JEFFERY W. KITCHENS
ACTING DIRECTOR

KAY IVEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov
1400 Coliseum Blvd. 36110-2400 ▪ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ▪ FAX (334) 271-7950

July 21, 2025

Mrs. Tammy Hammonds
Chief People Officer
The Concrete Company
PO Box 2447
Columbus, GA 31902

RE: Draft Permit
Thomas Mine
NPDES Permit Number AL0076091
Macon County (087)

Dear Mrs. Hammonds:

Transmitted herein is a draft of the above referenced permit. Please review the enclosed draft permit carefully. If previously permitted, the draft may contain additions/revisions to the language in your current permit. Please submit any comments on the draft permit to the Department within 30 days from the date of receipt of this letter.

Since the Department has made a tentative decision to reissue the above referenced permit, ADEM Admin. Code r. 335-6-6-.21 requires a public notice of the draft permit followed by a period of at least 30 days for public comment before the permit can be issued. The United States Environmental Protection Ageney will also receive the draft permit for review during the 30-day public comment period.

Any mining, processing, construction, land disturbance, or other regulated activity proposed to be authorized by this draft permit is prohibited prior to the effective date of the formal permit. Any mining or processing activity within the drainage basin associated with each permitted outfall which is conducted prior to Departmental receipt of certification from a professional engineer licensed to practice in the State of Alabama, that the Pollution Abatement/Prevention Plan was implemented according to the design plan, or notification from the Alabama Surface Mining Commission that the sediment control structures have been certified, is prohibited.

This permit requires Discharge Monitoring Reports (DMR) to be submitted utilizing the Department's web-based electronic reporting system. Please read Part I.D of the permit carefully and visit https://aepacs.adem.alabama.gov/nviro/ncore/external/home.

Should you have any questions concerning this matter, please contact William McClimans at (334) 271-7835 or wdm@adem.alabama.gov.

Sincerely,

William D. McClimans, Chief
Mining and Natural Resource Section
Stormwater Management Branch
Water Division

WDM/wdm File: DPER/22345

cc: William McClimans, ADEM
Ange Boatwright, ADEM
Environmental Protection Agency Region IV
Alabama Department of Conservation and Natural Resources
U.S. Fish and Wildlife Service
Alabama Historical Commission
Advisory Council on Historic Preservation
U.S. Army Corps of Engineers Mobile District
U.S. Army Corps of Engineers Nashville District
Alabama Department of Workforce

Birmingham Office
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Office
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)

Coastal Office
1615 South Broad Street
Mobile, AL 36605
(251) 450-3400
(251) 479-2593 (FAX)

ADEM
Alabama Department of Environmental Management

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

PERMITTEE: Foley Materials Company
P.O. Box 2447
Columbus, GA 31902

FACILITY LOCATION: Thomas Mine
751 Boyd Road
Shorter, AL 36075
Macon County
T16N, R20E, S1, 12
T16N, R21E, S6, 7

PERMIT NUMBER: AL0076091

DSN & RECEIVING STREAM: 002 - 1 Line Creek/Groundwater

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

ISSUANCE DATE:

EFFECTIVE DATE:

EXPIRATION DATE:

Draft

Alabama Department of Environmental Management

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

CONSTRUCTUION SAND AND GRAVEL MINE, WET AND DRY PREPERATION, AND ASSOCIATED AREAS

TABLE OF CONTENTS

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

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[1]
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	27.0 mg/L	54.0 mg/L	Grab	2/Month
Flow, In Conduit or Thru Treatment Plant[2] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month

B. REQUIREMENTS TO ACTIVATE A PROPOSED MINING OUTFALL

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

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

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

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

C. DISCHARGE MONITORING AND RECORD KEEPING REQUIREMENTS

1. Sampling Schedule and Frequency

a. The Permittee shall collect at least one grab sample of the discharge to surface waters from each constructed and certified point source identified on Page 1 of this Permit and described more fully in the Permittee's application twice per month at a rate of at least every other week if a discharge occurs at any time during the two week period, but need not collect more than two samples per calendar month. Each sample collected shall be analyzed for each parameter specified in Part I.A. of this Permit.

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[1] See Part I.C.2. for further measurement frequency requirements.

[2] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

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

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

2. Measurement Frequency

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

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

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

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

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

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

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

3. Monitoring Schedule

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

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

b. QUARTERLY MONITORING shall be conducted at least once during each calendar quarter. Calendar quarters are the periods of January through March, April through June, July through September, and October through December. The Permittee shall conduct the quarterly monitoring during the first complete calendar quarter following the effective date of this Permit and is then required to monitor once during each quarter thereafter. Quarterly monitoring may be done anytime during the quarter, unless restricted elsewhere in this

Permit, but the results should be reported on the last DMR due for the quarter (i.e., with the March, June, September, and December DMRs).

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

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

4. Sampling Location

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

5. Representative Sampling

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

6. Test Procedures

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

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

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

Permittees may develop an effluent matrix-specific ML, where an effluent matrix prevents attainment of the established ML. However, a matrix specific ML shall be based upon proper laboratory method and technique. Matrix-specific MLs must be approved by the

Department, and may be developed by the Permittee during permit issuance, reissuance, modification, or during compliance schedule.

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

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

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

7. **Recording of Results**

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

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

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

c. The dates and times the analyses were performed;

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

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

f. The results of all required analyses.

8. **Routine Inspection by Permittee**

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

b. The Permittee shall maintain a written log for each point source identified on Page 1 of this Permit and described more fully in the Permittee's application in which the Permittee shall record the following information:

(1) The date and time the point source and any associated treatment or control facilities or systems were inspected by the Permittee;

(2) Whether there was a discharge from the point source at the time of inspection by the Permittee;

(3) Whether a sample of the discharge from the point source was collected at the time of inspection by the Permittee;

(4) Whether all associated treatment or control facilities or systems appeared to be in good working order and operating as efficiently as possible, and if not, a description of the problems or deficiencies; and

(5) The name and signature of the person performing the inspection of the point source and associated treatment or control facilities or systems.

9. Records Retention and Production

a. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the above reports or the application for this Permit, for a period of at least three (3) years from the date of the sample collection, measurement, report, or application. This period may be extended by request of the Director at any time. If litigation or other enforcement action, under the AWPCA, AEMA, and/or the FWPCA, is ongoing which involves any of the above records, the records shall be kept until the litigation is resolved. Upon the written request of the Director, the Permittee shall provide the Director with a copy of any record required to be retained by this paragraph. Copies of these records should not be submitted unless requested.

b. All records required to be kept for a period of three (3) years shall be kept at the permitted facility or an alternate location approved by the Department in writing and shall be available for inspection.

10. Monitoring Equipment and Instrumentation

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

D. DISCHARGE REPORTING REQUIREMENTS

1. Requirements for Reporting of Monitoring

a. Monitoring results obtained during the previous three (3) months shall be summarized for each month on a Discharge Monitoring Report (DMR) Form approved by the Department, and submitted to the Department so that it is received by the Director no later than the 28th day of the month following the quarterly reporting period (i.e., on the 28th day of January, April, July, and October of each year).

b. The Department utilizes a web-based electronic reporting system for submittal of DMRs. **Except as allowed by Part I.D.1.c. or d., the Permittee shall submit all DMRs required by Part I.D.1.a. by utilizing the Department's current electronic reporting system.** The Department's current reporting system, Alabama Environmental Permitting and Compliance System (AEPACS), can be found online at https://aepacs.adem.alabama.gov/nviro/ncore/external/home.

c. If the electronic reporting system is down (i.e. electronic submittal of DMR data is unable to be completed due to technical problems originating with the Department's system; this could include entry/submittal issues with an entire set of DMRs or individual parameters), permittees are not relieved of their obligation to submit DMR data to the Department by the required submittal date. However, if the electronic reporting system is down on the 28th day of the month or is down for an extended period of time as determined by the Department when a DMR is required to be submitted, the facility may submit the data in an alternate manner and format acceptable to the Department. Preapproved alternate acceptable methods include faxing, e-mailing, mailing, or hand-delivery of data such that they are received by the required reporting date. Within five calendar days of the electronic reporting system resuming operation, the Permittee shall enter the data into the reporting system unless an alternate timeframe is approved by the Department. An attachment should be included with the electronic DMR submittal verifying the original submittal date (date of the fax, copy of dated e-mail, or hand-delivery stamped date).

d. The permittee may submit a request to the Department for a temporary electronic reporting waiver for DMR submittals. The waiver request should include the permit number; permittee name; facility/site name; facility address; name, address, and contact information for the responsible official or duly authorized representative; a detailed statement regarding the basis for requesting such a waiver; and the duration for which the waiver is requested. Approved electronic reporting waivers are not transferrable. Permittees with an approved electronic reporting waiver for DMRs may submit hard copy DMRs for the period that the approved electronic reporting waiver request is effective. The Permittee shall submit the Department-approved DMR forms to the address listed in Part I.D.1.i.

e. If the Permittee, using approved analytical methods as specified in Part I.C.6., monitors any discharge from a point source identified on Page 1 of this Permit and describe more fully in the Permittee's application more frequently than required by this Permit; the results of such monitoring shall be included in the calculation and reporting of values on the DMR Form, and the increased frequency shall be indicated on the DMR Form.

f. In the event no discharge from a point source identified on Page 1 of this Permit and described more fully in the Permittee's application occurs during a monitoring period, the Permittee shall report "No Discharge" for such period on the appropriate DMR Form.

g. Each DMR Form submitted by the Permittee to the Department in accordance with Part I.D.1. must be legible and bear an original signature or electronic signature. Photo and electronic copies of the signature are not acceptable and shall not satisfy the reporting requirements of this Permit.

h. All reports and forms required to be submitted by this Permit, the AWPCA, and the Department's rules and regulations, shall be signed by a "responsible official" of the Permittee as defined in ADEM Admin. Code r. 335-6-6-.09 or a "duly authorized representative" of such official as defined in ADEM Admin. Code r. 335-6-6-.09 and shall bear the following certification:

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

i. All DMRs, reports, and forms required to be submitted by this Permit, the AWPCA and the Department's rules and regulations, shall be submitted through the Department's electronic reporting system, AEPACS, or, if in hardcopy, shall be addressed to:

Alabama Department of Environmental Management
Water Division, Mining and Natural Resource Section
Post Office Box 301463
Montgomery, Alabama 36130-1463

Certified and Registered Mail shall be addressed to:

Alabama Department of Environmental Management
Water Division, Mining and Natural Resource Section
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059

j. Unless authorized in writing by the Department, approved reporting forms required by this Permit or the Department are not to be altered, and if copied or reproduced, must be consistent in format and identical in content to the ADEM approved form. Unauthorized alteration, falsification, or use of incorrectly reproduced forms constitutes noncompliance with the requirements of this Permit and may significantly delay processing of any request, result in denial of the request, result in permit termination, revocation, suspension, modification, or denial of a permit renewal application, or result in other enforcement action.

k. If this Permit is a reissuance, then the Permittee shall continue to submit DMRs in accordance with the requirements of their previous permit until such time as DMRs are due as diseussed in Part I.D.1.

2. **Noncompliance Notification**

a. The Permittee must notify the Department if, for any reason, the Permittee's discharge:

(1) Potentially threatens human health or welfare;

(2) Potentially threatens fish or aquatic life;

(3) Causes an in-stream water quality criterion to be exceeded;

(4) Does not comply with an applicable toxic pollutant effluent standard or prohibition established under Section 307(a) of the FWPCA, 33 U.S.C. §1317(a);

(5) Contains a quantity of a hazardous substance which has been determined may be harmful to the public health or welfare under Section 311(b)(4) of the FWPCA, 33 U.S.C. §1321(b)(4); or

(6) Exceeds any discharge limitation for an effluent parameter as a result of an unanticipated bypass or upset.

The Permittee shall orally or electronically report any of the above occurrences, describing the circumstances and potential effects of such discharge to the Director within 24-hours after the Permittee becomes aware of the occurrence of such discharge. In addition to the oral or electronic report, the Permittee shall submit to the Director a written report as

provided in Part I.D.2.c., no later than five (5) days after becoming aware of the occurrence of such discharge.

b. If for any reason, the Permittee's discharge does not comply with any limitation of this Permit, the Permittee shall submit a written report to the Director as provided in Part I.D.2.c. This report must be submitted with the next Discharge Monitoring Report required to be submitted by Part I.D.1. of this Permit after becoming aware of the occurrence of such noncompliance.

c. An electronic Noncompliance Notification Form in a Department-approved format must be submitted to the Director in accordance with Parts I.D.2.a. and b. The completed form must document the following information:

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

(2) The period of noncompliance, including exact dates 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.

3. Reduction, Suspension, or Termination of Monitoring and/or Reporting

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

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

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

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

(4) Unless waived in writing by the Department, the Permittee has submitted inspection reports prepared and certified by a Professional Engineer (PE) registered in the State of Alabama or a qualified professional under the PE's direction which certify that the facility has been fully reclaimed or that water quality remediation has been achieved. The first inspection must be conducted approximately one year prior to and the second inspection must be conducted within thirty days of the Permittee's request for termination of monitoring and reporting requirements;

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

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

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

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

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

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

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

E. OTHER REPORTING AND NOTIFICATION REQUIREMENTS

1. Anticipated Noncompliance

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

2. Termination of Discharge

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

3. Updating Information

a. The Permittee shall inform the Director of any change in the Permittee's mailing address or telephone number or in the Permittee's designation of a facility contact or officer(s) having the authority and responsibility to prevent and abate violations of the AWPCA, the AEMA, the Department's rules and regulations, and the terms and conditions of this Permit, in writing, no later than ten (10) days after such change. Upon request of the Director, the Permittee shall furnish the Director with an update of any information provided in the permit application.

