



NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT

DISCHARGE AUTHORIZED: DISCHARGES FROM SMALL NONCOAL/NONMETALLIC MINING AND DRY PROCESSING AND AREAS ASSOCIATED WITH THESE ACTIVITIES

AREA OF COVERAGE: THE STATE OF ALABAMA

PERMIT NUMBER: ALG890000

RECEIVING WATERS: ALL WATER OF THE STATE OF ALABAMA

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: SEPTEMBER 29, 2022

EFFECTIVE DATE: FEBRUARY 1, 2023

EXPIRATION DATE: JANUARY 31, 2028

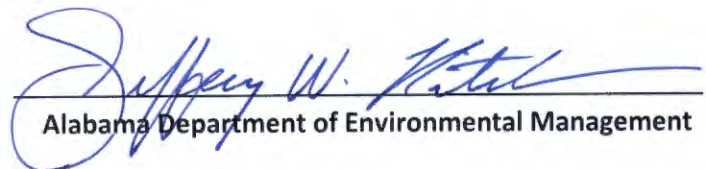

Alabama Department of Environmental Management

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PART I: COVERAGE UNDER THIS GENERAL PERMIT

A. PERMIT COVERAGE

This permit authorizes, subject to the conditions of this general permit, discharges associated with noncoal/nonmetallic mining and dry processing, and areas associated with these activities, where such activities will result in a cumulative land disturbance of less than five (5) acres of land at any one time over the life of the mining activity.

B. ELIGIBILITY

1. Allowable Stormwater Discharges

This permit authorizes the following stormwater discharges:

- (a) Stormwater associated with mining activities defined in Part I.A. of this permit;
- (b) Stormwater discharges determined by the Director to require coverage under this permit; and
- (c) Discharges from mining support activities provided:
 - (i) The support activity is directly related to the mining activity covered by this permit and
 - (ii) Pollutant discharges from support activity areas are minimized to the maximum extent practicable and do not pose a reasonable potential to exceed applicable water quality standards.

2. Allowable Non-Stormwater Discharges

This permit authorizes the following non-stormwater discharges, provided the non-stormwater component of the discharge is in compliance with Part III.C:

- (a) Waters used to wash vehicles where detergents are not used;
- (b) Water used for dust suppression;
- (c) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, as long as they are managed by appropriate controls to minimize pollutants from discharges to the maximum extent practicable;
- (d) Discharges from fire-fighting activities;
- (e) Uncontaminated air conditioning or compressor condensate associated with temporary office trailers and other similar buildings; and
- (f) Uncontaminated ground water or spring water.

C. EXEMPT DISCHARGES

Coverage under this permit is not required for temporary material borrow areas related to normal agricultural practices and silvicultural operations if the following conditions are met:

- 1. The disturbance shall be conducted to ensure that borrow material is exclusively obtained for construction and periodic maintenance of forest roads utilized in silvicultural activities;
- 2. The temporary disturbed area shall be continually graded and reclaimed to within a safe operating distance from any high-wall or steep slope and the temporary borrow area is used exclusively by a single operator;
- 3. The borrow area shall be located outside of streamside management zones and outside the designated 50-year flood plain and the site is located as close as practicable near scheduled road construction and maintenance activities to the extent that appropriate road fill material is available;
- 4. Fuel storage tanks/containers shall not remain onsite unattended, dry/wet crushing/screening or other processing shall not be conducted;
- 5. The borrow activity shall not result in a point source discharge to surface waters of the State; and
- 6. The Department shall be notified immediately of any unpermitted discharges or non-compliant discharges in order to ensure the protection of water quality.

D. PROHIBITED DISCHARGES

The following discharges associated with mining are not authorized by this permit:

1. Stormwater discharges that are mixed with sources of non-stormwater unless such discharges are:
 - (a) In compliance with a separate NPDES permit, or
 - (b) Determined by the Department not to be a contributor of pollutants to waters of the State.
2. Stormwater discharges currently covered under another NPDES permit;
3. Discharges from any mining operation that at any time has a total area of land disturbance that equals or exceeds five (5) acres in size;
4. Discharges from any mining operation where the planned or proposed area of total land disturbance equals, exceeds, or is predicted to equal or exceed five (5) acres in size;
5. Discharges from coal/metallic mining, wet preparation and processing, and areas associated with these activities;
6. Discharges from instream and within-bank mining;
7. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
8. Soaps or solvents used in vehicle and equipment washing;
9. Discharges where the turbidity of such discharge will cause or contribute to a substantial visible contrast with the natural appearance of the receiving water;
10. Discharges where the turbidity of such discharge will cause or contribute to an increase in the turbidity of the receiving water by more than 50 NTUs above background. For the purposes of determining compliance with this limitation, background will be interpreted as the natural condition of the receiving water without the influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels;
11. Discharges of any pollutant into any water for which a total maximum daily load (TMDL) has been finalized or approved by EPA unless the discharge is consistent with the TMDL; and
12. Discharges to waters listed on the most recently approved 303(d) list of impaired streams unless the discharge will not cause or contribute to the listed impairment.

PART II: NOTICE OF INTENT (NOI) REQUIREMENTS

A. DEADLINES FOR NOTICES OF INTENT

Any person wishing to obtain coverage under this general permit shall submit an NOI in accordance with the following schedule:

1. Any person wishing to be permitted to discharge under this general permit shall submit a complete NOI and appropriate fee at least thirty (30) days prior to the date of desired coverage and prior to the initiation of mining activity.
2. Any Permittee authorized to discharge under the 2018 NPDES Small Mining General Permit, who wishes to continue to discharge upon the expiration of that permit, shall submit a complete NOI at least ninety (90) days prior to the expiration date of the 2018 NPDES Small Mining General Permit to be covered by the reissued general permit.
3. Failure of the Permittee to submit a complete NOI for reauthorization of permit coverage under this permit at least 90 days prior to the previous general permit's expiration will void the automatic continuation of the authorization to discharge under that permit as provided by ADEM Admin. Code r. 335-6-6-.06. Should the permit not be reissued for any reason prior to its expiration date, Permittees who failed to meet the ninety (90) day submittal deadline will be illegally discharging without a permit after the expiration date of the 2018 NPDES Small Mining General Permit.

B. CONTINUATION OF THE EXPIRED GENERAL PERMIT

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the ADEM Administrative Code Chapter 335-6-6 and remain in force and in effect if the Permittee submits an updated and complete NOI meeting the requirements of Part II.C. at least ninety (90) days prior to the expiration of this permit. Any Permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

1. Reissuance or replacement of this permit, at which time the Permittee must comply with the NOI conditions of the new permit to maintain authorization to discharge;
2. Issuance of an individual permit; or
3. A formal permit decision by the Department not to reissue this general permit, at which time the Permittee must seek coverage under an alternative general permit or an individual permit.

C. CONTENTS OF THE NOTICE OF INTENT (NOI)

1. The NOI shall include:
 - (a) Electronic payment of all applicable fees pursuant to ADEM Admin. Code 335-1, Fee Schedule D;
 - (b) A description of the activity generating the discharges for which coverage is desired, which shall be in sufficient detail to allow the Department to determine that the discharges are included in the category permitted by this general permit;
 - (c) The latitude and longitude to the nearest second, for the entrance to the mining site. For the purposes of this requirement the entrance to the mining site will be identified as the primary point of access by normal vehicle traffic;
 - (d) Identification of the waterbodies receiving discharges for which coverage under this general permit is desired;
 - (e) A portion or copy of a recent map or series of maps (e.g., USGS quadrangle map or LIDAR contour map) at an appropriate contour interval, which includes perennial, intermittent, and ephemeral streams/lakes/springs/wetlands;
 - (f) The map(s) at a minimum must include the following, which should be clearly identified (please include a key for symbols and a scale) on the map(s):
 - (i) Proposed permit boundaries;
 - (ii) Property boundaries;
 - (iii) One (1) mile radius;
 - (iv) Entrance(s)/Exit(s);
 - (v) Proposed and/or existing haul roads;
 - (vi) Outfall(s); and
 - (vii) Receiving stream(s)
 - (g) A facility contact person, address, phone number, and email address for the site to be covered under the general permit;

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- (h) The number of disturbed acres and total site acreage;
 - (i) The estimated start and completion dates of the mining operation;
 - (j) For priority mining sites, the NOI shall include a Best Management Practices (BMP) Plan prepared and certified by a Qualified Credentialed Professional (QCP) meeting the requirements of Part III.D;
 - (k) Provide a list of all treatment chemicals anticipated to be used at the site, including the most recent published Safety Data Sheets (SDS) and the dosage(s) to be used and the location(s) where these materials will be applied. If this information is not known at the time of the NOI submittal, the information shall be submitted to the Department through an information update as timely as possible and update the BMP Plan as required by Part III.E.5.
2. The NOI shall be electronically signed by a person meeting the requirements for signatories under ADEM Admin. Code r. 335-6-6-.09 and the person signing the NOI shall make the certification required for submission of documents under ADEM Admin Code r. 335-6-6-.09(4).
 3. The NOI shall be electronically signed by a QCP and shall have the following certification statement: "I certify under penalty of law that the technical information and data contained in this NOI, and 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 facility and associated regulated areas/activities. The BMP Plan meets the requirements of this permit and if properly implemented and maintained by the permittee, 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 permittee has been advised that appropriate best management practices, pollution abatement/prevention facilities and structural & nonstructural management practices or Department approved equivalent management practices as detailed in the BMP Plan must be fully implemented and regularly maintained as needed at the facility in accordance with sound sediment, erosion, and other pollution control practices, permit requirements, and other ADEM requirements to ensure protection of groundwater and surface water quality."

D. SUBMITTAL OF DOCUMENTS

The Permittee/Operator must complete and submit the NOI electronically, using the Department's Alabama Environmental Permitting and Compliance System (AEPACS), unless the Permittee/Operator has an approved waiver from such electronic submissions pursuant to ADEM Admin. Code r. 335-6-1-.04(6). The AEPACS can be accessed at the following link: <http://adem.alabama.gov/AEPACS>. Requests for initial issuance, reissuance, modification and/or voluntary termination of the existing permit should all be submitted through the AEPACS system.

