



Alabama Department of Environmental Management
adem.alabama.gov

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MARCH 18, 2021

MR JOSEPH YELVINGTON
VICE PRESIDENT
CONRAD YELVINGTON THEODORE
6950 MAC BAYOU DR
THEODORE AL 36582

RE: REVISED DRAFT PERMIT
NPDES PERMIT NUMBER AL0078166

Dear Mr. Yelvington:

Transmitted herein are revised pages 1 – 3 of the draft of the referenced permit.

The revised pages contain two sets of parameters for pH, TSS, Total Iron and Total Manganese for outfall DSN001. Monitoring results should be reported using only the applicable parameters during each reporting period. Thus during periods when coal is stored in this drainage area, monitoring results should be reported using the parameters with limitations. When coal is not stored, monitoring results should be reported using the parameters without limits. In each case, *9 should be reported for the parameters that are not applicable. The footnotes at the bottom of each page provides guidance for these reporting requirements.

If you have any questions regarding this revision, please contact Scott Ramsey by e-mail at sramsey@adem.alabama.gov or by phone at (334) 271-7838.

Sincerely,

A handwritten signature in black ink, appearing to be "S. Ramsey", written over a circular stamp.

Scott Ramsey, Chief
Industrial Section
Industrial/Municipal Branch
Water Division

Enclosure: Draft permit - revised pages 1 - 3





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MARCH 16, 2021

MR JOSEPH YELVINGTON
PRESIDENT
CONRAD YELVINGTON THEODORE
6950 MAC BAYOU DR
THEODORE AL 36582

**RE: DRAFT PERMIT
NPDES PERMIT NUMBER AL0078166**

Dear Mr. Yelvington:

Transmitted herein is a draft of the referenced permit.

We would appreciate your comments on the permit within **30 days** of the date of this letter. Please direct any comments of a technical or administrative nature to the undersigned.

By copy of this letter and the draft permit, we are also requesting comments within the same time frame from EPA.

Our records indicate that you are currently utilizing the Department's web-based electronic environmental (E2) reporting system for submittal of discharge monitoring reports (DMRs). Your E2 DMRs will automatically update on the effective date of this permit, if issued.

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

If you have questions regarding this permit or monitoring requirements, please contact **Scott Ramsey** by e-mail at sramsey@adem.alabama.gov or by phone at **(334) 271-7838**.

Sincerely,

Scott Ramsey, Chief
Industrial Section
Industrial/Municipal Branch
Water Division

Enclosure: Draft Permit

pc via website: Montgomery Field Office
EPA Region IV
U.S. Fish & Wildlife Service
AL Historical Commission
Advisory Council on Historic Preservation
Department of Conservation and Natural Resources





NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

PERMITTEE: CONRAD YELVINGTON DISTRIBUTORS INC

FACILITY: CONRAD YELVINGTON DISTRIBUTORS INC –THEODORE TERMINAL
6950 MAC BAYOU DRIVE
THEODORE, AL 36582

PERMIT NUMBER: AL0078166

RECEIVING WATERS: DSN001 - DSN004: UNNAMED TRIBUTARY TO ALLIGATOR BAYOU

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

ISSUANCE DATE:

EFFECTIVE DATE:

EXPIRATION DATE:

Draft

INDUSTRIAL SECTION
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

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PART I DISCHARGE LIMITATIONS, CONDITIONS, AND REQUIREMENTS**A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS**

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN001Q: Stormwater associated with the handling and storage of limestone aggregates, sand, iron ore, gypsum, petroleum coke, coal, clinker, quicklime, soda ash, mill scale, slag and the storage of low volumes of diesel fuel and used oil. 3/4/

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS 1/</u>				
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency 2/</u>	<u>Sample Type</u>	<u>Seasonal</u>
pH 5/	-	-	6.0 S.U.	-	9.0 S.U.	Quarterly	Grab	-
pH 6/	-	-	REPORT S.U.	-	REPORT S.U.	Quarterly	Grab	-
Solids, Total Suspended 5/	-	-	-	35 mg/l	70 mg/l	Quarterly	Grab	-
Solids, Total Suspended 6/	-	-	-	REPORT mg/l	REPORT mg/l	Quarterly	Grab	-
Oil & Grease	-	-	-	-	15.0 mg/l	Quarterly	Grab	-
Nitrogen, Ammonia Total (As N)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Nitrogen, Kjeldahl Total (As N)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Nitrite Plus Nitrate Total 1 Det. (As N)	-	-	-	-	REPORT	Quarterly	Grab	-

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

- 1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.
- 2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.
- 3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.
- 4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.
- 5/ Monitoring and effluent limits for these parameters are only applicable during periods when coal is stored in this drainage area. During all other monitoring periods report *9 on the quarterly DMR.
- 6/ Monitoring results for these parameters should be reported during periods when coal is not stored in this drainage area. During all other monitoring periods report *9 for these parameters on the quarterly DMR.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN001Q (continued): Stormwater associated with the handling and storage of limestone aggregates, sand, iron ore, gypsum, petroleum coke, coal, clinker, quicklime, soda ash, mill scale, slag and the storage of low volumes of diesel fuel and used oil. 3/4/

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS 1/</u>				
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency 2/</u>	<u>Sample Type</u>	<u>Seasonal</u>
Phosphorus, Total (As P)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Magnesium, Total (As Mg)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Barium, Total (As Ba)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Chromium, Total (As Cr)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Cobalt, Total (As Co)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Copper, Total (As Cu)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Iron, Total (As Fe) 6/	-	-	-	3.5 mg/l	7.0 mg/l	Quarterly	Grab	-
Iron, Total (As Fe) 7/	-	-	-	REPORT mg/l	REPORT mg/l	Quarterly	Grab	-

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

- 1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.
- 2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.
- 3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.
- 4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.
- 5/ Effluent limits for these parameters are only applicable during periods when coal is stored in this drainage area.
- 6/ Monitoring and effluent limits for this parameter are only applicable during periods when coal is stored in this drainage area. During all other monitoring periods report *9 on the quarterly DMR.
- 7/ Monitoring results for this parameter should be reported during periods when coal is not stored in this drainage area. During all other monitoring periods report *9 for this parameter on the quarterly DMR.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN001Q (continued): Stormwater associated with the handling and storage of limestone aggregates, sand, iron ore, gypsum, petroleum coke, coal, clinker, quicklime, soda ash, mill scale, slag and the storage of low volumes of diesel fuel and used oil. 3/4/

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS 1/</u>				
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency 2/</u>	<u>Sample Type</u>	<u>Seasonal</u>
Lead, Total (As Pb)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Manganese, Total (As Mn) 5/	-	-	-	2.0 mg/l	4.0 mg/l	Quarterly	Grab	-
Manganese, Total (As Mn) 6/	-	-	-	REPORT mg/l	REPORT mg/l	Quarterly	Grab	-
Thallium, Total (As Tl)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Nickel, Total (As Ni)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Zinc, Total (As Zn)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Aluminum, Total (As Al)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Titanium, Total (As Ti)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

- 1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.
- 2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.
- 3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.
- 4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.
- 5/ Monitoring and effluent limits for this parameter are only applicable during periods when coal is stored in this drainage area. During all other monitoring periods report *9 on the quarterly DMR.
- 6/ Monitoring results for this parameter should be reported during periods when coal is not stored in this drainage area. During all other monitoring periods report *9 for this parameter on the quarterly DMR.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN001Q (continued): Stormwater associated with the handling and storage of limestone aggregates, sand, iron ore, gypsum, petroleum coke, coal, clinker, quicklime, soda ash, mill scale, slag and the storage of low volumes of diesel fuel and used oil. 3/4/

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS 1/</u>				
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency 2/</u>	<u>Sample Type</u>	<u>Seasonal</u>
Mercury, Total (As Hg)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
BOD, Carbonaceous 05 Day, 20C	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Chemical Oxygen Demand (COD)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

- 1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.
- 2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.
- 3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.
- 4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN002Q: Stormwater runoff from the handling and storage of limestone aggregates. 3/4/5/

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS 1/</u>				
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency 2/</u>	<u>Sample Type</u>	<u>Seasonal</u>
pH	-	-	REPORT S.U.	-	REPORT S.U.	Quarterly	Grab	-
Solids, Total Suspended	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Oil & Grease	-	-	-	-	15.0 mg/l	Quarterly	Grab	-
Benzene, Ethylbenzenetoulene, Xylene Comb	-	-	-	-	REPORT ug/l	Quarterly	Grab	-
Flow, In Conduit or Thru Treatment Plant	REPORT MGD	REPORT MGD	-	-	-	Quarterly	Grab	-
Chemical Oxygen Demand (COD)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

- 1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.
- 2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.
- 3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.
- 4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.
- 5/ Monitoring requirements do not apply to this outfall.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN003Q: Stormwater runoff from the area associated with the office building. 3/4/5/

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS 1/</u>				
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency 2/</u>	<u>Sample Type</u>	<u>Seasonal</u>
pH	-	-	REPORT S.U.	-	REPORT S.U.	Quarterly	Grab	-
Solids, Total Suspended	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Oil & Grease	-	-	-	-	15.0 mg/l	Quarterly	Grab	-
Benzene, Ethylbenzenetoulene, Xylene Combn	-	-	-	-	REPORT ug/l	Quarterly	Grab	-
Flow, In Conduit or Thru Treatment Plant	REPORT MGD	REPORT MGD	-	-	-	Quarterly	Grab	-
Chemical Oxygen Demand (COD)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

- 1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.
- 2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.
- 3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.
- 4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.
- 5/ Monitoring requirements do not apply to this outfall.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN004Q: Stormwater runoff from the handling and storage of limestone aggregate and iron ore 3/4/

