle, AL 36522
Phone: 251-490-9161
Fax: 251-866-0800
rlbhauling59@att.net

A copy of the BMP Plan with appendices will also be kept on-site in the operator's excavator or in the supervisor's vehicle.

Date(s) when major grading activities occur:
Attached in Appendix G

Date(s) when construction activities temporarily or permanently cease on a portion of the site:
Attached in Appendix G

Date(s) when an area is either temporarily or permanently stabilized: Initial stabilization for the areas southwest of the pit location was accomplished via top soil application, grading, hydroseeding, mulch application, and grass seed application from 12-28-13 to 12-30-13.
Attached in Appendix G

6.2 Log of Changes to the BMP Plan

Log of changes and updates to the BMP Plan
Attached in Appendix F

SECTION 7: FINAL STABILIZATION

BMP Description: Disturbed areas will be covered/ stabilized with permanent vegetation, landscaping, concrete *and/or pavement.*

Installation Schedule: *Upon completion of site work.*

Maintenance and Inspection: *Maintenance of BMPs will continue until site is finally stabilized. Inspections of areas will continue to be performed until the site meets the requirements of final stabilization as stated in Part IV of the General Permit.*

Responsible Staff: *Site Superintendent & Site Personnel*

SECTION 8: CERTIFICATION AND NOTIFICATION

I certify under penalty of law that a comprehensive Best Management Practices Plan (BMP PLAN) 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 site/activity, and associated regulated areas/activities.

The BMP PLAN meets the requirements of this permit and if properly implemented and maintained by the operator, discharges of pollutants in stormwater runoff can reasonably be expected to be effectively minimized to the maximum extent practicable according to the requirements of ADEM Administrative Code Chapter 335-6-6-.23 and this Permit.

The BMP PLAN describes the erosion and sediment control measures that must be fully implemented and regularly maintained as needed at the permitted site in accordance with sound sediment and erosion control practices to ensure the protection of water quality.

Name: W. Joe Taylor, P.E Title: QCP, Environmental Engineer

Signature & Seal:

Date: 05-11-18

BMP PLAN APPENDICES

Attach the following documentation to the BMP PLAN:

Appendix A – USGS Topographic Map & General Location Maps

Appendix B – Survey Soil Map, Wetland Map, & Other Maps

Appendix C – NOI / Letter(s) from ADEM / Copy of Permit

Appendix D – Inspection Reports

Appendix E – Corrective Action Log

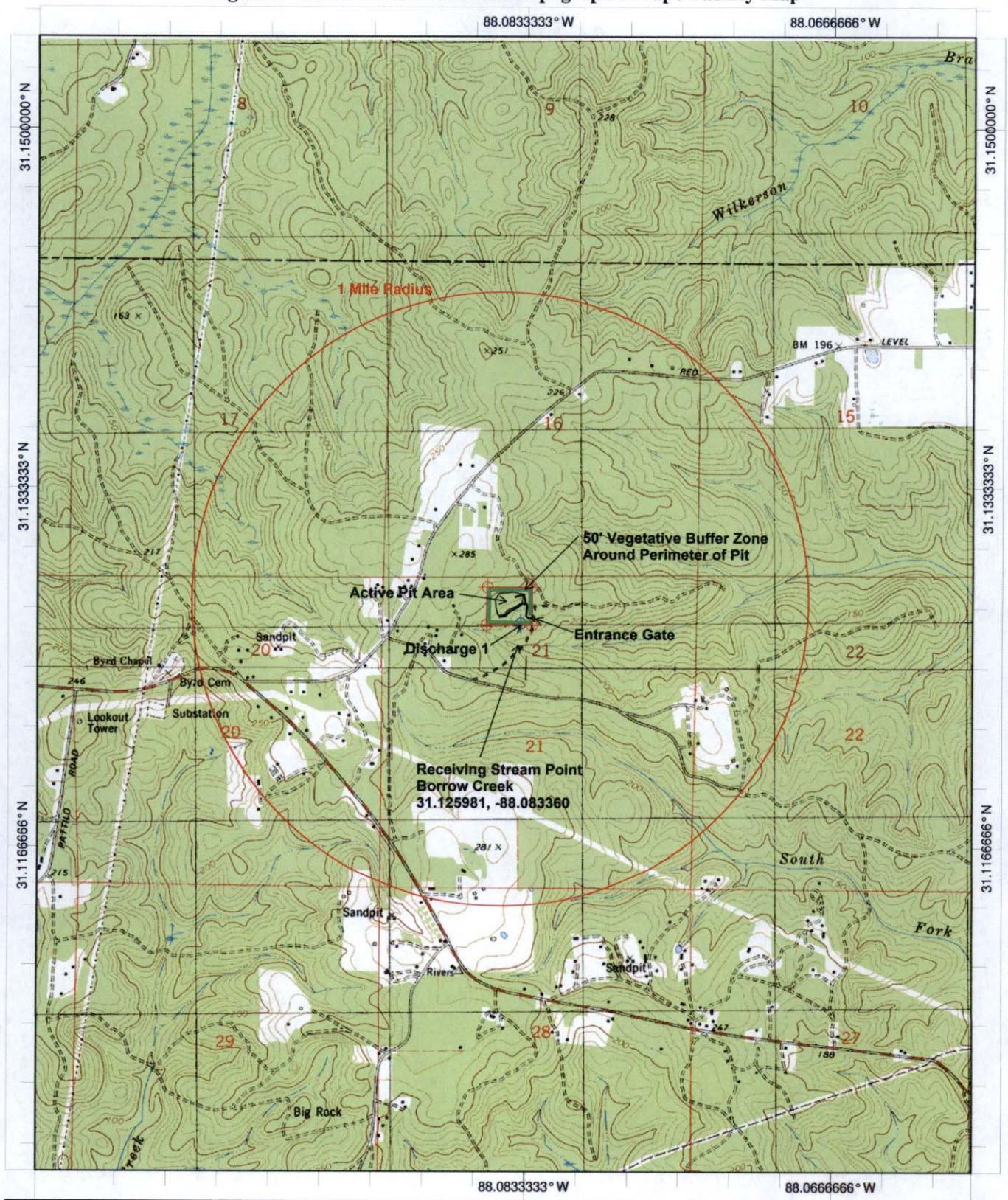
Appendix F – BMP PLAN Amendment Log

Appendix G – Grading and Stabilization Activities

Appendix H – Responsible Official Assignment

Appendix A – USGS Topographic Map & General Location Maps

Figure 1 - USGS 7.5 Minute Series Topographic Map / Facility Map



Name: CALVERT
Date: 2/12/2018
Scale: 1 inch equals 2000 feet

Location: 031.1279267° N 088.0844392° W
Caption: RLB Hauling Contracting, Inc., RLB Pit 1, T2N-R1W-S21, Calvert Quadrangle, Mobile Co. , AL