E. AUTHORIZATION TO DISCHARGE

1. Any person wishing to be permitted to discharge under this general permit shall submit a NOI to be covered by this general permit at least thirty (30) days prior to the date of desired coverage. No activities authorized under this permit may commence or continue until the discharger receives the Director's acknowledgement of the NOI and approval of the coverage of the discharge by this permit. The Director's acknowledgement shall include a copy of this permit.
2. For priority mining sites, any person wishing to be permitted to discharge under this general permit shall submit a NOI and BMP Plan meeting the requirements of Part III.E. to be covered by this general permit at least thirty (30) days prior to the date of desired coverage. No activities authorized under this permit may commence or continue until the discharger receives the Director's acknowledgement of the NOI and approval of the coverage of the discharge by this permit. The Director's acknowledgement shall include a copy of this permit.
3. Coverage under this permit is conditionally granted and the requirement to submit an NOI is suspended, for governmental agencies and utilities for activities associated with immediate and effective emergency repairs and response to natural disasters, human health, environmental emergencies, or to avert/avoid imminent, probable, or irreparable harm to the environment or severe property damage. The operator or controlling/participating federal, State, or local government agencies/entities conducting emergency activities shall document the emergency condition, ensure compliance with the requirements of this permit to the extent possible, and shall notify the Department as promptly as possible regarding the occurrence of the emergency disturbance and measures that have been implemented and are being implemented to protect water quality. Unless the requirement to obtain a permit pursuant to the requirements of this permit are suspended or voided by the Director on a categorical or individual emergency basis, the operator shall submit the appropriate project information, NOI, and the required application fee for the activity after emergency repairs have been accomplished, according to a schedule acceptable to the Department.
4. AML projects conducted by the Alabama Department of Labor (ADOL) are covered under and subject to all requirements of this permit but are not required to submit an NOI.

PART III: STORMWATER POLLUTION PREVENTION REQUIREMENTS

The stormwater control requirements in this Part are the technology-based, non-numeric, effluent limitations and conditions that apply to all discharges from mining activities and associated areas eligible for coverage under this permit.

Where the requirements in this Part are stricter than any corresponding Federal, State, or local requirements, the requirements in this permit take precedence.

A. EROSION CONTROLS AND SEDIMENT CONTROLS

The Permittee shall design, install, and maintain effective erosion controls and sediment controls appropriate for site conditions to, at a minimum:

1. Consider nature of stormwater runoff and run on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features;
2. Control stormwater volume and velocity within the site to minimize soil erosion;
3. Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of points of discharge;
4. Consider the soil series and range of soil particle sizes expected to be present on the site;
5. Ensure that all stormwater controls are properly implemented, maintained, and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness;
6. Minimize sediment discharges from the site;
7. Minimize the generation of dust through the appropriate application of water or other dust suppression techniques;
8. Minimize all stream crossings;
9. Minimize sediment track-out:
 - (a) Use appropriate stabilization techniques at all entrance and exits onto paved roads;
 - (b) Restrict vehicle use to properly designated entrances and exits;
 - (c) Implement and maintain additional track-out controls as necessary to ensure that sediment removal occurs prior to vehicle exit; and
 - (d) Sediment that has been tracked-out from site onto paved roads, sidewalks, or other paved areas outside of site boundaries should be removed by the end of the same business day and/or normal operating hours. Removal shall be by sweeping, shoveling, or vacuuming the surfaces. Removal by hosing or sweeping tracked out sediment into any stormwater conveyance, storm drain inlet, or water of the State is prohibited.
10. Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible;
11. Preserve and protect topsoil for use in vegetation establishment;
12. Manage stockpiles or land clearing debris composed, in whole or part, of sediment and/or soil:
 - (a) Locate stockpiles outside of any natural buffers and away from any stormwater conveyances, storm drain inlets, and areas where stormwater flow is concentrated;
 - (b) Install appropriate stormwater controls along all downgradient areas;
13. Implement measures or requirements to achieve the pollutant reductions consistent with a TMDL finalized or approved by EPA. Applicable TMDLs are located and/or can be accessed at the following link: <http://adem.alabama.gov/programs/water/approvedTMDLs.htm>
14. Implement measures or requirements to ensure that discharges will not cause or contribute to the listed impairment for those waters listed on the most recently approved 303(d) list of impaired streams. Applicable 303(d) listed waters can be accessed at <http://www.adem.alabama.gov/programs/water/303d.cnt>
15. Treatment chemicals (e.g. polymers, flocculants, coagulants):
 - (a) Treatment chemicals may only be applied where treated stormwater is directed to a sediment control practice (e.g., sediment basin, perimeter control) that allows for on-site particle settlement before final discharge;

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- (b) Select appropriate treatment chemicals. Chemicals must be appropriately suited to the soil likely to be exposed and present in the discharges being treated (i.e., the expected turbidity, pH, and flow rate of the stormwater flowing into the chemical treatment system or area);
- (c) Ensure proper chemical storage of all treatment chemicals, such as in leak proof containers, spill proof pallets, covered storage, or in secondary containment designed and maintained to minimize the potential discharge of treatment chemicals in stormwater or by any other means; and
- (d) Use chemicals in accordance with good engineering practices and specification of the chemical provider/supplier. Use treatment chemicals and chemical treatment systems in accordance with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals.

16. Additional Design Requirements

- (a) Sediment control measures, erosion control measures, and other site management practices must be properly selected based on site-specific conditions and must meet or exceed the technical standards outlined in the Alabama Handbook and the site-specific BMP Plan prepared in accordance with Part III.D; and
- (b) Unless otherwise specified by the Alabama Handbook, sediment control measures, erosion control measures, and other site management practices shall be designed and maintained to minimize erosion and maximize sediment removal resulting from a 2-year, 24-hour precipitation event.

B. SOIL STABILIZATION

The Permittee should minimize, as feasible, the area disturbed to maintain the natural soil cover for stability. The Permittee must stabilize the exposed bare soil portions of the site:

1. Implement and maintain stabilization measures (e.g., seeding protected by erosion controls until vegetation is established, sodding, mulching, erosion control blankets, hydromulch, gravel) that minimize erosion from exposed portions of the site.
2. Final stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any excavating or other earth disturbing activities have permanently ceased on any portion of the mining site.
3. Permanent vegetation shall be completed as provided by the guidance in the Alabama Handbook.

C. POLLUTION PREVENTION MEASURES

The Permittee must design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:

1. Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, concrete washout, washing applicators or containers used for other compounds/materials and other wash waters;
 - (a) Wash waters must be treated in a sediment basin or alternative control (e.g., sediment trap, filtration device, filter bags, or similar effective controls) that provides equivalent or better treatment prior to discharge;
 - (b) Liquid waste shall not be directly discharged into storm sewers;
 - (c) Washout and cleanout activities should be located as far away as possible from surface waters, natural buffer areas, stormwater inlets, and conveyances; and
 - (d) For storage of soaps, detergents, or solvents, provide either (1) cover (e.g., plastic sheeting or temporary roofs) to minimize exposure of these detergents to precipitation and to stormwater or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.
2. Provide an effective means of minimizing the exposure of wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater;
 - (a) Provide either (1) cover (e.g., plastic sheeting or temporary roofs) to minimize exposure of these detergents to precipitation and to stormwater or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas;
 - (b) Provide waste containers (e.g., dumpster, trash receptacle) of sufficient size and number to contain wastes;
 - (c) Locate waste containers as far away as possible from waters of the State and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach waters of the State;
 - (d) For sanitary waste, position portable toilets so that they are on level ground and are located as far away as possible from waters of the State and stormwater inlets or conveyances; and

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- (e) Comply with all application and disposal requirements included on the fertilizer, pesticide, herbicide, or detergent label.
- 3. Provide an effective means of minimizing the discharge of pollutants caused by spills and leaks from, including but not limited to, vehicles, mechanical equipment, chemical storage, and refueling activities; and
 - (a) Locating activities away from waters of the State and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach water of the State;
 - (b) Providing secondary containment and cover where appropriate;
 - (c) Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids. Have a spill kit available on site and ensure personnel are available and trained to respond expeditiously in the event of a leak or spill; and
 - (d) Clean up spills or contaminated surfaces immediately (do not clean contaminated surfaces by hosing the area down) and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.
- 4. Apply treatment chemicals at the site only where treated stormwater is directed to a sediment control (e.g. sediment basin, perimeter control) that allows for onsite particle settlement before final discharge.

D. ADDITIONAL LIMITATIONS

- 1. The discharge shall have no sheen and there shall be no discharge of visible oil, floating solids, or visible foam.
- 2. No operator shall conduct its operation in such a manner as to place, or cause to be placed into a stream, soil, rock, trees, overburden or any other debris or material associated with the mining operation.
- 3. No operator shall conduct its operations in such a manner as to encroach upon setbacks to any water of the State as described within the BMP Plan.
- 4. No earthen sediment basin, incised pit, or other treatment structures utilized in conjunction with mining operations shall be abandoned without the Director's approval or without release of all reclamation bonds by the Alabama Department of Labor (ADOL), if applicable.
- 5. The Department shall be notified in writing of the intent to abandon, reclaim, or permanently leave sediment basins, pits, or other structures with such notification including those measures to be taken by the operator to ensure future discharges from the site do not have the potential to cause or contribute to contravention of instream State water Quality standards outlined in ADEM Admin Code ch. 335-6-10.