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS 1/</u>				
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency 2/</u>	<u>Sample Type</u>	<u>Seasonal</u>
pH	-	-	REPORT S.U.	-	REPORT S.U.	Quarterly	Grab	-
Solids, Total Suspended	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Oil & Grease	-	-	-	-	15.0 mg/l	Quarterly	Grab	-
Magnesium, Total (As Mg)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Barium, Total (As Ba)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Chromium, Total (As Cr)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Cobalt, Total (As Co)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Copper, Total (As Cu)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

- 1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.
- 2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.
- 3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.
- 4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN004Q (continued): Stormwater runoff from the handling and storage of limestone aggregate and iron ore 3/4/

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS 1/</u>				
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency 2/</u>	<u>Sample Type</u>	<u>Seasonal</u>
Iron, Total (As Fe)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Lead, Total (As Pb)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Manganese, Total (As Mn)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Thallium, Total (As Tl)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Nickel, Total (As Ni)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Zinc, Total (As Zn)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Aluminum, Total (As Al)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Titanium, Total (As Ti)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

- 1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.
- 2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.
- 3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.
- 4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

DSN004Q (continued): Stormwater runoff from the handling and storage of limestone aggregate and iron ore 3/4/

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS 1/</u>				
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Minimum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency 2/</u>	<u>Sample Type</u>	<u>Seasonal</u>
Flow, In Conduit or Thru Treatment Plant	REPORT MGD	REPORT MGD	-	-	-	Quarterly	Grab	-
Mercury, Total (As Hg)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-
Chemical Oxygen Demand (COD)	-	-	-	-	REPORT mg/l	Quarterly	Grab	-

THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

- 1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.
- 2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.
- 3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.
- 4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.

B. DISCHARGE MONITORING AND RECORD KEEPING REQUIREMENTS

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge and shall be in accordance with the provisions of this permit.

2. Test Procedures

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

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

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

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

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

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

The Minimum Level utilized for procedures A and B above shall be reported on the permittee's DMR. When an EPA approved test procedure for analysis of a pollutant does not exist, the Director shall approve the procedure to be used.

3. Recording of Results

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

- a. The facility name and location, point source number, date, time and exact place of sampling;
- b. The name(s) of person(s) who obtained the samples or measurements;
- c. The dates and times the analyses were performed;
- d. The name(s) of the person(s) who performed the analyses;
- e. The analytical techniques or methods used, including source of method and method number; and
- f. The results of all required analyses.

4. Records Retention and Production

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the above reports or the application for this permit, for a period of at least three years from the date of the sample measurement, report or application. This period may be extended by request of the Director at any time. If litigation or other enforcement action, under the AWPCA and/or the FWPCA, is ongoing which involves any of the above records, the records shall be kept until the litigation is resolved. Upon the written request of the Director or his designee, the permittee shall provide the Director with a copy of any record required to be retained by this paragraph. Copies of these records shall not be submitted unless requested.

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

5. Monitoring Equipment and Instrumentation

All equipment and instrumentation used to determine compliance with the requirements of this permit shall be installed, maintained, and calibrated in accordance with the manufacturer's instructions or, in the absence of manufacturer's instructions, in accordance with accepted practices. The permittee shall develop and maintain quality assurance procedures to ensure proper operation and maintenance of all equipment and instrumentation. The quality assurance procedures shall include the proper use, maintenance, and installation, when appropriate, of monitoring equipment at the plant site.

C. DISCHARGE REPORTING REQUIREMENTS

1. Reporting of Monitoring Requirements

- a. The permittee shall conduct the required monitoring in accordance with the following schedule:

MONITORING REQUIRED MORE FREQUENTLY THAN MONTHLY AND MONTHLY shall be conducted during the first full month following the effective date of coverage under this permit and every month thereafter.

QUARTERLY MONITORING shall be conducted at least once during each calendar quarter. Calendar quarters are the periods of January through March, April through June, July through September, and October through December. The permittee shall conduct the quarterly monitoring during the first complete calendar quarter following the effective date of this permit and is then required to monitor once during each quarter thereafter. Quarterly monitoring may be done anytime during the quarter, unless restricted elsewhere in this permit, but it should be submitted with the last DMR due for the quarter, i.e., (March, June, September and December DMR's).

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

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

- b. The permittee shall submit discharge monitoring reports (DMRs) on the forms provided by the Department and in accordance with the following schedule:

REPORTS OF MORE FREQUENTLY THAN MONTHLY AND MONTHLY TESTING shall be submitted on a **monthly** basis. The first report is due on the **28th day of (MONTH, YEAR)**. The reports shall be submitted so that they are received by the Department no later than the 28th day of the month following the reporting period.

REPORTS OF QUARTERLY TESTING shall be submitted on a **quarterly** basis. The first report is due on the **28th day of [Month, Year]**. The reports shall be submitted so that they are received by the Department no later than the 28th day of the month following the reporting period.

REPORTS OF SEMIANNUAL TESTING shall be submitted on a semiannual basis. The reports are due on the 28th day of **JANUARY** and the 28th day of **JULY**. The reports shall be submitted so that they are received by the Department no later than the 28th day of the month following the reporting period.

REPORTS OF ANNUAL TESTING shall be submitted on an annual basis. The first report is due on the 28th day of **JANUARY**. The reports shall be submitted so that they are received by the Department no later than the 28th day of the month following the reporting period.

- c. Except as allowed by Provision I.C.1.c.(1) or (2), the permittee shall submit all Discharge Monitoring Reports (DMRs) required by Provision I.C.1.b by utilizing the Department's web-based Electronic Environmental (E2) Reporting System.

- (1) If the permittee is unable to complete the electronic submittal of DMR data due to technical problems originating with the Department's E2 Reporting system (this could include entry/submittal issues with an entire set of DMRs or individual parameters), the permittee is not relieved of their obligation to submit DMR data to the Department by the date specified in Provision I.C.1.b, unless otherwise directed by the Department.

If the E2 Reporting System is down on the 28th day of the month in which the DMR is due or is down for an extended period of time, as determined by the Department, when a DMR is required to be submitted, the permittee may submit the data in an alternate manner and format acceptable to the Department. Preapproved alternate acceptable methods include faxing, e-mailing, mailing, or hand-delivery of data such that they are received by the required reporting date. Within 5 calendar days of the E2 Reporting System resuming operation, the permittee shall enter the data into the E2 Reporting System, unless an alternate timeframe is approved by the Department. An attachment should be included with the E2 DMR submittal verifying the original submittal date (date of the fax, copy of the dated e-mail, or hand-delivery stamped date), if applicable.

- (2) The permittee may submit a request to the Department for a temporary electronic reporting waiver for DMR submittals. The waiver request should include the permit number; permittee name; facility/site name; facility address; name, address, and contact information for the responsible official or duly authorized representative; a detailed statement regarding the basis for requesting such a waiver; and the duration for which the waiver is requested. Approved electronic reporting waivers are not transferrable.

Permittees with an approved electronic reporting waiver for DMRs may submit hard copy DMRs for the period that the approved electronic reporting waiver request is effective. The permittee shall submit the Department-approved DMR forms to the address listed in Provision I.C.1.e.

- (3) If a permittee is allowed to submit a hard copy DMR, the DMR must be legible and bear an original signature. Photo and electronic copies of the signature are not acceptable and shall not satisfy the reporting requirements of this permit.
- (4) If the permittee, using approved analytical methods as specified in Provision I.B.2, monitors any discharge from a point source for a limited substance identified in Provision I.A. of this permit more frequently than required by this permit, the results of such monitoring shall be included in the calculation and reporting of values on the DMR and the increased frequency shall be indicated on the DMR.
- (5) In the event no discharge from a point source identified in Provision I.A. of this permit and described more fully in the permittee's application occurs during a monitoring period, the permittee shall report "No Discharge" for such period on the appropriate DMR.

- d. All reports and forms required to be submitted by this permit, the AWPCA and the Department's Rules, shall be electronically signed (or, if allowed by the Department, traditionally signed) by a "responsible official" of the permittee as defined in ADEM Administrative Code Rule 335-6-6-.09 or a "duly authorized representative" of such official as defined in ADEM Administrative Code Rule 335-6-6-.09 and shall bear the following certification:

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

- e. Discharge Monitoring Reports required by this permit, the AWPCA, and the Department's Rules that are being submitted in hard copy shall be addressed to:

**Alabama Department of Environmental Management
Permits and Services Division
Environmental Data Section
Post Office Box 301463
Montgomery, Alabama 36130-1463**

Certified and Registered Mail containing Discharge Monitoring Reports shall be addressed to:

**Alabama Department of Environmental Management
Permits and Services Division
Environmental Data Section
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400**

- f. All other correspondence and reports required to be submitted by this permit, the AWPCA, and the Department's Rules shall be addressed to:

Alabama Department of Environmental Management

Water Division
Post Office Box 301463
Montgomery, Alabama 36130-1463

Certified and Registered Mail shall be addressed to:

Alabama Department of Environmental Management
Water Division
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

- g. If this permit is a re-issuance, then the permittee shall continue to submit DMRs in accordance with the requirements of their previous permit until such time as DMRs are due as discussed in Part I.C.1.b above.

2. Noncompliance Notification

a. 24-Hour Noncompliance Reporting

The permittee shall report to the Director, within 24-hours of becoming aware of the noncompliance, any noncompliance which may endanger health or the environment. This shall include but is not limited to the following circumstances:

- (1) does not comply with any daily minimum or maximum discharge limitation for an effluent characteristic specified in Provision I. A. of this permit which is denoted by an "(X)";
- (2) threatens human health or welfare, fish or aquatic life, or water quality standards;
- (3) does not comply with an applicable toxic pollutant effluent standard or prohibition established under Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a);
- (4) contains a quantity of a hazardous substance which has been determined may be harmful to public health or welfare under Section 311(b)(4) of the FWPCA, 33 U.S.C. Section 1321(b)(4);
- (5) exceeds any discharge limitation for an effluent characteristic as a result of an unanticipated bypass or upset; and
- (6) is an unpermitted direct or indirect discharge of a pollutant to a water of the state (unpermitted discharges properly reported to the Department under any other requirement are not required to be reported under this provision).