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

4. **Duty to Provide Information**

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

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

F. SCHEDULE OF COMPLIANCE

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

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

PART II OTHER REQUIREMENTS, RESPONSIBILITIES, AND DUTIES

A. OPERATIONAL AND MANAGEMENT REQUIREMENTS

1. Facilities Operation and Management

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

2. Pollution Abatement and/or Prevention Plan

a. The Pollution Abatement and/or Prevention (PAP) Plan shall be prepared and certified by a registered Professional Engineer (PE), licensed to practice in the State of Alabama, and shall include at a minimum:

(1) The information indicated in ADEM Admin Code r. 335-6-9-.03 and ADEM Admin. Code ch. 335-6-9 and its Appendices A and B;

(2) A description of methods which will be implemented to prevent offsite vehicle tracking onto roadways and/or into ditches at the entrances and/or exits of the Permittee's operations;

(3) A description of setbacks from waters of the State in units of linear feet on the horizontal plane; a description of the methods taken to visibly delineate setbacks from waters of the State; and a description of any other actions taken to prevent encroachment upon setbacks;

(4) A description of the methods used to delineate the boundaries of coverage under this Permit such that the boundaries are readily visible during the life of the operation;

(5) A description of any other Best Management Practices (BMPs) which will be implemented to provide control of all nonpoint source pollution that is or may be associated with the Permittee's operations;

b. The PAP Plan shall become a part of this Permit and all requirements of the PAP Plan shall become requirements of this Permit pursuant to ADEM Admin Code r. 335-6-9-.05(2). The PAP Plan shall be amended if the Department determines that the existing sediment control measures, erosion control measures, or other site management practices are ineffective or do not meet the requirements of this Permit.

c. For existing sources, the PAP Plan shall be updated to include all requirements of this section within 180 days of the effective date of this permit. New sources shall submit the PAP plan with the NPDES Individual Permit application prior to coverage under this Permit.

3. Best Management Practices (BMPs)

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

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

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

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

e. Spill Prevention, Control, and Management

The Permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan acceptable to the Department that is prepared and certified by a Professional Engineer (PE), registered in the State of Alabama, for all onsite petroleum product or other pollutant storage tanks or containers as provided by ADEM Admin. Code r. 335-6-6-.08(j)5. The Plan shall describe and the Permittee shall implement appropriate structural and/or non-structural spill prevention, control, and/or management pursuant to ADEM Admin. Code r. 335-6-6-.12 (r) sufficient to prevent any spills of pollutants from entering a ground or surface water of the State or a publicly or privately owned treatment works. The Plan shall include at a minimum, the engineering requirements provided in 40 C.F.R. §§112.1. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and shall prevent the contamination of groundwater. Such containment systems shall be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided. The Plan shall list any materials which the Permittee may utilize to contain and to absorb fuel and chemical spills and leaks. The Permittee shall maintain sufficient amounts of such materials onsite or have sufficient amounts of such materials readily available to contain and/or absorb fuel and chemical spills and leaks. Soil contaminated by chemical spills, oil spills, etc., must be immediately cleaned up or be removed and disposed of in a manner consistent with all State and federal regulations.

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

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

4. Biocide Additives

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

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

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

(c) Quantities to be used;

(d) Frequencies of use;

(e) Proposed discharge concentrations; and

(f) EPA registration number, if applicable.

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

5. Facility Identification

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

6. Removed Substances

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

7. Loss or Failure of Treatment Facilities

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

8. **Duty to Mitigate**

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

B. BYPASS AND UPSET

1. Bypass

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

b. A bypass is not prohibited if:

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

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

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

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

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

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

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

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

d. The Permittee has the burden of establishing that each of the conditions of Parts II.B.1.b. or c. have been met to qualify for an exception to the general prohibition against bypassing contained in Part II.B.1.a. and an exemption, where applicable, from the discharge limitations specified in Part I.A. of this Permit.

2. Upset

a. The Permittee may seek to demonstrate that noncompliance with technology-based effluent limits occurred as a result of an upset if the conditions of Part II.B.2.b are met and if the Permittee complies with the conditions provided in Part II.B.2.c.

b. If the Permittee wishes to establish the affirmative defense of an upset for technology-based effluent limit noncompliance, the Permittee must demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the Permittee can identify the specific cause(s) of the upset;

(2) The wastewater treatment facility was at the time being properly operated in accordance with Part II.B.d.

(3) The Permittee submitted notice of the noncompliance during the upset as required by Part II.B.2.c; and

(4) The Permittee complied with any remedial measures required under Part II.A.7. of this Permit.

c. If the Permittee wishes to establish the affirmative defense of an upset for technology-based effluent limit noncompliance, the Permittee shall:

(1) No later than 24-hours after becoming aware of the occurrence of the upset, orally report the occurrence and circumstances of the upset to the Director in accordance with Part I.G.2.; and

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

(i) An upset occurred;

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

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

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

d. A discharge which is an overflow from a treatment facility or system, or an excess discharge from a point source associated with a treatment facility or system and which results from a 24-hour precipitation event larger than a 10-year, 24-hour precipitation event is not eligible to be considered as a result of an upset unless:

(1) The treatment facility or system is designed, constructed, and maintained to contain the maximum volume of wastewater which would be generated by the facility during a 24-hour period without an increase in volume from precipitation and the maximum volume of wastewater resulting from a 10-year, 24-hour precipitation event or to treat the maximum flow associated with these volumes. In computing the maximum volume of wastewater which would result from a 10-year, 24-hour precipitation event, the volume which would result from all areas contributing runoff to the individual treatment facility must be included (i.e., all runoff that is not diverted from the mining area and runoff which is not diverted from the preparation plant area); and

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

e. The Permittee has the burden of proof in defense of any enforcement action as a result of noncompliance of technology-based effluent limits the Permittee proposes to attribute to an upset.

C. PERMIT CONDITIONS AND RESTRICTIONS

1. Prohibition against Discharge from Facilities Not Certified

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

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

2. Permit Modification, Suspension, Termination, and Revocation

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

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

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

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

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

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

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

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

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

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

3. **Automatic Expiration of Permits for New or Increased Discharges**

a. Except as provided by ADEM Admin. Code r. 335-6-6-.02(h) and 335-6-6-.05, if this Permit was issued for a new discharger or new source, it shall expire eighteen months after the issuance date if construction has not begun during that eighteen month period.

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

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

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

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

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

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

Alabama for exploration and production of hydrocarbons shall also be considered beginning construction.

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

4. Transfer of Permit

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

5. Groundwater

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

6. Property and Other Rights

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

D. RESPONSIBILITIES

1. Duty to Comply

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

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

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

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

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

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

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

2. Change in Discharge

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

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

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

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

4. Compliance with Water Quality Standards and Other Provisions

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

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

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

5. **Compliance with Statutes and Rules**

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

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

6. **Right of Entry and Inspection**

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

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

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

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

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

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

a. If the Permittee intends to continue to discharge beyond the expiration date of this Permit, the Permittee shall file with the Department a complete permit application for reissuance of this Permit at least 180 days prior to its expiration. **Applications must be submitted electronically via the Department's current electronic permitting system. The Department's current online permitting system, Alabama Environmental Permitting and Compliance System (AEPACS), can be found online at https://aepacs.adem.alabama.gov/nviro/ncore/external/home.**

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

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

PART III ADDITIONAL REQUIREMENTS, CONDITIONS, AND LIMITATIONS

A. CIVIL AND CRIMINAL LIABILITY

1. **Tampering**

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

2. **False Statements**

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

3. **Permit Enforcement**

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

4. **Relief From Liability**

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

B. OIL AND HAZARDOUS SUBSTANCE LIABILITY

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

C. AVAILABILITY OF REPORTS

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

D. DEFINITIONS

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

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

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

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

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

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

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

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

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

9. 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.

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

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

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

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

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

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

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

17. DO - means dissolved oxygen.

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

19. 8HC - means 8-hour composite sample, including any of the following:

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

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

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

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

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

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

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

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

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

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

28. MGD - means million gallons per day.

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

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

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

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

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

31. New Source - means:

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

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

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

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

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

33. 1-year, 24-hour precipitation event - means the maximum 24-hour precipitation event with a probable recurrence interval of once in one year as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

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

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

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

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

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

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

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

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

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

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

44. 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.

45. 10-year, 24-hour precipitation event - means that amount of precipitation which occurs during the maximum 24-hour precipitation event with a probable recurrence interval of once in ten years as

defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

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

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

48. TRC - means Total Residual Chlorine.

49. TSS – means the pollutant parameter Total Suspended Solids

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

51. 24HC - means 24-hour composite sample, including any of the following:

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

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

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

52. 24-hour precipitation event - means that amount of precipitation which occurs within any 24-hour period.

53. 2-year, 24-hour precipitation event - means the maximum 24-hour precipitation event with a probable recurrence interval of once in two years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

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

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

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

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

Sunday is in one month and the Saturday in the following month), the weekly average calculated for the calendar week shall be included in the data for the month that contains the Saturday.

E. SEVERABILITY

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

F. PROHIBITIONS AND ACTIVIES NOT AUTHORIZED

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

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

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

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

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

G. DISCHARGES TO IMPAIRED WATERS

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

2. Facilities that discharge into a receiving stream which is listed on the State of Alabama's §303(d) list of impaired waters, and with discharges that contain the pollutant(s) for which the waters are impaired, must within six (6) months of the Final §303(d) list approval, document in its BMP plan how the BMPs will control the discharge of the pollutant(s) of concern, and must ensure that there will be no increase of the pollutants of concern. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan.

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

by the TMDL, if necessary. Any revised BMP plans must be submitted to the Department for review. The facility must include in the BMP plan a monitoring component to assess the effectiveness of the BMPs in achieving the allocations.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION

NPDES INDIVIDUAL PERMIT RATIONALE

Company Name: Foley Materials Company

Facility Name: Thomas Mine

County: Macon

Permit Number: AL0076091

Prepared by: William McClimans

Date: July 18, 2025

Receiving Waters: Line Creek/Groundwater

Permit Coverage: Construction Sand and Gravel Mine, Wet and Dry Preparation, and Associated Areas

SIC Code(s): 1442

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

This proposed permit covers a construction sand and gravel mine, wet and dry preparation, and associated areas which discharge to ground and surface waters.

This proposed permit authorizes treated discharges into a stream segment, other State water, or local watershed that currently has a water quality classification of Fish and Wildlife (F&W) (ADEM Admin. Code r. 335-6-10-.09). If the requirements of the proposed permit are fully implemented, the facility will not discharge pollutants at levels that will cause or contribute to a violation of the F&W classification.

Full compliance with the proposed permit terms and conditions is expected to be protective of instream water quality and ensure consistency with applicable instream State water quality standards for the receiving stream.

Technology Based Effluent Limits (TBELs) for construction sand and gravel facilities can be found in 40 CFR 436.32(1) and (2) for facilities that recycle waste water for use in processing and mine dewatering, respectively. The TBELs were promulgated for existing dischargers using the Best Practicable Control Technology Available (BPT). New Source Performance Standards (NSPS) have not yet been developed by the EPA for the Construction Sand and Gravel Subcategory. Therefore, the Department is considering this facility to be an existing source discharger.

The pollutants expected to be discharged from the facility, and therefore limited in the proposed permit, are pH and Total Suspended Solids (TSS) (40CFR401.16). The TBELs for the Construction Sand and Gravel Subcategory do not include limitations for Total Suspended Solids (TSS). TSS is classified as a conventional pollutant in 40 CFR 401.16 and is expected to be discharged in significant amounts from this type of facility. Therefore, effluent limitations for TSS are established by Best Professional Judgment (BPJ) with consideration given to NSPS for TSS in 40 CFR 434.35 and are based on proper implementation of best management practices at the facility.

The proposed permit included discharges to Groundwater. However, monitoring for discharges to groundwater is not required because of the natural treatment provided by the sand and gravel formation; however, discharges to surface waters must be monitored twice per month.

The instream water quality standards for pH in streams classified as F&W is 6.0 – 8.5 s.u. per ADEM Admin Code 335-6-10-.09. However, due to the fact that discharges are expected only in response to rain events, it is the opinion

of the Department that discharges with an allowable pH daily maximum of 9.0 s.u. will not adversely affect the in-stream pH based on the low discharge/stream flow ratio. The proposed limitations have been shown to be protective of water quality. Regardless, the discharge shall not cause the in-stream pH to deviate more than 1.0 s.u. from the normal or natural pH, nor be less than 6.0 s.u. nor greater than 8.5 s.u.

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

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

In accordance with ADEM Admin. Code r. 335-6-3-.07 the design professional engineer, as evidenced by their seal and/or signature on the application, has accepted full responsibility for the effectiveness of the waste treatment facility to treat the permittee's effluent to meet NPDES permit limitations and requirements, and to fully comply with Alabama's water quality standards, when such treatment facilities are properly operated.

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

Pursuant to ADEM Admin. Code r. 335-6-6-.12(r) this permit requires the permittee to design and implement a Spill Prevention Control and Countermeasures (SPCC) plan for all stored chemicals, fuels and/or stored pollutants that have the potential to discharge to a water of the State. This plan must meet the minimum engineering requirements as defined in 40 CFR Part 112 and must provide for secondary containment adequate to control a potential spill.

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

The applicant is proposing discharges into Line Creek which is included on Alabama's current CWA §303(d) list for siltation. ADEM maintains an Ecoregional Reference Reach Monitoring Program that monitors the least-disturbed watersheds throughout the state that represent the "best attainable condition" for comparison with other streams. ADEM uses a 90th percentile as the basis of comparison for TSS data. The Department believes limiting the TSS to the 90th percentile of ecoregional reference value provides reasonable assurance that the pollutants will not be present in the discharge at levels of concern and/or the facility will not discharge pollutants at levels that will cause or contribute to a violation of applicable State water quality standards in the receiving water. The Department has determined that Ecoregion 65p provides the most accurate and representative reference guidelines based on the topography and scope of the operation, however water quality data for 65p does not currently exist, therefore in consultation with the Department's Water Quality Brach it was determined that Ecoregion 65 is appropriate. The 90th percentile ecoregional reference TSS value for Ecoregion 65 is 27.0 mg/L. To prevent discharges from this facility contributing to the impaired stream segment, the Department has used the ecoregional reference value to establish effluent limits for TSS.

