

# NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT

**DISCHARGE AUTHORIZED:** WASTEWATER ASSOCIATED WITH OFFSHORE OIL AND GAS EXPLORATION AND PRODUCTION ACTIVITIES. SPECIFICALLY THE PERMIT AUTHORIZES THE DISCHARGE OF DECK DRAINAGE FROM PLATFORM COMPLEXES, REMOTE WELL STRUCTURES, PIGGING PLATFORMS, TEMPORARY RIGS, FLOATING CONSTRUCTION FACILITIES AND WASTE COLLECTION BARGES; TREATED SANITARY AND DOMESTIC WASTEWATER OF LESS THAN 10,000 GALLONS PER DAY; NONCONTACT COOLING WATER AND BOILER BLOWDOWN; AND LOW VOLUME MISCELLANEOUS DISCHARGES. **THE DISCHARGE OF WELL TREATMENT, COMPLETION, AND WORKOVER FLUIDS; PRODUCED SAND; PRODUCED WATER; DRILLING MUDS AND CUTTINGS; AND DISCHARGES INCIDENTAL TO THE NORMAL AND PROPER OPERATION OF A VESSEL WHILE BEING USED AS A MEANS OF TRANSPORTATION ARE NOT AUTHORIZED BY THIS PERMIT, NOR ARE ANY DISCHARGES TO AREAS OF BIOLOGICAL CONCERN**

**AREA OF COVERAGE:** OFFSHORE WATERS OF THE STATE OF ALABAMA (MOBILE AND BALDWIN COUNTIES) NOT DESIGNATED AS OUTSTANDING NATIONAL RESOURCE WATER OR OUTSTANDING ALABAMA WATER

**PERMIT NUMBER:** ALG280000

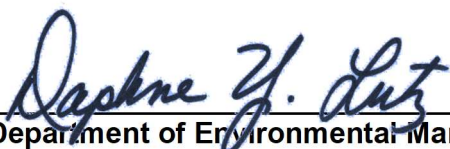
**RECEIVING WATERS:** STATE WATERS INCLUDED IN AREA OF COVERAGE

*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 discharges covered by this permit are hereby authorized to discharge into the above receiving waters.*

**ISSUANCE DATE:** January 27, 2025

**EFFECTIVE DATE:** April 1, 2025

**EXPIRATION DATE:** March 31, 2030

  
Alabama Department of Environmental Management

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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 Notice of Intent (NOI):

**DSN001: Deck drainage from work areas and non-work areas of platform complexes, remote well structures, pigging platforms, temporary rigs, floating construction facilities, and waste collection barges.<sup>1, 4</sup>**

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

EFFLUENT CHARACTERISTIC	UNITS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
		Daily Minimum	Daily Maximum <sup>2</sup>	Monthly Average	Measurement Frequency	Sample Type
Oil and Grease	Number of Occurrence(s)	-	0	-	Daily	Observation of receiving water for sheen or film <sup>3</sup>

**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.**

**(SOLIDS IS DEFINED AS MATERIAL THAT WILL NOT PASS THROUGH A 2.54 CM (1.0 INCH) DIAMETER ROUND OPENING.)**

**ALL WATERS SHALL BE TREATED, IF NECESSARY, TO REMOVE SUSPENDED SOLIDS AND TURBIDITY TO A LEVEL CONSISTENT WITH THE RECEIVING WATERS OUTSIDE THE REGULATORY MIXING ZONE.**

**THE DISCHARGE OF SURFACTANTS, DISPERSANTS, AND DETERGENTS SHALL BE MINIMIZED EXCEPT AS NECESSARY TO COMPLY WITH THE SAFETY REQUIREMENTS OF OSHA.**

**ONLY BIODEGRADABLE AND PHOSPHATE FREE DETERGENTS ARE TO BE USED IN CLEANING ACTIVITIES FROM WHICH A DISCHARGE OCCURS.**

**BEST MANAGEMENT PRACTICES (BMP) ARE TO BE USED IN CLEANING ACTIVITIES. BMP IS DEFINED AS THE USE OF A PORTABLE OIL SKIMMER OR SIMILAR DEVICE OR THE USE OF ABSORBENT MATERIAL TO REMOVE OIL AND GREASE (AS INDICATED BY THE PRESENCE OF A SHEEN) AND REMOVAL AND DISPOSAL OF DEBRIS BY USE OF BROOMS, SHOVELS, TRASH RECEPTACLES, ETC. PRIOR TO HOSING.**

**Notes:**

- <sup>1</sup> Any discharge which by reason of its proximity to, or contact with, equipment, which could contribute oil and grease contamination shall pass through an oil/water separator.
- <sup>2</sup> Monitoring shall be performed on each day of discharge during daylight hours using the visual sheen test method as described in Part III.G Discharge of deck drainage that fails the visual sheen test shall be a violation of this permit. The results of each visual must be recorded and the number of observations of a sheen must be recorded for the monitoring period and reported on the DMR. If a sheen is detected on the receiving water, investigation shall be made immediately to determine the source and actions shall be taken to eliminate the oil contamination in the discharge. Such actions shall be documented and reported consistent with Part I, C.2.
- <sup>3</sup> When discharging and the facility is manned, monitoring shall be accomplished by visual observation of the receiving water surface in the vicinity of the discharge during periods when there is adequate light to detect a sheen.
- <sup>4</sup> Discharges incidental to the normal and proper operations of a vessel while being used as a means of transportation are not covered by this permit. However, such discharges may be subject to EPA's NPDES vessel permit 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 Notice of Intent (NOI):

**DSN003: Treated sanitary wastewater of less than 10,000 gallons per day from continuously manned facilities, intermittently manned facilities, floating construction and/or maintenance facilities.<sup>3, 8</sup>**

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

EFFLUENT CHARACTERISTIC	UNITS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS <sup>1</sup>	
		Daily Minimum	Daily Maximum	Monthly Average <sup>2</sup>	Measurement Frequency	Sample Type
Flow <sup>7</sup>	GPD	–	10,000	–	1/month	Estimate/Instantaneous
Biochemical Oxygen Demand, 5-day <sup>7</sup>	mg/l	–	45	30	1/month	Composite
Total Suspended Solids <sup>7</sup>	mg/l	–	45	30	1/month	Composite
Total Residual Chlorine <sup>7</sup>	mg/l	1.0 <sup>4</sup>	–	–	1/month	Grab
Enterococci <sup>7, 9, 10</sup>	col/100 mL	–	104	35	1/month	Grab
Fecal Coliform <sup>9</sup>	col/100 mL	–	43	14	1/month	Grab
Fecal Coliform <sup>10</sup>	col/100 mL	–	Monitor	Monitor	1/month	Grab
Solids, Floating <sup>6</sup>	Number of occurrence(s)	–	0	–	Daily	Observation of receiving water <sup>5</sup>

In addition to the above requirements all discharges shall meet the following conditions:

**ALL WASTEWATERS PRIOR TO DISCHARGE SHALL BE TREATED USING A SEWAGE TREATMENT DEVICE WHICH MEETS OR EXCEEDS ALL REQUIREMENTS OF COAST GUARD SPECIFICATION FOR A TYPE II MARINE SANITATION DEVICE.**

**THE DISCHARGE SHALL BE INTRODUCED BELOW THE SURFACE OF THE WATER.**

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

**SOLIDS IS DEFINED AS MATERIAL THAT WILL NOT PASS THROUGH A 2.54 CM (1.0 INCH) DIAMETER ROUND OPENING.**

**Notes:**

- <sup>1</sup> 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.
- <sup>2</sup> 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.
- <sup>3</sup> Discharges located within 1,000 feet of any oyster reef whether active or closed are prohibited.
- <sup>4</sup> Minimum of 1.0 mg/l and maintained as close to this value as possible to meet fecal coliform limits.
- <sup>5</sup> Observations shall be made following either the morning or mid-day meals and at a time during maximum discharge. Monitoring shall be accomplished by visual observation of the receiving water surface in the vicinity of the discharge.