E. BEST MANAGEMENT PRACTICES PLAN (BMP PLAN)

- 1. Except as provided by Part II.E.3, the mining activity may not commence or continue until a BMP Plan has been prepared and certified by a QCP as adequate to meet the requirements of this permit.
- 2. The NOI and BMP Plan must be prepared in accordance with the requirements of this permit by the QCP prior to commencing mining or prior to continued mining at an existing site, or as otherwise required by the Director.
- 3. The Permittee shall properly implement and regularly maintain the controls, practices, devices, and measures specified in the BMP Plan.
- 4. The BMP Plan shall include:
 - (a) A general description of the mining site activity;
 - (b) Estimates of the total area expected to be disturbed by the mining activity;
 - (c) A detailed description (including, but not limited to, site specific dimensions, storage capacity, and drainage calculations for engineered BMPs) of the erosion controls, sediment controls, and management practices to be implemented at the site in accordance with Part III.A;
 - (d) A detailed description of controls needed to meet State water quality standards, waste load allocations, or other measures necessary for consistency with applicable TMDLs finalized or approved by EPA;
 - (i) Provide a calculation based on the control measures to be implemented for the pollutant of concern to confirm the controls, as designed in the BMP Plan, meet the required percent reduction for the applicable TMDL; and
 - (ii) Reduction capabilities shall assume the control measures have been appropriately installed and maintained. See Part III.L.2.
 - (e) Identification of all allowable sources of non-stormwater discharges listed in Part I.B.2;

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- (f) A description of the pollution prevention measures used to manage non-stormwater discharges;
- (g) A listing of all treatment chemicals to be used at the site, including Safety Data Sheets (SDS), the dosage(s) to be used and the location(s) where these materials will be used;
- (h) A recent site topographic map (e.g. USGS quadrangle map or LIDAR contour map) at an appropriate contour interval clearly showing:
 - (i) Sufficient detail to identify the location of the mining site;
 - (ii) Existing topography including drainage patterns, features, existing structures, proposed roads, utilities, and waterbody(s);
 - (iii) Areas that are disturbed, and/or will be disturbed;
 - (iv) Identification of sediment control measures, erosion control measures, planned stabilization measures, and other site management practices;
 - (v) Locations of all waters of the State within a one (1) mile radius of the site;
 - (vi) Locations of wetlands and riparian zones;
 - (vii) Locations of all outfalls; and
 - (viii) Identification of all receiving stream(s) associated with the site.
- (i) A description of procedures for:
 - (i) Sweeping or removal and proper disposal or utilization of sediment and other debris that has been tracked from the site or deposited from the site onto streets or other paved surfaces;
 - (ii) Removal and proper disposal or utilization of sediment or other pollutants that have accumulated in or near any stormwater conveyance channels or water course conveyance;
 - (iii) Removal and proper disposal or utilization of accumulated sediment that has been trapped by sediment control measures at the site in accordance with applicable maintenance requirements covered under this permit, including a schedule for removal; and
 - (iv) Handling and disposing of wastes generated at the site, including, but not limited to, clearing debris, sediment removed from the site, domestic waste, hazardous or toxic waste, and sanitary waste (to include proper placement/maintenance of portable toilets, e.g. port-o-lets, if applicable).

5. Maintain an Updated BMP Plan.

- (a) The BMP Plan shall be updated as necessary to address changes to the mining site, site weather patterns, new TMDLs finalized or approved by EPA, new 303(d) listings approved by EPA, or manufacturer specifications for specific control technologies.
- (b) The BMP Plan shall be amended if inspections or investigations by site staff, QCP, a qualified person under the direct supervision of a QCP, 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 an extension of time 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 Parts III. A, B, C, and D, implementation shall be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, then the mining activity must cease until the modified or additional controls can be implemented.
- (d) A current copy of the BMP Plan shall be maintained at the site during normal operating hours and made available upon request by the Department.

6. Department Review of BMP Plan

- (a) When requested by the Director or his designee, the Permittee shall make the BMP Plan available for Department review;
- (b) The Director or his designee may notify the Permittee at any time that the BMP Plan is deficient and requires correction of the deficiency; and

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- (c) The Permittee shall correct any BMP Plan deficiency identified by the Director or his designee within 30 days of receipt of notification and shall certify to the Department that the correction has been made and implemented unless an alternate date is approved by the Department.

F. SPILL PREVENTION, CONTROL, AND MANAGEMENT

1. The Permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112 and ADEM Admin Code r.335 6 6 .12(r) for all applicable onsite petroleum storage tanks.
2. The Permittee shall prepare, implement, and maintain a SPCC Plan in accordance with ADEM Admin Code r.335 6 6 .12(r) for any stored pollutant(s) that may, if spilled, be reasonably expected to enter a water of the state or the collection system for a publicly or privately owned treatment works;
 - (a) The SPCC Plan(s) shall be maintained as a separate document or as part of the BMP Plan required in Part III.E. above;
 - (b) 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 water of the State or a publicly or privately owned treatment works. The plan(s) must be consistent with the requirements of 40 CFR Part 112 and/or ADEM Admin Code r.335 6 6 .12(r). Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and of materials which shall prevent the contamination of groundwater and shall be capable of retaining 110 percent of the volume of the largest container of pollutants for which the containment system is provided;
 - (c) The Permittee shall maintain onsite or have readily available sufficient oil & grease absorbing material and flotation booms to contain and clean up fuel or chemical spills and leaks; and
 - (d) Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up, remediated, or be removed and disposed of in a Department approved manner.
3. Discharges of toxic or hazardous substances from a spill or other release are prohibited, consistent with Part I.D.
 - (a) Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302 occurs during a 24 hour period, the National Response Center (NRC) must be notified at (800) 424 8802, in accordance with the requirements of 40 CFR 110, 40 CFR 117, or 40 CFR 302 as soon as the Permittee has knowledge of the release; and
 - (b) Within five (5) calendar days of knowledge of the release, the Permittee must provide a description of the release, the circumstances leading to the release, and the date of the release.

G. TRAINING

Unless the Permittee has employed or contracted with a QCP to perform duties as required by this permit, and the QCP is readily available and able to be present onsite as often as is necessary to ensure full compliance with the requirements of this permit, the Permittee shall ensure that:

1. At least one (1) onsite employee shall be certified as a Qualified Credentialed Inspector (QCI) by completing an initial training and annual refreshers through an ADEM-approved Qualified Credentialed Inspector Program (QCIP) conducted by a cooperating training entity.
2. The QCIP must be approved by the Department prior to use and provide training in the following areas:
 - (a) The applicable requirements of the Alabama NPDES rules;
 - (b) The requirements of this permit;
 - (c) The evaluation of mining sites to ensure that QCP designed and certified erosion controls and sediment controls detailed in a BMP Plan are effectively implemented and maintained;
 - (d) The evaluation of conveyance structures, receiving waters and adjacent impacted offsite areas to ensure the protection of water quality and compliance with the requirements of this permit; and
 - (e) The general operation of a turbidity meter or similar device intended for the measurement of turbidity.
3. Each individual holding a QCI certification need not be on-site continuously and they may conduct site inspections at multiple sites permitted by them or their employer.
4. Each individual holding a QCI certification shall obtain annual certification by satisfactory completion of formal refresher education or training regarding general erosion controls and sediment controls, the requirements of this permit, and the general operation of a turbidity meter or similar device intended for the measurement of turbidity. The refresher training requirements,

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including but not limited to, appropriate curricula, course content, course length, and any participant testing, shall be subject to acceptance by the Director prior to use.

H. INSPECTION REQUIREMENTS

1. Pre-Mining Observations

- (a) A pre-mining site inspection shall be conducted prior the placement of any BMPs or the commencement of land disturbing activities;
- (b) The pre-mining inspection shall consist of a complete and comprehensive inspection of the entire proposed mining site, including all proposed areas of land disturbance, proposed material storage areas that may be exposed to precipitation, affected ditches, and other stormwater conveyances as well as all proposed outfalls, receiving waters and stream banks to determine if there are pre-existing areas of concern;
- (c) Pre-mining inspections shall be conducted by a QCP or a qualified person under the direct supervision of a QCP;
- (d) The inspection shall be documented and made available to the Department upon request;
- (e) The pre-mining inspection shall include dated electronic photographic documentation of all areas described in paragraph (b) above; and
- (f) The Permittee shall maintain record of the pre-mining site inspection pursuant to Part IV.J.

2. Weekly Observations

- (a) At least once per week, the Permittee shall visually observe that portion of the mining activity where active disturbance or work occurred to note any apparent BMP deficiencies in the area of active disturbance;
- (b) Such weekly observations may be performed by appropriate site personnel; and
- (c) The Permittee shall maintain a log of all weekly observations and record in such log any rainfall measurements and BMP deficiencies observed.

3. Site Inspections

- (a) A site inspection shall consist of a complete and comprehensive observation of the entire mining site including all areas used for storage of materials that are exposed to precipitation, affected ditches, and other stormwater conveyances as well as all outfalls, receiving waters and stream banks to determine if, and ensure that:
 - (i) Effective erosion controls and sediment controls have been fully implemented and maintained in accordance with this permit, the site BMP Plan, and the Alabama Handbook;
 - (ii) Pollutant discharges have been prevented/minimized, to the maximum extent practicable; and
 - (iii) Discharges do not result in a contravention of applicable State water quality standards for the receiving stream(s) or other waters impacted or affected by the Permittee.
- (b) A site inspection shall be performed at least once each month and after any qualifying precipitation event, by a QCP, QCI, or a qualified person under the direct supervision of a QCP, commencing as promptly as possible, but no later than 24-hours after resuming or continuing active mining or disturbance and completed no later than 72-hours following the qualifying precipitation event;
- (c) A site inspection shall be performed a minimum of once every six (6) months by a QCP or a qualified person under the direct supervision of a QCP;
- (d) A site inspection shall also be performed as often as is necessary until any poorly functioning erosion controls or sediment controls, non-compliant discharges, or any other deficiencies observed during a prior inspection are corrected and documented as being in compliance with the requirements of this permit;
- (e) **Incised Mining Requirements**

Unless otherwise required by the Department, inspections or evaluations required by Parts III.H.3(b) and (c) do not have to be conducted for noncoal/nonmetallic mining sites regulated under this Permit provided:

- (i) The operator submits to the Department certification from a QCP, a minimum of once every three (3) months, that the noncoal/nonmetallic 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

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- State. Inspections shall be conducted once per quarter (Jan-Mar, Apr-June, July-Sept, Oct-Dec), at least two months apart;
- (ii) The noncoal/nonmetallic mining site has been operated and is being operated in full compliance with the applicable requirements of this Permit; and
 - (iii) 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/nonmetallic mining site within 72-hours of said event 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.
- (f) Inspections shall be recorded in a written format acceptable to the Department. The inspection record shall include:
- (i) The site name and location, date and entry/exit time, outfall identification(s), date, time, and exact place of any sampling performed;
 - (ii) The name(s) of person(s) who performed the inspection and/or obtained any samples or measurements taken;
 - (iii) The analytical results of any samples or measurements performed;
 - (iv) A description of any sampling and analytical techniques or methods used, including source of method and method number;
 - (v) Weather conditions at the time of the inspection;
 - (vi) Description of any discharges of sediment or other pollutants from the site;
 - (vii) Locations of discharges of sediment or other pollutants from the site;
 - (viii) Locations of BMPs that need repair, replacement and/or maintenance;
 - (ix) Locations of BMPs that failed to operate as designed;
 - (x) Locations where BMPs required by the BMP Plan are not installed or installed in a manner inconsistent with the BMP Plan; and
 - (xi) Locations where additional BMPs are needed that did not exist at the time of the inspection. This requirement is applicable only to site inspections performed by a QCP or qualified persons under the direct supervision of a QCP.
- (g) Records of the results of all required inspections shall be available for inspection no later than fifteen (15) days following the date of the inspections, monitoring, or sampling; and
- (h) Reports shall be legible and bear an original signature or in the case of electronic reports, an electronic signature.