The applicant is proposing continuation of existing discharges of pollutants to an ADEM identified Tier I water. If the requirements of the proposed permit and pollution abatement plan are fully implemented, there is reasonable assurance that the facility will not discharge pollutants at levels that will cause or contribute to a violation of applicable State water quality standards in the Tier I water.

The proposed permit does not authorize new or increased discharges of pollutants to a Tier II water. Therefore, the Antidegradation Policy (ADEM Admin. Code 335-6-10-.04) does not apply to this permit.

NPDES Individual Permit - Modification/Reissuance - Mining (Form 315)

version 4.9

(Submission #: HQ2-SDSY-W6DEX, version 3)

Details

Submission ID HQ2-SDSY-W6DEX

CORRECTION REQUEST *(APPROVED)*

SPCC Plan

An updated PE signature page was submitted for the SPCC plan. However, the plan's cover page still has an expiration date which is in 2024. Please submit a complete SPCC plan that at least has an expiration date in the future and has current dates.
Created on 5/19/2025 8:27 AM by **William McClimans**

Form Input

General Instructions

NPDES Individual Application - Mining and Coalbed Methane Operations - Mod/Reissuance (Form 315/549)

PLEASE CONTACT YOUR ASSIGNED PERMIT CONTACT TO DISCUSS THE TYPE OF MODIFICATION YOU SHOULD APPLY FOR BEFORE COMPLETING THIS FORM.

This form should be used to submit the following permit requests for individually permitted Mining and Coalbed Methane Operations:

Modifications/Reissuances that include Permit Transfers and/or Permittee/Facility Name Changes
Minor Modifications
Major Modifications
Reissuances
Reissuance of a permit on or after the current permit's expiration date
Revocation and Reissuance before the current permit's expiration date

Please complete all questions and attach all necessary documentation as prompted throughout the application process. Incomplete or incorrect information will delay processing.

Applicable Fees:
Minor Modifications
$3,400 (Mineral/Resource Extraction Mining, Storage Transloading, Dry Processing)
$3.940 (Wet Preparation, Processing, Beneficiation)
$3,940 (Coalbed Methane Operations)
Major Modifications
$5,820 (Mineral/Resource Extraction Mining, Storage Transloading, Dry Processing)
$6,860 (Wet Preparation, Processing, Beneficiation)
$6,860 (Coalbed Methane Operations)
Reissuances
$5,820 (Mineral/Resource Extraction Mining, Storage Transloading, Dry Processing)
$6,860 (Wet Preparation, Processing, Beneficiation)
$6,860 (Coalbed Methane Operations)
Potential Add-on Fees for Major Modifications and Reissuances
$1,015 (Biomonitoring & Toxicity Limits)
$2,705 (Review of Model Performed by Others)
$4,855 (Modeling – desktop)
For assistance, please click here to determine the permit staff responsible for the site or call (334) 394-4372.

Processing Information

Purpose of Application
Reissuance of Permit Due to Approaching Expiration

Please indicate if the Permittee is applying for a permit transfer and/or name change in addition to permit modification or reissuance:
None

Action Type
Reissuance

Briefly describe any planned changes at the facility that are included in this reissuance application:
No anticipated changes

Is this a coalbed methane operation?
No

Permit Information

Permit Number
AL0076091

Current Permittee Name
Foley Materials Company

Permittee

Permittee Name
Foley Materials Company

Mailing Address

P O BOX 2447

Columbus, GA 31902

Responsible Official

Prefix
Mrs.

First Name	Last Name
Tammy	Hammonds

Title
Chief People Officer

Organization Name
The Concrete Company

Phone Type	Number	Extension
Mobile	7065732929	
Business	7065694449	

Email
thammonds@theconcreteco.com

Mailing Address

PO BOX 2447

COLUMBUS, GA 31902-2447

Existing Permit Contacts

Affiliation Type	Contact Information	Remove?
DMR Contact	Chris Lennard, Foley Materials Company	Remove
Permittee	Foley Materials Company	*NONE PROVIDED*
Responsible Official,Notification Recipient	Todd Daigle, Foley Materials Company	Remove

Facility/Operations Information

Facility/Operations Name
Thomas Mine

Permittee Organization Type
Corporation

Parent Corporation and Subsidiary Corporations of Applicant, if any:
The Concrete Company

Landowner(s) Name, Address and Phone Number:
The Concrete Company, 1030 First Ave, Columbus, GA, (706) 563-7882

Sub-contractor(s)/Operator(s), if known:
None

Is the ﷺCompany/Permitteeﷺ properly registered and in good standing with the Alabama Secretary of Stateﷺs office?
Yes

Facility/Operations Address or Location Description

751 Boyd Road
Shorter, AL 36075

Facility/Operations County (Front Gate)
Macon

Do the operations span multiple counties?
No

Detailed Directions to the Facility/Operations
From I-85N, exit 17 (Waugh) turn right. At dead end trun left onto HWY 80. Continue on HYWY 80 turning left onto CR 97, left onto Boyd Road. Travel approximately 0.5 mile the site is on the left.

Please refer to the link below for Lat/Long map instruction help:
Map Instruction Help

Facility/Operations Front Gate Latitude and Longitude
32.39075000000000,-86.00527800000002

751 Boyd Road, Shorter, AL

Township(s), Range(s), Section(s) (Note: If you are submitting multiple TRSs, please separate each TRS by a semicolon. Example: T19S,R1E,S15; T20S,R2E,S16)
T-16N; R-20-E; Sec 11; T-16N; R-21-E; Sec 6

SIC Code(s) [Please select your primary SIC code first]:
1442-Construction Sand and Gravel

NAICS Code(s) [Please select your primary NAICS code first]:
212321-Construction Sand and Gravel Mining

Facility/Operations Contact

Prefix
Mr.

First Name	Last Name
Michael	Lach

Title
Chief Operating Officer

Organization Name
Foley Materials Company

Phone Type	Number	Extension
Mobile	7066049911	

Email
michael.lach@theconcreteco.com

Member Information

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

List of Names/Titles/Addresses will be entered by:
Providing as an Attachment

Provide a list of names with titles and addresses as an attachment.
Foley Member Information (1).pdf - 04/22/2025 09:21 AM
Comment
NONE PROVIDED

Other than the "Company/Permittee", identify the name of each corporation, partnership, association, and single proprietorship for which any individual identified above is or was an officer, general partner, LLP partner, LLC member, investor, director, or individual performing a function similar to a director, or principal (10% or more) stockholder, that had an Alabama NPDES permit at any time during the five year (60 month) period immediately preceding the date on which this form is signed (if this does not apply, then enter N/A after selecting "Manually Enter in Table"):

List of Corporations/Partnerships/etc, Names and Titles will be entered by:
Providing as an Attachment

Provide a list of corporation, partnership etc. and the name and title as an attachment.
Foley Member Information (1).pdf - 04/22/2025 09:21 AM
Comment
NONE PROVIDED

Additional Contacts (1 of 1)

ADDITIONAL CONTACTS:

Contact Type
NONE PROVIDED

Contact

First Name **Last Name**
NONE PROVIDED *NONE PROVIDED*

Title
NONE PROVIDED

Organization Name
NONE PROVIDED

Phone Type **Number** **Extension**
NONE PROVIDED

Email
NONE PROVIDED

Address
[NO STREET ADDRESS SPECIFIED]
[NO CITY SPECIFIED], AL *[NO ZIP CODE SPECIFIED]*

Compliance History

Has the applicant ever had any of the following:

Event	Apply?
An Alabama NPDES, SID, or UIC permit suspended or terminated	No
An Alabama or federal environmental permit suspended/terminated	No
An Alabama State Oil Gas Board permit or other approval suspended or terminated	No
An Alabama or federal performance/environmental bond, or similar security deposited in lieu of a bond, or portion thereof, forfeited	No

Has the applicant, parent corporation, subsidiary, general partner, LLP partner, or LLC Member had any Warning Letters, Notice of Violations (NOVs), Administrative Actions, or litigation filed by ADEM or EPA during the three year (36 month) period preceding the date on which this form is signed?
Yes

Identify every Warning Letter, Notice of Violation (NOV), Administrative Action, or litigation issued to the applicant, parent corporation, subsidiary, general partner, LLP partner, or LLC Member and filed by ADEM or EPA during the three year (36 month) period preceding the date on which this form is signed.

Date of Issuance	Type of Action	Briefly describe alleged violations:	Date of Final Resolution
04/06/2023	Notice of Violation	ENOV JDL Thomas Mine	05/31/2023

For this facility, list any other NPDES or other environmental permits (including permit numbers), authorizations, or certifications that have been applied for or issued within the State by ADEM, EPA, Alabama Department of Labor (ADOL), US Army Corp of Engineers (USACE), or other agency, to the applicant, parent corporation, subsidiary, or LLC member whether presently effective, expired, suspended, revoked, or terminated:
Thomas Mine AL0076091, ADIR/ADOL-10809,10309,11231,11618,12029,13347

For other facilities, list any other NPDES or other ADEM permits (including permit numbers), authorizations, or certifications that have been applied for or issued within the State by ADEM, EPA, ASMC, ADOL, or USACE, to the applicant, parent corporation, subsidiary, or LLC member whether presently effective, expired, suspended, revoked, or terminated:
Dozier-McGough Pit AL0072648, ADIR/ADOL-9842, 14105
City Pit AL0069850, ADIR/ADOL-9707,9722,9725,13177,13178,13579
Ward Pit AL0068632, ADIR/ADOL-9709,11893
Dozier Pit AL0072842, ADIR/ADOL-9413, 9660, 13285
Phenix City Pit #2 - AL0077160 ADIR/ADOL - FMC-57-2
Phenix City Pit #2 - ALG850234
Phenix City Pit #1 - AL0059137

Anti-Degradation Evaluation

Pursuant to ADEM Admin. Code ch. 335-6-10-.12(9), responses to the following questions must be provided by the applicant requesting NPDES permit coverage for new or expanded discharges of pollutant(s) to Tier 2 waters (except discharges eligible for coverage under general permits). As part of the permit application review process, the Department is required to consider, based on the applicant's demonstration, whether the proposed new or increased discharge to Tier 2 waters is necessary for important economic or social development in the area in which the waters are located. Does this modification/reissuance include new or expanded discharges to Tier II water(s)?
No

Activity Description & Information

Narrative description of activity(s):
Dirt, red clay, sand, and gravel is mined from the permitted area. The mined material is transported to the wet processing plant where it is sorted, stockpiled, and transported.

Total Facility/Operations Area (acres)
315.00

Total Disturbed Area (acres)
150.00

Anticipated Commencement Date
06/01/2020

Anticipated Completion Date
06/01/2050

Please identify which of the following apply to this operation:

Activity/Condition	Appy?
An existing facility/operation which currently results in discharges to State waters?	Yes
A proposed facility/operation which will result in a discharge to State waters?	No
Be located within any 100-year flood plain?	Yes
Discharge to Municipal Separate Storm Sewer?	No
Discharge to waters of or be located in the Coastal Zone?	No
Need/have ADEM UIC permit coverage?	No
Be located on Indian/historically significant lands?	No
Need/have ADEM SID permit coverage?	No
Need/have ASMC permit coverage?	No
Need/have State Oil & Gas Board permit coverage?	No
Need/have ADOL permit coverage?	Yes
Generate, treat, store, or dispose of hazardous or toxic waste?	No
Be located in or discharge to a Public Water Supply (PWS) watershed or be located within mile of any PWS well?	No
Incised pit	Yes

Does your facility/operation use cooling water?
No

Material to be Removed, Processed, or Transloaded

Material To Be Removed, Processed, Or Transloaded (Note: Sum must equal 100.)

Mineral(s)/Mineral product(s)	%
Dirt and/or Chert	5
Red Clay	10
Sand and/or Gravel	85
	Sum: 100

Proposed Activity To Be Conducted

Type(s) of activity presently conducted at applicant's existing facility or proposed to be conducted at facility (Select Yes or No)):

Activity	Apply?
Adjacent/associated asphalt/concrete plant(s)	No
Alternative fuels operation	No
Auger mining	No
Cement production	No
Chemical processing or leaching	No
Chemicals used in process or wastewater treatment (coagulant, biocide, etc.)	No
Construction related temporary borrow pits/areas	No
Creek/stream crossings	No
Dredging	No
Excavation	No
Grading, clearing, grubbing, etc.	Yes
Hydraulic mining	No
Hydraulic mining, dredging, instream or between stream-bank mining	No
Lime production	No
Low volume sewage treatment package plant	No
Mineral dry processing (crushing & screening)	Yes
Mineral loading	Yes
Mineral storing	Yes
Mineral transportation	Yes
Mineral wet preparation	No
Onsite construction debris or equipment storage/disposal	No
Onsite mining debris or equipment storage/disposal	No
Other beneficiation & manufacturing operations	No
Pre-construction ponded water removal	No
Pre-mining logging or land clearing	No
Preparation plant waste recovery	No
Quarrying	No
Reclamation of disturbed areas	Yes
Solution mining	No
Surface mining	Yes
Synthetic fuel production	No
Underground mining	No
Waterbody relocation or other alteration	No
Within-bank mining	No

If the operation will include activities other than those listed above, please describe them below:

NONE PROVIDED

If the type of activity presently conducted or proposed is Mineral Transportation, please indicate which of the following apply:

Barge	Apply?
Barge	No
Rail	No
Truck	Yes

Fuel - Chemical Handling, Storage, & Spill Prevention Control & Countermeasures (SPCC) Plan

Will fuels, chemicals, compounds, or liquid waste be used or stored onsite?
Yes

Please identify the fuel, chemicals, compounds, or liquid waste and indicate the volume of each:

Volume (gallons)	Contents
10,000.0	Diesel Fuel
500.0	Used Oil
55.0	New/Used Oil Drums

SPCC Plan
SPCC Plan - Thomas Mine Update 2025.pdf - 06/03/2025 12:56 PM
Comment
NONE PROVIDED

CORRECTION REQUEST *(APPROVED)*
New SPCC Plan Needed

The SPCC Plan submitted has an expiration date that has passed and it was not signed. Please submit an updated SPCC Plan that is signed.
Created on 3/26/2025 8:57 AM by **William McClimans**

ASMC Regulated Entities

Is this a coal mining operation regulated by ASMC?
No

Topographic Map Submittal

Topographic Map

Attach to this application a 7.5 minute series U.S.G.S. topographic map(s) or equivalent map(s) no larger than, or folded to a size of 8.5 by 11 inches (several pages may be necessary), of the area extending to at least one mile beyond property boundaries. The topographic or equivalent map(s) must include a caption indicating the name of the topographic map, name of the applicant, facility name, county, and township, range, & section(s) where the facility are located. Unless approved in advance by the Department, the topographic or equivalent map(s), at a minimum, must show: a) An accurate outline of the area to be covered by the permit (b) An outline of the facility (c) All existing and proposed disturbed areas (d) Location of intake and discharge areas (e) Proposed and existing discharge points (f) Perennial, intermittent, and ephemeral streams (g) Lakes, springs, water wells, wetlands (h) All known facility dirt/improved access/haul roads (i) All surrounding unimproved/improved roads (j) High-tension power lines and railroad tracks (k) Contour lines, township-range-section lines (l) Drainage patterns, swales, washes (m) All drainage conveyance/treatment structures (ditches, berms, etc.) (n) Any other pertinent or significant feature.