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- <sup>6</sup> Observations must be made once per day, during daylight in the vicinity of sanitary waste outfalls, and at the time during maximum estimated discharge. The number of days solids are observed during the quarter shall be reported on the DMR. If solids are detected on the receiving water, investigation shall be made immediately to determine the source and actions shall be taken to eliminate the solids contamination in the discharge. Such actions shall be documented and reported consistent with Part I, C.2.
- <sup>7</sup> With exception for discharges to waters noted in footnotes 9 and 10, for which Flow and Enterococci requirements apply, Flow, BOD, TSS, Total Residual Chlorine, and Enterococci monitoring will not be required if treated sanitary wastewater of less than 10,000 gallons per day is discharged from facilities which are intermittently manned or from floating construction and or maintenance facilities.
- <sup>8</sup> Discharges incidental to the normal and proper operations of a vessel while being used as a means of transportation are not covered by this permit. However, such discharges may be subject to EPA's NPDES vessel permit requirements.
- <sup>9</sup> For discharges to waters listed as Shellfish Harvesting, in addition to the Enterococci limits, the limits for Fecal Coliform are imposed.
- <sup>10</sup> For discharges to pathogen impaired waters, in addition to the Enterococci limits, the monitoring requirements for Fecal Coliform are imposed.

**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 Notice of Intent (NOI):

**DSN004: Treated domestic<sup>3</sup> wastewater of less than 10,000 gallons per day from continuously manned facilities, intermittently manned facilities, floating construction and/or maintenance facilities.<sup>4, 8</sup>**

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

EFFLUENT CHARACTERISTIC	UNITS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS <sup>1</sup>	
		Daily Minimum	Daily Maximum <sup>2</sup>	Monthly Average	Measurement Frequency	Sample Type
Flow <sup>7</sup>	GPD	–	10,000	Monitor	1/month	Estimate/Instantaneous
Biochemical Oxygen Demand, 5-day <sup>7</sup>	mg/l	–	45	30	1/month	Composite
Total Suspended Solids <sup>7</sup>	mg/l	–	45	30	1/month	Composite
Solids, Floating <sup>6</sup>	Number of occurrence(s)	–	0	–	Daily	Observation of receiving water <sup>5</sup>

In addition to the above requirements all discharges shall meet the following conditions:

**THE DISCHARGE SHALL BE INTRODUCED BELOW THE SURFACE OF THE WATER.**

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

**SOLIDS IS DEFINED AS MATERIAL THAT WILL NOT PASS THROUGH A 2.54 CM (1.0 INCH) DIAMETER ROUND OPENING.**

**ONLY BIODEGRADABLE AND PHOSPHATE FREE DETERGENTS ARE TO BE USED IN CLEANING ACTIVITIES FROM WHICH A DISCHARGE OCCURS.**

**Notes:**

- <sup>1</sup> 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.
- <sup>2</sup> 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.
- <sup>3</sup> Domestic wastewater is defined as wastewater from sinks, dishwashers, wash basins, showers, laundry facilities, and drinking fountains.
- <sup>4</sup> Discharges located within 1,000 feet of any oyster reef whether active or closed are prohibited.
- <sup>5</sup> Observations shall be made following either the morning or mid-day meals and at a time during maximum discharge. Monitoring shall be accomplished by visual observation of the receiving water surface in the vicinity of the discharge.
- <sup>6</sup> Observations must be made once per day, during daylight in the vicinity of sanitary waste outfalls, and at the time during maximum estimated discharge. The number of days solids are observed during the quarter shall be reported on the DMR. If solids are detected on the receiving water, investigation shall be made immediately to determine the source and actions shall be taken to eliminate the solids contamination in the discharge. Such actions shall be documented and reported consistent with Part I, C.2.
- <sup>7</sup> Flow, BOD and TSS monitoring will not be required if treated domestic wastewater of less than 10,000 gallons per day is discharged from facilities which are intermittently manned or from floating construction and/or maintenance facilities.
- <sup>8</sup> Discharges incidental to the normal and proper operations of a vessel while being used as a means of transportation are not covered by this permit. However, such discharges may be subject to EPA's NPDES vessel permit 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 Notice of Intent (NOI):

**DSN007: Non-contact cooling water and boiler blowdown.<sup>6</sup>**

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

EFFLUENT CHARACTERISTIC	UNITS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS <sup>1</sup>	
		Daily Minimum	Daily Maximum <sup>5</sup>	Monthly Average	Measurement Frequency	Sample Type
Flow <sup>7</sup>	GPD	–	Monitor	Monitor	1/month <sup>2</sup>	Instantaneous
pH <sup>7</sup>	s.u.	Monitor	Monitor	–	1/month <sup>2</sup>	Grab
Temperature <sup>7</sup>	°F	–	Monitor	Monitor	1/month <sup>2</sup>	Grab
Total Residual Chlorine <sup>3,7</sup>	mg/l	–	Monitor	Monitor	1/month <sup>2</sup>	Grab
Oil and Grease <sup>7</sup>	Number of Occurrence(s)	–	0	–	Daily	Observation of receiving water for sheen or film <sup>4</sup>

**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.**

**(SOLIDS IS DEFINED AS MATERIAL THAT WILL NOT PASS THROUGH A 2.54 (1.0 INCH) DIAMETER ROUND OPENING.)**

**WHEN FEASIBLE, THE DISCHARGE SHOULD BE INTRODUCED BELOW THE SURFACE OF THE WATER.**

**Notes:**

- <sup>1</sup> 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.
- <sup>2</sup> Once per month while discharging
- <sup>3</sup> Monitoring is not required if the source water is free of chlorine and no chlorine is added to the cooling water system. However, the facility must code the total residual chlorine parameter on the electronic Discharge Monitoring Report (DMR) as \*9 or as "NODI=9" on the hard copy DMR (monitoring is conditional not required this period).
- <sup>4</sup> Observations shall be made during discharge on days when the facility is manned. Monitoring shall be accomplished by visual observation of the receiving water surface in the vicinity of the discharge during periods when there is adequate light to detect a sheen.
- <sup>5</sup> Monitoring shall be performed on each day of discharge during daylight hours using the visual sheen test method as described in Part III.G Discharge of deck drainage that fails the visual sheen test shall be a violation of this permit. The results of each visual must be recorded and the number of observations of a sheen must be recorded for the monitoring period and reported on the DMR. If a sheen is detected on the receiving water, investigation shall be made immediately to determine the source and actions shall be taken to eliminate the oil contamination in the discharge. Such actions shall be documented and reported consistent with Part I, C.2.
- <sup>6</sup> Discharges incidental to the normal and proper operations of a vessel while being used as a means of transportation are not covered by this permit. However, such discharges may be subject to EPA's NPDES vessel permit requirements.
- <sup>7</sup> If the discharge is into the Gulf of Mexico, monitoring of Flow, pH, Temperature, Total Residual Chlorine, and Oil and Grease would not be required.