Appendix B – Survey Soil Map, Wetland Map, & Other Maps

Figure 2 – Facility Layout Map & BMPs

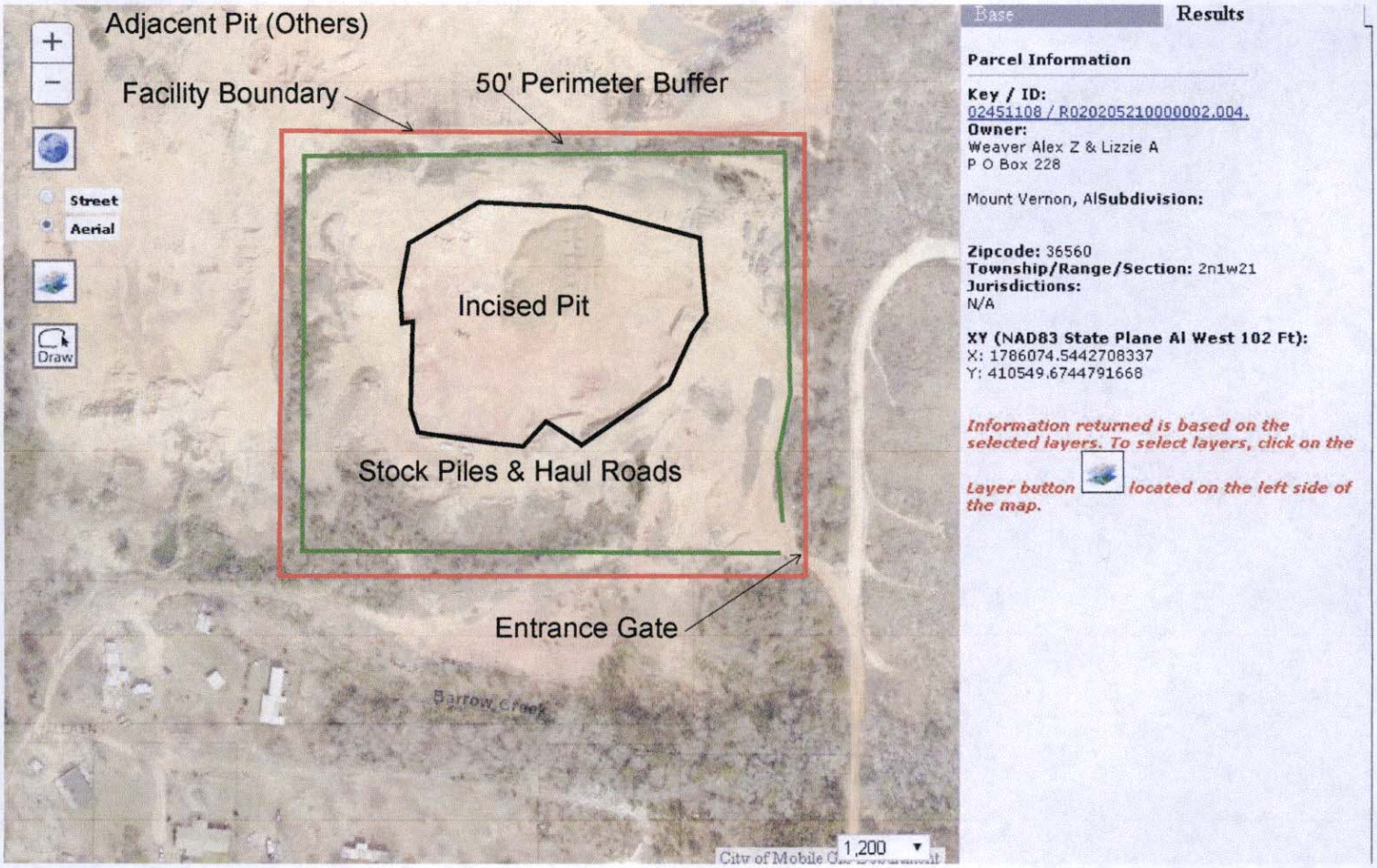
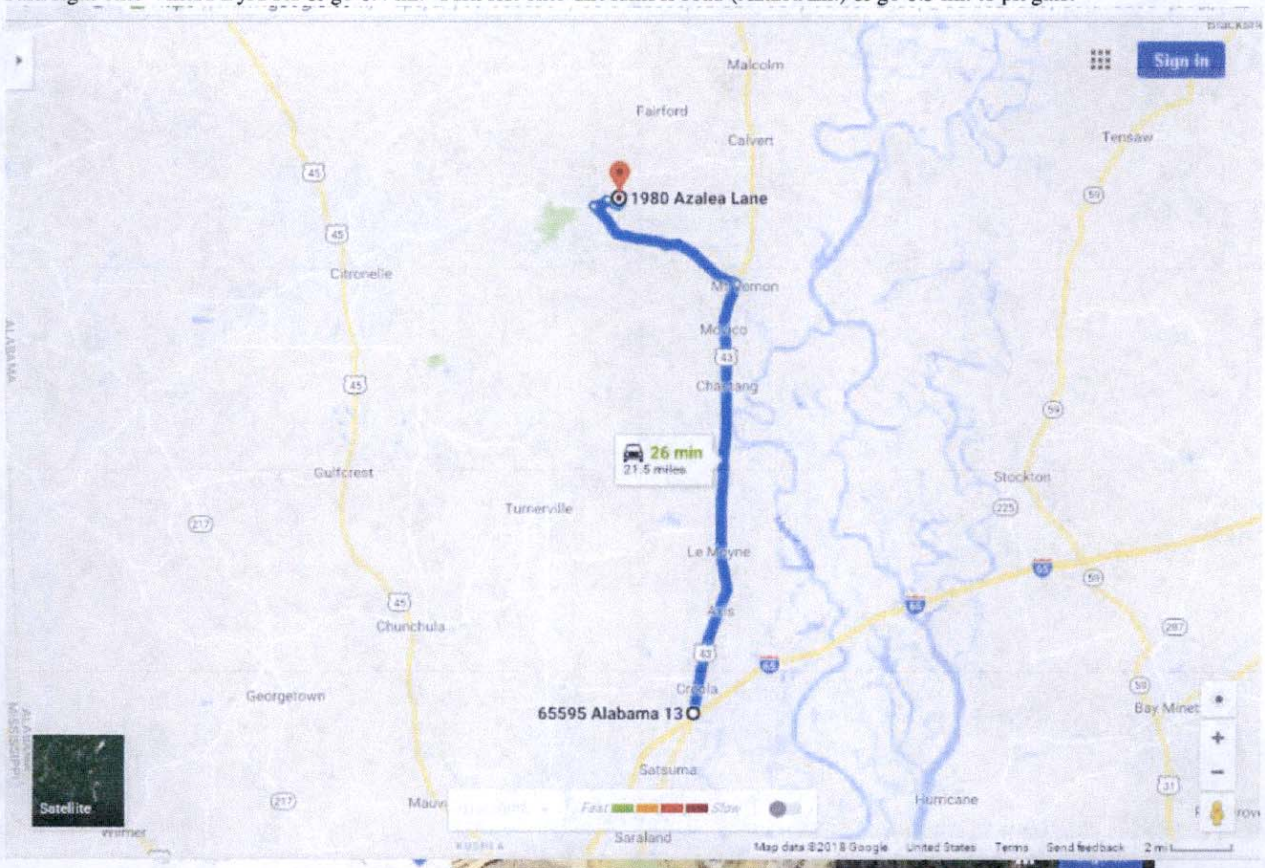


Figure 3 – Google Street Map

From I-65 go N on US-43 14.5 mi. Turn left onto Coy Smith Hwy (Co Rd 96). Go 5.7 mi. Turn right onto Red Fox Rd. W & go 0.5 mi. Turn right onto Villard Byrd Rd & go 0.4 mi. Turn left onto dirt lumber road (Azalea Ln.) & go 0.3 mi. to pit gate.