4. BMP Plan Evaluations

- (a) The QCP shall perform an onsite evaluation of all erosion and sediment controls being implemented for adequacy and consistency with site conditions;
- (b) The BMP Plan evaluation shall be performed, at a minimum of once every six (6) months, and as often as necessary until poorly functioning or damaged erosion controls or sediment controls are corrected;
- (c) If, based on the BMP Plan evaluation, the QCP identifies any needed modifications or additions to erosion and sediment controls, the BMP Plan shall be updated in accordance with Part III.D.5; and
- (d) The Permittee shall maintain appropriate documentation of the BMP Plan evaluation.

I. CORRECTIVE ACTION

1. Any poorly functioning erosion controls or sediment controls, non-compliant discharges, or any other deficiencies observed during the inspections required under Parts III.H.2 and III.H.3 shall be corrected as soon as possible, but not to exceed five (5) days from the inspection unless prevented by unsafe weather conditions. If unsafe weather conditions are present, they should be documented.
2. In the event of a breach of a sediment basin/pond, temporary containment measures shall be taken within 24 hours after the inspection. Permanent corrective measures shall be implemented within five (5) days of the inspection; however, if permanent corrective measures cannot be implemented within the timeframes provided herein the Permittee shall contact the Department.

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3. The operator shall promptly take all reasonable steps to remove, to the maximum extent practical, pollutants deposited offsite or in any waterbody or stormwater conveyance structure.

J. PRECIPITATION MEASUREMENT

1. The Permittee shall measure and record all precipitation occurring at the mining site (including rainfall and snowfall). Precipitation measurements must be representative of the Permittee's site. Records shall be maintained and available for inspection.
2. Precipitation measurements should be read and recorded during normal operating hours, even if no precipitation occurs. To facilitate determination of a qualifying precipitation event, the measuring device or method should have a scale that is readable to 0.5 inches or smaller unit.
3. Recording of rainfall outside of normal operating hours may be read and recorded on the next business day and noted as "accumulated." If the outside of normal operating hours accumulation is greater than 0.75 inches, a qualifying rainfall event inspection must occur regardless of whether that accumulation occurred over 24 hours, as described in Part III.H.
4. Precipitation measurements shall be taken using one or more of the following:
 - (a) Continuous recorders,
 - (b) Daily readings of an onsite rain gauge,
 - (c) Daily readings of an offsite precipitation gauge located adjacent to or in close proximity (for non linear projects a maximum one (1) mile distance) to the facility, or
 - (d) Other measurement devices acceptable to the Department (e.g., online resources).

K. IMPAIRED WATERS AND TOTAL MAXIMUM DAILY LOAD (TMDL) WATERS

1. Permittees discharging from mining sites into waters included on the latest EPA Approved §303(d) List or designated by the Department as impaired.
 - (a) The Permittee must determine whether the discharge from any part of the site contributes directly or indirectly to a waterbody that is included on the latest EPA Approved §303(d) List or designated by the Department as impaired;
 - (b) If the site discharges either directly or indirectly to a waterbody included on the latest EPA Approved §303(d) List or designated by the Department as impaired, then the BMP Plan must detail the BMPs that are being utilized to control discharges of pollutants of concern associated with the impairment of the waterbody;
 - (c) The Permittee must demonstrate the discharges, as controlled by the Permittee, and in conjunction with the implementation of the BMP Plan, do not cause or contribute to the impairment of the waterbody;
 - (d) If during this permit cycle a new EPA Approved §303(d) List is published or Department designation, includes any waterbody into which the site discharges, the Permittee and QCP must review the BMP Plan and the site to determine if existing BMPs are sufficient and discharges do not cause or contribute to the impairment of the waterbody. If existing BMPs are not sufficient to achieve this demonstration, the Permittee must, within sixty (60) days following the publication of the latest final §303(d) List, Department designation, or the effective date of this permit, submit a revised BMP Plan detailing new or modified BMPs. The BMP Plan must be revised as directed by the Department and the new or modified BMPs must be implemented within ninety (90) days from the publication of the latest final §303(d) list or Department designation.
2. Permittees discharging from mining sites into waters with EPA Approved TMDLs and/or EPA Established TMDLs.
 - (a) The Permittee must determine whether the site discharges to a waterbody for which a TMDL has been established or approved by EPA;
 - (b) If the site discharges into a water body with an EPA approved or established TMDL, then the BMP Plan must include BMPs targeted to control the discharges of pollutants of concern and to meet the assumptions and requirements of the TMDL. If additional BMPs will be necessary to meet the requirements of the TMDL, the BMP Plan must include a schedule for installation and/or implementation of such BMPs;
 - (c) If, during this permit cycle, a TMDL is approved by EPA or a TMDL is established by EPA for any waterbody into which the site discharges, the Permittee must review the applicable TMDL to see if it includes requirements for control of storm water discharges from the site; and
 - (d) If it is found that the Permittee must implement specific allocations of the TMDL, it must assess whether the assumptions and requirements of the TMDL are being met through implementation of existing BMPs or if additional BMPs are necessary. The BMP Plan must include BMPs targeted to meet the assumptions and requirements of the TMDL. If existing BMPs are not sufficient, the Permittee must, within sixty (60) days following the approval or establishment of the TMDL by EPA, submit

a revised BMP Plan detailing new or modified BMPs to be utilized along with a schedule of installation and/or implementation of such BMPs. Any new or modified BMPs must be implemented within ninety (90) days, unless an alternate date is approved by the Department, from the establishment or approval of the TMDL by EPA.

L. SUSPENSION OF MONITORING

Suspension of applicable monitoring and inspection requirements for sites may be granted provided:

1. The Department is notified in writing at least thirty (30) days prior to the requested suspension;
2. The Permittee and the QCP certify in the request that all disturbance has been graded, stabilized, and/or fully vegetated or otherwise permanently covered, and that appropriate, effective steps have been and will be taken by the Permittee to ensure compliance with the requirements of this permit and commit that these measures will remain continually effective until the permit is properly terminated;
3. The request should be accompanied by an inspection report confirming permanent stabilization of all previously disturbed areas, including material storage areas, and associated support activities. In addition, photo documentation may be submitted for confirmation purposes; and
4. The Permittee notifies the Department in writing within fifteen (15) days prior to resumption of disturbance and the Permittee complies with the requirements of this Permit prior to commencement of additional disturbance.

PART IV: STANDARD AND GENERAL PERMIT-CONDITIONS

A. DUTY TO COMPLY

1. The Permittee must comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the AWPCA and the FWPCA and is grounds for: enforcement action, or termination of coverage under this permit; denial of a permit renewal application; or a requirement that the permittee submit an application for an individual NPDES permit.
2. For any violation(s) of this Permit, the Permittee may be subject to a civil penalty as authorized by the AWPCA, 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.
3. The discharge of a pollutant from a source not specifically identified in the NOI to be covered under this Permit and not specifically included in the description of an outfall (where applicable) in this permit is not authorized and shall constitute noncompliance with this permit.
4. 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.

B. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce mining activities in order to maintain compliance with the conditions of the permit.

C. DUTY TO MITIGATE

The Permittee shall promptly take all reasonable steps to mitigate or prevent any violation of the permit or to minimize or prevent any adverse impact to waters resulting from any permit violation.

D. PROPER OPERATION AND MAINTENANCE

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of 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. Operation of backup or auxiliary facilities is required only when necessary to achieve compliance with the conditions of this permit.

E. PERMIT MODIFICATION, REVOCATION AND REISSUANCE, AND TERMINATION

1. During the term of this general permit the Director may, for cause, and subject to the public notice procedure of ADEM Administrative Code r. 335-6-6-21, modify or revoke and reissue this general permit. The causes for this action include the following:
 - (a) When the Director receives any information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance;
 - (b) When the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued;
 - (c) Upon failure of the state to notify, as required by Section 402(b)(3) of the FWPCA, another state whose waters may be affected by a discharge;
 - (d) When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology based treatment requirements appropriate to the discharge under 40 CFR 125.3(c)(1994);
 - (e) To correct technical mistakes, such as errors in calculations or mistaken interpretations of the law made in determining permit conditions;
 - (f) When the permit limitations are found not to be protective of water quality standards; or
 - (g) For any applicable cause set forth in 40 CFR Sections 122.61, 122.62, 122.63, and 122.64 (1994).
2. Subject to the public notice procedures of rule 335-6-6-21, the Director may terminate this general permit during its term for any of the causes for modification listed in ADEM Admin Code r. 335-6-6-.23(7)(a).
3. The Director may terminate coverage of a discharge under this general permit for cause. Cause shall include but not be limited to noncompliance with Department rules; a finding that the general permit does not control wastewater discharge sufficiently to

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protect water quality or comply with treatment-based limits applicable to the discharge; or the submission of materially false or inaccurate statements or information in the permit application or reports required by the Permit.

4. Any person may petition the Director for withdrawal of this general permit authority from a discharger. The Director shall consider the information submitted by the petitioner and any other information he may be aware of and may obtain additional information from the discharger and through inspections by Department staff and shall decide if coverage should be withdrawn. The petitioner shall be informed of the Director's decision and shall be provided a summary of the information considered.