## 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 Notice of Intent (NOI):

**DSN016: Low volume miscellaneous discharges, such as desalinization unit discharges; fire control system test water; hydrostatic test water; diverter test water; washdown of cement handling pipes, and equipment; excess cement slurry that has not been downhole; bulk tank vent discharges; ballast water and bilge water which has not come into contact with product, waste or waste residual; and wastewater resulting from maintenance and repair activities associated with cleaning, pressure washing, blasting and painting of platforms, remote well structures, pigging platforms and temporary rigs. <sup>1</sup>**

### NO SAMPLING REQUIREMENTS APPLY TO THIS DISCHARGE (SEE 7. & 8. BELOW)

#### All discharges from DSN016 shall meet the following conditions:

1. Best Management Practices (BMP) are to be used in blasting and painting. BMP is defined as use of curtains, aprons or similar devices to minimize or prevent paint over spray and debris (spent blasting material, paint chips, etc.) from entering the receiving water.
2. Only biodegradable and phosphate free detergents are to be used in cleaning activities from which a discharge occurs.
3. Pressure washing is allowed as necessary to remove marine growth; however, the activity should be performed only in areas where existing paint coating is properly adhering to the surface and will not be significantly disturbed by pressure washing. The discharge of pressure wash water associated with other activities is not authorized.
4. 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. Solids are defined as material that will not pass through a 2.54 cm (1.0 inch) diameter round opening.
5. All water shall be treated if necessary to remove suspended solids and turbidity to a level consistent with the receiving waters outside the regulatory mixing zone.
6. BMPs are to be used in cleaning activities. BMP is defined as the use of a portable oil skimmer or similar device or the use of absorbent material to remove oil and grease (as indicated by the presence of a sheen) and removal and disposal of debris by use of brooms, shovels, trash receptacles, etc. prior to hosing.
7. The permittee shall submit an **ANNUAL CERTIFICATION DMR** during the month of January to indicate whether all discharges from DSN016 were in accordance with the conditions of this permit. The Annual Certification DMR should be marked "0" if for the previous calendar year, operations have not changed and all discharges have been made in accordance with the conditions of the permit. If conditions have changed or all discharges were not in accordance with the conditions of the permit, the DMR should be marked "1" and the facility should contact the Department regarding any changes in conditions or discharge/permit noncompliance.
8. If there were no discharges from DSN016, the Permittee shall mark "no discharge" on the DSN016 Annual Certification DMR.
9. The discharge of surfactants, dispersants, and phosphate free detergents shall be minimized except as necessary to comply with the safety requirements of OSHA.
10. If a sheen is detected on the receiving water, investigation shall be made immediately to determine the source and actions shall be taken to eliminate the oil contamination in the discharge. Such action shall be documented and reported consistent with Part I. C. 2. of the permit.
11. Environmentally safe tracer dyes may be allowed, but MSDS's should be submitted to and reviewed by the Department prior to their use. The Coast Guard should also be appropriately notified.
12. The diverter stack shall be free of drilling mud and cuttings by circulating clean flush water and collected for proper disposal onshore prior to discharge.
13. **When feasible, the discharge should be introduced below the surface of the water.**

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14. The permittee shall limit the discharge of fluorinated aqueous film-forming foam (AFFF) to fire emergencies and required discharges associated with regulatory certification and inspection. The permittee shall utilize substitute foaming agents (i.e. non-fluorinated) to the maximum extent practicable. Requirements for these discharges are further outlined in Part IV. E. of the permit

**Notes:**

<sup>1</sup> Discharges incidental to the normal and proper operations of a vessel while being used as a means of transportation are not covered by this permit. However, such discharges may be subject to EPA's NPDES vessel permit 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 §304(h) of the FWPCA, 33 U.S.C. §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 pollutant parameters without an established ML, an interim ML may be utilized. The interim ML shall be calculated as 3.18 times the Method Detection Level (MDL) calculated pursuant to 40 CFR Part 136, Appendix B.

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

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

- c. For parameters without an EPA established ML, interim ML, or matrix-specific ML, a report of less than the detection limit shall constitute compliance if the detection limit of all analytical methods is higher than the permit limit. 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

- a. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by 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.

- b. 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. A complete copy of the permit, the Best Management Practices (BMP) Plan, most recent BMP inspection records, and if applicable, a Spill Prevention, Control, and Countermeasure (SPCC) Plan shall be maintained at the facility. The past three years of DMRs, laboratory records, and historical BMP inspection and training records may be kept at an alternate Alabama location if approved by the Department. If an oil and gas facility does not have an Alabama land based facility, the permittee may request in writing, to keep these records at an out of state location as long as they are electronically accessible.

## 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. At a minimum, flow measurement devices shall be calibrated at least once every 12 months.

## C. DISCHARGE REPORTING REQUIREMENTS

### 1. Reporting of Monitoring Requirements

- a. This permit requires daily, monthly, and annual self-monitoring. 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.

**ANNUAL MONITORING** shall be conducted at least once during the period of January through December. If six or more months are remaining in the first monitoring period after initial coverage, the annual monitoring shall be conducted and then once each twelve-month period thereafter.

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

- b. The permittee shall submit Discharge Monitoring Reports (DMRs) in accordance with the following schedule:

**REPORTS OF MONTHLY MONITORING** shall be submitted on a semi-annual basis. The semi-annual reports shall be submitted to the Department and shall be received no later than the 28<sup>th</sup> day of January and July, unless otherwise directed by the Department, and each submittal shall report results of all monthly testing performed during the six-month period preceding the reporting month. For example, the semi-annual report due on January 28<sup>th</sup> should report the results of testing conducted during the months of July through December.

**REPORTS OF ANNUAL TESTING** shall be submitted on an annual basis. The annual reports shall be submitted so that they are received by the Department no later than the 28<sup>th</sup> day of January unless otherwise directed by the Department. Each submittal shall report results of all annual testing performed during the twelve month period preceding the reporting month. For example, the annual report due on January 28 should report the results of testing conducted during the previous months of January through December.

- 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 system.

(1) If the permittee is unable to complete the electronic submittal of DMR data due to technical problems originating with the Department's web-based 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 Department's web-based system is down on the 28<sup>th</sup> 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 five calendar days of the web-based system resuming operation, the permittee shall enter the data into the Department's web-based system, unless an alternate timeframe is approved by the Department. A comment should be included on the electronic 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 and Regulations, 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  
Water Division  
Office of Water Services  
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  
Water Division  
Office of Water Services  
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**

## **2. Noncompliance Notification**

- a. If for any reason, the permittee's discharge (1) does not comply with any daily minimum or maximum discharge limitation for an effluent characteristic specified in Part 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, (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 electronically a report (or if acceptable to the Department, 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 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 electronic report (or if acceptable to the Department, a written report) required to be submitted to the Director by Part I. C. 2 a. or b. shall be submitted using a copy of the Department's Noncompliance Notification Form and shall 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. This information must be submitted electronically unless acceptable to the Department to submit otherwise.