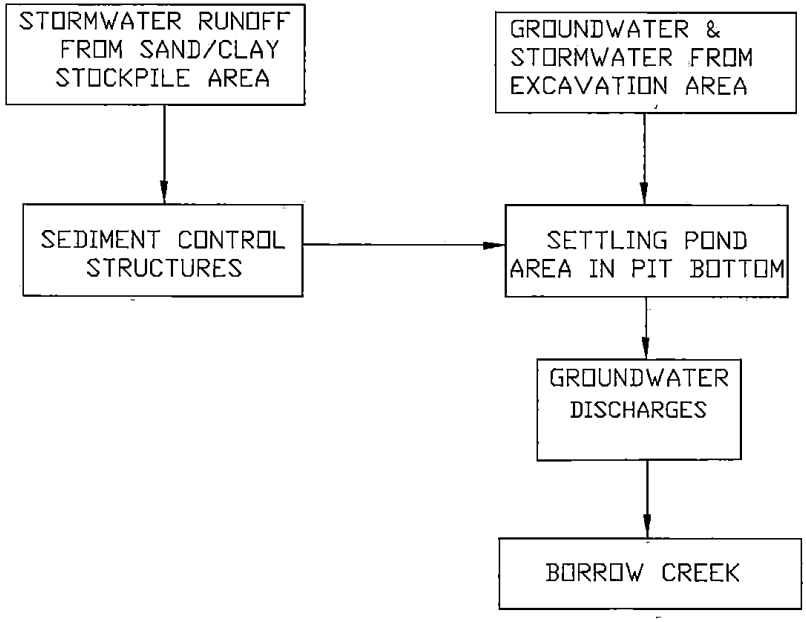
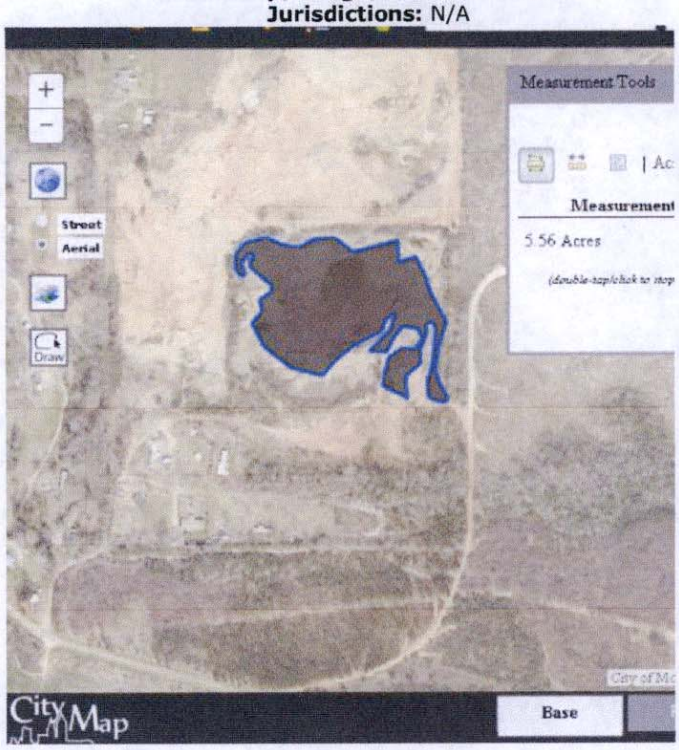


FIGURE 4 - RUN-OFF CONTROL SCHEMATIC DIAGRAM FOR RLB PIT 1 FACILITY

Figure 5 – Property Maps

Mobile County Revenue Commission Aerial Photo from 2014
Key / ID: 02451108 / R020205210000002.004.
Owner: Weaver Alex Z & Lizzie A, P O Box 228, Mount Vernon, Al 36560
Zipcode: 36560
Township/Range/Section: 2n1w21
Jurisdictions: N/A



Appendix C – NOI / Letter(s) from ADEM / Copy of Permit

Appendix D – Inspection Reports


01 05 2018


01 05 2018


01 05 2018


ALR16D428
01 05 2018

Appendix E – Corrective Action Log

Project Name: RLB Pit 1 **BMP PLAN Contact**: W. Joe Taylor, P.E.

Inspection Date	Inspector Name(s)	Description of BMP Deficiency	Corrective Action Needed (including planned date/responsible person)	Date Action Taken/Responsible person

Appendix F – BMP PLAN Amendment Log

Project Name:RLB Pit 1 **BMP PLAN Contact:** W. Joe Taylor, P.E.

Amendment No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]

Appendix G – Grading and Stabilization Activities Log

Project Name: RLB Pit 1 **BMP PLAN Contact:** W. Joe Taylor, P.E.

Date Grading Activity Initiated	Description of Grading Activity	Date Grading Activity Ceased(Indicate Temporary or Permanent)	Date When Stabilization Measures are Initiated	Description of Stabilization Measure and Location

Appendix H – Responsible Official Assignment

BMP DETAILS

FOR INCISED PIT NON-COAL MINING

09-14-16 by W. Joe Taylor, P.E., Taylor Engineering, L.L.C. 251-626-8005

BEST MANAGEMENT PRACTICES (BMPs)
3 TYPES OF BMPs:

1. *GOOD HOUSEKEEPING BMPs*
2. *SEDIMENT & EROSION CONTROL BMPs*
3. *STORMWATER MANAGEMENT BMPs*

1. SOME GOOD HOUSEKEEPING BMPs

Neat & Orderly Storage of All Chemicals, Pesticides, Fertilizers, Fuels, Materials, & Equipment Stored on Site.

A) Proper Storage, Use, Management, Disposal of chemicals reduces pollution in stormwater run-off.

- ***Follow the SPCC*** Inspection, Management, Reporting, & Cleanup guidelines for the facility.
- ***Keep Spill Cleanup Supplies***, - oil absorbent booms, pads, granules, plastic bags, rolls of plastic liner.

B) Regular Garbage, Rubbish, Construction Waste, & Sanitary Waste Disposal Designate Waste Collection Areas to store any of the following materials in the event that some trespass results in unauthorized disposal of the following wastes. Any illegal dumping of potentially hazardous or illegally dumped garbage, construction debris, or trash on the must be reported to ADEM and must be cleaned up immediately upon discovery.