F. PROPERTY RIGHTS

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

G. DUTY TO PROVIDE AND UPDATE INFORMATION

1. 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, revoking and re-issuing, or terminating 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 kept by this Permit.
2. The Permittee shall inform the Director in writing of any change in the Permittee's mailing address or telephone number or in the Permittee's designation of a facility contact or officer having the authority and responsibility to prevent and abate violations of the AWPCA, the Department's rules and the terms and conditions of this permit no later than ten (10) days after such change. Upon request of the Director, the Permittee shall furnish an update of any information provided in the NOI.
3. If the Permittee becomes aware that it failed to submit any relevant facts in the NOI; or submitted incorrect information in the NOI; 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. All information and/or documents required to be submitted to the Department by this general permit shall be submitted via the AEPACS, which can be accessed at the following link, <http://adem.alabama.gov/AEPACS>. If the Permittee/Operator has an approved waiver from such electronic submissions pursuant to ADEM Admin. Code r. 335-6-1-.04(6), the information and/or documents must be delivered to the following address: Alabama Department of Environmental Management Water Division, Stormwater Management Branch, Post Office Box 301463, Montgomery, Alabama 36130-1463, or 1400 Coliseum Boulevard, 36110-2400, Montgomery, Alabama.

H. 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:

1. Enter upon the Permittee's premises where a regulated activity is located or conducted or where records must be kept under the conditions of this Permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
3. Inspect, at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the AWPCA, any activities, substances, or parameters at any location.

I. NONCOMPLIANCE NOTIFICATION

1. The Permittee must notify the Department if, for any reason, the Permittee's discharge:
 - (a) Potentially threatens human health or welfare;
 - (b) Potentially threatens fish or aquatic life;
 - (c) Causes an in-stream water quality criterion as stated in ADEM Admin. Code Ch. 335-6-10, to be exceeded;
 - (d) 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); or

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- (e) 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).
- 2. The Permittee shall orally report the occurrences, describing the circumstances and potential effects of such discharge to the Director no later than 24-hours after the Permittee becomes aware of the occurrence of such discharge. In addition to the oral report, the Permittee shall submit to the Director a written report as provided in Part IV.I.3. below, no later than five (5) days after becoming aware of the occurrence of such discharge.
- 3. The written report shall be in a format acceptable to the Department and shall include:
 - (a) A description of the noncompliant event, its cause, if known, and location;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) A description of the steps taken and/or being taken to reduce or eliminate the noncomplying discharge and to prevent its recurrence.

J. RETENTION OF RECORDS

- 1. The Permittee shall retain records of all inspection records, monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete such reports, for a period of at least three (3) years from the date of the inspection, sample measurement, or report. This period may be extended by request of the Director at any time. If litigation or other enforcement action, under the AWPCA and/or the FWPCA, is ongoing which involves any of these records, the records shall be kept until the litigation is resolved.
- 2. All records required to be kept for a period of three (3) years shall be kept at the permitted facility or an alternate location identified to the Department in writing and shall be made available for inspection upon request.

K. SIGNATORY REQUIREMENTS

The NOI and all reports or information submitted to the Director shall be signed and certified according to the requirement of ADEM Admin Code r. 335-6-6-.09. Where required by this Permit, documents will also be signed by a QCP or QCI.

L. TRANSFERS

This Permit may not be transferred without notice to the Director and subsequent modification or revocation and reissuance of this Permit. In the case of a change in name, ownership or control of the permittee's premises, a request for permit modification in a format acceptable to the Director is required within fifteen (15) days of the change occurring.

M. BYPASS

Any bypass of erosion controls, sediment controls, or any other stormwater management/treatment controls specified in the BMP Plan is prohibited except as provided by ADEM Admin Code r. 335-6-6-.12(m).

O. UPSET

Any upset claimed by the Permittee is subject to the requirements of ADEM Admin Code r. 335-6-6-.12(n).

P. 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.

Q. ISSUANCE OF AN INDIVIDUAL PERMIT

The Director may require the Permittee to obtain an individual permit for discharges covered by this permit in accordance with ADEM Admin. Code r. 335-6-6-.23(9).

R. REQUEST FOR INDIVIDUAL PERMIT BY GENERAL PERMIT HOLDER

- 1. Any person covered by this general permit may apply for termination of coverage by applying for an individual NPDES permit.

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2. A permit application submitted voluntarily or at the direction of the Director for the purpose of termination of coverage by this general permit shall be processed in accordance with the rules found in ADEM Admin. Code ch. 335-6-6 applicable to individual permits.

S. TERMINATION OF COVERAGE

1. Voluntary Notice of Termination – Initiated by Permittee
The Permittee must submit a Notice of Termination (NOT) request electronically using the Department's AEPACS at <http://adem.alabama.gov/AEPACS>, within thirty (30) days of one of the following conditions:
 - (a) Final stabilization has been achieved on all portions of the site; or
 - (b) Another operator has assumed control over all areas of the site that have not achieved final stabilization and the new operator has submitted an NOI for coverage under this permit.
2. Content of the Voluntary Notice of Termination
 - (a) The Permittee name, permit number, and location of the site;
 - (b) Submittal of ADOL bond release paperwork, if applicable;
 - (c) Certification by the Permittee and the QCP that all activity covered by this permit has been completed and final stabilization, pursuant to Part V.23. of this permit, has been achieved; and
 - (d) Identification, including complete contact information, of the person that has assumed legal or operational control over the site.
 - (i) Loss of operational control does not relieve the operator from liability and responsibility for compliance with the provisions of this permit until the complete and correct request for termination is received by the Department.
 - (ii) Sale or transfer of operational responsibility for the site by the operator prior to the succeeding operator obtaining permit coverage required by this chapter does not relieve the operator from the responsibility to comply with the requirements of this permit.

T. DUTY TO REAPPLY

1. The Permittee authorized to discharge under this general permit, who wishes to continue to discharge upon the expiration of this permit, shall submit a NOI to be covered by the reissued general permit. Such NOI shall be submitted at least ninety (90) days prior to the expiration date of this general permit.
2. Failure of the Permittee to submit the appropriate application material for reauthorization under this permit at least ninety (90) days prior to the permit's expiration will void the automatic continuation of the authorization to discharge under this permit as provided by ADEM Admin. Code r. 335-6-6-.06. Should the permit not be reissued for any reason prior to its expiration date, permittees who failed to meet the ninety (90) day submittal deadline will be illegally discharging without a permit after the expiration date of the permit.

U. 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, "ADEM NPDES Permit Number ALG89", followed by the four digit NPDES permit number, facility or site name, contact information, and other descriptive information deemed appropriate by the Permittee at the entrance or other easily accessible location(s) to adequately identify the site. 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.

V. SCHEDULE OF COMPLIANCE

The Permittee shall achieve compliance with the requirements of this Permit on the effective date of coverage under this permit.

W. DISCHARGE OF WASTEWATER GENERATED BY OTHERS

The discharge of wastewater generated by any process, facility, or by any other means not under the operational control of the Permittee or not identified in the application for this permit or not identified specifically in the description of an outfall in this permit is not authorized by this permit except as allowed by Part I.

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PART IV: STANDARD AND GENERAL PERMIT CONDITIONS**

X. COMPLIANCE WITH WATER QUALITY STANDARDS AND OTHER PROVISIONS

1. On the basis of the Permittee's application, plans, or other available information, the Department has determined that compliance with the terms and conditions of this Permit 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.
2. Compliance with Permit terms and conditions notwithstanding, if the Permittee's discharge(s) 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.
3. If the Department determines, on the basis of 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.

Y. 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 IV.M. (Bypass) and Part IV.N. (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.

Z. 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.

AA. AVAILABILITY OF REPORTS

Except for data determined to be confidential under Code of Alabama 1975, §22-22-9(c), all reports prepared and submitted in accordance with the terms of this Permit shall be available for public inspection at the offices of the Department or the Department's electronic filing system (eFile) at <http://app.adem.alabama.gov/eFile/>. 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.

BB. COASTAL ZONE MANAGEMENT (MOBILE AND BALDWIN COUNTIES)

1. Except for those activities described in Part IV.AA.2 below, this permit is conditionally consistent with the Alabama Coastal Area Management Plan (ACAMP) upon continued compliance with the ACAMP.
2. The Permittee shall obtain, as appropriate, a coastal permit or coastal consistency determination from the Department if any activity conducts a use as described in ADEM Admin. Code r. 335-8-1-.08, 335-8-1-.09, 335-8-1-.10 or 335-8-1-.11.

CC. PROHIBITION AND ACTIVITIES NOT AUTHORIZED

1. Discharges from disposal or landfill activities as described in ADEM Admin Code R. 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 wastewaters from such manufacturing or production is not authorized by this Permit unless specifically approved by the Department.

**NONCOAL, NONMETALLIC MINING GENERAL PERMIT
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4. Concrete or asphalt manufacturing or production and discharge of process wastewaters from such manufacturing or production is not authorized by this Permit unless specifically approved by the Department.

DD. REMOVED SUBSTANCES

Solids, sludges, 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.

EE. COMPLIANCE WITH STATUTES AND RULES

1. This permit has been issued under ADEM Admin. Code ch. 335-6-6. All provisions of this chapter, that are applicable to this permit, are hereby made a part of this permit. A copy of this chapter can be found on the ADEM website at: <http://www.adem.alabama.gov/alEnviroRegLaws/files/Division6Vol1.pdf>
2. 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.