### **2. Termination of Discharge**

The permittee shall notify the Director, in writing, when any point source discharge authorized by this permit has permanently ceased. This notification shall serve as sufficient cause for instituting procedures for termination of the permittee's authority to discharge under this General Permit.

### 3. Updating Information

- a. The permittee shall inform the Director of any change in the permittee's mailing address or telephone number or in the permittee's designation of a permit 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 Notice of Intent.
- b. If the permittee becomes aware that it failed to submit any relevant facts in the Notice of Intent; or submitted incorrect information in the Notice of Intent; 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. This information must be submitted electronically unless acceptable to the Department to submit otherwise.

### 4. Duty to Provide Information

- a. Any 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 suspending or revoking the permittee's authorization to discharge under this General Permit, in whole or in part, or to determine compliance with this permit or to determine if the permittee should be required to apply for an individual permit.
- b. Any or all permittees 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 or terminating this permit.

### 5. New or Increased Discharges

If there is an increase in pollution potential of the discharges from the permittee's facility operations the permittee must notify the Director in writing. The Director may at his discretion determine under Part II. F. of this permit what action if any will be taken.

### 6. Cooling Water and Boiler Water Additives

- a. The permittee shall notify the Director in writing not later than sixty (60) days prior to instituting the use of any biocide corrosion inhibitor or chemical additive in a cooling or boiler system not identified in the application for this permit, from which discharge is allowed by this permit. Such notification shall include:
  - (1) Name and general composition of biocide or chemical,
  - (2) 48-hour or 96-hour LC50 data for the fathead minnow (*Pimephales promelas*) and cladoceran (*Ceriodaphnia dubia*) data for fresh water discharges. For salt water, the mysid shrimp; and sheepshead minnow or inland silverside. Other acceptable aquatic organisms may be allowed by the Department if sufficient information is submitted.
  - (3) Quantities to be used,
  - (4) Frequencies of use,
  - (5) Maximum 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 a cooling or boiler system(s), from which a discharge regulated by this permit occurs, is prohibited. The use of any additive not identified in this permit or in the application for this permit 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 is prohibited.

## E. SCHEDULE OF COMPLIANCE

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

**COMPLIANCE SHALL BE ACHIEVED ON THE EFFECTIVE DATE OF  
COVERAGE UNDER THIS PERMIT**

2. If required, 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. This information must be submitted electronically unless acceptable to the Department to submit otherwise.



## PART II: OTHER REQUIREMENTS, RESPONSIBILITIES, AND DUTIES

### A. REQUIREMENTS FOR COVERAGE UNDER THIS GENERAL PERMIT

#### 1. Notice of Intent

- a. Any person wishing to be permitted to discharge under this General Permit shall submit a Notice of Intent to be covered by this General Permit at least 30 days prior to the date of desired coverage. No discharge authorized under this General Permit may commence until the discharger receives the Director's acknowledgement of the Notice of Intent and approval of the coverage of the discharge by this General Permit. The Director's acknowledgement shall include a copy of this General Permit.
- b. **The permittee must complete and submit all Departmental forms, including the NOI, utilizing the Department's web-based system unless the permittee submits in writing valid justification as to why the electronic submittal process cannot be utilized and the Department approves in writing utilization of hard copy submittals.** For approved hard copy submissions, the Departmental forms are available on ADEM's webpage at <http://adem.alabama.gov/DeptForms/default.cnt>.
- c. Any person discharging to a municipal storm sewer, sanitary sewer or combination sewer must notify the municipality by letter of the discharge.

#### 2. Content of Notice of Intent

- a. A description of the process generating the discharge for which coverage is desired. This description shall be in sufficient detail to allow the Director to determine that the discharge is included in the category permitted by this General Permit;
- b. The latitude and longitude of each facility operation per tract, and the name of the waterbody receiving each discharge for which coverage under this General Permit is desired; and
- c. A contact person, address and phone number for the facility or activity to be covered under this General Permit;
  - (1) A Notice of Intent shall be electronically signed (or if acceptable to the Department, traditionally signed) by a person meeting the requirements for signatories to permit application under ADEM Administrative Code r. 335-6-6-.09 and the person signing the Notice of Intent shall make the certification required for submission of documents under ADEM Administrative Code r. 335-6-6-.09.
  - (2) Signatories to reports, discharge monitoring reports and any other submissions required by this General Permit shall be signed in accordance with the requirements of ADEM Administrative Code r. 335-6-6-.09.

### B. 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 CFR 112, if required thereby.
- c. The permittee shall prepare and implement a Best Management Practices (BMP) Plan according to Part IV. 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.

## C. 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 limitation 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 identification to:

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

## D. 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 Part I. A. of this permit to be exceeded;
  - (2) It is necessary for essential maintenance of a treatment or control facility or system to assure efficient operation of such facility or system; or
  - (3) It is part of the storm water control system when the intention of the design, as approved by the Director, is to contain the first flush only.
- c. A bypass is not prohibited and need not meet the discharge limitations specified in Part I. A. of this permit if:
  - (1) It is unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (2) There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime (this condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement 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. This request must be submitted electronically unless acceptable to the Department to submit otherwise.

- d. The permittee has the burden of establishing that each of the conditions of Part II. D. 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 Part I. A. of this permit.

## **2. Upset**

- a. A discharge, which results from an upset, need not meet the discharge limitations specified in Part I. A. of this permit if:
  - (1) No later than 24-hours after becoming aware of the occurrence of the upset, the permittee orally reports the occurrence and circumstances of the upset to the Director 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 Part II D. 2. a. of this permit have been met to qualify for an exemption from the discharge limitations specified in Part I. A. of this permit.

## **E. 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, termination, or suspension of authorization under this permit; denial of a permit renewal application, or a requirement that permittee submit an application for an individual NPDES permit.
- 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 Notice of Intent to be covered under this General 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 or negate the permittee's responsibility or liability to apply for, obtain, or comply with other ADEM, federal, state, or local government permits, certifications, licenses, or other approvals.

### **2. Removed Substances**

Solids, sludges, filter backwash, or any other pollutant or other waste removed in the course of treatment or control of storm water and/or process water 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 facility, including but not limited to the loss or failure of the primary source of power of the treatment facility, the permittee shall, where necessary to maintain compliance with the discharge limitations specified in Part I. A. of this permit, or any other terms or conditions of this permit, cease, reduce, or otherwise control production and/or all discharges until treatment is restored.

#### 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 Boulevard, Montgomery, AL 36110-2400.
- 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.

#### F. PERMIT TRANSFER, MODIFICATION, REVOCATION, REISSUANCE, AND TERMINATION

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

- a. The permittee authorized to discharge under this General Permit, who wishes to continue to discharge upon the expiration of this permit, shall submit a Notice of Intent (NOI) to be covered by the reissued General Permit. Such NOI shall be submitted at least 90 days prior to the expiration date of this General Permit. The permittee shall electronically submit the NOI utilizing the Department's web-based system, unless the permittee submits in writing valid justification as to why the electronic submittal process cannot be utilized and the Department approves in writing utilization of hard copy submittals.
- b. Failure of the permittee to submit the appropriate NOI material for reauthorization under this permit at least 90 days prior to the permit's expiration will void the automatic continuation of the authorization to discharge under this permit as provided by ADEM Administrative Code r 335-6-6-.06. Should the permit not be reissued for any reason prior to its expiration date, permittees who failed to meet the 90-day submittal deadline will be illegally discharging without a permit after the expiration date of the permit.