Topographic Map
20240503 Figures.pdf - 05/03/2024 02:23 PM
Comment
NONE PROVIDED

Detailed Facility Map Submittal

Detailed Facility Map
20240503 Figures.pdf - 05/03/2024 02:23 PM
Comment
NONE PROVIDED

Outfalls (1 of 1)

Outfall Identifier: 002

Feature Type
Outfall (External)

Outfall Identifier
002

Outfall Status
Existing

> Please be aware that you should only mark an outfall status as existing if (1) the Department has been previously notified that it was constructed as proposed or (2) it began discharge prior to this application. A proposed outfall is one that is being newly added to the permit OR one that has never discharged or has never been authorized by the Department to discharge. Should you have any questions about which status to select, please contact the Department's permit engineer for this site.

Permit Action
Reissue

Receiving Water
Line Creek

Check below if the discharge enters the receiving water via an unnamed tributary.
NONE PROVIDED

Location of Outfall
32.38722200000000, -86.01111100000000

Are the location coordinates above still correct for this outfall?
No

New/Corrected Lat/Long Coordinates
32.387599 , -86.009936

Distance to Receiving Water (ft)
1,000.0

Disturbed Area (acres)
48.0

Drainage Area (acres)
120.0

303(d) Segment?
Yes

TMDL Segment?
No

Please do not add a new outfall unless you are requesting a modification that includes a new outfall. All of the currently permitted outfalls are already included in this form. If you add an outfall in error, please choose ﷺDeleteﷺ under ﷺPermit Actionﷺ for the outfall. If you have any questions, please contact your permit engineer BEFORE proceeding.

Discharge Characterization

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

Please download the following Excel file to enter your information. Once complete, please attach to the below control.
Download spreadsheet here.

Required attachment:
Form315TableB.xlsx - 05/29/2024 08:00 AM
Comment
NONE PROVIDED

Please download the following Excel file to enter your information. Once complete, please attach to the below control.
Download spreadsheet here.

Required attachment:
Form315TableC.xlsx - 05/29/2024 08:00 AM
Comment
NONE PROVIDED

Discharge Structure Description & Pollutant Source

Please download the following Excel file to enter your information. Once complete, please attach to the below control.
Download spreadsheet here.

Required attachment:
Form315DischargeStructure.xlsx - 05/29/2024 08:00 AM
Comment
NONE PROVIDED

Variance Request

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

Pollution Abatement & Prevention (PAP) Plan Summary (1 of 1)

Outfall(s):
002E

Outfall Questions:	Please select one:
Runoff from all areas of disturbance is controlled	Yes
Drainage from pit area, stockpiles, and spoil areas directed to a sedimentation pond	Yes
Sedimentation basin at least 0.25 acre/feet for every acre of disturbed drainage	Yes
Sedimentation basin cleaned out when sediment accumulation is 60% of design capacity	Yes
Trees, boulders, and other obstructions removed from pond during initial construction	Yes
Width of top of dam greater than 12'	Yes
Side slopes of dam no steeper than 3:1	Yes
Cutoff trench at least 8' wide	Yes
Side slopes of cutoff trench no less than 1:1	Yes
Cutoff trench located along the centerline of the dam	Yes
Cutoff trench extends at least 2' into bedrock or impervious soil	Yes
Cutoff trench filled with impervious material	Yes
Embankments and cutoff trench 95% compaction standard proctor ASTM	Yes
Embankment free of roots, tree debris, stones >6" diameter, etc.	Yes
Embankment constructed in lifts no greater than 12"	Yes
Spillpipe sized to carry peak flow from a one year storm event	Yes
Spillpipe will not chemically react with effluent	Yes
Subsurface withdrawal	Yes

Outfall Questions:	Please select one:
Anti-seep collars extend radially at least 2' from each joint in spillpipe	No
Splashpad at the end of the spillpipe	Yes
Emergency Spillway sized for peak flow from 25-yr 24-hr event if discharge not into PWS classified stream	Yes
Emergency spillway sized for peak flow from 50-yr 24-hr event if discharge is into PWS classified stream	No
Emergency overflow at least 20' long	Yes
Side slopes of emergency spillway no steeper than 2:1	Yes
Emergency spillway lined with riprap or concrete	Yes
Minimum of 1.5' of freeboard between normal overflow and emergency overflow	Yes
Minimum of 1.5' of freeboard between max. design flow of emergency spillway and top of dam	Yes
All emergency overflows are sized to handle entire drainage area for ponds in series	Yes
Dam stabilized with permanent vegetation	Yes
Sustained grade of haul road <10%	Yes
Maximum grade of haul road <15% for no more than 300'	Yes
Outer slopes of haul road no steeper than 2:1	Yes
Outer slopes of haul road vegetated or otherwise stabilized	Yes
Detail drawings supplied for all stream crossings	N/A
Short-Term Stabilization/Grading And Temporary Vegetative Cover Plans	Yes
Long-Term Stabilization/Grading And Permanent Reclamation or Water Quality Remediation Plans	Yes

Identify and provide detailed explanation for any "N" or "N/A" response(s):
No anti-seep collar used in construction
Receiving water is not PWS
No stream crossings

Pollution Abatement & Prevention (PAP) Plan Review Checklist

General Information:	Please select one:
PE Seal with License #	Yes
Name and Address of Operator	Yes
Legal Description of Facility	Yes
Name of Company	Yes
Number of Employees	Yes
Products to be Mined	Yes
Hours of Operation	Yes
Water Supply and Disposition	Yes

Maps:	Please select one:
Topographic Map including Information from Part XIII (a) " (o) of this Application	Yes
1" " 500" or Equivalent Facility Map including Information from Part XIV of this Application	Yes

Detailed Design Diagrams:	Please select one:
Plan Views	Yes
Cross-section Views	Yes
Method of Diverting Runoff to Treatment Basins	Yes
Line Drawing of Water Flow through Facility with Water Balance or Pictorial Description of Water Flow	Yes

Narrative of Operations:	Please select one:
Raw Materials Defined	Yes

Narrative of Operations:	Please select one:
Processes Defined	Yes
Products Defined	Yes

Schematic Diagram:	Please select one:
Points of Waste Origin	Yes
Collection System	Yes
Disposal System	Yes

Post Treatment Quantity and Quality of Effluent:	Please select one:
Flow	Yes
Suspended Solids	Yes
Iron Concentration	Yes
pH	Yes

Description of Waste Treatment Facility:	Please select one:
Pre-Treatment Measures	Yes
Recovery System	Yes
Expected Life of Treatment Basin	Yes
Measures for Ensuring Access to All Treatment Structures and Related Appurtenances including Outfall Locations	Yes
Schedule of Cleaning and/or Abandonment	Yes

Other:	Please select one:
Precipitation/Volume Calculations/Diagram Attached	Yes
BMP Plan for Haul Roads	Yes
Measures for Minimizing Impacts to Adjacent Stream (e.g., Buffer Strips, Berms)	Yes
Measures for Ensuring Appropriate Setbacks are Maintained at All Times	Yes
Methods for Minimizing Nonpoint Source Discharges	Yes
If Chemical Treatment Used, Methods for Ensuring Appropriate Dosage	Yes
Facility Closure Plans	No
PE Rationale(s) For Alternate Standards, Designs or Plans	No

Identify and provide detailed explanation for any ﷿N﷿ or ﷿N/A﷿ response(s):
No foreseeable closure in this permit period
No reason for alternative standards

Pollution Abatement & Prevention (PAP) Plan

Is this a coal mining operation regulated by ASMC?
No

PAP Plan (non-coal mining facilities)
20240528 PAP_Signed.pdf - 05/29/2024 07:59 AM
Comment
NONE PROVIDED

Professional Engineer (PE)

Registration License Number
24462

Professional Engineer

Prefix
Mr.

First Name	Last Name
Jon	Rasmussen

Title
Professional Engineer

Organization Name
Flood-Con, LLC

Phone Type	Number	Extension
Business	2058749444	1

Email
jonr@flood-con.com

Address

209 Oxmoor Cir Suite 710

Homewood, AL 35209

Information for the Applicant

Please read the following information and acknowledge below:

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

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

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

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

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

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

Acknowledgement
I acknowledge I have read and understand the information above.

Additional Attachments

Additional Attachments
NONE PROVIDED
Comment
NONE PROVIDED

Application Preparer

Application Preparer

Prefix
Mrs.

First Name	Last Name
Kate	Keeton

Title
General Manager

Organization Name
Spectrum Environmental Inc.

Phone Type	Number	Extension
Mobile	205-979-7788	

Email
kkeeton@specenviro.com

Address
85 Spectrum Cove
Alabaster, AL 35007

Fees Assessed

The following itemized fees have been assessed in accordance with Fee Schedule D and 335-1-6-.04(a) of ADEM Admin. Code Division 1 regulations based on the information provided in this application.

If the correct fees are not displayed, please contact your permit engineer PRIOR to submitting the form. Do NOT answer questions erroneously in order to have the correct fee assessed.

Mineral/Resource Extraction Mining, Storage Transloading, Dry Processing:
5820

Fee

Fee
5820

Revisions

Revision	Revision Date	Revision By
Revision 1	4/10/2024 9:57 AM	Ryan Cothern
Revision 2	4/8/2025 9:08 AM	Theron Binford
Revision 3	5/19/2025 9:12 AM	Stacia Keeton

Agreements and Signature(s)

SUBMISSION AGREEMENTS

- ☑ I am the owner of the account used to perform the electronic submission and signature.
- ☑ I have the authority to submit the data on behalf of the facility I am representing.
- ☑ I agree that providing the account credentials to sign the submission document constitutes an electronic signature equivalent to my written signature.
- ☑ I have reviewed the electronic form being submitted in its entirety, and agree to the validity and accuracy of the information contained within it to the best of my knowledge.

Professional Engineer (PE)

A detailed, comprehensive Pollution Abatement & Prevention (PAP) Plan must be prepared, signed, and certified by a professional engineer (PE), registered in the State of Alabama, and the PE must certify as follows: "I certify under penalty of law that the technical information and data contained in this application, and a comprehensive Pollution Abatement & Prevention (PAP) Plan, including any attached SPCC plan, maps, engineering designs, etc. acceptable to ADEM, for the prevention and minimization of all sources of pollution in stormwater and authorized related process wastewater runoff has been prepared under my supervision for this facility utilizing effective, good engineering and pollution control practices and in accordance with the provisions of this Permit, and ADEM Admin. Code Division 335-6, including Chapter 335-6-9 and Appendices A & B. If the PAP Plan is properly implemented and maintained by the Permittee, discharges of pollutants can reasonably be expected to be effectively minimized to the maximum extent practicable and according to permit discharge limitations and other permit requirements. The applicant has been advised that appropriate pollution abatement/prevention facilities and structural & nonstructural management practices or Department approved equivalent management practices as detailed in the PAP Plan must be fully implemented and regularly maintained as needed at the facility in accordance with good sediment, erosion, and other pollution control practices, permit requirements, and other ADEM requirements to ensure protection of groundwater and surface water quality."

Signed By Jon Rasmussen on 07/07/2025 at 8:47 AM

Responsible Official

This application must be signed and initialed by a Responsible Official of the applicant pursuant to ADEM Admin. Code Rule 335-6-6-.09 who has overall responsibility for the operation of the facility. I certify under penalty of law that this document, including technical information and data, the PAP Plan, including any SPCC plan, maps, engineering designs, and all other attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the PE and other person or persons under my supervision who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations. A comprehensive PAP Plan to prevent and minimize discharges of pollution to the maximum extent practicable has been prepared at my direction by a PE for this facility utilizing effective, good engineering and pollution control practices and in accordance with the provisions of ADEM Admin. Code Division 335-6, including Chapter 335-6-9 and Appendices A & B, and information contained in this application, including any attachments. I understand that regular inspections must be performed by, or under the direct supervision of, a PE and all appropriate pollution abatement/prevention facilities and structural & nonstructural management practices or Department approved equivalent management practices identified by the PE must be fully implemented prior to and concurrent with commencement of regulated activities and regularly maintained as needed at the facility in accordance with good sediment, erosion, and other pollution control practices and ADEM requirements. I understand that the PAP Plan must be fully implemented and regularly maintained so that discharges of pollutants can reasonably be expected to be effectively minimized to the maximum extent practicable and according to permit discharge limitations and other requirements to ensure protection of groundwater and surface water quality. I understand that failure to fully implement and regularly maintain required management practices for the protection of groundwater and surface water quality may subject the Permittee to appropriate enforcement action." "I certify that this form has not been altered, and if copied or reproduced, is consistent in format and identical in content to the ADEM approved form." "I further certify that the discharges described in this application have been tested or evaluated for the presence of non-stormwater discharges and any non-mining associated beneficiation/process pollutants and wastewaters have been fully identified." "I acknowledge my understanding that I may be required to obtain a permit from the ADOL." "I acknowledge my understanding that if the proposed activities will be conducted in or potentially impact waters of the state or waters of the US (including wetlands), that I may be required to obtain a permit from the USACE."