PART V: DEFINITIONS

1. **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 there from.
2. **24-hour precipitation event** means that amount of precipitation which occurs within any 24-hour period.
3. **50-year, 24-hour precipitation event** means the maximum 24-hour precipitation event with a probable recurrence interval of once in fifty 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 there from.
4. **AEMA** means the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1, et seq.
5. **Agricultural Practices** means practices commensurate with the size of the farming operation that are implemented in a manner that meet or exceed Natural Resources Conservation Service technical standards and guidelines, including but not limited to, farm ponds that are constructed for the primary purpose of irrigation and/or watering of livestock, terraces, grassed waterways, vegetative filter strips, cropland grade stabilization measures, drainage tiles, underground outlets, land leveling, dike/diversion structures, and other grade stabilization structures.
6. **Alabama Handbook** means the current edition of Alabama Handbook for Erosion Control, Sediment Control, And Stormwater Management on Construction Sites and Urban Areas, published by the Alabama Soil and Water Conservation Committee (ASWCC) at the time permit coverage is obtained.
7. **ADEM** means the Alabama Department of Environmental Management.
8. **ADOL** means the Alabama Department of Labor (previously known as The Alabama Department of Industrial Relations or ADIR).
9. **AML** means the Abandoned Mine Land Reclamation Program administered through the ADOL.
10. **Areas Associated with these Activities** includes, but is not limited to, entrance/exit roads exclusive to the mining activity, haul roads, material storage piles, and equipment maintenance areas.
11. **AWPCA** means the Alabama Water Pollution Control Act.
12. **Best Management Practices or BMPs** mean implementation and continued maintenance of appropriate structural and non-structural practices and management strategies to prevent and minimize the introduction of pollutants to stormwater and to treat stormwater to remove pollutants prior to discharge.
13. **Best Management Practices Plan (BMP Plan)** means any research, planning considerations, systems, procedures, processes, activities, and practices implemented for the prevention and/or minimization of pollutants in stormwater to the maximum extent practicable, and collection, storage, treatment, handling, transport, distribution, land application, or disposal of stormwater and onsite management of waste generated by the mining activity, and to comply with the requirements of this permit. This includes any required component plans and other pertinent information requested by the Department. The BMP Plan shall be prepared and certified, and when necessary updated by a qualified credentialed professional (QCP) in accordance with the requirements of this permit.
14. **Control Measure** means any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State.
15. **CWA or The Act** means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) as amended Pub. L. 92-217, Pub. L. 95-576, Pub. L. 96-483, and Pub. L. 97-117, 33 U.S.C. 1251 et seq.
16. **Day** means any consecutive 24-hour period.
17. **Department** means the Alabama Department of Environmental Management or an authorized representative.
18. **Director** means the Director of the Department or his designee.
19. **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).
20. **Dry Processing** means the mineral/material is cleaned, separated, or otherwise processed without the 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.
21. **EPA** means the U.S. Environmental Protection Agency.

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22. **Ephemeral Stream** means a stream or portion of a stream which flows briefly in direct response to precipitation in the immediate vicinity, and whose channel is at all times above the ground-water reservoir.
23. **Final Stabilization** means the application and establishment of permanent ground cover (vegetation, pavements of erosion resistant hard or soft material or impervious structures) planned for the site to permanently eliminate soil erosion to the maximum extent practicable. Final Stabilization also means that all disturbed areas have been graded, slopes effectively stabilized, and perennial vegetation has been established to the maximum extent practicable to protect water quality. Established vegetation will be considered final if 100% of the soil surface is uniformly covered in permanent vegetation with a density of 85% or greater. Permanent vegetation shall consist of, but not be limited to planted trees, grasses, shrubs, perennial vines; an agricultural or a perennial crop of vegetation appropriate for the region.
24. **FWPCA** means the Federal Water Pollution Control Act.
25. **Incised** means a noncoal/nonmetallic mining site that is designed and operated with significant freeboard due to mining excavation or 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.
26. **Intermittent Stream** means a stream where portions flow continuously only at certain times of the year. At low flow there may be dry segments alternating with flowing segments.
27. **Maximum extent practicable (MEP)** means full implementation and regular maintenance of available industry standard technology and effective management practices, such as those contained in the Alabama Handbook and site-specific BMP Plan, designed to prevent and/or minimize discharges of pollutants and ensure protection of groundwater and surface water quality.
28. **Mining Support Activity** a mining related activity that specifically supports the mining activity solely related to the mining site covered under this permit and involves earth disturbance or pollutant generating activities of its own and may include activities including but not limited to employee work areas, equipment staging yards, materials storage areas, excavated material disposal areas, chemical/fuel storage area and temporary borrow areas.
29. **National Pollutant Discharge Elimination System or NPDES** means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits for the discharge of pollutants into waters of the state.
30. **Natural Buffer (Riparian buffer)** means a strip of dense undisturbed perennial native vegetation, either original or re-established, that borders streams and rivers, ponds and lakes, and wetlands. Buffer zones are established for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the upland area and reaching surface waters. Natural buffers help stabilize streambanks and therefore are important in minimizing production of sediment from bank erosion. The importance increases in relation to the size of the stream. Buffer zones are most effective when stormwater runoff is flowing into and through the buffer zone as shallow sheet flow, rather than in concentrated form such as in channels, gullies, or wet weather conveyances.
31. **Nephelometric Turbidity Unit or NTU** means a numerical unit of measure based upon photometric analytical techniques for measuring the light scattered by fine particles of a substance in suspension.
32. **NOI** means Notice of Intent.
33. **Noncoal, Nonmetallic Mining Site** means an area, on or beneath land, less than five (5) total unreclaimed acres in size, including but not limited to, advance prospecting, noncoal mining site development, extraction, removal, mining, borrowing, storing, transloading in conjunction with an active noncoal mining site, dry processing, transportation, and/or recovery of any noncoal and nonmetallic mineral, ore, or mineral/ore product, including but not limited to, overburden, dirt, chert, soil, clay, rock, stone, aggregate, sand, gravel, tailings, and refuse from natural or artificial deposits. A noncoal mining site also includes, but is not limited to, access/entrance/exit roads exclusive to the mining site, haul roads, and laydown/storage areas. Pre-mining construction and land preparation, including but not limited to, clearing, grubbing, testing and advance prospecting in advance of mining activity is considered part of the noncoal mining activity which is required to obtain coverage under this Permit prior to commencement.

For the purposes of this Permit, noncoal mining does not mean any mining or recovery site, or associated product processing, recovery, storing, handling or transloading operations equal to or greater than five (5) acres in size, any mineral or ore wet processing or beneficiation regardless of size, and any metal ore/mineral, coal or associated product, mining, recovery, re-mining, processing, storing, handling or transloading operations, regardless of size.
34. **Non stormwater Discharges** means discharges that do not originate from storm events. They can include, but are not limited to, discharges of process wastewater, air conditioner condensate, non contact cooling water, vehicle wash water, sanitary wastes, concrete washout water, irrigation water, or pipe testing water.
35. **Normal Operating Hours** means from 6:00 a.m. to 6:00 p.m., Monday through Friday, excluding federal holidays established pursuant to 5 U.S.C. § 6103. Normal operating hours also include any time when workers are present or when the mining activity is occurring, regardless of the particular day or time of day.

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36. **Operator** means any person or other entity that owns, operates, directs, conducts, controls, authorizes, approves, determines, or otherwise has responsibility for, or exerts financial control over the commencement, continuation, or daily operation of activity regulated by this permit. An operator includes any person who treats and discharges stormwater or in the absence of treatment, the person who generates and/or discharges stormwater, or pollutants. An operator may include but may not be limited to, property owners, agents, general partners, LLP partners, LLC members, leaseholders, developers, builders, contractors, or other responsible or controlling entities.
37. **Outfall** means the location where stormwater in a discernible, confined and discrete conveyance, leaves a facility or mining site, prior to discharging into a receiving stream.
38. **Perennial Stream** means a stream or portion of a stream that flows year-round, is considered a permanent stream, and for which baseflow is maintained by ground-water discharge to the streambed due to the ground-water elevation adjacent to the stream typically being higher than the elevation of the streambed.
39. **Permittee** means a person to whom a permit has been issued.
40. **PE** means a professional engineer, presently licensed in the State of Alabama and who is competent to perform work in this field of engineering.
41. **Pollutant of concern** refers to sediment, turbidity, siltation or other pollutants known or reasonably expected to be found in untreated discharges associated with mining activities covered by this general permit.
42. **Priority mining site** means any site that discharges to a waterbody which is listed on the most recently EPA approved 303(d) list of impaired waters for turbidity, siltation, or sedimentation, any waterbody for which a TMDL has been finalized or approved by EPA for turbidity, siltation, or sedimentation, any waterbody assigned the Outstanding Alabama Water use classification in accordance with ADEM Admin. Code r. 335 6 10 .09, and any waterbody assigned a special designation in accordance with ADEM Admin. Code r. 335 6 10 .10.
43. **Process Wastewater** means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.
44. **Qualified Credentialed Inspector (QCI)** means a permittee, permittee employee, or permittee designated qualified person who has successfully completed initial training and annual refresher Qualified Credentialed Inspection Program (QCIP) training and holds a valid certification from a Department approved cooperating training entity.
45. **Qualified Credentialed Inspection Program (QCIP)** means a Department approved program conducted by a cooperating training entity. Approved programs provide training in the requirements of the Alabama NPDES rules and regulations to ensure that QCP designed and certified BMPs detailed in a BMP Plan are effectively implemented and maintained, and evaluation of conveyance structures, receiving waters and adjacent impacted offsite areas to ensure the protection of water quality and compliance with the requirements of this Permit.
46. **Qualified Credentialed Professional (QCP)** means a licensed professional engineer (PE), or a Certified Professional in Erosion and Sediment Control (CPESC) as determined by EnviroCert International. Other registered or certified professionals such as a registered landscape architect, licensed land surveyor, registered geologist, registered forester, registered Environmental Manager as determined by the National Registry of Environmental Professionals (NREP), or Certified Professional and Soil Scientist (CPSS) as determined by ARCPACS. The QCP shall be in good standing with the authority granting the registration or designation. The design and implementation of certain structural BMPs may involve the practice of engineering and require the certification of a professional engineer pursuant to Alabama law.
47. **Qualified person under the direct supervision of a QCP** refers to an individual who is an employee of a QCP or the QCP's firm, and is familiar with current industry standards for erosion and sediment controls and able to inspect and assure that BMPs or other pollution control devices (silt fences, erosion control fabric, rock check devices, etc.) and erosion control efforts (grading, mulching, seeding, growth management, etc.) or management strategies have been properly implemented and regularly maintained. Such individual may not certify the BMP Plan or modifications to the BMP Plan.
48. **Qualifying precipitation event** means any precipitation of 0.75 inches or greater in any 24-hour period.
49. **Receiving Stream** means the "waters of the state" receiving a "discharge" from a noncoal, nonmetallic mining site.
50. **Reclaimed** means that all disturbed areas are permanently covered by completed buildings, other structures, pavement/concrete, other acceptable impervious materials, or other effective permanent non-vegetative structures and practices. Reclaimed also means that all disturbed areas have been graded, slopes effectively stabilized, and perennial vegetation has been fully established with the ability to survive in the future if properly maintained, to prevent/minimize to the maximum extent practicable exposure of disturbed soils to erosion as necessary to protect water quality.
51. **Setbacks** means an undisturbed buffer strip adjacent to watercourses, lakes, easements, adjoining property, perimeter property lines, road rights-of-way, residences, or other features which could be adversely affected by mining.