##### 2. Change in Discharge

- a. The permittee shall give notice to the Director at least 180 days in advance of any facility expansion, production increase, process change, or other action that could result in;
  - (1) The discharge of additional pollutants,
  - (2) The increase in the quantity of any discharge such that existing permit limitations would be exceeded,
  - (3) 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 reviewed the information and taken appropriate action to authorize the discharge under this General Permit, or until such time as an appropriate action has been taken to authorize the discharge under an individual 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-dinitrophenol; and one milligram per liter for antimony;
    - (c) Five times the maximum concentration value reported for that pollutant in the permit NOI; 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 NOI.

### 3. Transfer of Permit or Change in Name

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.

- a. In the case of a change ownership or control of the permittee's premises only, a request for permit transfer must be submitted electronically through the Department's web-based system at least 30 days prior to the change.
- b. In the case of a change in ownership or control of the permittee's premises accompanied by a change or proposed change in effluent characteristics, a complete NOI is required to be submitted to the Director electronically through the Department's web-based system at least 90 days prior to the change.
- c. In the case of a change in Permittee Name or Facility Name only, a request for permit name change must be submitted electronically through the Department's web-based system at least 30 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 NOI.

### 4. Permit Modification, Revocation and Reissuance (of Modified General or Individual), and Termination

- a. During the term of this General Permit the Director may, for cause, and subject to the public notice procedure of ADEM Administrative Code, r. 335-6-6-.21, modify or revoke and reissue this General Permit, or terminate it and require all those authorized under it to apply for individual NPDES permits. The causes for this action include but are not limited to the causes listed below:
  - (1) There are material and substantial alterations or additions to the facility or activity generating the discharges which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;
  - (2) When the Director receives any information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance;
  - (3) 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;
  - (4) Upon the 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;
  - (5) When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology based treatment requirements appropriate to the discharge under 40 CFR 125.3(c);
  - (6) To correct technical mistakes, such as errors in calculation, clerical errors or mistaken interpretations of law made in determining permit conditions;
  - (7) If the permit limitations are found not to be protective of water quality standards;
  - (8) To incorporate an applicable 307(a) FWPCA toxic effluent standard or prohibition;
  - (9) When required by the reopener conditions in this permit, and;
  - (10) For any applicable cause set forth in ADEM Administrative Code r. 335-6-6-.17.
- b. Subject to the public notice procedures of ADEM Administrative Code r. 335-6-6.21, Public Notice Requirements (Amended: October 4, 2019), the Director may terminate this General Permit during its term for any of the causes for modification listed in Part II F.4.a.
- c. The Director may terminate authorization to discharge under this General Permit for cause. Cause shall include but not be limited to:
  - (1) Noncompliance with the permit;

- (2) Noncompliance with Department Rules;
  - (3) A finding that this General Permit does not control the discharges sufficiently to protect water quality or comply with treatment based limits applicable to the discharge.
  - (4) 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;
  - (5) Materially false or inaccurate statements or information in the permit application or the permit;
  - (6) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
  - (7) The permittee's discharge threatens human life or welfare;
  - (8) Permanent closure of the facility generating the wastewater permitted to be discharged by this permit or permanent cessation of wastewater discharge; and
  - (9) 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.
- d. If the permittee believes that any past or planned activity would be cause for modification or revocation and reissuance of this General Permit under ADEM Administrative Code r. 335-6-6-.23 (7), or termination and issuance of an individual permit under ADEM Administrative Code r. 335-6-6-.23 (9) the permittee must report such information to the Permit Issuing Authority. The submittal of a new NOI may be required of the permittee. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned change, anticipated noncompliance or application for an individual permit, does not stay any permit condition.

**5. Issuance by the Director of an Individual NPDES Permit to a Person Eligible for Coverage or Covered by This General Permit.**

- a. The Director may require any person, otherwise eligible for coverage under this General Permit, to apply for an individual NPDES permit by notifying that person that an application is required. Notification shall consist of a written description of the reason(s) for the decision, appropriate permit application forms and directions, a statement informing the person that upon issuance of the individual permit coverage by this General Permit shall automatically terminate. Reasons for this requirement may be:
- (1) Noncompliance with the General Permit;
  - (2) Noncompliance with Department Rules;
  - (3) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the wastewater being discharged;
  - (4) Effluent guidelines are promulgated for a point source(s) covered by the General Permit;
  - (5) A water quality management plan applicable to the wastewater being discharged under this General Permit;
  - (6) Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under this General Permit or either a temporary reduction or permanent reduction or elimination of the authorized discharge is necessary;
  - (7) Standards for sewage sludge use or disposal have been promulgated for the sludge use or disposal practice covered by this General Permit;
  - (8) The discharge(s) is a significant contributor of pollutants. In making this decision the Director may consider:
    - (i) The location of the discharges with respect to waters of the state,
    - (ii) The size of the discharger, and
    - (iii) The quantity and nature of the pollutants discharged to waters of the state.

- (9) A determination that the water of the state receiving the discharge is not meeting applicable water quality standards.

**6. Request for an Individual NPDES Permit by a Person Covered under This General Permit.**

- a. Any person covered by this General Permit may apply for termination of coverage by applying for an individual NPDES permit and submitting the appropriate form (Form 554) to the Industrial General Permit Section.
- b. A permit NOI submitted voluntarily or at the direction of the Director for the purpose of termination of coverage by this General Permit shall be processed in accordance with the rules found in ADEM Administrative Code 335-6-6 applicable to individual permits.
- c. Any person may petition the Director for withdrawal of this General Permit authority from a discharger. The Director shall consider the information submitted by the petitioner and any other information he may be aware of and may obtain additional information from the discharger and through inspections by Department staff and shall decide if coverage should be withdrawn. The petitioner shall be informed of the Director's decision and shall be provided a summary of the information considered.

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

The filing of a request by the permittee for any permit action such as termination, or application for individual permit or any other action, does not stay any permit term or condition.

**G. 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 Part I. A. of this permit, or controls a pollutant not limited in Part I. A. of this permit, this permit shall be modified to conform to the toxic 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.

**H. 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 NOI 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 and as described under ADEM Admin. Code r. 335-6-6-.18.
- 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.

#### **4. Relief from Liability**

Except as provided in Part II. D. 1. (Bypass) and Part II. D. 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 or available online at <http://app.adem.alabama.gov/eFile/>. Effluent data shall not be considered confidential.

### **E. COMPLIANCE WITH WATER QUALITY STANDARDS**

1. The permittee may be required by the Director to apply for an individual permit, if the Director determines that discharge under this General Permit causes a violation of a water quality standard or stream use classification.



2. Compliance with permit terms and conditions notwithstanding, if the permittee's discharge(s) from point sources identified in Part I. A. of this permit cause or contribute to a condition in contravention of state water quality standards, the Department may require the permittee to take abatement action or apply for an individual permit pursuant to the Department's regulations, 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.

#### F. GROUNDWATER

Unless specifically authorized by 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.