Signed By Tammy Hammonds on 07/07/2025 at 7:40 AM

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

Outfall E/P	Information Source - # of Samples	Flow (cfs)	Flow (gpd)	Frequency (hours/day)	Frequency (days/month)	Sum/Win Temp, (°C)	pH (s.u.)	BOD5 (lbs/day)	TSS (lbs/day)	Tot Fe (lbs/day)	Tot Mn (lbs/day)	Tot Al (lbs/day)
002E	BPE-1	0.06	38,779	24/7	30/12	Ambient	6.7	0.32	11.34	0.52	0.12	N/A

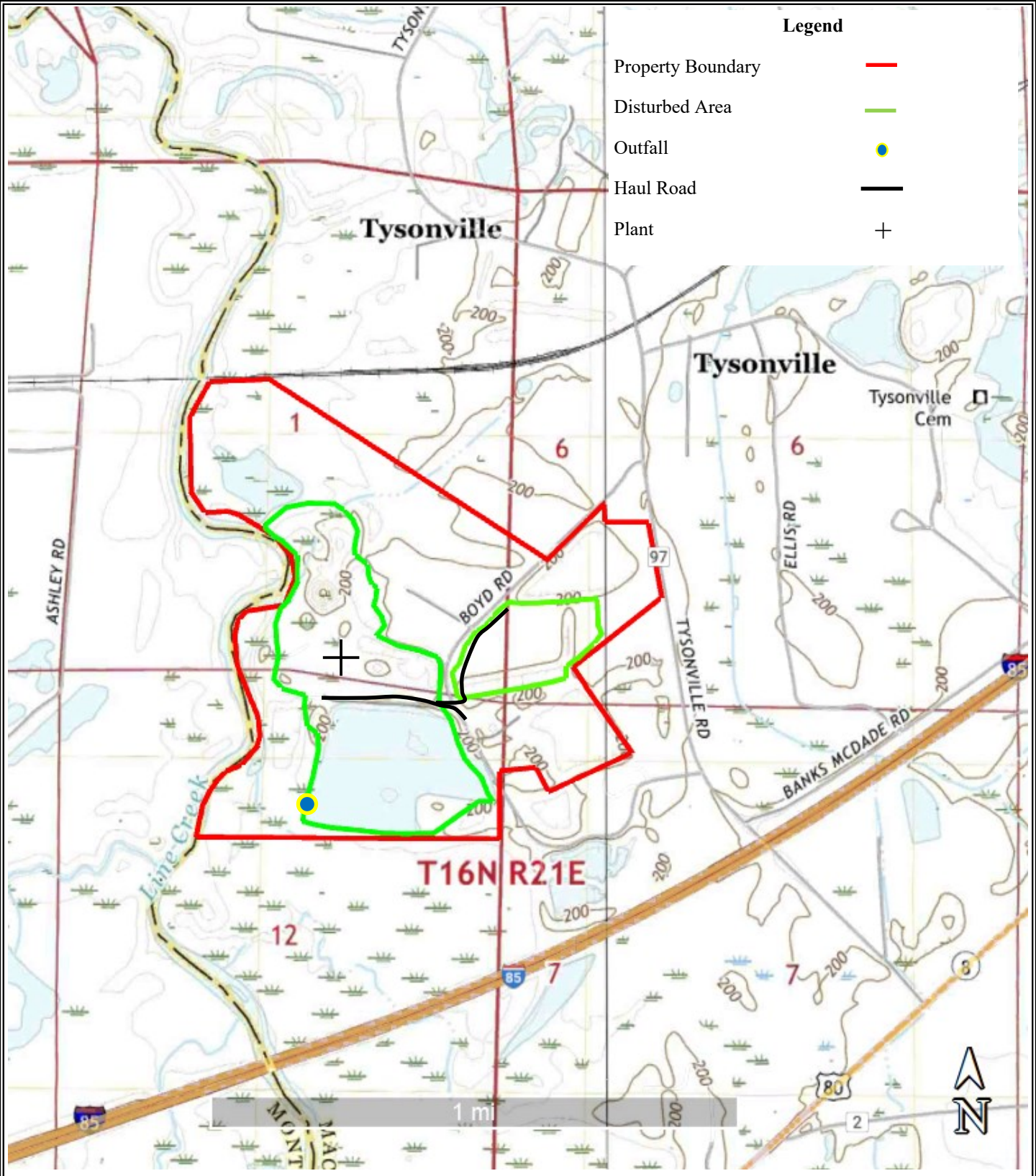
The applicant is required to supply outfall number(s) as it appears on the map(s) required by this application [if this application is for a modification to an existing permit do not change the numbering sequence of the permitted outfalls], describe each, (e.g., pipe, spillway, channel, tunnel, conduit,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

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

Outfall	Discharge structure Description	Description of Origin of pollutants	Surface Discharge	Groundwater Discharge	Wet Prep -Other Production Plant	Pumped or Controlled Discharge	Low Volume STP
002E	Pipe/Spillway	6, 8, 9	Yes	Yes	Wet Prep	N/A	N/A

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

Outfall E/P	Reason Believed Present	Information Source - # of Samples								
			lbs/day	mg/L	lbs/day	mg/L	lbs/day	mg/L	lbs/day	mg/L
002E	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA



Source: Image courtesy of Google Earth

NO.	DATE	REVISION NOTE	BY

Drawn By: RC	Client #: 3372
Checked By: RC	Date: 5/3/24
Project Mgr.: RC	Project #: 3372-006

SPECTRUM
Solutions to Your Environmental Challenges
85 Spectrum Cove
Alabaster, AL 35007
O - 205-664-2000
F-205-664-2142

TITLE

Figure 1 — Site Location Map (topo)
Foley Materials Company
Thomas Mine
NPDES #AL0076091
Macon County, Alabama

Source: Image courtesy of ESRI.

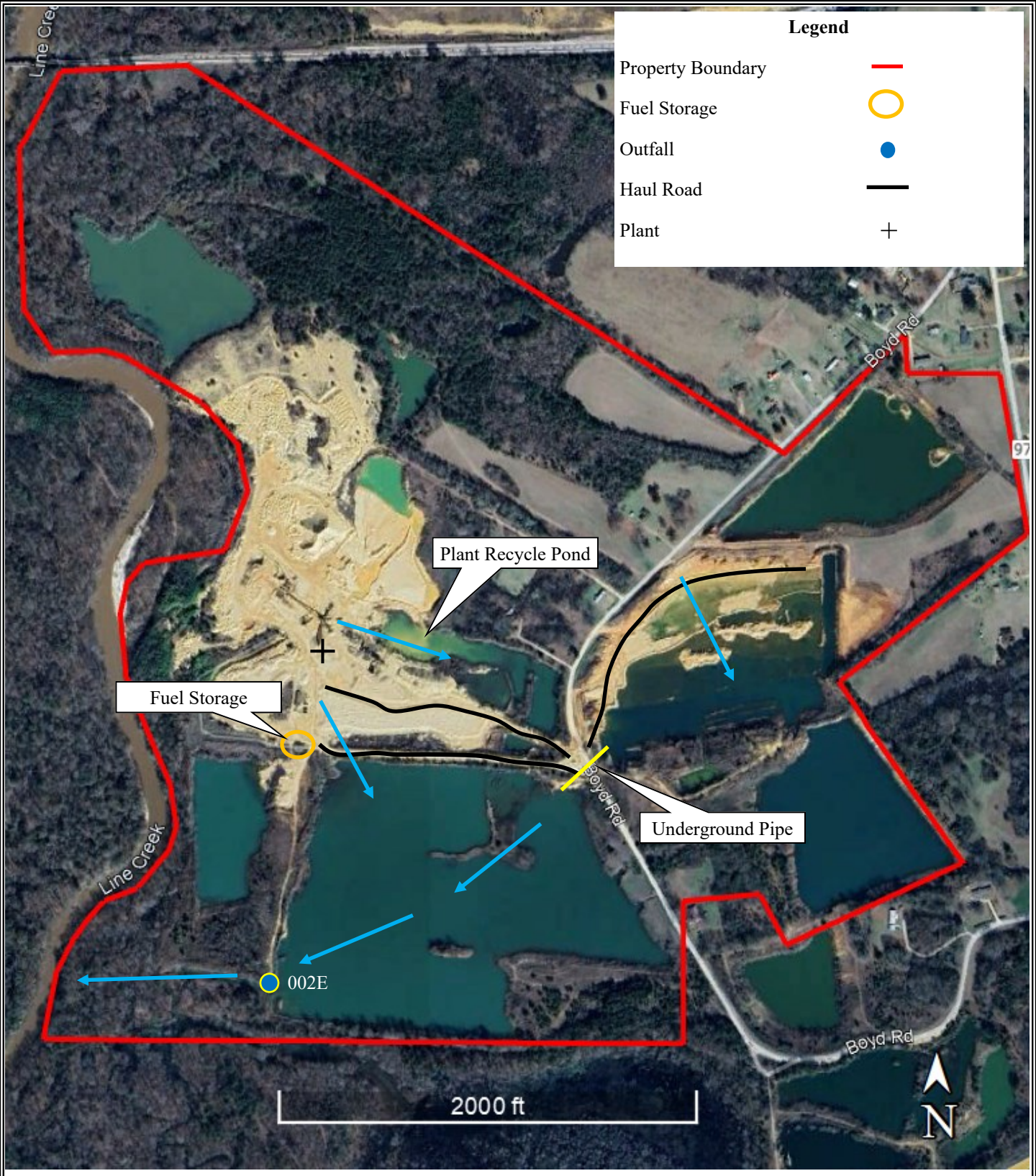
NO.	DATE	REVISION NOTE	BY

Drawn By: RC	Client #: 3372
Checked By: RC	Date: 5/3/24
Project Mgr.: RC	Project #: 3372-006

SPECTRUM
Solutions to Your Environmental Challenges
85 Spectrum Cove
Alabaster, AL 35007
O - 205-664-2000
F-205-664-2142

TITLE

Figure 2 — Facility Detail Map
Foley Materials Company
Thomas Mine
NPDES #AL0076091
Macon County, Alabama



Source: Image courtesy of ESRI.

NO.	DATE	REVISION NOTE	BY

Drawn By: RC	Client #: 3372
Checked By: RC	Date: 5/3/24
Project Mgr.: RC	Project #: 3372-006

SPECTRUM
Solutions to Your Environmental Challenges
85 Spectrum Cove
Alabaster, AL 35007
O - 205-664-2000
F-205-664-2142

TITLE

Figure 3 — Water Management
Foley Materials Company
Thomas Mine
NPDES #AL0076091
Macon County, Alabama

Will Foley
Executive Manager
1030 1st Avenue
Columbus, GA 31901

Michael Lach
Chief Operating Officer
1030 1st Avenue
Columbus, GA 31901

Tammy Hammonds
Chief People Officer
1030 1st Avenue
Columbus, GA 31901

SPECTRUM

Solutions to Your Environmental Challenges

Spill Prevention Control and Countermeasures Plan
Thomas Mine
751 Boyd Road
Shorter, Alabama

Prepared For:

Foley Materials Company
P.O. Box 2447
Columbus, GA 31902

Original SPCC Plan Prepared by Larry E. Speaks & Associates, Inc, Dated December 2013

New Update and Assembly by:

Spectrum Environmental, Inc.
22678 Hwy 59
Robertsdale, Alabama 364567
(251) 923-4352

InSite Engineering, LLC
5800 Feldspar Way
Hoover, Alabama 35244
(205) 733-9696

Report Issuance Date: April 15, 2025
Report Expiration Date: April 15, 2030

Spectrum Project Number:
390-006

TABLE OF CONTENTS

ENGINEER'S CERTIFICATION

I hereby certify that I am familiar with the requirements of 40 CFR 112 and that I or my agent have visited and examined the facility. This Plan has been prepared in accordance with good engineering practices, including consideration of applicable industry standards, and in accordance with the requirements of 40 CFR 112. Procedures for required inspections and testing have been included in this Plan. This Plan is adequate for the facility.

John Jett, P.E.
Printed Name of Registered Professional Engineer

Signature of Registered Professional Engineer

Date: 4/15/2025 Registration No. 39067-E State: Alabama

MANAGEMENT ENDORSEMENT

This Spill Prevention, Control, and Countermeasure Plan for Thomas Mine has my full endorsement and I am at a level of authority to commit the necessary resources to implement this Plan as herein described.