- Trash and sold waste must be stored in a neat and orderly fashion and only in disposal bins or trash containers that can be covered when not in use. All solid waste trash and garbage generated during the normal operations must only be disposed at a permitted facility approved for these wastes.
- Sanitary sewer or other liquid biological waste from port-o-lets or other sources generated on site, must be disposed of and / or treated in accordance with the County Board of Health requirements associated with septic or biological waste and in accordance with the ADEM Admin Code Rules.
- Piles of removed trees & shrubs (may be mulched) asphalt, natural mineral aggregate, concrete, unpainted wood, trees, limbs, and natural leaf organic materials may be used for reclamation and may be acceptable to be used as reclamation and stabilization materials only if they do not contain any of the following:
- No steel or other metal scrap or other construction debris may be disposed of at the facility.
- Packaging materials (wood, paper, plastic, etc.) may not be disposed of in the facility,
- Scrap or surplus building materials (wood, metals, rubber, plastic, glass, masonry, other solid wastes) may not be disposed of at the facility.
- Used oil, oily rags, used absorbent mats/booms must be properly disposed of in accordance with the ADEM land division requirements and may not be disposed of at the facility.,
- Paints, thinners, solvents may not be disposed of at the facility,
- Detergents, cleaners, muriatic acid, etc. may not be disposed of at the facility,
- Blasting sand, paint scrapings, other paint residues or any materials containing these residues or coating, may not be disposed of at the facility,
- Any other potentially hazardous petroleum or chemical waste sources must be disposed of only at an ADEM approved facility permitted to receive and dispose of these wastes.
- Note: do not mix incompatible waste.

- ***Provide Containers*** - you must have an adequate number of containers with lids, or covers to place over the containers prior to rainfall for any and all waste generated at the facility by the mining operations.
- ***When possible*** locate containers in a covered area.
- ***Arrange for Waste Collection*** no container overflow is allowed.
- ***If the Container Does Spill, Clean It Up*** - immediately to prevent it from spreading.
- ***Collect, Remove & Properly Dispose*** - of all construction waste only at approved facilities.

C) Petrochemicals – You must manage any petroleum contaminated waste, fuels or oil used for the on-site equipment in accordance with the SPCC Plan. Store fuel, new oil, used oil, paint, solvents, other petroleum products, & their waste, if possible under cover and/or within a lined secondary containment collection area.

- ***Use Secondary Containment for Oil & Fuel Tanks*** - leak protection & workers who take care.
- ***Clean up spills*** - even small ones. Make it a habit to dispose of used oil, grease, rags, & absorbents in proper disposal containers.
- ***Always fix leaking hydraulics/other oil leaks,***
- ***Never dump*** spent oil, paint, nor any kind of cleaner on the dirt or into ditches.
- ***Do not wash equipment off at this facility. Take the equipment off site for maintenance in the event that it must be washed off or repaired.***
- ***The easiest & cheapest way is to prevent*** petroleum wastes from getting on the ground.

D)Pesticides,Insecticides,Herbicides, Rodenticides – No pesticide, insecticide, herbicide, or rodenticide is planned for use at the facility.

E) Fertilizers & Lime - Soils in our area are strongly acidic, are low in carbon content, & low in natural nutrients, so lime & fertilizer application is needed to grow plants & establish vegetation. In order to reclaim areas by growing grass or other vegetation on formerly mined areas or otherwise disturbed and exposed soil surfaces, only follow

the recommended application rates needed to insure adequate growth of the vegetative cover needed to stabilize these areas.

- ***Plan application of lime, fertilizer & planting*** to avoid bad weather.
- ***Test the soils at your site before applying*** lime & fertilizer, then only use the required amount.
- ***Use mulch in combination with seed operations*** to reduce lime & fertilizer application & leaching.

2. SEDIMENT & EROSION CONTROL BMPS

2.1. PROTECT EXISTING VEGETATION - best method to reduce erosion, especially on steep slopes & in natural drainage areas.

A) Establish Buffer Zone (BZ) in construction plan

- ***Undisturbed strip or "green belt"*** of plants around the construction site & bordering streams.
- ***Benefits:*** Costs less; reduces run-off velocity & filters sediment from run-off; acts as a screen for "vision pollution"; reduces construction noise; improves aesthetics of a construction site.

B) Preserve Natural Vegetation Zones (BZ) - prior planning & construction activities to retain as much natural vegetation as site construction corridors will allow.

- ***Disturb as little top soil & vegetative cover as possible.***
- ***Tree preservation/protection*** – mark & protect desirable trees; do not clear under desirable trees with construction equipment; do not trench too close to desirable trees.
- ***Where possible keep existing land contour*** - operate clearing equipment as near as possible on the existing land contour.
- ***Protect fish & wildlife habitat.***
- ***Leave a significant buffer zone*** of undisturbed vegetation along streams.
- ***Minimum recommended width of a natural buffer*** strip is: 15' plus 1/2 channel width above diversions & 100' along flowing streams.

2.2. PROTECT EXPOSED SURFACES - best to immediately mulch & seed or sod once final grade is made. Stabilize all exposed soils with mulch, soil adhesives, temporary-plant seeding, permanent-plant seeding.

A) Mulching (MU) - temporary (less than 6 months) cover to prevent erosion & reduce run-off.

- ***Apply mulch to cover over 75% of exposed soil.***
- ***Usually needs anchors*** to prevent movement during rain, wind, foot & vehicle traffic.
- ***Use straw, hay, pine straw, wood chip mulch*** on up to 10% slopes & use matting, netting, geotextile fabric on steeper slopes.
- ***Combine mulch with temporary seeding,*** permanent seeding, & sod borders for best results, especially for added benefit of dust control.
- ***Do not apply so much mulch*** that you create a fire risk, or other risks for workers, i.e. slipping, falling.

Table 1 - Mulch Materials & Application Rates

Material	*Application Rate*
Pine straw	1 - 2 tons per acre
Straw or hay	1.5 - 2 tons per acre
Wood waste, chips, sawdust, bark	2 - 3 inches deep (6 - 9 tons per acre)
Matting, netting, fabric	use product recommendations
Polyethylene film	completely cover

B) Polyethylene Film / Plastic Sheets (PF) – For this facility, the PF BMP will only be used in the event of a petroleum spill cleanup for temporary storage or temporarily used to cover 100% of exposed potentially contaminated soils prior to disposal. This is the best way to prevent the contamination from spreading before disposal, if no containers are on the facility immediately after the spill.

- ***Simply roll out & unfold*** (100'x32' rolls or 100'x40' rolls)
- ***Use minimum of 6 mil thickness.***
- ***Must be secured*** with heavy weights on top of it, or stakes to prevent the wind from blowing it off.
- ***Frequently used as a liner*** under & cover over excavated contaminated soils until proper disposal.
- ***May be used*** as a secondary cover or as liner for hazardous waste containers, but do not use as the primary container for management of hazardous waste, which must be properly labeled, managed, stored, & disposed of in secure containers only, in accordance with ADEM Hazardous Waste, Land Division, RCRA regulations.

C) Hydro-Seeding (HS) – During reclamation operations, hydraulic seeding machines can successfully permanently stabilize prepared or unprepared seedbed, with proper lime, fertilizer, seeding rate, as shown in Tables 2.

- ***Sloping is not required*** when slopes are suited for plant maintenance; soils that are rilled, crusted, or unstable must be scarified & smoothed.
- ***Seedbed preparation is not required*** when soil surface is loose & porous. Till compacted soils or use chain harrows, etc. to prepare soils.
- ***Apply lime, fertilizer*** & wood cellulose fiber mulch, with seed, or as a separate hydraulic operation.
- ***Mulch areas that are hydroseeded.*** Apply straw or hay mulch with mechanical mulching machine or by hand.
- ***Additional rolled erosion control products may be used*** to stabilize slopes, after hydroseeding, or after application of blown mulch & seed spreading.