The permittee shall orally report the occurrence and circumstances of such discharge to the Director within 24-hours after the permittee becomes aware of the occurrence of such discharge. In addition to the oral report, the permittee shall submit to the Director or Designee a written report as provided in Part I.C.2.c no later than five (5) days after becoming aware of the occurrence of such discharge.

- b. If for any reason, the permittee's discharge does not comply with any limitation of this permit, the permittee shall submit to the Director or Designee a written report as provided in Part I.C.2.c below, such report shall be submitted with the next Discharge Monitoring Report required to be submitted by Part I.C.1 of this permit after becoming aware of the occurrence of such noncompliance.

- c. Any written report required to be submitted to the Director or Designee by Part I.C.2 a. or b. shall be submitted using a Noncompliance Notification Form (ADEM Form 421) available on the Department's website (<http://adem.alabama.gov/DcptForms/Form421.pdf>) and include the following information:

- (1) A description of the discharge and cause of noncompliance;
- (2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- (3) A description of the steps taken and/or being taken to reduce or eliminate the noncomplying discharge and to prevent its recurrence.

D. OTHER REPORTING AND NOTIFICATION REQUIREMENTS

1. Anticipated Noncompliance

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

2. Termination of Discharge

The permittee shall notify the Director, in writing, when all discharges from any point source(s) identified in Provision I. A. of this permit have permanently ceased. This notification shall serve as sufficient cause for instituting procedures for modification or termination of the permit.

3. Updating Information

a. The permittee shall inform the Director of any change in the permittee's mailing address, telephone number or in the permittee's designation of a facility contact or office 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, in writing, no later than ten (10) days after such change. Upon request of the Director or his designee, the permittee shall furnish the Director with an update of any information provided in the permit application.

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

4. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director or his designee may request to determine whether cause exists for modifying, revoking and re-issuing, suspending, or terminating this permit, in whole or in part, or to determine compliance with this permit.

5. Cooling Water and Boiler Water Additives

a. The permittee shall notify the Director in writing not later than thirty (30) days prior to instituting the use of any biocide corrosion inhibitor or chemical additive in a cooling or boiler system, not identified in the application for this permit, from which discharge is allowed by this permit. Notification is not required for additives that do not contain a heavy metal(s) as an active ingredient and that pass through a wastewater treatment system prior to discharge nor is notification required for additives that should not reasonably be expected to cause the cooling water or boiler water to exhibit toxicity as determined by analysis of manufacturer's data or testing by the permittee. Such notification shall include:

- (1) name and general composition of biocide or chemical;
- (2) 96-hour median tolerance limit data for organisms representative of the biota of the waterway into which the discharge will ultimately reach;
- (2) quantities to be used;
- (3) frequencies of use;
- (4) proposed discharge concentrations; and
- (6) EPA registration number, if applicable.

b. The use of a biocide or additive containing tributyl tin, tributyl tin oxide, zinc, chromium or related compounds in cooling or boiler system(s), from which a discharge regulated by this permit occurs, is prohibited except as exempted below. The use of a biocide or additive containing zinc, chromium or related compounds may be used in special circumstances if (1) the permit contains limits for these substances, or (2) the applicant demonstrates during the application process that the use of zinc, chromium or related compounds as a biocide or additive will not pose a reasonable potential to violate the applicable State water quality standards for these substances. The use of any additive, not identified in this permit or in the application for this permit or not exempted from notification under this permit is prohibited, prior to a determination by the Department that permit modification to control discharge of the additive is not required or prior to issuance of a permit modification controlling discharge of the additive.

6. Permit Issued Based On Estimated Characteristics

- a. If this permit was issued based on estimates of the characteristics of a process discharge reported on an EPA NPDES Application Form 2D (EPA Form 3510-2D), the permittee shall complete and submit an EPA NPDES Application Form 2C (EPA Form 3510-2C) no later than two years after the date that discharge begins. Sampling required for completion of the Form 2C shall occur when a discharge(s) from the process(s) causing the new or increased discharge is occurring. If this permit was issued based on estimates concerning the composition of a stormwater discharge(s), the permittee shall perform the sampling required by EPA NPDES Application Form 2F (EPA Form 3510-2F) no later than one year after the industrial activity generating the stormwater discharge has been fully initiated.
- b. This permit shall be reopened if required to address any new information resulting from the completion and submittal of the Form 2C and or 2F.

E. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the discharge limitations specified in Provision I. A. in accordance with the following schedule:

COMPLIANCE SHALL BE ATTAINED ON THE EFFECTIVE DATE OF THIS PERMIT

2. No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

PART II OTHER REQUIREMENTS, RESPONSIBILITIES, AND DUTIES

A. OPERATIONAL AND MANAGEMENT REQUIREMENTS

1. Facilities 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 the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities only when necessary to achieve compliance with the conditions of the permit.

2. Best Management Practices

- a. Dilution water shall not be added to achieve compliance with discharge limitations except when the Director or his designee has granted prior written authorization for dilution to meet water quality requirements.
- b. The permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with 40 C.F.R. Section 112 if required thereby.
- c. The permittee shall prepare, submit for approval and implement a Best Management Practices (BMP) Plan for containment of any or all process liquids or solids, in a manner such that these materials do not present a significant potential for discharge, if so required by the Director or his designee. When submitted and approved, the BMP Plan shall become a part of this permit and all requirements of the BMP Plan shall become requirements of this permit.

3. Spill Prevention, Control, and Management

The permittee shall provide 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. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and which shall prevent the contamination of groundwater and such containment system shall be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided.

B. OTHER RESPONSIBILITIES

1. Duty to Mitigate Adverse Impacts

The permittee shall promptly take all reasonable steps to mitigate and minimize or prevent any adverse impact on human health or the environment resulting from noncompliance with any discharge limitation specified in Provision I. A. of this permit, including such accelerated or additional monitoring of the discharge and/or the receiving waterbody as necessary to determine the nature and impact of the noncomplying discharge.

2. Right of Entry and Inspection

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

- a. enter upon the permittee's premises where a regulated facility or activity or point source is located or conducted, or where records must be kept under the conditions of the permit;
- b. have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- c. inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and
- d. sample or monitor, for the purposes of assuring permit compliance or as otherwise authorized by the AWPCA, any substances or parameters at any location.

C. BYPASS AND UPSET

1. Bypass

- a. Any bypass is prohibited except as provided in b. and c. below:
- b. A bypass is not prohibited if:
 - (1) It does not cause any discharge limitation specified in Provision I. A. of this permit to be exceeded;

- (2) It enters the same receiving stream as the permitted outfall; and
 - (3) It is necessary for essential maintenance of a treatment or control facility or system to assure efficient operation of such facility or system.
- c. A bypass is not prohibited and need not meet the discharge limitations specified in Provision I. A. of this permit if:
- (1) It is unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime (this condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance); and
 - (3) The permittee submits a written request for authorization to bypass to the Director at least ten (10) days prior to the anticipated bypass (if possible), the permittee is granted such authorization, and the permittee complies with any conditions imposed by the Director to minimize any adverse impact on human health or the environment resulting from the bypass.
- d. The permittee has the burden of establishing that each of the conditions of Provision II.C.1.b. or c. have been met to qualify for an exception to the general prohibition against bypassing contained in a. and an exemption, where applicable, from the discharge limitations specified in Provision I. A. of this permit.

2. Upset

- a. A discharge which results from an upset need not meet the discharge limitations specified in Provision I. A. of this permit if:
- (1) No later than 24-hours after becoming aware of the occurrence of the upset, the permittee orally reports the occurrence and circumstances of the upset to the Director or his designee; and
 - (2) No later than five (5) days after becoming aware of the occurrence of the upset, the permittee furnishes the Director with evidence, including properly signed, contemporaneous operating logs, or other relevant evidence, demonstrating that (i) an upset occurred; (ii) the permittee can identify the specific cause(s) of the upset; (iii) the permittee's facility was being properly operated at the time of the upset; and (iv) the permittee promptly took all reasonable steps to minimize any adverse impact on human health or the environment resulting from the upset.
- b. The permittee has the burden of establishing that each of the conditions of Provision II. C.2.a. of this permit have been met to qualify for an exemption from the discharge limitations specified in Provision I.A. of this permit.

D. DUTY TO COMPLY WITH PERMIT, RULES, AND STATUTES

1. Duty to Comply

- a. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the AWPCA and the FWPCA and is grounds for enforcement action, for permit termination, revocation and reissuance, suspension, modification; or denial of a permit renewal application.
- b. The necessity to halt or reduce production or other activities in order to maintain compliance with the conditions of the permit shall not be a defense for a permittee in an enforcement action.
- c. The discharge of a pollutant from a source not specifically identified in the permit application for this permit and not specifically included in the description of an outfall in this permit is not authorized and shall constitute noncompliance with this permit.
- d. The permittee shall take all reasonable steps, including cessation of production or other activities, to minimize or prevent any violation of this permit or to minimize or prevent any adverse impact of any permit violation.
- e. Nothing in this permit shall be construed to preclude and 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.

2. Removed Substances

Solids, sludges, filter backwash, or any other pollutant or other waste removed in the course of treatment or control of wastewaters shall be disposed of in a manner that complies with all applicable Department Rules.

3. Loss or Failure of Treatment Facilities

Upon the loss or failure of any treatment facilities, including but not limited to the loss or failure of the primary source of power of the treatment facility, the permittee shall, where necessary to maintain compliance with the discharge limitations specified in Provision I. A. of this permit, or any other terms or conditions of this permit, cease, reduce, or otherwise control production and/or all discharges until treatment is restored. If control of discharge during loss or failure of the primary source of power is to be accomplished by means of alternate power sources, standby generators, or retention of inadequately treated effluent, the permittee must furnish to the Director within six months a certification that such control mechanisms have been installed.