#### G. DEFINITIONS

1. *Areas of biological concern* - means locations determined by ADEM and the Marine Resources Division of the Department of Conservation to be areas of significant biological resources which could be adversely impacted by the proposed discharge.
2. *Authorization* - means granted the privilege of discharging under the terms of this General Permit.
3. *Average monthly discharge limitation/monthly discharge* - 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 EPA approved method with the lowest detection level was used).
4. *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 EPA approved method with the lowest detection level was used).
5. *AWPCA* - means the Alabama Water Pollution Control Act.
6. *Ballast/bilge water* - means water added or removed to maintain proper draft and/or water leakage collected in marine vessel compartments and rig preload water.
7. *Bypass* - means the intentional diversion of waste streams from any portion of a treatment facility.
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 average of samples taken over any consecutive 24-hour period (daily discharge).
11. *Day* - means any consecutive 24-hour period.
12. *Deck drainage* - means all waste resulting from platform washings, deck washings, and runoff from curbs, gutters, and drains including drip pans and wash areas.
13. *Department* - means the Alabama Department of Environmental Management.
14. *Desalinization unit discharge* - means wastewater associated with the process of creating fresh water from seawater.
15. *Director* - means the Director of the Department.

16. *Discharge* - means "[t]he addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other waste into waters of the state". Code of Alabama 1975, Section 22-22-1(b)(8).
17. *Discharge monitoring report (DMR)* - means the form approved by the Director to accomplish reporting requirements of an NPDES permit.
18. *Dispersants, Surfactants, and Detergents* - The facility operator shall minimize the discharge of dispersants, surfactants, and detergents, except as necessary, to comply with the safety requirements of the Occupational Safety and Health Administration and BOEM. This restriction applies to tank cleaning and other operations which do not directly involve the safety of workers. (The restriction is imposed because detergents disperse and emulsify oil, potentially increasing toxic impacts and making the detection of a discharge of free oil more difficult.)  
  
Waste water associated with tank and pit cleaning operations shall be classified as the same as the former contents of the tank or pit. (For example, wash water generated from cleaning drilling fluid pits would be subject to the same discharge limitations as the drilling fluid formerly contained in those pits.) The waste water is deemed to have the same compliance status as the whole fluid that was originally in the tank or pit. No additional sampling/monitoring of the waste water is required.
19. *Diverter test water* - means any fluid used in periodic testing of the well diverter system to enhance well control safety.
20. *Domestic Waste* – means materials discharged from sinks, showers, laundries, safety showers, eye-wash stations, hand-wash stations, fish cleaning stations, and galleys located within facilities subject to 40 C.F.R. Part 435, subpart A.
21. *Drill cuttings* - means particles generated by drilling into the subsurface geological formations.
22. *Drilling fluids* - means any fluid sent down the hole, including drilling muds and any specialty products, from the time a well is begun until final cessation of drilling in that hole.
23. *EPA* - means the United States Environmental Protection Agency.
24. *FWPCA* - means the Federal Water Pollution Control Act.
25. *New Discharger* - means any person who from any building, structure, facility or installation (a) is discharging a pollutant(s) or may discharge a pollutant(s), (b) who did not commence the discharge of pollutants at a particular site prior to August 13, 1979 and which is not a new source, and (c) who has never received a final effective NPDES permit for discharges at that site.  
  
An offshore or coastal mobile exploratory drilling rig or coastal mobile developmental drilling rig will be considered a "new discharger" only for the duration of its discharge in an area of biological concern.
26. *New Source* – means any facility or activity under the offshore subcategory that meets the definition of "new source" under 40 CFR 122.2 and meets the criteria for determination of new sources under 40 CFR 122.29(b) applied consistently with all of the following definitions: (i) Water area as used in "site" in 40 CFR 122.29 and 122.2 means the water area and water body floor beneath any exploratory, development, or production facility where such facility is conducting its exploratory, development or production activities, (ii) Significant site preparation work as used in 40 CFR 122.29 means the process of surveying, clearing or preparing an area of the water body floor for the purpose of constructing or placing a development or production facility on or over the site.
27. *No Activity Zones* – means those areas identified by the State of Alabama during the life of this permit, within territorial waters (up to 3 miles offshore) where no structures, drilling rigs, or pipelines will be allowed.
28. *Notice of Intent (NOI)* - means forms and additional information that are required by ADEM Administrative Code r. 335-6-6-.23 and applicable permit fees.
29. *Permit application* - means forms and additional information that are required by ADEM Administrative Code r. 335-6-6-.08 and applicable permit fees.
30. *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).

31. *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 Part I. A. of this permit.
32. *Produced waters* - means waters (brine) brought up from hydrocarbon bearing strata during extraction of oil and gas, and can include formation water, injection water, and any chemicals added downhole or during the oil/water separation process. Produced water also includes any wastewater generated during separation and processing operations or any chemicals added downhole, subsea or during separation and processing operations.
33. *Regulatory mixing zone* - means an area encompassing a 400-foot radius centered at the discharge site.
34. *Rubbish, Trash, and Other Refuse* - There shall be no discharge of any solid material not authorized in the permit. This permit includes limitations set forth by the U.S. Coast Guard in regulations implementing Annex V of MARPOL 73/78 for domestic waste disposal from all fixed or floating offshore platforms and associated vessels engaged in exploration of seabed mineral resources (33 C.F.R. 151). These limitations, as specified by Congress (33 U.S.C. 1901, the Act to Prevent Pollution from Ships), apply to all navigable waters of the United States.

This permit prohibits the discharge of "garbage." Comminuted food waste (able to pass through a screen with a mesh size no larger than 25 mm, approximately one inch) may be discharged when 12 nautical miles or more from land. Greywater, drainage from dishwater, shower, laundry, bath, and washbasins are not considered garbage within the meaning of Annex V. Incineration ash and non-plastic clinkers that can pass through a 25-mm mesh screen may be discharged beyond three miles from nearest land. Otherwise, ash and non-plastic clinkers may be discharged beyond 12 nautical miles from nearest land.

35. *Sanitary Waste* – means human body waste discharged from toilets and urinals.
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. *Sheen* – means a silvery or metallic sheen, gloss, or increased reflectivity; visual color; iridescence; or oil slick on the water surface.
38. *Shock chlorination* - means the periodic use of chlorine in cooling water systems as a biocide.
39. *Static Sheen Test* - The approved sampling and test methods for permit compliance are provided in the final effluent guidelines published at 58 FR 12506 on March 4, 1993, as Appendix 1 to subpart A of 40 C.F.R. Part 435.
40. *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.
41. *Visual Sheen Test* - The visual sheen test is used to detect free oil by observing the surface of the receiving water for the presence of a sheen while discharging. The operator must conduct a visual sheen test only at times when a sheen could be observed. This restriction eliminates observations at night or when atmospheric or surface conditions prohibit the observer from detecting a sheen (e.g., during rain or rough seas, etc.). Certain discharges can only occur if a visual sheen test can be conducted.

The observer must be positioned on the rig or platform, relative to both the discharge point and current flow at the time of discharge, such that the observer can detect a sheen should it surface down current from the discharge. For discharges that have been occurring for at least 15 minutes, observations may be made any time thereafter. For discharges of less than 15 minutes duration, observations must be made both during discharge and 5 minutes after discharge has ceased.

42. *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.
43. *Week* - means the period beginning at twelve midnight Saturday and ending at twelve midnight the following Saturday.