Michael Lach
Chief Operating Officer
Foley Materials Company

04/16/2025
Date

40 CFR PART 112 – CROSS-REFERENCE TABLE

Final SPCC Rule	Description of Section	Location in Plan (Section)
§ 112.3(d)	Professional Engineer certification.	Engineer's Certification, pg. 3
§ 112.3(e)	Facility maintains copy of plan.	1.0
§ 112.4(a)	Submittal requirements to the regional administrator.	4.1
§ 112.5(a)	Updating requirements.	4.1
§ 112.5(b)	Less than five year-old plan.	4.1
§ 112.7	Cross-reference table to the parts of the regulation.	Cross-Reference Table, pg. 3
§ 112.7	Facility management signature.	Management Endorsement, pg. 3
§ 112.7(a)(1,2)	Conformance with the regulations, details on equivalent environmental protection.	4.2
§ 112.7(a)(3)	Plot plan showing the location and contents of each container, exempted underground storage tank, piping, and transfer station.	Figure 3
§ 112.7(b)	Discharge from equipment failure.	5.6
§ 112.7(c)	Secondary containment.	5.4
§ 112.7(d)	Contingency planning.	NA
§ 112.7(e)	Inspections, tests, and records.	5.7
§ 112.7(f)(1)	Personnel training program requirements.	4.4
§ 112.7(f)(2)	Accountability for discharge prevention.	1.0
§ 112.7(g)	Security (excluding oil production facilities).	4.5
§ 112.7(h)	Loading/unloading.	5.3
§ 112.7(i)	Brittle fracture evaluation requirements.	NA
§ 112.7(j)	Conformance with State requirements.	4.2
§ 112.8(b)	Facility drainage.	2.0
§ 112.8(c)	Bulk storage containers.	5.2
§ 112.8(d)	Facility transfer operations, pumping, and facility process.	5.0

NA = Not Applicable

1.0 INTRODUCTION

The Oil Pollution Prevention regulations, administered under the authority of the U.S. Environmental Protection Agency (EPA), require certain facilities to prepare and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan to reduce or eliminate oil discharges to navigable waters of the United States. This SPCC plan documents regulated containers at a facility and the inspection, testing, and maintenance procedures for those containers. Emergency response actions are also defined in this Plan.

This document is the SPCC Plan (or Plan) for Thomas Mine located in Shorter, Alabama. The Plan has been prepared in accordance with Title 40 of the Code of Federal Regulations (CFR) Part 112 or 40 CFR 112. This Plan includes references to industry standards that apply to containers at the facility, and has been certified by a Professional Engineer registered in the State of Alabama.

The facility uses various oils and petroleum products in the maintenance and operation of their on-site equipment. According to 40 CFR 112, oil and petroleum oil are defined as follows:

- Oil - oil of any kind or in any form, including, but not limited to: fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and, other oils and greases, including petroleum, synthetic oils, or oil mixed with wastes other than dredged spoil.
- Petroleum oil - petroleum in any form, including but not limited to crude oil, fuel oil, mineral oil, sludge, oil refuse, and refined products.

The Facility contacts for the spill response procedures are located in section 4-8, Table 4.2. Mitch Yarger, Plant Manager, is accountable for discharge prevention and maintaining this Plan. A copy of this Plan is maintained at the facility. All oil and petroleum oil product handling personnel are familiar with the contents of this Plan and are routinely updated in accordance with the training requirements of this Plan.

Section 2.0 describes Thomas Mine and its oil and petroleum oil product storage containers; Section 3.0 describes the applicability of the SPCC regulations; Section 4.0 contains general plan requirements; and Section 5.0 provides information on the regulated containers.

2.0 FACILITY DESCRIPTION

The Thomas Mine facility is located at 751 Boyd Road, Shorter, Alabama and occupies approximately 75 acres of property. The pit operation consists of excavating construction sand and gravel from the pit and transported to a prep plant where it is washed, graded and stockpiled. Water for the gravel washing operations is contained in sediment ponds constructed northwest of the prep plant. These ponds have been in use and were designed by others. During operation, normal working hours are from 7:00 AM to 4:00 PM, Monday through Saturday and the facility employees up to eight (8) people. For the purpose of fueling equipment Thomas Mine stores, dispenses fuel, and petroleum products at the facility. The facility handles, stores, uses petroleum products in the form of diesel fuel and new/used oils. Thomas Mine receives petroleum products by common carrier via tanker trucks and the petroleum products are stored in a variety of compatible containers including, 55-gallon plastic and/or metal drums and aboveground storage tanks (ASTs).

A site locator map is provided as Figure 1 and a site detail map (aerial photograph) is provided as Figure 2. General facility information is as follows:

Name of Facility	Thomas Mine
Type of Facility	Construction Sand & Gravel Mine
Facility Location	751 Boyd Road, Shorter, Alabama
Facility Owner	Foley Materials Company
Facility Operator	Foley Materials Company
Persons Responsible for SPCC Plan Implementation	Michael Lach
Responsible Persons Phone Number	Cell: 706-604-9911

Table 2-1 lists specific information for the SPCC-regulated oil containers at this facility, which are designed to operate at ambient temperatures and pressures. Thomas Mine facility maintains two (2) above ground storage tanks (AST) at its location.

Details of the SPCC-regulated containers are provided in the following table:

Table 2-1. SPCC-regulated Oil Container Information

Tank Description	*Capacity (gallons)*	*Number*	*Description*	*Contents*
Aboveground Storage Tank	10,000	1	Cylindrical/Metal	Diesel Fuel
Aboveground Storage Tanks	500	3	Rectangular/Metal	Used Oils
Drum	55	1	Cylindrical Metal	New/Used Oils

The transfering of fuels from the tanks to the vehicles and equipment is done by hoses from the tanks to a vehicles and equipment. Deliveries of fuel to the tanks is done through fill lines. Drips and minor spills during hose connections and minor spills at the dispensers are addressed with spill kits located in the area of the ASTs and dispensers.

Contour intervals found on the Brassell USGS Topographic Map shows slight decreases in elevation that slope towards the northwest. Surface water drainage patterns at this location would follow the naturally topography and therefore discharge toward Line Creek and unnamed tributaries of Line Creeks, which ultimately discharges into the Tallapoosa River. Spill trajectories are indicated on the facility diagram.

Any spill of petroleum products would be from overfills or mechanical failure of equipment associated with the storage tanks and dispensers. Any minor spills are covered with oil dry or similar materials as appropriate and properly disposed of in an approved manner

END OF SECTION

3.0 APPLICABILITY DETERMINATION

According to the applicability criteria contained in 40 CFR 112.1, a SPCC plan is required for Thomas Mine. Thomas Mine facility has aboveground oil storage with a capacity that totals more than 1,320 gallons in regulated containers. And the potential for oil discharges from the facility that could potentially reach navigable waters does exist. For these reasons, the facility must prepare an SPCC Plan.

40 CFR 112.20(f) requires that SPCC-regulated facilities determine their potential for substantial harm to the environment. If a facility poses a risk of substantial harm, it is required to prepare and file a Facility Response Plan with the EPA Regional Administrator. Thomas Mine is not required to prepare a Facility Response Plan because the facility does not transfer oil over water nor does the total oil storage capacity exceed 1 million gallons. As required by Appendix C of 40 CFR 112, the Certification of the Applicability of the Substantial Harm Criteria for Thomas Mine is included in Appendix A of this Plan.

END OF SECTION

4.0 GENERAL PLAN REQUIREMENTS

4.1 Plan Review and Submittal

This Plan must be reviewed and evaluated at least once every five (5) years. If there are any technical amendments to the Plan, then a Professional Engineer must re-certify the Plan. Technical amendments include changes to the Plan that require engineering practice such as physical modifications including the addition of new tanks or changes in facility procedures. If the changes are non-technical in nature (e.g., contact names, phone numbers, container identification numbers, etc.), then the facility owner may revise the Plan and indicate that no technical changes were made. This Plan must be amended within six months of the review if more effective, field-proven prevention and control technologies that would significantly reduce the likelihood of a discharge are available at the time of the review.

This Plan must be updated when there is a change in the facility design, construction, operation, or maintenance that materially affects its potential for a discharge. Examples of changes that may require amendment of the Plan include, but are not limited to: commissioning or decommissioning containers; replacement, reconstruction, or movement of containers; reconstruction, replacement, or installation of piping systems; construction or demolition that might alter secondary containment structures; changes of product or service; or revision of standard operation or maintenance procedures at a facility. An amendment made to the Plan must be prepared within six months, and implemented as soon as possible, but not later than six months following preparation of the amendment.

The completion of reviews and evaluations will be summarized and documented, and a statement as to whether the plan will be amended will be provided. Examples of Documentation of Plan Review and Record of Plan Revisions, respectively, are provided in Appendix B.

A report must be submitted to the EPA Regional Administrator and the Alabama Department of Environmental Management (ADEM) only if the facility has:

- Discharged more than 1,000 gallons of oil in a single discharge; or
- Discharged more than 42 gallons of oil in each of two discharges, occurring within any 12-month period.

40 CFR 112.4(a) lists the information that must be submitted to the EPA Regional Administrator no less than 60 days from the date of the discharge that required the submittal. The Regional Administrator or state agency may also require that the SPCC Plan be submitted.

4.2 Conformance with Federal and State Regulations

This Plan is in conformance with applicable federal and state oil discharge prevention regulations. Applicable federal regulations include 40 CFR 112 and 40 CFR 110 (also adopted by the ADEM). After review and evaluation of the site, it was determined that the Thomas Mine facility's use of containment structures, inspections, testing, as well as, readily available spill equipment to prevent discharged oil from reaching navigable waters, is practical and effective.

4.3 Procedures for Protection of Equipment

The diesel and other petroleum product tanks and dispensing equipment are of double wall construction and/or have secondary containment structures and have spill containment materials stored nearby.

4.4 Personnel Training

As required by 40 CFR 112.7(f) (1 and 3), the facility conducts annual training for site personnel who handle oils. The spill prevention and response training includes a review of this SPCC Plan.

The following training outline is used to provide the training:

- Review of SPCC Plan;
- Walk through on-site equipment fueling procedures;
- Manual check of tank level(s);
- Spill response materials;
- Review spill-reporting procedure; and
- Review inspection checklists.

Discharge prevention briefings for petroleum oil products handling personnel are conducted at least once a year or when there is a change in personel who handle oils to assure adequate understanding of the SPCC Plan for the facility. These briefings highlight and describe known discharges or failures, malfunctioning components, and any recently developed precautionary

measures. Petroleum oil product handling personnel also receive specific training in petroleum product handling procedures and equipment inspection and operation.

Training records are approved and maintained by the responsible official. Included in the documentation are the date of training, names and signatures of employees receiving training, and topics covered. An example training record is included in Appendix C.

4.5 Security

The entrance gates are locked and/or guarded when the area is unattended. The storage tanks shall remain locked when not in use. All loading/unloading connections shall have drip pans or other mechanisms in place so that minor spillages can be collected before reaching groundwater. Further, lighting must be sufficient to see potential leaks All insepctions and operations should be conducted in daylight hours.

4.6 Inspection and Testing Recordkeeping as per Industry Standards

In accordance with industry standards, Thomas Mine will maintain inspection and testing records for the aboveground storage tanks. Records of any certified tank inspections, as required, will be maintained for the life of the tank. As required by 40 CFR 112.7(e), the Facility maintains other periodic inspection records for three years. Inspection and testing procedures for each container are described in more detail in Section 5 of this Plan.

4.7 Spill History and Response

The site started its operations in 1996. However, no reportable oil or petroleum oil spill/release incidents have occurred at the facility in the last five (5) years. If a spill occurs, Thomas Mine personnel will follow the response, reporting, and cleanup procedures appropriate to the volume of the spill. Table 4-1 summarizes the response procedures for various spill scenarios. The Primary Spill Response Contacts and alternates have complete authority to commit all resources in the event of a spill (see Table 4-2). If none of the spill response contacts are available, Thomas Mine personnel should contact the appropriate personnel in the Shorter Fire Department (see Table 4-3).

Table 4-1 Spill Response and Cleanup Procedures

Spill Volume (gallons)	Response	Cleanup
Small (less than 1 gallon)	Spill kit, notify spill response contact	Dispose of response materials in accordance with regulations
Minor (between 1 and 25 gallons)	Spill kit, notify spill response contact, contact spill response contractor if needed	Dispose of response materials in accordance with regulations
Major (more than 25 gallons)	Notify spill response contact, stop and contain release if possible, call spill response contractor and Notify NRC.	Dispose of response materials in accordance with regulations

Table 4-2 Thomas Mine Spill Response Contacts

Name	Position/Title	Phone
Mitch Yarger	Plant Manager	513-504-0060
Michael Lach	Chief Operations Officer	706-604-9911
Spectrum Environmental	Spill Response Contractor	205-664-2000

Table 4-3 Other Spill Response Contacts

Agency	Phone
Alabama Emergency Management Agency	1-800-843-0699
Alabama Department of Environmental Management	334-271-7700
National Response Center	1-800-424-8802
U.S. EPA Region 4 (OSC)	1-800-562-9900
Shorter Fire Department	911 or 334-727-9190

In the event of a spill, personnel are trained to respond in a safe and effective manner. It is likely that employees will determine that a spill or release has occurred through visible signs, such as a substance on the ground or leaking out of a container, a visible sheen on the water, and/or through odor detection. While maintaining personal safety, the immediate objectives are stopping the release of the petroleum oil product and containing the release to prevent its migration to a pathway off the property. Any storm inlets in the immediate vicinity will be covered or adequately bermed to prevent product entry. Personal protective equipment shall be worn during all spill response efforts.

The following procedures will be followed:

- Small spills (1 gallon or less) of oil will be immediately cleaned up. The prompt correction of visible discharges from containers, including but not limited to seams, gaskets, piping, pumps, valves, rivets, and bolts, is required. Any accumulation of petroleum oil product will be removed promptly. The employee will notify the spill response contact(s) of any spills.

- In the event of a minor spill of petroleum oil product (between 1 and 25 gallons), the first employee on the scene will attempt to identify the source of the spill and the apparent rate of release. If the spilled quantity can be cleaned up immediately without assistance, the employee will take appropriate action to stop the release and contain the spilled substance. Containment of any oil spill will include surrounding the complete perimeter of the spill area with sorbent materials or other means of preventing flow. Special attention will be given to the storm conveyances, which will be protected using appropriate spill response materials. When the spill has been contained, the employee will notify the spill response contact(s). Notification will be made in person or by phone. If the spilled quantity of petroleum oil product can be cleaned up immediately without assistance from outside contractors, the spill response contact(s) will take appropriate action to stop, contain, and clean up the petroleum oil product. Materials used to clean up the spill will be properly disposed.