4. Compliance with Statutes and Rules

- a. This permit has been issued under ADEM Administrative Code, Chapter 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 may be obtained for a small charge from the Office of General Counsel, Alabama Department of Environmental Management, 1400 Coliseum Blvd., Montgomery, AL 36130.
- b. This permit does not authorize the noncompliance with or violation of any Laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws. FWPCA, 33 U.S.C. Section 1319, and Code of Alabama 1975, Section 22-22-14.

E. PERMIT TRANSFER, MODIFICATION, SUSPENSION, REVOCATION, AND REISSUANCE

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

- a. If the permittee intends to continue to discharge beyond the expiration date of this permit, the permittee shall file a complete permit application for reissuance of this permit at least 180 days prior to its expiration. If the permittee does not intend to continue discharge beyond the expiration of this permit, the permittee shall submit written notification of this intent which shall be signed by an individual meeting the signatory requirements for a permit application as set forth in ADEM Administrative Code Rule 335-6-6-.09.
- b. Failure of the permittee to apply for reissuance at least 180 days prior to permit expiration will void the automatic continuation of the expiring permit provided by ADEM Administrative Code Rule 335-6-6-.06 and should the permit not be reissued for any reason any discharge after expiration of this permit will be an unpermitted discharge.

2. Change in Discharge

- a. The permittee shall apply for a permit modification at least 180 days in advance of any facility expansion, production increase, process change, or other action that could result in the discharge of additional pollutants or increase the quantity of a discharged pollutant such that existing permit limitations would be exceeded or that could result in an additional discharge point. This requirement applies to pollutants that are or that are not subject to discharge limitations in this permit. No new or increased discharge may begin until the Director has authorized it by issuance of a permit modification or a reissued permit.
- b. The permittee shall notify the Director as soon as it is known or there is reason to believe:
 - (1) That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:
 - (a) one hundred micrograms per liter;
 - (b) two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dini-trophenol; and one milligram per liter for antimony;
 - (c) five times the maximum concentration value reported for that pollutant in the permit application; or
 - (2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - (a) five hundred micrograms per liter;
 - (b) one milligram per liter for antimony;
 - (c) ten times the maximum concentration value reported for that pollutant in the permit application.

3. Transfer of Permit

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

4. Permit Modification and Revocation

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

- (1) If cause for termination under Provision II. E. 5. of this permit exists, the Director may choose to revoke and reissue this permit instead of terminating the permit;
- (2) If a request to transfer this permit has been received, the Director may decide to revoke and reissue or to modify the permit; or
- (3) If modification or revocation and reissuance is requested by the permittee and cause exists, the Director may grant the request.

b. This permit may be modified during its term for cause, including but not limited to, the following:

- (1) If cause for termination under Provision II. E. 5. of this permit exists, the Director may choose to modify this permit instead of terminating this permit;
- (2) There are material and substantial alterations or additions to the facility or activity generating wastewater which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;
- (3) The Director has received new 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;
- (4) A new or revised requirement(s) of any applicable standard or limitation is promulgated under Sections 301(b)(2)(C), (D), (E), and (F), and 307(a)(2) of the FWPCA;
- (5) Errors in calculation of discharge limitations or typographical or clerical errors were made;
- (6) To the extent allowed by ADEM Administrative Code, Rule 335-6-6-.17, 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;
- (7) To the extent allowed by ADEM Administrative Code, Rule 335-6-6-.17, permits may be modified to change compliance schedules;
- (8) To agree with a granted variance under 301(c), 301(g), 301(h), 301(k), or 316(a) of the FWPCA or for fundamentally different factors;
- (9) To incorporate an applicable 307(a) FWPCA toxic effluent standard or prohibition;
- (10) When required by the reopener conditions in this permit;
- (11) When required under 40 CFR 403.8(e) (compliance schedule for development of pretreatment program);
- (12) 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 permitted by this permit;
- (13) When required to correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions; or
- (14) When requested by the permittee and the Director determines that the modification has cause and will not result in a violation of federal or state law, regulations or rules.

5. Permit Termination

This permit may be terminated during its term for cause, including but not limited to, the following:

- a. Violation of any term or condition of this permit;
- b. The permittee's misrepresentation or failure to disclose fully all relevant facts in the permit application or during the permit issuance process or the permittee's misrepresentation of any relevant facts at any time;
- c. Materially false or inaccurate statements or information in the permit application or the permit;
- d. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
- e. The permittee's discharge threatens human life or welfare or the maintenance of water quality standards;
- f. Permanent closure of the facility generating the wastewater permitted to be discharged by this permit or permanent cessation of wastewater discharge;
- g. New or revised requirements of any applicable standard or limitation that is promulgated under Sections 301(b)(2)(C), (D), (E), and (F), and 307(a)(2) of the FWPCA that the Director determines cannot be complied with by the permittee; or
- h. Any other cause allowed by the ADEM Administrative Code, Chapter 335-6-6.

6. Permit Suspension

This permit may be suspended during its term for noncompliance until the permittee has taken action(s) necessary to achieve compliance.

7. Request for Permit Action Does Not Stay Any Permit Requirement

The filing of a request by the permittee for modification, suspension or revocation of this permit, in whole or in part, does not stay any permit term or condition.

F. COMPLIANCE WITH TOXIC POLLUTANT STANDARD OR PROHIBITION

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a), for a toxic pollutant discharged by the permittee and such standard or prohibition is more stringent than any discharge limitation on the pollutant specified in Provision I. A. of this permit, or controls a pollutant not limited in Provision I. A. of this permit, this permit shall be modified to conform to the toxic pollutant effluent standard or prohibition and the permittee shall be notified of such modification. If this permit has not been modified to conform to the toxic pollutant effluent standard or prohibition before the effective date of such standard or prohibition, the permittee shall attain compliance with the requirements of the standard or prohibition within the time period required by the standard or prohibition and shall continue to comply with the standard or prohibition until this permit is modified or reissued.

G. 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.

PART III OTHER PERMIT CONDITIONS

A. CIVIL AND CRIMINAL LIABILITY

1. Tampering

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

2. False Statements

Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be subject to penalties as provided by the AWPCA.

3. Permit Enforcement

a. Any NPDES permit issued or reissued by the Department is a permit for the purpose of the AWPCA and the FWPCA and as such any terms, conditions, or limitations of the permit are enforceable under state and federal law.

b. Any person required to have a NPDES permit pursuant to ADEM Administrative Code Chapter 335-6-6 and who discharges pollutants without said permit, who violates the conditions of said permit, who discharges pollutants in a manner not authorized by the permit, or who violates applicable orders of the Department or any applicable rule or standard of the Department, is subject to any one or combination of the following enforcement actions under applicable state statutes.

- (1) An administrative order requiring abatement, compliance, mitigation, cessation, clean-up, and/or penalties;
- (2) An action for damages;
- (3) An action for injunctive relief; or
- (4) An action for penalties.

c. If the permittee is not in compliance with the conditions of an expiring or expired permit the Director may choose to do any or all of the following provided the permittee has made a timely and complete application for reissuance of the permit:

- (1) initiate enforcement action based upon the permit which has been continued;
- (2) issue a notice of intent to deny the permit reissuance. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;
- (3) reissue the new permit with appropriate conditions; or
- (4) take other actions authorized by these rules and AWPCA.

4. Relief from Liability

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

B. OIL AND HAZARDOUS SUBSTANCE LIABILITY

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

C. PROPERTY AND OTHER RIGHTS

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

D. AVAILABILITY OF REPORTS

Except for data determined to be confidential under Code of Alabama 1975, Section 22-22-9(c), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential.

E. EXPIRATION OF PERMITS FOR NEW OR INCREASED DISCHARGES

1. If this permit was issued for a new discharger or new source, this permit shall expire eighteen months after the issuance date if construction of the facility has not begun during the eighteen-month period.
2. If this permit was issued or modified to allow the discharge of increased quantities of pollutants to accommodate the modification of an existing facility and if construction of this modification has not begun during the eighteen month period after issuance of this permit or permit modification, this permit shall be modified to reduce the quantities of pollutants allowed to be discharged to those levels that would have been allowed if the modification of the facility had not been planned.
3. Construction has begun when the owner or operator has:
 - a. begun, or caused to begin as part of a continuous on-site construction program:
 - (1) any placement, assembly, or installation of facilities or equipment; or
 - (2) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. entered into a binding contractual obligation for the purpose of placement, assembly, or installation of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under the paragraph. The entering into a lease with the State of Alabama for exploration and production of hydrocarbons shall also be considered beginning construction.

F. COMPLIANCE WITH WATER QUALITY STANDARDS

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 should assure compliance with the applicable water quality standards.
2. Compliance with permit terms and conditions notwithstanding, if the permittee's discharge(s) from point sources identified in Provision I. A. of this permit cause or contribute to a condition in contravention of state water quality standards, the Department may require abatement action to be taken by the permittee in emergency situations or modify the permit pursuant to the Department's Rules, or both.
3. If the Department determines, on the basis of a notice provided pursuant to this permit or any investigation, inspection or sampling, that a modification of this permit is necessary to assure maintenance of water quality standards or compliance with other provisions of the AWPCA or FWPCA, the Department may require such modification and, in cases of emergency, the Director may prohibit the discharge until the permit has been modified.

G. GROUNDWATER

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

H. DEFINITIONS

1. Average monthly discharge limitation - means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).
2. Average weekly discharge limitation - means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).
3. Arithmetic Mean – means the summation of the individual values of any set of values divided by the number of individual values.