44. *Well treatment fluids* - means any fluid used to restore or improve productivity by chemically or physically altering hydrocarbon-bearing strata after a well has been drilled. Stimulation fluids include substances such as acids, solvents, and propping agents. Types of well treatment include:

Hydraulic Fracture Treatment:

- a. Data Frac: A fracture test pumped prior to the actual treatment to determine rates and breakdown pressures. These and other parameters are then used to customize the treatment.
- b. Mini-Frac: Industry slang for a small fracture treatment designed to break through the near-wellbore damage caused by drilling and/or completion. Often times the fracture is "propped" open with sand or similar proppant. Mini-fracs are often the same as "Data Fracs".
- c. Frac-Pac: Also a very small fracture treatment done in conjunction with a gravel pack job. Gravel is placed in the annulus between a wire wrapped screen and the formation. By injecting over the fracture pressure the sand is also placed a short distance into the fracture. Primary purposes are formation sand control and damage removal.
- d. Acid Frac: Used primarily in carbonate reservoirs, acid is used as the fracture fluid. The acid etches the rock face inside the fracture and establishes a high conductivity flow path to the well.

Well Simulation Treatment (non-frac):

Matrix Acid/ Acid Squeeze: Acid is injected into the formation pore system to dissolve/remove damaging material. This treatment is always done below the fracture pressure.

Well Cleanup Treatment:

- a. Acid wash: Acid (typically HCL) is placed across the perforations at a very low pressure to soak and dissolve damaged intervals.
  - b. Solvent wash: Hydrocarbon (typically Xylene) solvent is placed across perforated intervals to remove hydrocarbon based damage (sludge, heavy oils or paraffin).
  - c. Casing scrape/surge: Casing is mechanically scraped with a tool then the well is surged with water or mud to clean contaminants from the well.
  - d. Pressure/jet wash: High pressure (low volume) water is used to mechanically scour the casing and perforations to remove surface damage and corrosion.
45. *Workover fluids* - means salt solutions, weighted brines, polymers, or other specialty additives used in a producing well to allow for maintenance, repair or abandonment procedures. High solids drilling fluids used during workover operations are not considered workover fluids by definition and therefore must meet drilling fluid effluent limitations before discharge may occur. Packer fluids, low solids fluids between the packer, production string, and well casing are considered to be workover fluids and must meet only the effluent requirements imposed on workover fluids.

## H. 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. OTHER REQUIREMENTS

1. Rubbish, Trash, and Other Refuse - The discharge of any solid material not in compliance with the other parts of this permit is prohibited.
2. Produced Water, Drilling Fluids and Cuttings Prohibition - The discharge of produced water, drilling fluids and cuttings is prohibited.
3. Halogenated Phenol Compound Prohibition - There shall be no discharge of halogenated phenol compounds.
4. Surfactants, Dispersants, and Other Phosphate Free Detergents - The discharge of surfactants, dispersants, and detergents shall be minimized except as necessary to comply with the safety requirements of Occupational Safety and Health Administration (OSHA), and the Alabama Oil and Gas Board.
5. Unreasonable Degradation of Marine Environment - This permit shall be modified or revoked at any time if, on the basis of any new data, the Director determines that the continued discharge may cause unreasonable degradation of the marine environment.

### B. BEST MANAGEMENT PRACTICES (BMP) PLAN REQUIREMENTS

#### 1. Plan Content

The permittee shall prepare and implement a best management practices plan (BMP) which complies with Part IV. B. of this permit and that addresses the following:

- a. Prevent the spillage or loss of fluids, oil, greases, gasoline, etc. from equipment maintenance activities and thereby prevent the contamination of storm water from these substances;
- b. Prevent or minimize the storm water contact with material stored on site or with any other pollutant present at the permittee's facility;
- c. Designate by position or name the person or persons responsible for the day to day implementation of the BMP;
- d. Provide for daily inspection, on days during which the facility is manned, of any structures that function to prevent storm water pollution or to remove pollutants from storm water and of the facility in general to ensure that the BMP is continually implemented and effective;
- e. Provide for the use and disposal of any material used to absorb spilled fluids that could contaminate storm water or the surrounding surface water;
- f. Permittees using organic solvents must address organic solvent management procedures in the BMP. The organic solvent management plan shall include as a minimum lists of the total organic compounds used; the method of disposal used instead of dumping, such as reclamation, contract hauling; and the procedures for assuring that toxic organics are not discharged into waters of the state in toxic amounts;
- g. Provide for the proper disposal of all drilling muds and cuttings, used oils, hydraulic fluids, solvent degreasing material, stripped paint, etc. in accordance with good management practices and any applicable state or federal regulations;
- h. Include a diagram of the facility showing the locations of any structures or other mechanisms intended to remove pollutants from storm water and the locations of any collection and handling systems;
- i. Bear the signature of the facility manager;
- j. Provide proper disposal for trash and other refuse; and
- k. Provide spent abrasive, dust, and overspray control sufficient to prevent or minimize paint overspray and/or the discharge of paint particles and spent abrasives.
- l. Provide measures to prevent the presence of a sheen on the surrounding surface water as a result of the facility's operations.

## 2. Compliance Schedule

The permittee shall prepare and implement or be ready to implement the Best Management Practices (BMP) Plan prior to submittal of the Notice of Intent to be covered. Refer to Part IV. C. of this permit for BMP requirements for discharges to impaired waters.

## 3. 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.

## 4. 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. For floating construction facilities, waste collection barges, and intermittently manned facilities, the documentation of BMP shall be maintained at the facility's local on-shore office.
- b. A log of the daily inspections required by Part IV.B.1.d. of this Permit 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 the person performing the inspection shall sign each daily entry. For floating construction facilities, waste collection barges, and intermittently manned facilities, the documentation of the log of daily inspections shall be maintained at the facility's local on-shore office.
- c. The permittee shall provide training for any personnel required to implement the BMP and shall retain documentation of such training at the facility. For floating construction facilities, waste collection barges, and intermittently manned facilities, the documentation of training shall be maintained at the facility's local on-shore office. 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.

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.

## C. DISCHARGE(S) TO IMPAIRED WATERS

### 1. Requirements Applicable to a Facility Eligible for Coverage, or Covered, under this Permit with Discharge(s) to 303(d) Listed Waters

This permit does not authorize new sources or new dischargers of pollutants of concern to impaired waters unless consistent with an EPA-approved or EPA-established Total Maximum Daily Load (TMDL) and applicable State law. Impaired waters are those that do not meet applicable water quality standards and are identified by an EPA-approved or EPA-established TMDL and/or on the State of Alabama's 303(d) list. Pollutants of concern are those pollutants for which the water body is listed as impaired and which contribute to the listed impairment.

- a. The facility eligible for coverage, or covered, under this permit must determine whether its discharge(s) contributes directly or indirectly to a waterbody that is included on the latest 303(d) list or otherwise designated by the Department as impaired or is included in an EPA-approved or EPA-established TMDL. If the facility has discharges meeting this criterion, it must comply with Part IV.C., if its discharge does not meet this criterion, Part IV.C. does not apply to the facility.
- b. Facilities that discharge into a receiving water which is listed on the State of Alabama's 303(d) list of impaired waters, and with discharges that contain the pollutant(s) for which the waterbody is impaired, must by April 30<sup>th</sup> of the following year or within 6 months of such approval of the 303(d) list or applicable TMDL or establishment of TMDL by EPA (whichever is longer), document in its BMP plan how the BMPs will control the discharge of the pollutant(s) of concern, and must ensure that there will be no increase of the pollutants of concern. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan.