D) Permanent Vegetation (PV) must be done to stabilize any **reclaimed areas of the mining** as the areas to be mined progress and for final reclamation. No exposed

slopes may be present when closing out a permit. Permanent stabilization is also critical during normal operations for any areas that do not have surface run-off into the incised pit, especially on highly erodible or severely erodible areas, including: cut or fill slopes, earth spillways, channel banks, roadsides, spoil areas, gullied lands. All perimeter diversion berms must be fully stabilized with permanent vegetation cover as soon as practicable.

- ***Grade & shape*** as needed to provide a surface on which standard size equipment can be used in preparing the seedbeds, seeding, & mowing/maintenance.
- ***Practice Top Soil Conservation*** (only strip land under buildings, access roads, work corridor, & parking lots.) Stockpile topsoil Onsite to minimize lime & fertilizer applications.
- ***Acidic soils*** should be tested for acidity (pH), then treated with the proper amount of lime or basic slag.
- ***See plant types***, rate, fertilizer, & planting season in Table 4; Use adapted plants that tolerate poor droughty soil.
- ***Combine with fast growing annuals & mulching*** where quick cover is needed (but, do not combine with highly competitive annuals such as ryegrass or brown millet temporary cover).
- ***Sod can be placed on some mulch materials***, but do not mulch on top of sod.
- ***All grasses & legumes must be protected*** from traffic until established & then maintained.

Table 2 - Commonly Used Plants for Permanent Cover

Plant Species	*Rate/acre*	*Planting Season*	*Fertilizer[1] lb./acre for $N:P_2O_5:K_2O$*
On Graded & Shaped Areas Use The Following:			
Tall Fescue & White Clover	30 lb. 4 lb.	8/15-1/15	40:120:120
Bermudagrass (sprigs)	30 Bu.	3/15-7/15	100:100:100
Bermudagrass (seed) Do not use NK-37.	8 lb.	3/15-7/15	100:100:100
Bahiagrass (grows slow)	40 lb.	3/01-7/01	100:100:100
Bahiagrass & Common[2] Bermudagrass	30 lb. 5 lb.	3/15-7/01	100:100:100
Sericea Lespedeza (grows slow)	50 lb.	3/01-8/01	20:80:80
Sericea Lespedeza & Weeping Lovegrass	40 lb. 5 lb.	3/01-8/01	80:100:100
Sericea Lespedeza & Common Bermudagrass	40 lb. 5 lb.	3/15-7/01	80:100:100
Lesdedeza Bicolor	16 lb.	3/01-4/01	0:100:100
Pine Trees (loblolly seed)	2 lb.	2/01-3/15	80:80:80
Improved lawn	Solid sod	All year[3]	100:100:100
Improved lawn	Sprigs, 1ft. centers	3/01-8/15	100:100:100
On Unshaped Areas Use The Following:			
Lespedeza Bicolor (seedlings)	12,000 seeds/acre	12/01-3/01	0:100:50
Bermudagrass Chunks (3"x3"x3")	Plant on 3 ft. centers.	2/15-7/15	1/5 lb. of 10-10-10 per chunk
Weeping Lovegrass, or Switchgrass spp.	Seeds: 10 per inch of row, 5.per inch of row.	3/01-8/15	100:100:100, Good to use in gullies. Put rows 2' apart.
Giant Reed Cane Cuttings	1 ft. apart, 4 ft. rows	3/15-5/30	100:100:100
Japanese honeysuckle English Ivy Vinca spp.	Plant on 3 ft. centers.	2/15-4/15	1/5 lb. of 4-12-12 / plant
Cottonwood seedlings / cuttings	1,000 / acre	12/1-3/15	1/4 lb. of 10-10-10 / plant
Cedar seedlings	2,000 / acre	12/1-3/15	1/4 lb. of 10-10-10 / plant
Pine seedlings	1,200 / acre	12/1-3/15	1/4 lb. of 10-10-10 / plant
Willow seedlings / cuttings	1,000 / acre	12/1-3/15	1/4 lb. of 10-10-10 / plant

1.) 1,000 lb. of 10-10-10 fertilizer is 100:100:100 lb. of $N:P_2O_5:K_2O$.
2.) Best combination for much of South Alabama.
3.) You must irrigate & maintain sod cover.

E) EROSION BLANKETS (EB) – consist of fiber mats & polymer netting products that can be very effective when properly installed & anchored. Prior to placing erosion control matting, or mulching, the following activities should be carried out:

1. As required, ***shape and grade the slope***, or other area to be protected.

2. ***Remove all rocks, clods, or debris larger than 2 inches*** in diameter that will prevent contact between the net and the soil surface.

3. ***Lime and fertilizer*** should be incorporated and the surface roughened as needed.
Seed should be applied prior to mulching, except in the following cases:
a. Where seed is to be applied as part of a hydroseeder slurry containing wood fiber mulch.
b. Where seed is to be applied following a straw mulch spread during the winter months.
c. Where a hydroseeder slurry is applied over straw.

4. Like Mulch Anchoring, Erosion Control Blankets and Mats ***must be anchored immediately after spreading*** to prevent wind-blow.

The following methods of anchoring straw mats may be used:

1.***Mulch or Matt Anchoring Tool*** – A tractor-drawn implement is used to punch mulch into the soil surface. This method provides maximum erosion control with straw.

It is limited to use on slopes no steeper than 3:1, where equipment can operate safely. Machinery shall be operated on the contour.

2. ***Liquid Mulch Binders*** – The application of liquid mulch binders and tackifiers should be heaviest at the edges of areas and at the crests of ridges and banks, to prevent windblow. Binders should be applied uniformly over the rest of the area. They may be applied after mulch is spread or may be sprayed into the mulch as it is being blown onto the soil. Applying straw and binder together is the most effective method.

3. ***Chemical binders*** such as Petroset, Terratack, Road Oyl, and Aerospray may be used as recommended by the manufacturer to anchor mulch. These are expensive and therefore are usually used in small areas. (NOTE: The use of trade names does not constitute a product endorsement by Taylor.)

4.***Mulch Nets*** – Lightweight plastic, cotton, or paper nets may be stapled over the mulch. The nets shall be secured by stakes, staples, or pins according to the manufacturer's recommendations (see Figure 7.7a for details).

5. ***Start laying the net from the top of the slope*** and unroll downgrade.

6. ***Allow the net to lie loosely on the soil***—DO NOT STRETCH.

7.To ***secure the net, the upslope ends*** should be buried in a slot or trench no less than 6 inches (15 cm) deep. Tamp earth firmly over the net. Staple the net every 12 inches (30 cm) across the top end. The edges shall be stapled every 3 feet (90 cm). Where 2 strips of net are laid side by side, the adjacent edges shall be overlapped 3 inches (8 cm) and stapled together. Staples shall be placed down the center of net strips at 3 foot (90 cm) intervals. DO NOT STRETCH the net when applying staples.