4. AWPCA - means the Alabama Water Pollution Control Act.
5. BOD – means the five-day measure of the pollutant parameter biochemical oxygen demand.
6. Bypass - means the intentional diversion of waste streams from any portion of a treatment facility.
7. CBOD – means the five-day measure of the pollutant parameter carbonaceous biochemical oxygen demand.
8. Daily discharge - means the discharge of a pollutant measured during any consecutive 24-hour period in accordance with the sample type and analytical methodology specified by the discharge permit.
9. Daily maximum - means the highest value of any individual sample result obtained during a day.
10. Daily minimum - means the lowest value of any individual sample result obtained during a day.
11. Day - means any consecutive 24-hour period.
12. Department - means the Alabama Department of Environmental Management.
13. Director - means the Director of the Department.
14. Discharge - means "[t]he addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other wastes into waters of the state". Code of Alabama 1975, Section 22-22-1(b)(8).
15. Discharge Monitoring Report (DMR) - means the form approved by the Director to accomplish reporting requirements of an NPDES permit.
16. DO – means dissolved oxygen.
17. 8HC – means 8-hour composite sample, including any of the following:
 - a. The mixing of at least 5 equal volume samples collected at constant time intervals of not more than 2 hours over a period of not less than 8 hours between the hours of 6:00 a.m. and 6:00 p.m. If the sampling period exceeds 8 hours, sampling may be conducted beyond the 6:00 a.m. to 6:00 p.m. period.
 - b. A sample continuously collected at a constant rate over period of not less than 8 hours between the hours of 6:00 a.m. and 6:00 p.m. If the sampling period exceeds 8 hours, sampling may be conducted beyond the 6:00 a.m. to 6:00 p.m. period.
18. EPA - means the United States Environmental Protection Agency.
19. FC – means the pollutant parameter fecal coliform.
20. Flow – means the total volume of discharge in a 24-hour period.
21. FWPCA - means the Federal Water Pollution Control Act.
22. Geometric Mean -- means the Nth root of the product of the individual values of any set of values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero (0) shall be considered one (1).
23. Grab Sample -- means a single influent or effluent portion which is not a composite sample. The sample(s) shall be collected at the period(s) most representative of the discharge.
24. Indirect Discharger – means a nondomestic discharger who discharges pollutants to a publicly owned treatment works or a privately owned treatment facility operated by another person.
25. Industrial User – means those industries identified in the Standard Industrial Classification manual, Bureau of the Budget 1967, as amended and supplemented, under the category "Division D – Manufacturing" and such other classes of significant waste producers as, by regulation, the Director deems appropriate.
26. MGD – means million gallons per day.
27. Monthly Average – means, other than for fecal coliform bacteria, the arithmetic mean of the entire composite or grab samples taken for the daily discharges collected in one month period. The monthly average for fecal coliform bacteria is the geometric mean of daily discharge samples collected in a one month period. The monthly average for flow is the arithmetic mean of all flow measurements taken in a one month period.

28. New Discharger – means a person, owning or operating any building, structure, facility or installation:
 - a. from which there is or may be a discharge of pollutants;
 - b. that did not commence the discharge of pollutants prior to August 13, 1979, and which is not a new source; and
 - c. which has never received a final effective NPDES permit for dischargers at that site.
29. NH3-N – means the pollutant parameter ammonia, measured as nitrogen.
30. Permit application - means forms and additional information that is required by ADEM Administrative Code Rule 335-6-6-.08 and applicable permit fees.
31. Point source - means "any discernible, confined and discrete conveyance, including but not limited to any pipe, channel, ditch, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, . . . from which pollutants are or may be discharged." Section 502(14) of the FWPCA, 33 U.S.C. Section 1362(14).
32. Pollutant - includes for purposes of this permit, but is not limited to, those pollutants specified in Code of Alabama 1975, Section 22-22-1(b)(3) and those effluent characteristics specified in Provision I. A. of this permit.
33. Privately Owned Treatment Works – means any devices or system which is used to treat wastes from any facility whose operator is not the operator of the treatment works, and which is not a "POTW".
34. Publicly Owned Treatment Works – means a wastewater collection and treatment facility owned by the State, municipality, regional entity composed of two or more municipalities, or another entity created by the State or local authority for the purpose of collecting and treating municipal wastewater.
35. Receiving Stream – means the "waters" receiving a "discharge" from a "point source".
36. 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.
37. Significant Source – means a source which discharges 0.025 MGD or more to a POTW or greater than five percent of the treatment work's capacity, or a source which is a primary industry as defined by the U.S. EPA or which discharges a priority or toxic pollutant.
38. Solvent – means any virgin, used or spent organic solvent(s) identified in the F-Listed wastes (F001 through F005) specified in 40 CFR 261.31 that is used for the purpose of solubilizing other materials.
39. TKN – means the pollutant parameter Total Kjeldahl Nitrogen.
40. TON -- means the pollutant parameter Total Organic Nitrogen.
41. TRC – means Total Residual Chlorine.
42. TSS – means the pollutant parameter Total Suspended Solids.
43. 24HC – means 24-hour composite sample, including any of the following:
 - a. the mixing of at least 12 equal volume samples collected at constant time intervals of not more than 2 hours over a period of 24 hours;
 - b. a sample collected over a consecutive 24-hour period using an automatic sampler composite to one sample. As a minimum, samples shall be collected hourly and each shall be no more than one twenty-fourth (1/24) of the total sample volume collected; or
 - c. a sample collected over a consecutive 24-hour period using an automatic composite sampler composited proportional to flow.
44. Upset - means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit discharge limitations because of factors beyond the 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 preventive maintenance, or careless or improper operation.

45. Waters - means "[a]ll waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce." Code of Alabama 1975, Section 22-22-1(b)(2). Waters "include all navigable waters" as defined in Section 502(7) of the FWPCA, 22 U.S.C. Section 1362(7), which are within the State of Alabama.
46. Week - means the period beginning at twelve midnight Saturday and ending at twelve midnight the following Saturday.
47. Weekly (7-day and calendar week) Average – is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The calendar week is defined as beginning on Sunday and ending on Saturday. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for the calendar week shall be included in the data for the month that contains the Saturday.

I. 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.

PART IV ADDITIONAL REQUIREMENTS, CONDITIONS, AND LIMITATIONS

A. BEST MANAGEMENT PRACTICES (BMP) PLAN REQUIREMENTS

1. BMP Plan

The permittee shall develop and implement a Best Management Practices (BMP) Plan which prevents, or minimizes the potential for, the release of pollutants from ancillary activities, including material storage areas; plant site runoff; in-plant transfer, process and material handling areas; loading and unloading operations, and sludge and waste disposal areas, to the waters of the State through plant site runoff; spillage or leaks; sludge or waste disposal; or drainage from raw material storage.

2. Plan Content

The permittee shall prepare and implement a best management practices (BMP) plan, which shall:

- a. Establish specific objectives for the control of pollutants:
 - (1) Each facility component or system shall be examined for its potential for causing a release of significant amounts of pollutants to waters of the State due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.
 - (2) Where experience indicates a reasonable potential for equipment failure (e.g., a tank overflow or leakage), natural condition (e.g. precipitation), or circumstances to result in significant amounts of pollutants reaching surface waters, the plan should include a prediction of the direction, rate of flow, and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.
- b. Establish specific best management practices to meet the objectives identified under paragraph a. of this section, addressing each component or system capable of causing a release of significant amounts of pollutants to the waters of the State, and identifying specific preventative or remedial measures to be implemented;
- c. Establish a program to identify and repair leaking equipment items and damaged containment structures, which may contribute to contaminated stormwater runoff. This program must include regular visual inspections of equipment, containment structures and of the facility in general to ensure that the BMP is continually implemented and effective;
- d. Prevent the spillage or loss of fluids, oil, grease, gasoline, etc. from vehicle and equipment maintenance activities and thereby prevent the contamination of stormwater from these substances;
- e. Prevent or minimize stormwater contact with material stored on site;
- f. Designate by position or name the person or persons responsible for the day to day implementation of the BMP;
- g. Provide for routine inspections, on days during which the facility is manned, of any structures that function to prevent stormwater pollution or to remove pollutants from stormwater and of the facility in general to ensure that the BMP is continually implemented and effective;
- h. Provide for the use and disposal of any material used to absorb spilled fluids that could contaminate stormwater;
- i. Develop a solvent management plan, if solvents are used on site. The solvent management plan shall include as a minimum lists of the solvents on site; the disposal method of solvents used instead of dumping, such as reclamation, contract hauling; and the procedures for assuring that solvents do not routinely spill or leak into the stormwater;
- j. Provide for the disposal of all used oils, hydraulic fluids, solvent degreasing material, etc. in accordance with good management practices and any applicable state or federal regulations;
- k. Include a diagram of the facility showing the locations where stormwater exits the facility, the locations of any structure or other mechanisms intended to prevent pollution of stormwater or to remove pollutants from stormwater, the locations of any collection and handling systems;

- l. Provide control sufficient to prevent or control pollution of stormwater by soil particles to the degree required to maintain compliance with the water quality standard for turbidity applicable to the waterbody(s) receiving discharge(s) under this permit;
- m. Provide spill prevention, control, and/or management sufficient to prevent or minimize contaminated stormwater runoff. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and shall prevent the contamination of groundwater. The containment system shall also be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided;
- n. Provide and maintain curbing, diking or other means of isolating process areas to the extent necessary to allow segregation and collection for treatment of contaminated stormwater from process areas;
- o. Be reviewed by plant engineering staff and the plant manager; and
- p. Bear the signature of the plant manager.

3. Compliance Schedule

The permittee shall have reviewed (and revised if necessary) and fully implemented the BMP plan as soon as practicable but no later than six months after the effective date of this permit.