- c. If the facility discharges to a waterbody described above, it must also determine whether a total maximum daily load (TMDL) has been developed and approved or established by EPA for the listed waterbody. If a TMDL is approved or established during this permit cycle by USEPA for any waterbody into which the facility discharges, the facility must review the applicable TMDL to see if it includes requirements for control of storm water discharges. By April 30<sup>th</sup> of the following year or within 6 months of such approval of the 303(d) list or applicable TMDL or establishment of TMDL by EPA (whichever is longer), the facility must notify the Department on how it will modify its BMP plan to include best management practices specifically targeted to achieve the allocations prescribed by the TMDL. Revised BMP plans must be submitted to the Department for review. The facility must include a monitoring component in the BMP plan to assess the effectiveness of the BMPs in achieving the allocations. If the facility cannot ensure its discharges will not cause or contribute to impairment, then the facility must apply for and obtain permit coverage under an individual permit.

## **2. Requirements Applicable to a Facility Eligible for Coverage, or Covered, under this Permit with Discharges into Waters with EPA-Approved or EPA-Established TMDLs**

- a. The facility must determine whether the EPA-approved or EPA-Established TMDL is for a pollutant likely to be found in discharges from its facility.
- b. The facility must determine whether the TMDL includes a pollutant allocation or other performance requirements specifically for discharges from its facility.
- c. If, after the determinations above have been made and if it is determined that the facility must implement specific allocations provisions of the TMDL, then the facility must assess whether the allocations are being met through implementation of existing control measures or if additional control measures are necessary.
- d. The facility must document all control measures currently being implemented or planned to be implemented, to include a schedule of implementation for all planned controls, and must document calculations or other evidence showing that the allocations will be met. Revised BMP plans must be submitted to the Department for review.
- e. If a TMDL contains requirements for control of pollutants from the facility's discharges, then the BMP plan must include BMPs specifically targeted to achieve the allocations prescribed by the TMDL. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan. Implementation of the monitoring plan in accordance with Part IV.C.2 will determine whether the controls are adequate to meet the TMDL allocations. If the facility cannot comply with the requirements of the TMDL, then the facility must apply for and obtain permit coverage under an individual permit.
- f. If the evaluation shows that additional or modified controls are necessary, the facility must describe the type and schedule for the control additions/revisions in the BMP plan. The facility must also continue Paragraphs IV.C.2.d.-f. until two continuous monitoring cycles, as defined in the monitoring plan in accordance with Part IV.C. 2., show that the TMDL allocations are being met or that water quality (WQ) standards are being met.

## **3. Requirements for New or Revised BMP Plans**

New or revised BMP plans developed in accordance with Parts IV.C.1 and IV.C.2 above must be submitted to the Department for review by April 30<sup>th</sup> of the year following EPA approval of the 303(d) list or EPA establishment/approval of applicable TMDL or within 6 months of such approval of the 303(d) list or applicable TMDL or establishment of TMDL by EPA (whichever is longer).

## **D. COOLING WATER INTAKE STRUCTURES (CWIS)**

For new facilities that are not subject to the Phase I rule, existing facilities that are not subject to the Phase II rule, or oil and gas facilities that are not subject to the Phase III rule, an initial determination of Best Technology Available (BTA) will be made for the facility CWIS during the permit coverage renewal process. The coverage under this General Permit will only be allowed if the Department makes a Best Professional Judgement (BPJ) determination that the cooling water structure represents BTA to minimize adverse environmental impacts in accordance with Section 316(b) of the Federal Clean Water Act (33 U.S.C. Section 1326) or the provider of the water to the permittee is a public water supply and therefore is exempt from 316(b).

### **1. Cooling Water Intake Requirements – Facility Obtaining Cooling Water from Facility Intake Structure**

- a. The cooling water intake structure used by the permittee will be evaluated using available information. In order to obtain coverage under this Permit, the Department must determine that the cooling water intake structure

represents the best technology available (BTA) to minimize adverse environmental impact in accordance with Section 316(b) of the Federal Clean Water Act (33 U.S.C. Section 1326).

- b. The permittee shall submit, if available or applicable, the following information with the permit NOI within 90 days prior to permit expiration. The information will be evaluated to determine compliance with Section 316(b) of the Federal Clean Water Act (33 U.S.C. Section 1326) prior to issuance of this permit.
  - (1) Design in-take flow of the CWIS;
  - (2) Percentage of in-take flow, based on the highest monthly average in last 5 years, used for cooling purposes;
  - (3) Through screen design in-take velocity;
  - (4) Any impingement and entrainment data that may have been collected based on the operation of the facility's CWIS, collected since Permit coverage; and,
  - (5) A detailed description of any changes in the operation of the CWIS, or changes in type of technologies used at the CWIS such as screens or other technologies affecting the rates of impingement and/or entrainment of fish and shellfish.
- c. The permittee is required to operate and maintain the CWIS in a manner that minimizes impingement and entrainment levels. Documentation detailing the steps that have and are being taken to minimize the impingement and entrainment levels shall be maintained on-site and made available upon request during inspections. The Permittee must keep records of all submissions that are part of the permit NOI pertaining to the CWIS until the subsequent coverage.

Nothing in this Permit authorizes "take" for the purpose of a facility compliance with the Endangered Species Act. Under the Endangered Species Act, "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct, of endangered, or threatened species.

## **2. Cooling Water Intake Requirements – Facilities Obtaining Cooling Water from Another Entity**

- a. If an entity provides water to the permittee which is used for cooling by means of a surface water intake, the intake structure operated by the entity must be determined to represent the best technology available (BTA) to minimize adverse environmental impact in accordance with Section 316(b) of the federal Clean Water Act (33 U.S.C. section 1326).
- b. If the entity providing water to the permittee is a public water system in accordance with Section 1401 of the Safe Water Drinking Act or the water used for cooling consists of treated effluent which would otherwise be discharged, the permittee is exempt from the requirements of this permit condition.

## **E. FIRE FIGHTING TRAINING AND ACTIVITIES**

1. The permittee shall limit the discharge of fluorinated aqueous film-forming foam (AFFF) to fire emergencies and required discharges associated with regulatory certification and inspection. The permittee shall utilize substitute foaming agents (i.e. non-fluorinated) to the maximum extent practicable.
2. If vessel maintenance and training discharges of fluorinated AFFF are required, the permittee shall collect and store the fluorinated AFFF discharge for onshore disposal, if possible.
3. The permittee shall submit an annual certification to the Department by January 28<sup>th</sup> of each year for the previous calendar year indicating the following:
  - a. If the permittee used or stored fluorinated AFFF on site;
  - b. If the permittee limited the use of fluorinated AFFF to fire emergencies and required discharges associated with regulatory certification and inspection; and
  - c. If discharges of fluorinated AFFF occurred during vessel maintenance and training, and if so, if the permittee collected and stored such discharges for onshore disposal. If the discharges of fluorinated AFFF were not collected and stored for onshore disposal, an explanation of why it was not possible to do so.