- ***All Erosion Control Blankets and Nets Must be properly selected*** to ensure performance & minimize cost. Always use manufacturers specifications - contacts: ACF Environmental 1-800-443-3636 for biodegradable erosion control mats (Excelsior, Straw, Futerra), synthetic erosion control mats (Turf Reinforcement Mats TRMs, high performance TRMs, V.E. alternate to Riprap), Geoweb Cellular Confinement Systems, Reinforcement Geosynthetics. Alabama Pipe & Supply Co. (Irvington), 251-957-2761 for North American Green erosion control blankets, Presto Geoweb & Geoblock, Permalon, & Synthetic Industries geotextile & erosion control mattings & blankets.

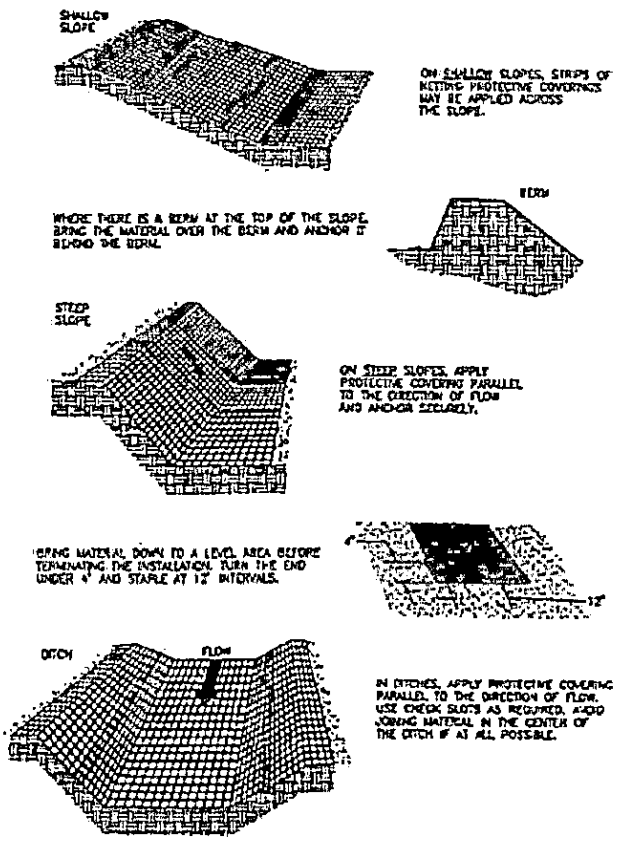


Figure 1 –Erosion Control Blankets & Matting.

2.3. SEDIMENT BARRIERS (SB) - Natural or artificial structures to trap sediments, i.e. vegetative filter strips, brush barriers, straw bale barriers, silt fences, filter berms, roadbed construction exits, & sediment basins; used to filter or to divert sediment carried by run-off & to prevent it from leaving the construction site.

A) Vegetative Filter Strips (VS) - temporary or permanent, natural or planted, strips of grass or other plants. See Sections 2.1.A), 2.1.B), 2.2.E), & 2.2.F).

B) Brush Row Barriers (BB) - piled & compacted brush cleared from construction site can be used as a temporary sediment trap & to slow run-off.

- ***Best to use*** along the temporary diversion berms & upgradient of vegetative buffer strips on upland areas along streams.

C) Silt Fence (SF) – Although no use of Silt fence is anticipated, except in the event that some areas are cleared near the County Maintained Dirt Road entrance, then some limited use of temporary silt fence requires proper installation and maintenance. Any Silt fence installed will be done on up to 5% slopes, in small drainage ways & in minor swales, along outer boundary of work area, perpendicular to flow direction until adequate permanent vegetation can be established on the disturbed areas, although at the current

time, no silt fence application is required for the facility BMPs.

- ***Removes silt & sand (but does not remove fine clay particles)*** & prevents some downstream damage from sediment deposits.
- ***Reduces speed of run-off flow.***
- Minimal clearing & grubbing required for installation.
- ***May result in failure*** from improper choice of pore size in the filter fabric or improper installation.
- ***Do not use silt fences in streams.*** Appropriate only for use in small drainage areas with overland flow.

Requires frequent inspections & must be maintained, to repair any rips and damage to the silt fence, remove sediment accumulation on the up-slope side of the silt fence if the sediment reaches the half way up level of the silt fence..

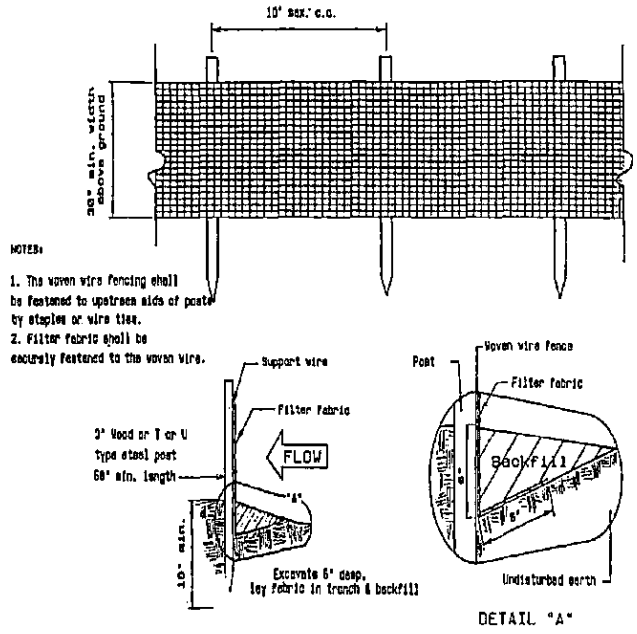


Figure 2 – Silt Fence Installation

D) Roadbed Construction Exits (CE) – At the current time the common road (the County Maintained Dirt Road is a dirt road running approximately a half mile from the paved road to the access road to the facility. County Maintained Dirt Road is maintained by the county for common access to serve other dirt pits, utility easements, and residences, so a construction exit is not practical, nor necessary, to protect water quality due to vehicle tracking from the facility. If the county maintained dirt access road is ever paved so that the entrance of the facility meets the paved portion of the access road, then temporary stone construction exit pad used to trap sediment from vehicle tracking from dirt roads or dirt drives onto paved roads must be installed.

- ***Stone size***: ASTM d448 size #1 (1.5-3.5 in. diameter)
- ***Use at least 6 inches pad thickness.***
- ***Use 50 ft. minimum pad length***, or large enough to park longest anticipated truck.
- ***Maintain to prevent tracking*** of mud onto road.
- ***Periodically top dress*** with fresh stone.

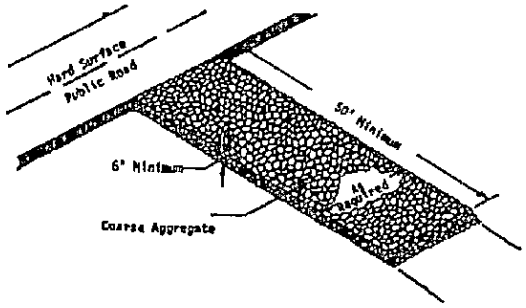
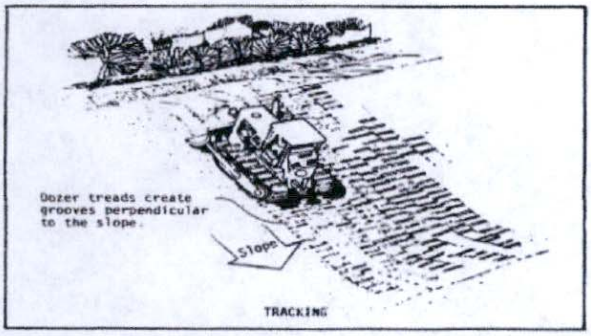


Figure 3 – Construction Exit

E) Surface Roughening (SR) – Earth work, grading & compaction practices to trap sediment on slopes.