4. Department Review

- a. When requested by the Director or his designee, the permittee shall make the BMP available for Department review.
- b. The Director or his designee may notify the permittee at any time that the BMP is deficient and require correction of the deficiency.
- c. The permittee shall correct any BMP 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.

5. Administrative Procedures

- a. A copy of the BMP shall be maintained at the facility and shall be available for inspection by representatives of the Department.
- b. A log of the routine inspection required above shall be maintained at the facility and shall be available for inspection by representatives of the Department. The log shall contain records of all inspections performed for the last three years and each entry shall be signed by the person performing the inspection.
- c. The permittee shall provide training for any personnel required to implement the BMP and shall retain documentation of such training at the facility. This documentation shall be available for inspection by representatives of the Department. Training shall be performed prior to the date that implementation of the BMP is required.
- d. BMP Plan Modification. The permittee shall amend the BMP plan whenever there is a change in the facility or change in operation of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.
- e. BMP Plan Review. The permittee shall complete a review and evaluation of the BMP plan at least once every three years from the date of preparation of the BMP plan. Documentation of the BMP Plan review and evaluation shall be signed and dated by the Plant Manager.

B. STORMWATER FLOW MEASUREMENT AND SAMPLING REQUIREMENTS

1. Stormwater Flow Measurement

- a. All stormwater samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches.

- b. The total volume of stormwater discharged for the event must be monitored, including the date and duration (in hours) and rainfall (in inches) for storm event(s) sampled. The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event must be a minimum of 72 hours. This information must be recorded as part of the sampling procedure and records retained according to Part I.B. of this permit.
- c. The volume may be measured using flow measuring devices, or estimated based on a modification of the Rational Method using total depth of rainfall, the size of the drainage area serving a stormwater outfall, and an estimate of the runoff coefficient of the drainage area. This information must be recorded as part of the sampling procedure and records retained according to Part I.B. of this permit.

2. Stormwater Sampling

- a. A grab sample, if required by this permit, shall be taken during the first thirty minutes of the discharge (or as soon thereafter as practicable); and a flow-weighted composite sample, if required by this permit, shall be taken for the entire event or for the first three hours of the event.
- b. All test procedures will be in accordance with part I.B. of this permit.

ADEM PERMIT RATIONALE

PREPARED DATE: February 4, 2021
PREPARED BY: Ed Hughes

Permittee Name: Conrad Yelvington Distribution Inc.
Facility Name: Conrad Yelvington Distribution, Inc. – Theodore Terminal
Permit Number: AL0078166

PERMIT IS REISSUANCE DUE TO EXPIRATION

DISCHARGE SERIAL NUMBERS & DESCRIPTIONS:

DSN001: Stormwater runoff from the handling and storage of raw materials including limestone aggregate, iron ore, gypsum, petroleum coke, coal, clinker, quicklime, soda ash, mill scale, slag, diesel fuel and used oil.

DSN002: Stormwater runoff from the handling and storage of limestone aggregate.

DSN003: Stormwater from the area associated with the office building.

DSN004: Stormwater runoff from the handling and storage of raw materials including limestone aggregate and residual piles of iron ore.

INDUSTRIAL CATEGORY: NON-CATEGORICAL

MAJOR: N

STREAM INFORMATION:

Receiving Stream:	Unnamed Tributary to Alligator Bayou
Classification:	Fish & Wildlife
River Basin:	Mobile River basin
7Q10:	0.0 cfs
7Q2:	0.0 cfs
1Q10:	0.0 cfs
Annual Average Flow:	0.0 cfs
303(d) List:	No
Impairment:	<u>N/A</u>
TMDL:	No

DISCUSSION:

This facility stores and handles construction materials. Operations consist of unloading materials by rail, staging in stockpiles using a radial stacker and loading to local delivery trucks. Raw materials stored at this site are primarily limestone aggregates. Other materials are occasionally stored on site based on market conditions. These include gypsum, petroleum coke, iron ore, clinker, quicklime, soda ash, mill scale, slag, bottom ash and other inert materials. The facility also stores small quantities of diesel fuel and used oil.

The facility has four stormwater outfalls. Drainage area #3 is used for limestone aggregate storage but also was previously used for storage of iron ore. Based on the Department's understanding some iron ore may still be stored at this location. Stormwater collected in this area is treated in three retention ponds and during periods of heavy rainfall has the potential to discharge through outfall DSN004 into the ditch in front of the property. Drainage area #2 contains stored limestone aggregate material. Stormwater collected in this area discharges through outfall DSN003 into the same drainage ditch downstream of DSN004. Located a little further downstream in the ditch is where outfall DSN002 is located. Stormwater discharged through this outfall is from the office building area and has little potential for contamination. The last outfall, DSN001 is the furthestmost outfall. It discharges stormwater from drainage area #1 where the majority of materials are stored. Storage in this area could include materials other than limestone aggregate depending on market conditions. Consideration was given to sampling in the ditch below outfall DSN001. Monitoring at this site would capture all of the stormwater runoff from this facility at one location, eliminating the need for the other three sampling sites. Ultimately, it was decided that sampling at this location would not be representative due to stormwater run on from the road and nearby areas.

In view of residual iron ore storage in area #3 (DSN004), monitoring for pH, TSS, COD, oil & grease and metals will be required. Due to the storage of waste oil and diesel storage in addition to the potential for the storage of various materials other than limestone aggregate in drainage area #1 (DSN001), monitoring for pH, TSS, CBOD, COD, oil & grease, nutrients, metals and BETX will be required. In addition, based on BPJ and the requirements at 40 CFR 434.22 (Coal Separation Plants and Associate Areas) effluent limits are being included for TSS, total iron, total manganese and pH at this outfall. These limits only apply during periods when coal is stored in this drainage area. Monitoring requirements are stipulated for DSN002 and DSN003; however, the permit does not require testing at these sites because, based on BPJ, monitoring performed at DSN001 and DSN004 presents a better measure of the effectiveness of BMP practices.

ADEM Administrative Rule 335-6-10-.12 requires applicants to new or expanded discharges to Tier II waters demonstrate that the proposed discharge is necessary for important economic or social development in the area in which the waters are located. The application submitted by the facility is not for a new or expanded discharge. Therefore, the applicant is not required to demonstrate that the discharge is necessary for economic and social development.

EPA has not promulgated specific guidelines for the discharges covered under the proposed permit. Proposed permit limits are based on Best Professional Judgment. The proposed frequencies are based on a review of site-specific conditions and an evaluation of similar facilities.

001Q:

<u>Parameter</u>	<u>Monthly Avg Loading</u>	<u>Daily Max Loading</u>	<u>Daily Min Concentration</u>	<u>Monthly Avg Concentration</u>	<u>Daily Max Concentration</u>	<u>Sample Frequency</u>	<u>Sample Type</u>	<u>Basis*</u>
pH	-	-	6.0 S.U.	-	9.0 S.U.	Quarterly	Grab	BPJ
pH	-	-	REPORT S.U.	-	REPORT S.U.	Quarterly	Grab	BPJ
Solids, Total Suspended	-	-	-	35 mg/l	70 mg/l	Quarterly	Grab	BPJ
Oil & Grease	-	-	-	-	15.0 mg/l	Quarterly	Grab	BPJ
Nitrogen, Ammonia Total (As N)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Nitrogen, Kjeldahl Total (As N)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Nitrite Plus Nitrate Total 1 Det. (As N)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Phosphorus, Total (As P)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Magnesium, Total (As Mg)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Barium, Total (As Ba)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Chromium, Total (As Cr)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Cobalt, Total (As Co)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Copper, Total (As Cu)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Iron, Total (As Fe)	-	-	-	3.5 mg/l	7.0 mg/l	Quarterly	Grab	BPJ
Lead, Total (As Pb)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Manganese, Total (As Mn)	-	-	-	2.0 mg/l	4.0 mg/l	Quarterly	Grab	BPJ
Thallium, Total (As Tl)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Nickel, Total (As Ni)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Zinc, Total (As Zn)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Aluminum, Total (As Al)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Titanium, Total (As Ti)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Benzene, Ethylbenzenetoulene, Xylene Comb	-	-	-	-	REPORT ug/l	Quarterly	Grab	BPJ
Naphthalene	-	-	-	-	REPORT ug/l	Quarterly	Grab	BPJ
Flow, In Conduit or Thru	REPORT MGD	REPORT MGD	-	-	-	Quarterly	Grab	BPJ

Treatment Plant								
Mercury, Total (As Hg)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
BOD, Carbonaceous 05 Day, 20C	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Chemical Oxygen Demand (COD)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ

002Q:

<u>Parameter</u>	<u>Monthly Avg Loading</u>	<u>Daily Max Loading</u>	<u>Daily Min Concentration</u>	<u>Monthly Avg Concentration</u>	<u>Daily Max Concentration</u>	<u>Sample Frequency</u>	<u>Sample Type</u>	<u>Basis*</u>
pH	-	-	REPORT S.U.	-	REPORT S.U.	Quarterly	Grab	BPJ
Solids, Total Suspended	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Oil & Grease	-	-	-	-	15.0 mg/l	Quarterly	Grab	BPJ
Benzene, Ethylbenzenetoulene, Xylene Comb	-	-	-	-	REPORT ug/l	Quarterly	Grab	BPJ
Flow, In Conduit or Thru Treatment Plant	REPORT MGD	REPORT MGD	-	-	-	Quarterly	Grab	BPJ
Chemical Oxygen Demand (COD)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ

003Q:

<u>Parameter</u>	<u>Monthly Avg Loading</u>	<u>Daily Max Loading</u>	<u>Daily Min Concentration</u>	<u>Monthly Avg Concentration</u>	<u>Daily Max Concentration</u>	<u>Sample Frequency</u>	<u>Sample Type</u>	<u>Basis*</u>
pH	-	-	REPORT S.U.	-	REPORT S.U.	Quarterly	Grab	BPJ
Solids, Total Suspended	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Oil & Grease	-	-	-	-	15.0 mg/l	Quarterly	Grab	BPJ
Benzene, Ethylbenzenetoulene, Xylene Comb	-	-	-	-	REPORT ug/l	Quarterly	Grab	BPJ
Flow, In Conduit or Thru Treatment Plant	REPORT MGD	REPORT MGD	-	-	-	Quarterly	Grab	BPJ
Chemical Oxygen Demand (COD)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ