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52. **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.
53. **Silvicultural Operations**
- a) **Non-point source silvicultural activities** means activities such as nursery operations, site preparation, reforestations, and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff.
 - b) **Point source silvicultural activities** means any discernable, confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in conjunction with silvicultural activities and from which pollutants are discharged into waters of the State. Silvicultural point sources, excluding mining operations regulated pursuant to ADEM Administrative Code rule 335-6-9; 40 CFR Part 122.27 (1994).
54. **Site** means the land or water area where any facility or activity for which coverage under this permit is required is physically located or conducted, including adjacent land use in connection with the facility or activity.
55. **State water quality standards** refer to numeric and narrative standards set forth at ADEM Admin Code chs. 335-6-10 and 335-6-11.
56. **Steep Slope** means a slope of 15% or greater.
57. **Stormwater** means any storm water runoff, snow melt runoff, accumulated precipitation, surface runoff and drainage.
58. **Stormwater control** refers to any BMP or other method used to prevent or reduce the discharge of pollutants to waters of the State.
59. **Surface Water** means a water of the State of Alabama as defined in ADEM Admin. Code R. 335-6-10-.02.
60. **Treatment Chemicals** refers to polymers, coagulants, flocculants, or other chemicals used to reduce turbidity in stormwater. For the purposes of this permit, treatment chemicals are used to control erosion on soil or to enhance the sediment removal capabilities of sediment traps or basins. Common polymers include polyacrylamide (PAM) and chitosan.
61. **Total Maximum Daily Load or TMDL** means the calculated maximum permissible pollutant loading to a waterbody at which water quality standards can be maintained; The sum of wasteload allocations (WLA) and load allocations (LAs) for any given pollutant.
62. **Treatment facility and treatment system** means all structures which contain, convey, and as necessary, chemically or physically treat stormwater. This includes all pipes, channels, ponds, tanks, and all other equipment serving such structures.
63. **TSS** means the pollutant parameter Total Suspended Solids.
64. **Turbidity** means a condition of water quality characterized by the presence of suspended solids and/or organic material. Sources of turbidity include soil erosion, waste discharge, urban runoff, eroding streambanks, and excessive algal growth.
65. **Upset** means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation. For purposes of this definition, Chronic and Catastrophic Precipitation constitutes an exceptional incident.
66. **Waters of the State** 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.
67. **Week** means the period beginning at twelve midnight Saturday and ending at twelve midnight the following Saturday.
68. **Wet preparation** 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.

FACT SHEET

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT TO DISCHARGE TO WATERS OF THE STATE OF ALABAMA GENERAL PERMIT

Date: August 10, 2022

Prepared By: Blake B. Pruitt

NPDES Permit No. ALG890000

1. Description of Category:

This draft permit is intended to cover discharges to waters of the State from noncoal/nonmetallic mining and dry processing sites, and areas associated with these activities, where such activities will result in a cumulative land disturbance of less than five (5) acres of land, at any time over the life of the mining activity.

2. Geographic area covered:

State of Alabama

3. Receiving waters:

All Waters of the State of Alabama

4. Types of discharge:

This draft permit authorizes, subject to the conditions of this general permit, discharges associated with noncoal/nonmetallic mining and dry processing, and areas associated with these activities, where such activities will result in a cumulative land disturbance of less than five (5) acres of land over the life of the mining activity, and non-storm water discharges as defined in Part I. B. 2. of the general permit.

5. Permit Conditions:

The permit conditions are based on 40 CFR Parts 122.26 and ADEM Admin. Code div. 335-6.

6. Procedures for the formulation of final determinations

a. Comment Period

The Alabama Department of Environmental Management proposes to reissue a General NPDES Permit subject to the conditions outlined above. These determinations are tentative.

Interested persons are invited to submit written comments on the proposed general permit to the following address:

Jeffery W. Kitchens, Chief
Water Division
Alabama Department of Environmental Management
1400 Coliseum Blvd
(Mailing Address: Post Office Box 301463; Zip 36130-1463)
Montgomery, Alabama 36110-2059
(334) 271-7823
Water-Permits@adem.alabama.gov

All comments received prior to the closure of the public notice period (see attached public notice) will be considered in the formulation of final determinations with regard to this general permit.

b. Public Hearing

A written request for a public hearing may be filed within the public notice period and must state the nature of the issues proposed to be raised in the hearing. A request for a hearing should be filed with the Department at the following address:

Jeffery W. Kitchens, Chief
Water Division
Alabama Department of Environmental Management
1400 Coliseum Blvd
(Mailing Address: Post Office Box 301463; Zip 36130-1463)
Montgomery, Alabama 36110-2059
(334) 271-7823
Water-Permits@adem.alabama.gov

The Director shall hold a public hearing whenever it is found, on the basis of the hearing request, that there exists a significant degree of public interest in a permit application or draft permit. The Director may hold a public hearing whenever such a hearing might clarify one or more issues involved in the permit decision. Public notice of such a hearing will be made in accordance with ADEM Admin. Code r. 335-6-6-.21.

c. Reissuance of the Permit

All comments received during the public comment period shall be considered in making the final permit decision. At the time that any final permit decision is issued, the Department shall prepare a response to comments in accordance with ADEM Admin. Code r. 335-6-6.21. **The permit record, including the response to comments, will be available to the public via the eFile System (<http://app.adem.alabama.gov/eFile>) or an appointment to review the record may be made by writing to the Permits and Services Division at the above address.**

Unless a request for a stay of the permit or permit provision is granted by the Environmental Management Commission, the proposed permit contained in the Director's determination shall be issued and effective; and such issuance will be the final action of the Alabama Department of Environmental Management.

d. Appeal Procedures

As allowed under ADEM Admin. Code chap. 335-2-1, any person aggrieved by the Department's final administrative action may file a request for hearing to contest such action. Such requests should be received by the Environmental Management Commission within thirty days of reissuance of the permit. Requests should be filed with the Commission at the following address:

Alabama Environmental Management Commission
1400 Coliseum Blvd
(Mailing Address: Post Office Box 301463; Zip 36130-1463)
Montgomery, Alabama 36110-2059

All requests must be in writing and shall contain the information provided in ADEM Admin. Code r. 335-2-1-.04.

**NPDES GENERAL PERMIT RATIONALE
SMALL MINING GENERAL PERMIT
NPDES PERMIT NO. ALG890000**

DATE: July 19, 2022

PREPARED BY: Blake B. Pruitt

PERMIT IS A REISSUANCE DUE TO EXPIRATION

PERMIT DISCHARGE:

This permit is intended to cover discharges to waters of the state from noncoal/nonmetallic mining and dry processing sites, and areas associated with these activities, where such activities will result in a cumulative land disturbance of less than five (5) acres of land, at any time over the life of the mining activity.

GEOGRAPHIC AREA COVERED

State of Alabama

RECEIVING WATERS

All Waters of the State of Alabama

PERMIT PROCEDURES

This draft Permit has been developed in accordance with applicable procedures of ADEM Admin. Code r. 335-6-6.

DISCUSSION

The Department is proposing to reissue NPDES General Permit ALG890000. This permit is intended to cover discharges to waters of the state from noncoal/nonmetallic mining and dry processing sites, and areas associated with these activities, where such activities will result in a cumulative land disturbance of less than five (5) acres of land, at any time over the life of the mining activity. These facilities are small borrow pits where fill material is removed and where minimal processing takes place. Quarries and wet processing facilities will not be covered by this permit.

The activities covered by this permit are not covered by any effluent guidelines due to their size and the fact that their discharges are stormwater driven.

Based on Best Professional Judgement (BJP), this permit requires that each mining site develop and implement a Best Management Practices Plan (BMP Plan) designed to minimize the discharge of pollutants to protect water quality and to satisfy the appropriate water quality requirements of the ADEM Rules and Regulations and the Clean Water Act. A Permittee who discharges to a waterbody which is listed on the most recently EPA approved d303(d) list of impaired waters for a pollutant of concern, a waterbody for which a TMDL has been finalized or approved by EPA for a pollutant of concern, a waterbody assigned the Outstanding Alabama Water use classification in accordance with ADEM Admin. Code r. 335-6-10-.09, or a waterbody assigned a special designation in accordance with ADEM Admin. Code r. 335-6-10-.10, must submit the site BMP Plan to the Department for review.

The permit requirements have been developed to assure that permitted discharges should not cause or contribute to a violation of applicable instream State water quality standards for the receiving water(s). Full compliance with the 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(s).

Pursuant to ADEM Admin. Code r.335-6-6-.12(r) and Part III.F of this permit, the Permittee is required to design and implement a Spill Prevention Control and Countermeasures (SPCC) plan for all stored chemicals, fuels, and/or stored pollutants that have the potential to discharge to a water of the State. This plan must meet the minimum engineering

requirements as defined in 40 CFR Part 112 and must provide for secondary containment adequate to control a potential spill.

The facility otherwise eligible for coverage, or currently covered, under this Permit must determine whether its discharge(s) contributes directly or indirectly to a waterbody that included on the current 303(d) list or otherwise designated by the Department as impaired or is included in an EPA approved or EPA finalized or approved TMDL for a pollutant of concern. If the facility has discharges meeting either of these criterion, it must demonstrate that the discharges, as controlled by the Permittee, do not cause or contribute to the impairment. If existing BMPs are not sufficient to achieve this demonstration, the Permittee must, within six (6) months following the publication of the latest final 303(d) list, submit a revised BMP Plan detailing new or modified BMPs. The BMP Plan must be revised as directed by the Department and the new or modified BMPs must be implemented within one year, unless an alternate date is proved by the Department, from the publication of the latest final 303(d) list.