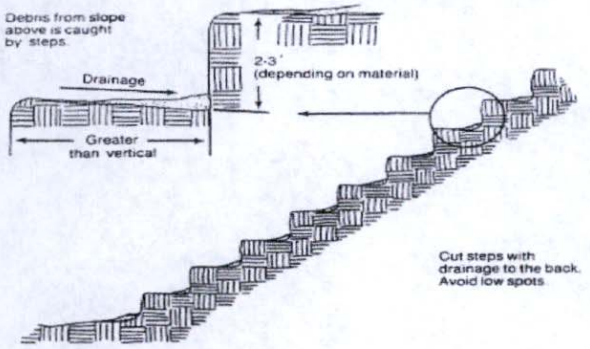
- ***Best to use*** in combination with mulch, sediment barriers, interceptor dikes, toe berms, brush barriers, & diversion berms.
- ***Helps hold seed & mulch*** in place & ***Reduces run-off velocity,*** increases filtration, & helps trap sediments.
- ***All slopes from 3:1 or greater require surface roughening***, either stairstep grading, grooving, furrowing, or tracking if they are to be stabilized with mulch & vegetation (see figures 5A & 5B).
- ***Areas with grades flatter than 3:1*** should have the soil surface lightly roughened & loose to a depth of 2 to 4 inches prior to seeding. Areas that have been graded but will not be stabilized immediately should be roughened to reduce run-off velocity until mulching & seeding can be done.

Loose Outer Slope Construction.

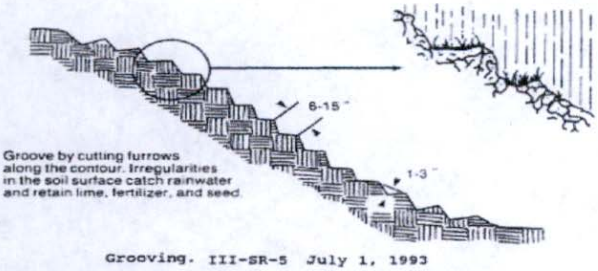


Tracked Roughening. III-SR-6 July 1, 1993

Figure 4A – Fill Slope & Tracking Surface Roughening



Stair-Step Grading.



Grooving. III-SR-5 July 1, 1993

Figure 4B – Stair-Step & Grooving Surface Roughening

F) Toe Berm (TB) - a vegetative strip at the toe of a slope to reduce run-off velocity & allow sediment to deposit.

- ***Use with silt fences & hay bales*** to improve performance of each.
- ***Shape & Vegetate*** as soon as the toe of the slope is established.
- ***Build only where run-off is from fill slopes.***
- ***Make it 10 ft. wide per 100 ft. of length.***
- ***Make the outer slopes of berm 3:1 or flatter.***
- ***Compact the soil, mulch, seed*** at least 10 ft up the slope.

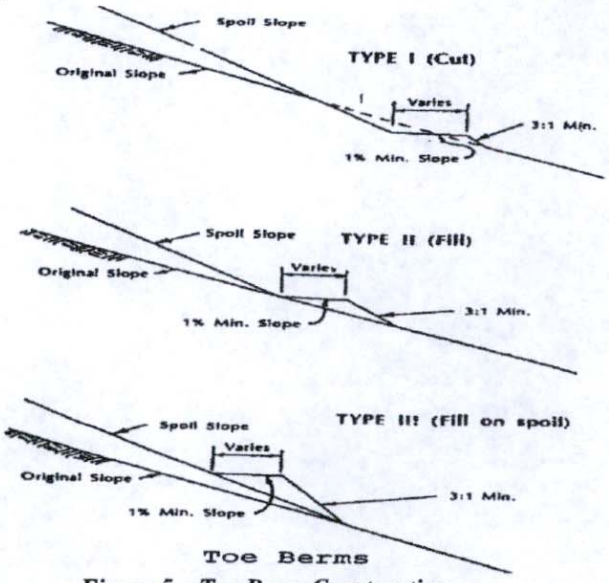


Figure 5 – Toe Berm Construction.

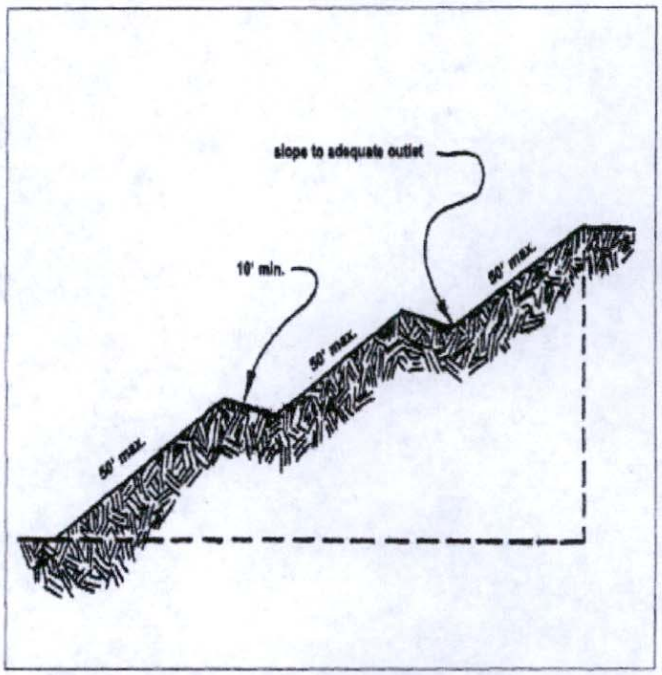


Figure 6 – Gradient Terraces on Slopes

G) Gradient Terraces (GT) – earth embankment or ridge & channel made on a suitable vertical spacing, based on soil type & slope of grade.

- ***Lowers velocity of run-off*** by increasing distance of overland flow, reducing effective hydraulic gradient, increasing infiltration & minimizing run-off sediment.
- ***Use on exposed slopes*** with loamy sandy, sandy loam, silty loam, & clay loam.
- ***Combine with mulch & seed*** for best results.

- ***Maximum spacing of gradient terraces*** is determined for the VERTICAL interval (**Z**, feet) based on the following:

$$Z = 0.9\,S + Y \quad \text{(MOBILE CO. \& BALDWIN CO.)}$$

Where S = slope of land (% or feet per 100 feet)
Y = soil & cover value, i.e.:
Y = 1 for loamy sand or fine silty sand
Y = 1.25 for clay loam
Y = 2 for sandy loam or silty loam
Y = 2.5 for loamy sand with 1.5 tons mulch per acre
Y = 3 for clay loam with 1.5 tons mulch per acre
Y = 4 for sandy loam with 1.5 tons mulch per acre.