004Q:

<u>Parameter</u>	<u>Monthly Avg Loading</u>	<u>Daily Max Loading</u>	<u>Daily Min Concentration</u>	<u>Monthly Avg Concentration</u>	<u>Daily Max Concentration</u>	<u>Sample Frequency</u>	<u>Sample Type</u>	<u>Basis*</u>
pH	-	-	REPORT S.U.	-	REPORT S.U.	Quarterly	Grab	BPJ
Solids, Total Suspended	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Oil & Grease	-	-	-	-	15.0 mg/l	Quarterly	Grab	BPJ
Magnesium, Total (As Mg)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Barium, Total (As Ba)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Chromium, Total (As Cr)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Cobalt, Total (As Co)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Copper, Total (As Cu)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Iron, Total (As Fe)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Lead, Total (As Pb)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Manganese, Total (As Mn)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Thallium, Total (As Tl)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Nickel, Total (As Ni)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Zinc, Total (As Zn)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Aluminum, Total (As Al)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Titanium, Total (As Ti)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Flow, In Conduit or Thru Treatment Plant	REPORT MGD	REPORT MGD	-	-	-	Quarterly	Grab	BPJ
Mercury, Total (As Hg)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ
Chemical Oxygen Demand (COD)	-	-	-	-	REPORT mg/l	Quarterly	Grab	BPJ

*Basis for Permit Limitation

- BPJ – Best Professional Judgment
- WQBEL – Water Quality Based Effluent Limits
- EGL – Federal Effluent Guideline Limitations
- 303(d) – 303(d) List of Impaired Waters
- TMDL – Total Maximum Daily Load Requirements

Discussion

DSN001: Stormwater runoff from the handling and storage of raw materials including limestone aggregate, iron ore, gypsum, petroleum coke, coal, clinker, quicklime, soda ash, mill scale, slag, diesel fuel and used oil.

Best Professional Judgment (BPJ)

The parameters of concern for this facility are based on the parameters of concern listed in EPA form 2F and from the current permit. These parameters are consistent with similar facilities in the state and have been proven to be reflective of the operations at this facility. The parameters with specific limits are discussed below:

Oil & Grease

The daily maximum limit for Oil and Grease should prevent the occurrence of a visible sheen in the stream and has been shown to be achievable through the use of proper BMPs.

Iron, Total:

Based on requirements at 40 CFR 434.22 (Coal Separation Plants and Associate Areas), during periods when coal is stored in this drainage area, the concentration of total iron in the runoff shall be limited to a monthly average of 3.5 mg/l and 7.0 mg/l as a daily maximum.

Manganese, Total:

Based on requirements at 40 CFR 434.22 (Coal Separation Plants and Associate Areas), during periods when coal is stored in this drainage area, the concentration of total manganese in the runoff shall be limited to a monthly average of 2.0 mg/l and 4.0 mg/l as a daily maximum.

Total Suspended Solids (TSS):

Based on requirements at 40 CFR 434.22 (Coal Separation Plants and Associate Areas), during periods when coal is stored in this drainage area, the concentration of TSS in the runoff shall be limited to a monthly average of 35 mg/l and 70 mg/l as a daily maximum.

pH:

Based on requirements at 40 CFR 434.22 (Coal Separation Plants and Associate Areas), during periods when coal is stored in this drainage area, pH in the runoff shall be limited to a range of 6.0 s.u. to 9.0 s.u.

Best Management Practices (BMPs) are believed to be the most effective way to control the contamination of stormwater from areas of industrial activities. This facility is required to maintain a BMP plan. The requirements of the BMP plan call for minimization of stormwater contact with waste materials, products and by-products, and for prevention of spills or loss of fluids from equipment maintenance activities. The effectiveness of the BMPs will be measured through the monitoring of the pollutants of concern.

DSN002: Stormwater runoff from the handling and storage of limestone aggregate.

DSN003: Stormwater from the area associated with the office building.

Testing is not required at these outfalls. Monitoring performed at DSN001 and DSN004 presents a better measure of the effectiveness of BMP practices.

Best Professional Judgment (BPJ)

The parameters of concern for this facility are based on the parameters of concern listed in EPA form 2F and from the current permit. These parameters are consistent with similar facilities in the state and have been proven to be reflective of the operations at this facility. The parameters with specific limits are discussed below:

Oil & Grease

The daily maximum limit for Oil and Grease should prevent the occurrence of a visible sheen in the stream and has been shown to be achievable through the use of proper BMPs.

Best Management Practices (BMPs) are believed to be the most effective way to control the contamination of stormwater from areas of industrial activities. This facility is required to maintain a BMP plan. The requirements of

the BMP plan call for minimization of stormwater contact with waste materials, products and by-products, and for prevention of spills or loss of fluids from equipment maintenance activities. The effectiveness of the BMPs will be measured through the monitoring of the pollutants of concern.

DSN004: Stormwater runoff from the handling and storage of raw materials including limestone aggregate and residual piles of iron ore.

In view of residual iron ore storage in this drainage area, monitoring for pH, TSS, COD, oil & grease and metals will be required.

Best Professional Judgment (BPJ)

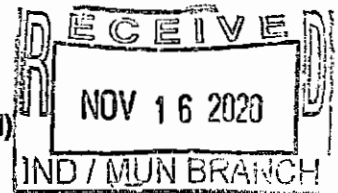
The parameters of concern for this facility are based on the parameters of concern listed in EPA form 2F and from the current permit. These parameters are consistent with similar facilities in the state and have been proven to be reflective of the operations at this facility. The parameters with specific limits are discussed below:

Oil & Grease

The daily maximum limit for Oil and Grease should prevent the occurrence of a visible sheen in the stream and has been shown to be achievable through the use of proper BMPs.

Best Management Practices (BMPs) are believed to be the most effective way to control the contamination of stormwater from areas of industrial activities. This facility is required to maintain a BMP plan. The requirements of the BMP plan call for minimization of stormwater contact with waste materials, products and by-products, and for prevention of spills or loss of fluids from equipment maintenance activities. The effectiveness of the BMPs will be measured through the monitoring of the pollutants of concern.

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



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

Purpose of this Application

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

I. GENERAL INFORMATION

NPDES Permit Number (Not applicable if initial permit application): AL 0078166	County(s) in which Facility is Located: Mobile
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Company/Permittee and Facility Information					
Company/Permittee Name Preferred Materials, Inc. - dba Conrady Yelvington Distributors			Facility Name Theodore Terminal		
Mailing Address of Company/Permittee: 4636 Scarborough Dr.			Physical Address of Operation (as near as possible to main entrance): 6959 Mac Bayou Dr.		
City Lutz	State FL	Zip Code 33559	City Theodore	State AL	Zip 36582
Permittee Phone Number 8162152827		Permittee Fax Number:		Latitude and Longitude of Main Entrance: 30 32 44 / 88 06 50	

Responsible Official (RO) Information					
RO Name (as described on Page 12 of this application): Joseph Apple			RO Official Title: Vice President		
Mailing Address: 4636 Scarborough Dr			Physical Address:		
City Lutz	State FL	Zip Code 33559	City	State	Zip Code
Phone Number: 386-481-8287		Fax Number:		Email Address: joseph.apple@cydi.com	

Facility Contact Information					
Facility Contact Name: Adrienne Coppock			Facility Contact Title: Environmental Manager		
Physical Address: 4636 Scarborough Dr.			Phone Number: 8162152827		Fax Number:
City Lutz	State FL	Zip Code 33559	Email Address: adrienne.coppock@na.crh.com		

II. MEMBER INFORMATION

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

Name	Title/Position	Physical Address of Residence
Gary Yelvington	President	2870 Rickenbacker Trail, Port Orange, FL 32128

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

Name of Corporation, Partnership, Association, or Single Proprietorship	Name of Individual from Part II.A	Title/Position in Corporation, Partnership, Association, or Single Proprietorship
Conrad Yelvington Distributors	Gary Yelvington	President

III. LEGAL STRUCTURE OF APPLICANT

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

Corporation
 Association
 Individual
 Single Proprietorship
 Partnership
 LLP
 LLC
 Government Agency
 Other

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

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

D. Landowner(s):
 Mobile Asphalt

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

IV. COMPLIANCE HISTORY

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

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

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

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

V. OTHER PERMITS/AUTHORIZATIONS

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

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

Conrad Yelvington Distributors - Calera Terminal NPDES Permit # AL0078018

VI. PROPOSED SCHEDULE

Anticipated Activity Commencement Date: Existing Site Anticipated Activity Completion Date: Unknown

VII. ACTIVITY DESCRIPTION & INFORMATION

A. Proposed Total Area of the Permitted Site: 37 acres Proposed Total Disturbed Area of the Permitted Site: unknown acres

B. Township(s), Range(s), Section(s): T1W, R6S, S1

C. Detailed Directions to Site:

I-10 to exit 17 south, Rangeline Rd (SR193), Left on Hamilton Blvd. (SR 163), Right on Mac Bayou Dr., terminal is on right.