The Permittee must determine whether its mining site discharges to a waterbody for which a total maximum daily load has been finalized or approved by EPA. If a TMDL is approve during this permit cycle by EPA or a TMDL is finalized by EPA for any waterbody into which the mining site discharges, the Permittee must review the applicable TMDL to see if it includes applicable requirements for the mining site. If it is found that the Permittee must implement specific allocations of the TMDL, it must assess whether the allocations are being met through implementation of existing BMPs or if additional BMPs are necessary. Any such determination must be reviewed and approved by the Department. If it is determined that existing BMPs are not effectively meeting the TMDL allocations, then, within six (6) months following the approved or establishment of the TMDL by EPA, the Permittee must submit a revised BMP Plan that includes BMPs specifically target to achieve the TMDL allocations. The BMP Plan must be revised as directed by the Department and any new or modified BMPs must be implemented within one year, unless an alternate date is approved by the Department, form the establishment or approval of the TMDL by EPA.

Coverage under this general permit will be initiated by submitting a Notice of Intent (NOI) for any operator conducting activities covered by this general permit. Pursuant to ADEM Admin Code r. 335-6-6-.23(15)(c), abandoned mine land reclamation projects conducted by the Alabama Department of Labor (ADOL) may be authorized to discharge under this general permit without having to submit a NOI.

This draft permit has been developed in accordance with all applicable procedures of ADEM Admin. Code r. 335-6-6.

PERMIT CHANGES

This draft general permit renewal contains the same basic framework of requirements as the current permit. However, some language in this draft general permit renewal has been revised in order to clarify permit requirements, by streamlining and simplifying language throughout the permit to present the requirements in a generally more clear and readable manner. Although not inclusive of all changes proposed to the permit, the following list contains notable proposed changes:

Exempt Discharges:

Part I.C. Added this section to clarify language as to discharges associated with temporary material borrow areas related to agricultural practices and silvicultural operation activities are exempt from coverage under this permit.

Contents of the NOI:

Part II.C. Modified to remove the requirement to provide latitude and longitude for each point of discharge, added the requirement to provide the latitude and longitude of each outfall, clarify appropriate map submittal information, added requirement to provide a listing of all treatment chemicals anticipated to be used at the site including the Safety Data Sheets (SDS), the dosage(s), and location(s) where the materials are to be used., and added term "priority mining site".

Submittal of Document:

Permit Part II.D. The Department has included the requirement that Notices of Intent (NOIs) for permit coverage shall be submitted electronically to the Department through the Alabama Environmental Permitting and Compliance System (AEPACS).

Erosion Controls and Sediment Controls:

Part III.A. These requirements have been revised to include factors to consider when designing controls for the mining site to include; sediment track-out, manage stockpiles or land clearing debris composed of sediment and/or soil, factors to consider regarding treatment chemicals, minimization of discharges of pollutants from wash waters, minimize exposure of wastes, landscape materials, etc. on site to precipitation and stormwater, and minimize discharge of pollutants from spills and leaks.

Additional Limitations

Part III. D. These requirements have been added to explain additional limitations under this permit.

Best Management Practices Plan:

Part III.E. Added requirements: to provide a calculation based on the control measures to be implemented, to confirm the controls, as designed in the BMP Plan, will provide the required percent reduction to meet the TMDL, and added requirements for the topographic map to include the drainage patterns, location of the outfall(s), and the identification of all receiving stream(s).

Precipitation Measurement:

Part III.J. Expanded to clarify when precipitation measurements should be read and recorded.

Impaired Waters:

Part III.K. Updated for clarity and readability.

Suspension of Monitoring

Part III.L. This section was added to provide suspension of monitoring for sites that are not used continuously provided that certain conditions are met.

Definitions:

Part IV. Definitions were added or expanded for clarity: 50-year, 24-hour precipitation event, Agricultural Practices, Dry Processing, Mining Support Activity, Non-stormwater Discharges, Priority Mining Site, Process Wastewater, Setbacks, Stormwater Control, Treatment Chemical, Turbidity, and Wet Preparation.

RESPONSE TO COMMENTS
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT NO. ALG80000
September 27, 2022

On August 23, 2022, the Alabama Department of Environmental Management (hereinafter “ADEM” or “the Department”) proposed to reissue General Permit No. ALG890000 regulating discharges associated with small noncoal/nonmetallic mining and dry processing. On August 23, 2022, in accordance with ADEM Admin. Code r. 335-6-6-.21, the Department gave public notice that a draft NPDES general permit had been prepared, and a tentative determination had been made to reissue the permit. The public comment period concluded on September 23, 2022.

The purpose of this document is to provide responses to technical and substantive comments received during the public comment period. Copies of the permit record outlining all written comments received during the public comment period can be reviewed or obtained by submitting a request to the Department’s public Records Officer by e-mail at records@adem.state.al.us, fax to (334) 271-7950, or mailed to P.O. Box 301463, Montgomery, AL 36130-1463. This information may also be viewed or downloaded online via the Department’s eFile system available at <http://app.adem.alabama.gov/eFile/>.

Response to comments

Part I: Coverage under this general permit

Comment 1: A commenter stated ADEM should consider adopting a multi-sector general permit for stormwater discharges.

Response 1: The Department has reviewed the multi-sector general permit issued by EPA, but has determined the current permitting for each mining activity is appropriate.

Comment 2: A commenter stated that small mining noncoal/nonmetallic mining and dry processing activities and associated discharges more closely align with activities authorized by NPDES General Permit ALG850000.

Response 2: The Department has reviewed the current permitting strategy and has determined that the current general permit appropriately covers these discharges.

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September 22, 2022

Via electronic mail only to permitsmail@adem.alabama.gov

Jeffery W. Kitchens, Chief
ADEM-Water Division
1400 Coliseum Blvd.
Montgomery, Alabama 36110-2400

Re: General NPDES Permit ALG890000

Dear Chief Kitchens:

The following comments on the referenced draft permit (Permit) are submitted on behalf of Black Warrior Riverkeeper, a nonprofit organization dedicated to protecting and restoring the Black Warrior River and its tributaries. The Permit will regulate stormwater discharges at facilities in our basin and throughout the state. We believe it is essential that the Alabama Department of Environmental Management (ADEM) implement strong requirements for best management practices, inspections, water quality monitoring and reporting through the Permit. As proposed, the Permit fails to implement these requirements and should not be issued.

Background

As you know, we joined Water keepers Alabama in comments submitted August 24, 2022 which asked ADEM to adopt a modern, multi-sector approach to industrial stormwater permitting. We pointed out that neighboring states employ this approach and that a multi-sector permit would benefit industry, the environment and ADEM. However, on August 26, 2022, ADEM declined to discuss moving to a multi-sector approach, stating that “the current permitting strategy of a general permit for each industry sector is appropriate.”

We continue to ask ADEM to consider a comprehensive industrial stormwater permit based upon EPA’s Multi-Sector General Permit (MSGP). Among other advantages, switching to a multi-sector permit would streamline the permitting process with one permit and one Notice of Intent (NOI) for all permittees. Adopting a version of the MSGP would better protect the environment because Alabama could automatically implement the most current regulations as EPA updates and reissues the MSGP. Adopting the MSGP would reduce administrative burdens and create efficiencies for ADEM because Alabama could easily employ resources and adapt tools already developed or used by EPA and other states.

As it stands now, Alabama is years behind other states in the Southeast like Georgia, who has adopted a protective industrial stormwater permitting program based upon the MSGP. Continuing to rely on an antiquated system of individual general permits without clear metrics, requirements or benchmarks unfortunately will put Alabama even further behind.

General NPDES Permit ALG890000

The failure to adopt a multi-sector approach leads to oddities like the Permit, which governs small (less than 5 acres) noncoal/nonmetallic mining and dry processing activities. Instead of appropriately folding this activity into NPDES Permit No. ALG850000, which regulates stormwater, non-stormwater, and process wastewater discharges associated with the mining and/or processing (wet or dry) of construction sand and gravel, chert, dirt, and/or red clay, and areas associated with these activities, ADEM has carved out a separate general permit that treats mining at smaller sites like ordinary construction. This approach is flawed.

Ala. Admin. Code r. 335-6-12-.02(k) outlines the breadth of activities contemplated at a small mining site.

"Noncoal Mining Site" means an area, on or beneath land, less than five (5) total unreclaimed acres in size, used or disturbed in activity, including but not limited to, advance prospecting, noncoal mining site development, extraction, removal, mining, borrowing, re-mining, storing, transloading, dry processing, transportation, and/or recovery of any noncoal and nonmetallic mineral, ore, or mineral/ore product, including but not limited to, overburden, dirt, chert, soil, clay, rock, stone, aggregate, sand, gravel, tailings, and refuse from natural or artificial deposits. Pre-mining construction and land preparation, including but not limited to, clearing, grubbing, testing and advance prospecting in advance of mining activity is considered part of the noncoal mining activity which is required to register under this Chapter prior to commencement.

As we pointed out in our April 18, 2022 comments on NPDES Permit No. ALG850000, nonpoint source pollutants associated with mining activities like those authorized by the Permit include a wide variety of inputs: runoff of sediment from mining and haul roads; drainage of pollutants, including acid, sediment, salts, and metals; and drainage and leachate containing acid, metals and sediment from the overburden and spoil piles. In addition, the Permit authorizes dry processing of mined materials, which may mean additional crushing, sorting, drying and chemical processing. These activities more closely align with the activities authorized by NPDES Permit No. ALG850000. We ask ADEM to eliminate the exception for small sites represented by the Permit and instead regulate all noncoal, nonmetallic mining under NPDES Permit No. ALG850000. Although our search was not exclusive, we could find no other state that allows such an exception. We ask ADEM to end the use of the separate Permit for small sites.

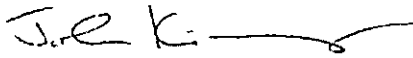
Conclusion

Thank you for your consideration of our comments. Please do not hesitate to contact us if you have any questions or need any more information. We look forward to a response from the Department and to receiving notice of your final permit decision.

For the river,



Nelson Brooke
Riverkeeper



John Kinney
Enforcement Coordinator



Eva Dillard
Staff Attorney