

About this guide ...

The National Pollutant Discharge Elimination System (NPDES) Program protects water quality across the state by regulating point source discharges of pollutants. This pamphlet addresses Alabama's NPDES requirements for S&G mining operations with land disturbance 5 acres or greater and outlines the permits available to operators who seek NPDES Program coverage.

Provided below are a few terms and definitions that will help you while using this guide:

General NPDES Permit: a permit issued to no single individual which addresses a group of operations which have substantially similar types of discharges and pollutants all requiring the same permit conditions and restrictions. Multiple operators may apply for coverage under the same existing general permit.

Individual NPDES Permit: a permit issued directly to a single operator and developed to reflect site-specific conditions of a single operation. An individual permit may have unique conditions and restrictions based on the situations of the site or its receiving waters.

Sand & Gravel (S&G) Mining Operations: mining operations and associated activities including wet and/or dry processing of construction sand and gravel, dirt, chert, and/or red clay. Does not include operations involving industrial sand or other types of clay (e.g., bauxitic clay, fire clay).

Waters of the State: all waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state, natural or artificial. Excludes waters which are entirely confined and retained on property of a single individual unless such waters are used in interstate commerce.

Frequently Asked Questions

Does my sand & gravel mining facility need an NPDES permit?

Yes. All surface mining operations in Alabama are required to obtain NPDES permit coverage. For operations with disturbances 5 acres in size or more, coverage is required under an individual NPDES permit or General NPDES Permit No. ALG850000. Once coverage is issued, operators must comply with all conditions of the NPDES permit including implementation of appropriate Best Management Practices, conducting regular facility inspections, limiting the concentrations of certain discharge pollutants, monitoring discharges regularly, and reporting the results of discharge monitoring.

For operations with disturbances less than 5 acres in size, General NPDES Permit No. ALG890000 may be available. [Although not discussed here, information about obtaining coverage under ALG890000 is available on ADEM's website at www.adem.alabama.gov/programs/water/mining.cnt or by contacting the Department's Special Services Unit at (334) 394-4318.]

Does my site qualify for the General Permit ALG850000?

The first requirement concerns the materials being mined. Coverage under General NPDES Permit No. ALG850000 is only available to mining and processing of construction sand and gravel, dirt, chert, and/or red clay. The second requirement concerns the receiving stream(s) which may receive discharges. If a receiving stream is classified as an "Outstanding Alabama Water," "Outstanding National Resource Water," or "Treasured Alabama Lake," coverage under the general permit is not available. Also, if a receiving stream is considered impaired [does not meet applicable water quality standards and is identified by an approved Total Maximum Daily Load (TMDL) or included on the State's current §303(d) list] for pollutants of concern, coverage under the general permit may not be available. However, if coverage under the general permit is not available, the operator may still apply for an individual permit.

If I qualify for coverage under the ALG850000, should I seek coverage under the General Permit or an Individual Permit?

The Department allows you to apply for either, and both involve similar initial submittal requirements and fees. You may want to consider that the individual permit typically takes several months longer to obtain than coverage under the General NPDES Permit No. ALG850000. However, if you obtain coverage during the ALG850000's permit cycle, the first iteration of the coverage may be less than 5 years (requiring submittal and payment of reissuance application and fees in less than 5 years), and each operator must accept the terms of the general permit as written.



Sand & Gravel Mining in Alabama (for 5 Acres or Greater)



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NPDES Permits Applicable to Sand and Gravel (S&G) Operations in Alabama

Prior to commencement of S&G mining operations in Alabama, NPDES permit coverage must be achieved by issuance of an individual permit, by obtaining coverage under the General NPDES Permit No. ALG850000, or by obtaining coverage under the General NPDES Permit No. ALG890000. (ALG890000 is not available for operations with land disturbance of 5 acres or greater.)

Individual NPDES Permit

To apply for an individual permit, the Department must receive from the operator a complete and correct NPDES Individual Permit Application which includes ADEM Form 315, a Pollution Abatement and Prevention (PAP) Plan, a Spill Prevention Control and Countermeasures (SPCC) Plan (if necessary), site maps, and all required fees. On a case by case basis, additional information or form submittals may be required. An application is not considered correct and complete until approved by the Department. Any requests made by the Department for additional information must be submitted in a timely manner or the operator risks denial of the application.

Once the application is complete and correct and the Department has not determined a reason to deny the application, the Department will develop a draft of the individual permit to share with the applicant. After the applicant has an opportunity to review the draft permit, notice of the tentative decision to issue the permit is provided to the public with a 30-day comment period. The public may submit written comments on the draft permit during this time. The public may also request a public hearing on the draft permit. If the Department finds a significant degree of public interest as a result of requests for a hearing, a public hearing will be scheduled to accept oral and written comments with a public notice of the hearing at least 30-days prior.



After all comments have been reviewed and considered, and responses to all comments have been prepared, the Department will make a final determination to deny, revise, or issue the draft permit (with or without modifications). The timeline for a complete application to the final permit decision may take 3 to 6 months or more, depending on many factors.

An individual permit has an expiration date of 5 years after its effective date. A permittee is required to submit a complete application for reissuance or request for termination 6 months prior to a permit's expiration. If a timely application for reissuance is submitted, the permit is considered administratively extended and remains valid until the Department can reissue the permit.

ALG850000 General Permit

To apply for coverage under ALG850000, the Department must receive a complete and correct Notice of Intent (NOI) form (ADEM Form 26) which includes a PAP Plan, an SPCC Plan (if necessary), a site map, and all required fees. On a case by case basis, additional information or form submittals may be required. An NOI is not considered correct and complete until approved by the Department. Any requests made by the Department for additional information must be submitted in a timely manner or the operator risks denial of the NOI. Once the NOI is complete and correct and the Department has not determined a reason to deny the permit coverage, coverage under ALG850000 is issued.

General permits have a 5-year effective cycle. The current ALG850000 was issued on March 24, 2017; effective on April 1, 2017; and will expire on March 31, 2022. Prior to its issuance, the permit was subject to the same public notice and public comment procedures as for an individual permit. The first iteration of permit coverage under ALG850000 may have a duration less than 5 years if coverage is granted during its effective cycle (expiring on March 31, 2022). Operators with coverage under this permit must reapply for coverage under the next reissuance of the general permit 90 days prior to the expiration of the current permit.

Since the general permit has already gone through the required public comment period and the permit conditions were already developed, obtaining coverage under ALG850000 may take less time than issuance of an equivalent individual permit.



Compliance with the Permit

Individual permits for S&G mining operations typically have similar requirements as those found in the ALG850000. These requirements may include, but are not limited to:

- The placement of facility identification at entrance;
- Ensuring all point-source discharges occur at permitted and certified outfalls;
- Bimonthly monitoring and analysis of discharges for pH, Total Suspended Solids, and flow;
- Quarterly electronic submittal of Discharge Monitoring Reports (DMRs) summarizing sampling results;
- Self-inspection of all treatment control systems and structures at least bimonthly;
- Implementation of the submitted PAP Plan with appropriate BMPs and a minimum 50 ft buffer around all Waters of the State;
- Implementation of the submitted SPCC Plan to include secondary containment of chemicals;
- Compliance with applicable State water quality standards; and
- The duty for the Operator to reapply in accordance with the permit.

The Department conducts routine site inspections to ensure each site is in compliance with its permit and the plans submitted in its permit application. Failure to adhere to permit requirements can lead to enforcement actions against the permittee which may include civil penalties.