- If the spill volume is more than 25 gallons, the employee will take no action at the scene, but will immediately notify the spill response contact(s). Notification will be made in person or by phone. The spill response contact will direct efforts to stop and contain the spill, if possible. Special attention will be given to the storm water conveyances and will be protected using appropriate spill response materials. Water conveyances should be surrounded by or dammed with absorbent material to prevent the spill from entering storm water drains. If a spill were to reach the drainage ditch, sorbent boom should be deployed in the conveyance to prevent further downstream migration of the petroleum. Materials used to absorb petroleum should be stored in empty drums or segregated in an area of the facility not exposed to stormwater until proper disposal can be arranged.

If needed, the spill response contact(s) will call an emergency response contractor. The facility has the ability to engage an emergency response contractor to respond to significant spills, including those that require cleanup beyond routine operations. The emergency response contractor's personnel will determine the best absorbent material to use on liquids, clean up all impacted solids, place the materials into a waste container, and remove all materials from the property for appropriate disposal. The facility will keep copies of all waste manifests.

Spill equipment is located in key areas in the facility in proximity to the petroleum products stored at the facility. Appendix D includes a list of the typical materials contained within a spill kit. Dispersants or emulsifiers should not be used during response activities. All residual materials generated during spill response activities will be collected and disposed of in accordance with applicable regulations.

4.8 Spill Reporting

After a spill, Thomas Mine personnel will estimate the volume of material released and then follow the corresponding response actions as described above and detailed in Table 4-1. A summary of spill response procedures and a list of the spill response contacts are provided in Tables 4-1 and 4-2, respectfully.

A spill is deemed to be reportable to the National Response Center (NRC) if the discharge of petroleum oil product is in such a quantity that the EPA has determined may be harmful to the

public health or welfare or the environment. Discharges that are considered harmful by EPA include discharges of oil that: (a) Violate applicable water quality standards; or (b) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

The spill response contact will, as soon as they have knowledge of any reportable discharge of oil from the facility, immediately notify the NRC at 1-800-424-8802. Table 4-3 lists phone numbers for agencies that may need to be notified of spills, releases and other emergencies. The spill response contact will need to be ready to relate the following information:

- Name, location, organization and telephone number of the person submitting the report;
- Exact address or location and phone number of the responsible facility;
- Location of the incident;
- The date and time of the discharge;
- The type of material discharged;
- Estimates of the total quantity discharged;
- Estimates of the reportable quantity discharged;
- The source of the discharge;
- A description of all affected media;
- The cause of the discharge;
- Any damages or injuries caused by the discharge;
- Danger or threat posed by the discharge;
- Actions being used to stop, remove, and mitigate the effects of the discharge;
- Weather conditions at the incident location;
- Whether an evacuation may be needed;
- The names of individuals and/or organizations that have also been contacted; and
- Any other information that may help emergency personnel respond to the incident.

As soon as practicable after detection of a release of oil in excess of the threshold reporting quantity during any 24-hour period, the spill response contact will notify ADEM Montgomery Office (334-271-7700) and the primary public safety answering point via 911. The spill response contact will also notify the NRC and the Alabama Emergency Management Agency. The empirical volume of petroleum oil product that is the threshold reporting quantity used in the State of Alabama for releases to the ground surface is 25 gallons. For releases of petroleum oil product to the waters of the state, the threshold reporting quantity is any quantity that causes unnatural turbidity, color, visible sheens, oil films, foams, solids, or deposits in the receiving waterbody.

Within 10 days after a reportable release, the spill response contact will file a written report with the EPA Regional Administrator outlining the cause of the release, discovery of the release, and the response measures taken or a schedule for completion of measures to be taken, or both, to prevent recurrence of similar releases.

If a discharge of more than 1,000 U.S. gallons of oil in a single discharge, or discharges of more than 42 U.S. gallons of oil in each of two discharges, occur within any twelve month period, the facility will submit the following information in writing to the EPA Regional Administrator within 60 days from the time of the release that triggers the reporting threshold:

- Name of the facility;
- Name of the person submitting the report;
- Location of the facility;
- Maximum storage or handling capacity of the facility and normal daily throughput;
- Corrective action and countermeasures taken, including a description of equipment repairs and replacements;
- An adequate description of the facility, including maps, flow diagrams, and topographical maps, as necessary;
- The cause of such discharge, including a failure analysis of the system or subsystem in which the failure occurred;
- Additional preventive measures taken or contemplated to minimize the possibility of recurrence; and
- Such other information as the EPA Regional Administrator may reasonably require pertinent to the Plan or discharge.

An example spill or release report form is provided in Appendix E.

5.0 CONTAINER-SPECIFIC INFORMATION

The Thomas Mine facility maintains adequate surveillance of all areas so that any spill of petroleum oil product can be detected in a timely manner and procedures implemented to prevent discharges. Additionally, all use/operating areas and indoor oil storage areas are designed, constructed, maintained, and operated to prevent the release of petroleum oil products through catch basins, ditches, drains, or otherwise directly or indirectly into any public sewer system or to the surface water or groundwater.

General oil-handling procedures implemented, and equipment and structures present at the facility include:

- Manually operated drainage controls for containers, areas, and other significant potential sources of releases are provided;
- Double walled tanks are protected with berms or other devices;
- Filling of the storage tanks does not occur during periods of significant rainfall;
- Flow and drain valves and any other valves permitting direct outward flow of a container's contents to the surface have adequate security measures so that they remain in the closed position when in non-operating status;
- Power is turned off to the control panel of the ASTs during non-operational hours;
- The loading/unloading connections of piping and storage tanks are securely capped or sealed when not in service;
- Pipe supports are designed to minimize abrasion and corrosion and allow for expansion and contraction;
- All aboveground valves, piping and appurtenances are regularly inspected;
- All vehicles entering the facility are warned to be sure that no vehicle will endanger storage tanks, fuel dispensers, or oil transfer operations.
- Safety posts, barriers or fences are installed around high risk areas to help eliminate accidental spills due to operator error;
- Legible and visible signs and labels are used throughout the facility to prevent releases; and;
- Containers are labeled accurately to assist personnel in identifying the type of material released.

5.1 Storage Containers

Thomas Mine facility maintains two (2) above ground storage tanks (AST) at its location. The tanks are visually inspected at least monthly. The 10,000 gallon fuel tank is equipped with a direct-reading level gauge and all other ASTs are manually gauged for volume before any deliveries are made. The tanks and dispensing equipment is located in areas protected from vehicular traffic by

a concrete secondary containment. Spills or leaks from the containers at the facility are contained by secondary containment and spill kit materials stored in the facility. Only authorized personnel are permitted to deliver or remove materials from the containers. The areas of storage are officially inspected for spills or leaks on at least a monthly basis, but are visually inspected on a daily basis due to their location at the point of use.

5.2 Thomas Mine Fuel Transfer Operations

When the facility is in operation, it periodically receives shipments of oils including fuels, motor oils, and hydraulic oils. Fuels are received in bulk, while oils are generally received in 5-gallon or smaller containers. The bulk shipments are received in tanker trucks or refuel trucks, and products are directly pumped from the delivery vehicle to ASTs. Facility management ensures that vendors understand the site layout and know the protocol for entering the facility and loading/unloading product. The truck loading and unloading procedures meet the minimum requirements of the U.S. Department of Transportation. Fuel delivery occurs only during normal business hours on an as-needed basis. Facility fuel loading/unloading procedures require:

- A facility employee must be present at all times to supervise fuel delivery operations;
- Spill response materials are readily available;
- A drip pan be placed beneath the hose connection to the truck;
- Facility employees must inspect the truck hose, lowermost drain, and all outlets for deficiencies, cleanliness, leaks and proper connection prior to filling;
- An interlocked warning light or physical barrier system, warning signs, wheel chocks, or vehicle brake interlock system is provided at loading/unloading areas to prevent vehicles from departing before complete disconnection of flexible or fixed transfer lines;
- Thomas Mine employees look for and contains leaks during transfer;
- Any spills that occur during fuel off-loading is the responsibility of the delivery company; and
- When fuel transfer operations are complete, Thomas Mine personnel must verify that the lower truck drain is closed and that the transfer lines are properly disconnected. Prior to departure of any tank truck, the lowermost drain and all outlets of the vehicle are inspected for leaks, and if necessary, drains and outlets are tightened, adjusted, or replaced to prevent liquid discharge while in transit. Facility personnel then escort the truck off property.

Before the transfer of fuel begins, facility personnel manually or electronically gauge the tank level to verify available tank volume. A summary of this procedure is available as Appendix F. Copies of Appendix F should be available at the fuel storage area for a checklist for each delivery of fuel.

Records of all fuel receipts are maintained in the Thomas Mine office and a fuel inventory record is completed (Appendix G). Although not required by the regulations, fuel inventory records are maintained when the tank level is checked or when fuel is received.

5.3 Secondary Containment

Active containment measures are utilized to meet the requirements of 40 CFR 112.7(c). All tanks will be double walled or secondary containment will be provided. Secondary containment structures shall have the storage capacity to hold 110% of the volume of the largest tank with 1.0 feet of freeboard. The calculated secondary containment volumes are shown below in Table 5-1:

Table 5-1 Container and Containment Information

Storage Tank	***Secondary Containment***	***Containment Dimensions***	***Containment Volume***	***Percent Single Largest Tank***
10,000-gallon Equipment Fuel	Metal Double Wall	*Note 1	1470 ft^3 11000 gallons	110%
	Concrete	30’ X 20’ X 3’	1800 ft^3 13,464 gallons	134%
500-gallon new/used oil	Concrete	30’ X 20’ X 3’	1800 ft3 13,464 gallons	2,692%
55-galon Drum	Concrete	30’ X 20’ X 3’	1800 ft3 13,464 gallons	24,480%

Note 1: These tanks are of double-wall construction and provide intrinsic secondary containment for 110 percent of the tank capacity.

5.3.1 Secondary Containment Discharge (40 CFR 112.S(c)(3))

- The secondary containment systems will collect storm water and will only be drained by the use of a manually operated valve, which will allow the condition of the accumulation to be examined for the presence of oil prior to discharge.
- The drainage valves shall be secured in the off position when in non-operating or non-standby status.
- The secondary containment drainage will only be only performed under responsible supervision.
- Adequate records will be kept for all drainage events.

5.4 Overfill Protection

Under 40 CFR 112.8(c)(8) each bulk storage container must be equipped with a device or a specific procedure to prevent overfilling. The 10,000 gallon fuel tank is equipped with a direct-reading level gauge. The fuel delivery truck is equipped with a mechanical shut-off valve which limits the filling of the tank to 95% of its capacity. Further, all other ASTs are manually gauged prior to filling.

5.5 Potential Spill Scenario

A prediction of the direction, rate of flow, and total quantity of oil that could be discharged from the bulk storage tanks as a result of failure is provided in Table 5-2 and described below. A release from the storage tanks would first be contained within the secondary containment and would be visually detected. Fuel transfer and spill response procedures significantly reduce the impact of a spill at Thomas Mine.

Minor spills from disconnection of hoses, hose or fitting leakage or failure, overfilling of the tanks or drums and dispensing errors may occur. The amount of oil spilled may range up to 10 gallons. These types of spills would normally be limited to the immediate area and could be cleaned up by facility personnel or contractors.

As a worst-case scenario, it is assumed that a tank delivery truck (estimated 8,000-gallon capacity) is transferring fuel to the tanks and the refueling line ruptures. Allowing time for the spilled fuel to flow over ground, and, accounting for Thomas Mine personnel response time, it is estimated that one-tenth of the probable spilled amount (800 gallons) could reach the UT to Line Creek.

From the point where the fuel tank is located to the bank of the UT is approximately 2500 feet. Early response will minimize the chance of a release reaching the UT and if it does, boom placed in the conveyance would limit its movement.

Table 5-2. Spill Prediction Information for Bulk Storage Tanks

Container ID	Material	Location	Capacity (gallons)	Type of Failure	Maximum Release (gallons)	Direction of Flow	Containment
Equipment Fuel	Diesel	Office	10,000	AST primary and secondary containment wall rupture or leak	1 to 10,000	Toward onsite settling pond	Double Walled Tanks/ Concrete Secondary Containment Structure
Equipment Fuel	Used Oil	Office	500	AST primary and secondary containment wall rupture or leak	1 to 500	Toward onsite settling pond	Concrete Secondary Containment Structure
Equipment Fuel	New/Used Oil	Office	55	AST primary and secondary containment wall rupture or leak	1 to 55	Toward onsite settling pond	Concrete Secondary Containment Structure

5.6 Inspections and Testing

This plan requires monthly visual inspections of the facility. A form to be used for completing inspections is provided in Appendix H and records of inspections must be kept for three years. The scope of the monthly inspection must consist of the following:

- Inspect exterior surfaces of equipment for leaks and maintenance deficiencies;
- Identify cracks, areas of wear, corrosion and thinning, poor maintenance and operating practices, malfunctioning equipment; and
- Measure fuel levels in all ASTs manually on a monthly basis. Should routine inspections or irreconcilable product shortages in the ASTs indicate that a problem might exist, the Plant Manager or Responsible Official should arrange for tank testing to be performed.

5.6.1 Tank and Piping

Facility personnel conduct visual inspections of the storage containers, tank supports, transfer piping, valves, meters, and controls to ensure proper operation. Routine daily inspections are performed during normal business activities and documented visual inspections are performed monthly or when repairs are made. Table 5-3 summarizes inspections performed on bulk petroleum oil storage containers. Inspection records relating to oil storage and handling are maintained as described in Section 4.6.