D. Is/will this operation:

- | | | |
|-------------------------------------|-------------------------------------|---|
| Yes | No | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (1) an existing facility which currently results in discharges to State waters? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (2) a proposed facility which will result in a discharge to State waters? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (3) be located within any 100-year flood plain? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (4) discharge to Municipal Separate Storm Sewer? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (5) discharge to waters of or be located in the Coastal Zone? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (6) need/have ADEM UIC permit coverage? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (7) be located on Indian/historically significant lands? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (8) need/have ADEM SID permit coverage? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (9) need/have ASMC permit coverage? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (10) need/have ADOL permit coverage? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (11) generate, treat, store, or dispose of hazardous or toxic waste? (If "Yes," attach a detailed explanation.) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (12) be located in or discharge to a Public Water Supply (PWS) watershed or be located within 1/2 mile of any PWS well? |

VIII. MATERIAL TO BE REMOVED, PROCESSED, OR TRANSLOADED

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

_____ Dirt &/or Chert	_____ Sand &/or Gravel	_____ Coal product, coke	_____ Talc	_____ Crushed rock (other)
_____ Bentonite	_____ Industrial Sand	_____ Shale &/or Common Clay	_____ Marble	_____ Sandstone
_____ Coal	_____ Kaolin	_____ Coal fines/refuse recovery	_____ Chalk	_____ Slag, Red Rock
_____ Fire clay	<u>1</u> Iron ore	_____ Dimension stone	<u>2</u> Granite	_____ Phosphate rock
_____ Bauxitic Clay	_____ Bauxite Ore	<u>95</u> Limestone, crushed limestone and dolomite		
_____ Gold, other trace minerals:		<u>2</u> Other: <u>River Gravel</u>		
Other: _____		Other: _____		
Other: _____		Other: _____		

IX. PROPOSED ACTIVITY TO BE CONDUCTED

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

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

B. Primary SIC Code: 5032 NAICS Code: _____ Description: _____
 Secondary SIC Code: 4011 NAICS Code: _____ Description: _____

C. Narrative Description of the Activity:

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

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

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

Volume (gallons)	Contents	Volume (gallons)	Contents	Volume (gallons)	Contents
500	diesel	100	hydraulic oil	100	used oil
100	motor oil				

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

XI. POLLUTION ABATEMENT & PREVENTION (PAP) PLAN

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

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

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

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

XII. ASMC REGULATED ENTITIES

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

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

XII. TOPOGRAPHIC MAP SUBMITTAL

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

- (a) An accurate outline of the area to be covered by the permit
- (b) An outline of the facility
- (c) All existing and proposed disturbed areas
- (d) Location of intake and discharge areas
- (e) Proposed and existing discharge points
- (f) Perennial, intermittent, and ephemeral streams
- (g) Lakes, springs, water wells, wetlands
- (h) All known facility dirt/improved access/haul roads
- (i) All surrounding unimproved/improved roads
- (j) High-tension power lines and railroad tracks
- (l) Contour lines, township-range-section lines
- (m) Drainage patterns, swales, washes
- (n) All drainage conveyance/treatment structures (ditches, berms, etc.)
- (o) Any other pertinent or significant feature

XIV. DETAILED FACILITY MAP SUBMITTAL

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

- (a) Information listed in Item XIII (a) – (o) above
- (b) If noncoal, detailed, planned mining progression
- (c) If noncoal, location of topsoil storage areas
- (d) Location of ASMC bonded increments (if applicable)
- (e) Location of mining or pond cleanout waste storage/disposal areas
- (f) Other information relevant to facility or operation
- (g) Location of facility sign showing Permittee name, facility name, and NPDES Number

XV. RECEIVING WATERS

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

Action	Outfall E/P	Receiving Water	Latitude	Longitude	Distance to Rec. Water (ft)	Disturbed Area (acres)	Drainage Area (acres)	ADEM WUC	303(d) Segment (Y/N)	TMDL Segment* (Y/N)
Reissue	E	UT to Alligator Bayou	30 32 46.05	88 08 49.85	450	na	8.8	F&W	n	n
Reissue	E	UT to Alligator Bayou	30 32 42.73	88 06 50.72	850	na	8.8	F&W	n	n
Reissue	E	UT to Alligator Bayou	30 32 40.85	88 08 51.37	950	na	1.6	F&W	n	n
Reissue	E	UT to Alligator Bayou	30 32 38.29	88 06 52.01	1200	na	1.7	F&W	n	n

*If a TMDL Compliance Schedule is requested, the following should be attached as supporting documentation: (1) Justification for the requested Compliance Schedule (e.g., time for design and installation of control equipment); (2) Monitoring results for the pollutant(s) of concern which have not previously been submitted to the Department including sample collection dates, analytical results in mass and concentration, methods utilized, and RL and MDL; (3) Requested interim limitations, if applicable; (4) Date of final compliance with the TMDL limitations; and (5) Any other additional information available to support the requested compliance schedule.

XVI. DISCHARGE CHARACTERIZATION

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

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

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

B. The applicant is required to supply the following information separately for every proposed or existing outfall. (Attach extra sheets if necessary.) List expected average daily discharge flow rate in cfs and gpd; frequency of discharge in hours per day and days per month; average summer and winter temperature of discharge(s) in degrees centigrade; average pH in standard units; and average daily discharges in pounds per day of BOD₅, Total Suspended Solids, Total Iron, Total Manganese, and Total Aluminum (if bauxite or bauxitic clay or if otherwise believed present):

Outfall E/P	Information Source - # of Samples	Flow (cfs)	Flow (gpd)	Frequency (hours/day)	Frequency (days/month)	Sum/Win Temp. (°C)	pH (s.u.)	BOD ₅ (lbs/day)	TSS (lbs/day)	Tot Fe (lbs/day)	Tot Mn (lbs/day)	Tot Al (lbs/day)

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

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

XVII. DISCHARGE STRUCTURE DESCRIPTION & POLLUTANT SOURCE

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

Outfall	Discharge structure Description	Description of Origin of pollutants	Surface Discharge	Groundwater Discharge	Wet Prep -Other Production Plant	Pumped or Controlled Discharge	Low Volume STP
1	Gravel Filter Discharge	(10)	Y	N	NA	NA	N
2	Gravel Filter Discharge	(10)	Y	N	NA	NA	N
3	Detention/Filtration	(10)	Y	N	NA	NA	N
4	Retention	(10)	Y	N	NA	NA	N

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

XVIII. COOLING WATER

A. Does your facility use cooling water? Yes No

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

XIX. VARIANCE REQUEST

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

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

- Fundamentally different factors (CWA Section 301(n))
- Water quality related effluent limitations (CWA Section 302(b)(2))
- Non-conventional pollutants (CWA Section 301(c) and (g))
- Thermal discharges (CWA Section 316(a))

XX. PROPOSED NEW OR INCREASED DISCHARGES

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

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

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

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

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

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

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

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

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

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

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

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

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

No surfacing mining. Transloading only. No PAP required.

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

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

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

No surfacing mining. Transloading only. No PAP required.

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

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

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

No surfacing mining. Transloading only. No PAP required.

XXIII. INFORMATION

Contact the Department prior to submittal with any questions or to request acceptable alternate content/format.

Be advised that you are not authorized to commence regulated activity until this application can be processed, publicly noticed, and approval to proceed is received in writing from the Department.

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

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

The applicant is advised to contact:

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

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

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

XXIV. PROFESSIONAL ENGINEER (PE) CERTIFICATION

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

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

Name (type or print): _____	PE Registration # _____
Title: _____	Phone Number _____
Address: _____	
Signature: _____	Date Signed _____

XXIII. INFORMATION

Contact the Department prior to submittal with any questions or to request acceptable alternate content/format.

Be advised that you are not authorized to commence regulated activity until this application can be processed, publicly noticed, and approval to proceed is received in writing from the Department.

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

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

Water Division
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Post Office Box 301463
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Phone: (334) 271-7823
Fax: (334) 279-3051
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adem.alabama.gov

XXIV. PROFESSIONAL ENGINEER (PE) CERTIFICATION

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

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

Name (type or print): _____	PE Registration # _____
Title: _____	Phone Number _____
Address: _____	
Signature: _____	Date Signed _____

XXV. RESPONSIBLE OFFICIAL SIGNATURE*

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

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

_____ (initial here)

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

_____ (initial here)

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

_____ (initial here)

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

_____ (initial here)

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

_____ (initial here)

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

_____ (initial here)

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

_____ (initial here)

Name (type or print): _____

Official Title: _____

Signature: _____

Date Signed _____

***335-6-6-.09 Signatories to Permit Applications and Reports.**

- (1) The application for an NPDES permit shall be signed by a responsible official, as indicated below:
 - (a) In the case of a corporation, by a principal executive officer of at least the level of vice president, or a manager assigned or delegated in accordance with corporate procedures, with such delegation submitted in writing if required by the Department, who is responsible for manufacturing, production, or operating facilities and is authorized to make management decisions which govern the operation of the regulated facility;
 - (b) In the case of a partnership, by a general partner;
 - (c) In the case of a sole proprietorship, by the proprietor; or
 - (d) In the case of a municipal, state, federal, or other public entity by either a principal executive officer, or ranking elected official.

XXV. RESPONSIBLE OFFICIAL SIGNATURE*

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

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

JWA (initial here)

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

JWA (initial here)

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

JWA (initial here)

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

JWA (initial here)

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

JWA (initial here)

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

JWA (initial here)

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

JWA (initial here)

Name (type or print): Joseph Apple

Official Title: Vice President

Signature: 

Date Signed

11/05/20

335-6-6-.09 Signatories to Permit Applications and Reports.

- (1) The application for an NPDES permit shall be signed by a responsible official, as indicated below:
 - (a) In the case of a corporation, by a principal executive officer of at least the level of vice president, or a manager assigned or delegated in accordance with corporate procedures, with such delegation submitted in writing if required by the Department, who is responsible for manufacturing, production, or operating facilities and is authorized to make management decisions which govern the operation of the regulated facility;
 - (b) In the case of a partnership, by a general partner;
 - (c) In the case of a sole proprietorship, by the proprietor; or
 - (d) In the case of a municipal, state, federal, or other public entity by either a principal executive officer, or ranking elected official.