- ***Channel grade for terrace*** *should be from 0.6 % to 1 % (0.6 feet per 100 feet of channel length) to limit channel velocity to less than the erodable velocity for the soil type.*
- ***All gradient terraces must have adequate outlets***, i.e. grassed waterway, natural vegetation buffer strip, gravel filter berm onto grassed area, etc.

H) Topsoil Application (TS) - Top soil application is critical to establishing a proper soil medium for permanent vegetation for all the slopes of reclaimed areas within an incised pit. Top soil application must be used on all reclaimed areas after excavating, grading, filling, & shaping to the proper lines, grades, & elevations.

- ***Place sediment barrier protection*** before topsoil stockpile is started.
- ***Mulch & seed topsoil stockpile*** or cover with plastic sheeting if it will be unused for more than 14 days.
- ***Subsoil should be disked or scarified*** to a depth of 4 inches to improve bonding before laying topsoil.
- ***Spread topsoil uniformly*** to a 4 inch depth on slopes flatter than 3:1, and spread to a 2 inches depth on slopes for the reclaimed areas where the slope will be 3:1.

Table 3 – Topsoil Application Rates
Cubic Yards of Topsoil Required for Application to Various Depths.

Depth (inches)	Per 1,000 Sq. Ft.	Per Acre
1	3.1	134
2	6.2	268
3	9.3	403
4	12.4	537
5	15.5	672
6	18.6	806

2.4. CONTROL RUN-OFF WATER - In addition to the other methods for stabilizing the disturbed areas & trapping sediments, the BMPs at this site may need to include:

- Grading entire facility to collect and direct run-off into the incised pit so that the bottom of the pit serves as a sediment run-off treatment retention pond.
- Installing and grassing to stabilize all diversion berms or other structures as flow barriers to direct runoff from upland areas away from the incised pit.

A) Storm Water Retention Structure (RS) - a sediment treatment storage pond in the bottom of the incised pit to contain storm water run-off, and that only discharges to groundwater for normal rain events (up to or exceeding 25 year 2 hour rain event); used in all incised pits.

- ***Minimal design must store run-off from a 2 yr. 24 hr. storm*** event & up to ½ inch of sediment from disturbed area in the drainage area.
- ***Use the site's undeveloped, natural run-off rate*** to size the treatment pond.
- ***To prevent damage***, install an emergency spillway that is fully stabilized with either rip-rap and/or vegetation, using the natural existing land contour at the lowest elevation for the existing land surface, to convey run-off for a minimum 24 hr. 10 yr storm event.
- ***Seed & mulch immediately after construction*** to stabilize the emergency discharge and any natural swales receiving the emergency discharge from the incised pit. If possible, place the emergency discharge on up-lands with well established grassed or other natural vegetation.

B) Diversion Berms (DB) - a temporary or permanent series of ridges of compacted soil placed across a slope or road bed to intercept run-off & divert it to stabilized areas, such as into a natural vegetation buffer strip.

- ***Must be machine compacted, mulched,*** & grassed to stabilize after construction.
- ***Must remain until slope*** is permanently stabilized.
- ***Must be inspected & maintained*** to prevent gully erosion.
- ***Place diversion berms*** at the top of filled areas with unstabilized slopes to direct water flow away from slope.
- ***Limit drainage area to 5 acres*** for diversion dike above slope. Use interceptor dikes with spacing of Table 4

Table 4 – Horizontal Spacing for Diversion Berms

Slope above berm	*Distance between dike*
more than 10%	150 ft.
5% to 10%	200 ft.
less than 5%	300 ft.

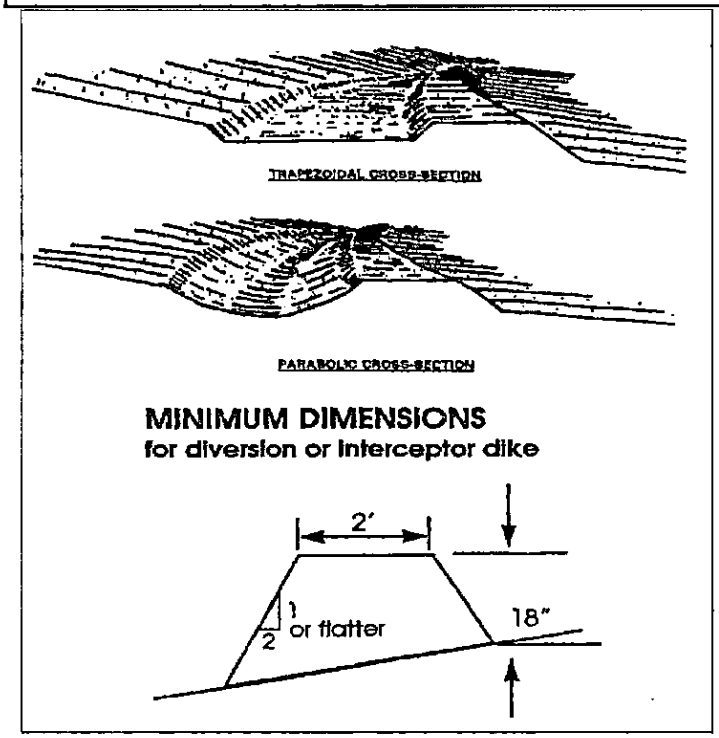


Figure 6 - Diversion Berms

For a more extensive discussion of Stormwater Management BMPs & BMP planning & implementation see the Soil Conservation Service publication: ***Alabama Handbook Erosion Control, Sediment Control, & Stormwater Management***, the Home Builders Association of Alabama (HBAA) publication: ***Controlling Erosion & Sediment in Home Building***, the HBAA publication: ***Residential Construction Qualified Credentialed Inspection Professional (QCIP) Training & Certification Manual***, ***Sections 307, 318, 402, & 405 Clean Water Act***, EPA: ***Baseline Construction General Permit***, ADEM: ***Administrative Code R. 335-6-6 Water Quality Program - NPDES Permits.***

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wjtaylor1020@gmail.com

May 11, 2018

Mr. Amber Powell
ADEM – Water Division
Stormwater Management Branch
P.O. Box 301463
Montgomery, AL 36130-1463

Phone: 334-271-7700

RE: Incised Dirt Pits Certification, Mobile County, AL
RLB Pit 1, RLB Hauling & Contracting, Inc.

Dear Ms. Powell:

This letter is to certify that the RLB Hauling & Contracting, Inc., RLB Pit 1 is a "noncoal mining site; is designed and is being operated with significant freeboard due to incised mining excavation or incised storage basins to prevent all discharges resulting from groundwater intrusion, precipitation events less than the applicable 50-year, 24-hour precipitation event, or other stormwater sources to surface waters of the State.

In the case of precipitation that equals or exceeds the 50-year, 24-hour storm event, the QCP conducts a comprehensive inspection of the noncoal mining site within 72-hours of said event and representative samples of any discharges are obtained, and a detailed report is submitted to the Department within seven (7) days of the inspection if non-compliant discharges, deficient BMPs, or other deficiencies or noncompliance with the requirements of this Permit are observed.

Sincerely,
Taylor Engineering, L.L.C.

W. Joe Taylor, P.E.
Environmental Engineer
Al License No. 22783

Attachments:

Cc: Mr. Rickey L. Byrd, Sr., rlbhauling59@att.net