Piping leaks account for a majority of releases from oil storage systems. There is no oil-containing piping at the facility.

Records are maintained of all inspections and testing as described in Section 4.6.

5.6.2 Spill Response Equipment

Spill response equipment is located in the office on site. The inventory will be verified on a monthly basis and replenished as needed. Special care will be taken to insure that equipment and supplies used during an emergency response are restocked or returned following use. Any equipment that comes into contact with oil will be cleaned before being placed back into storage.

5.6.3 Records of Preventive Maintenance

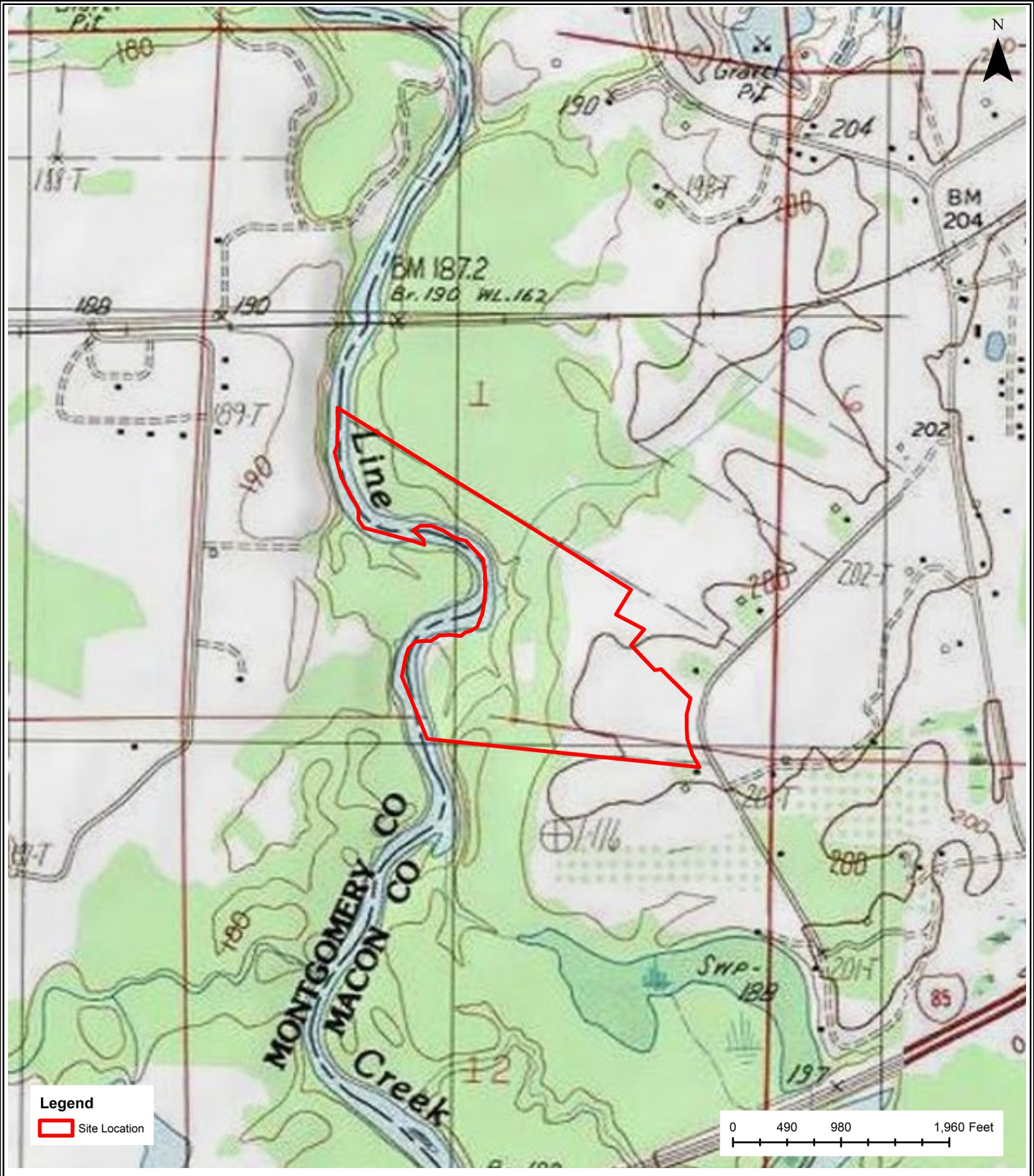
The storage containers are maintained in accordance with manufacturer's recommendations. A record of repairs, formal inspections, or any other activity will be generated and retained for a minimum of three years at the facility.

Table 5-2. Scope and Frequency of Storage Container Inspections and Tests

Container ID	Material in AST	Volume (gal)	Sits on ground or supports	All sides visible	Inspection Type	Periodic visual inspections by owner's inspector
Equipment Fuel Tank	Diesel	10,000	Supports	Yes	Visual*	Monthly*
New/Used Oil	Used Oil	500	Supports	Yes	Visual*	Monthly*
Drums	New/used Oils	55	Supports	Yes	Visual*	Monthly*

* Inspection and testing schedule taken from the Steel Tank Institute (STI) Standard SP001 for storage tanks and containers.

FIGURES



Source: Image courtesy of ESRI.

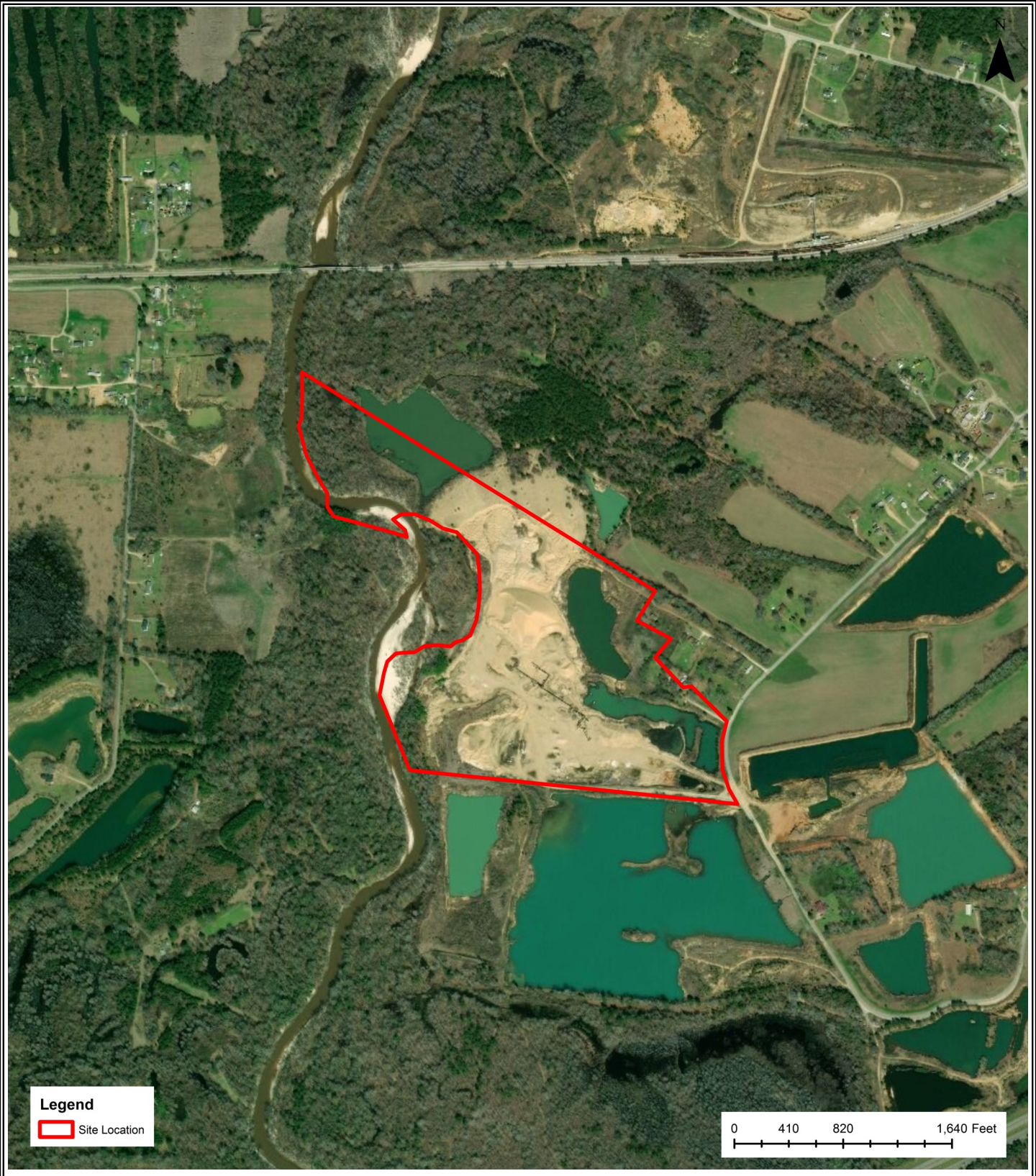
NO.	DATE	REVISION NOTE	BY

Drawn By:	Client #:
AH	C000390
Checked By:	Date:
JC	4/11/2025
Project Mgr.:	Project #:
TB	390-006

SPECTRUM
Solutions to Your Environmental Challenges
85 Spectrum Cove
Alabaster, AL 35007
O - 205-664-2000
F-205-664-2142

TITLE

Figure 1 — Site Location Map (topo)
Foley Materials Company
Thomas Mine
NPDES #AL0076091
Macon County, Alabama



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Drawn By:	Client #:
AH	C000390
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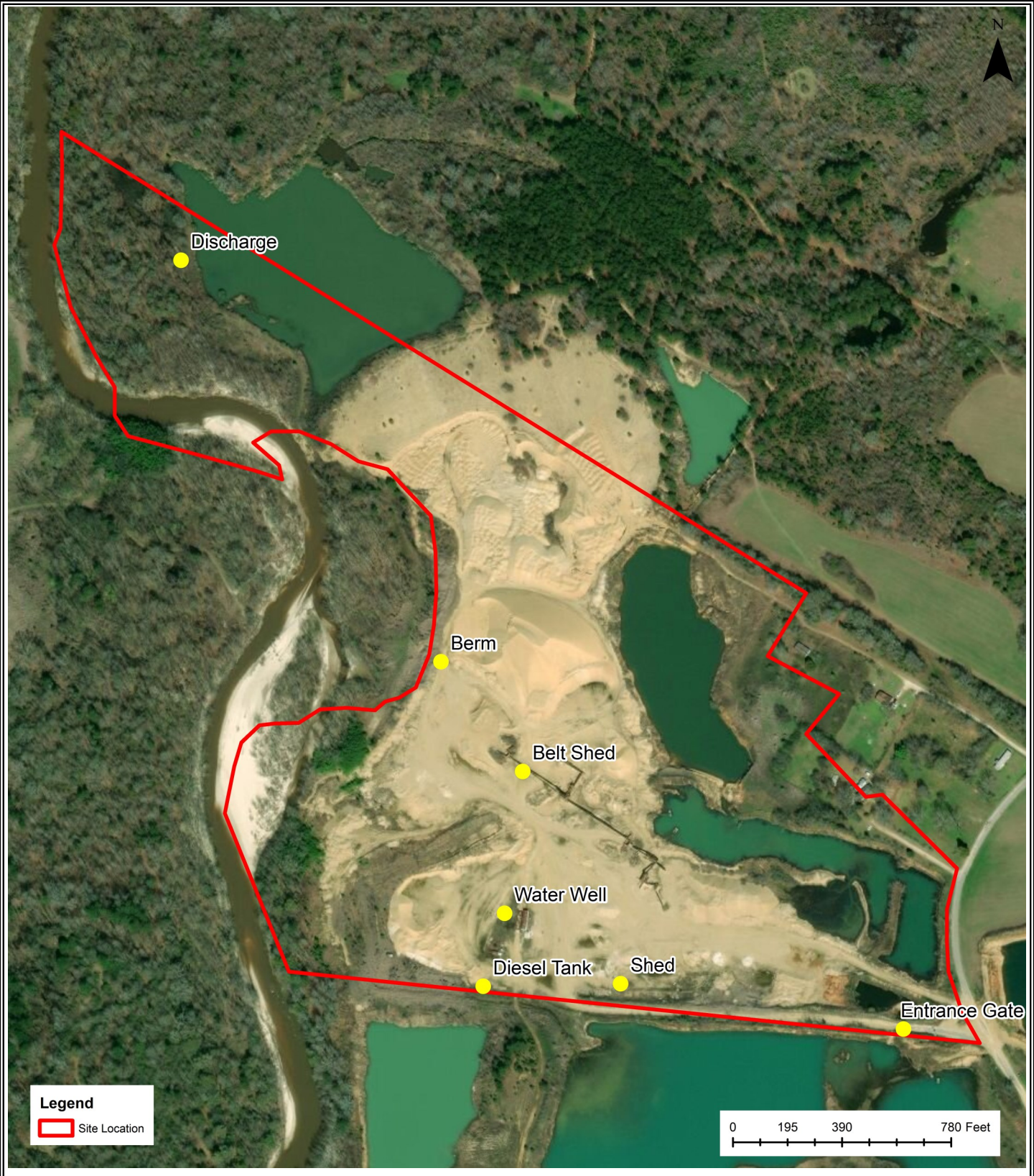
Alabaster, AL 35007
O - 205-664-2000
F-205-664-2142

TITLE

Figure 2 — Site Location Map (aerial)
Foley Materials Company
Thomas Mine
NPDES #AL0076091
Macon County, Alabama



Source: Image courtesy of ESRI.

NO.	DATE	REVISION NOTE	BY

Drawn By: AH	Client #: C000390
Checked By: JC	Date: 4/11/2025
Project Mgr.: TB	Project #: 390-006

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85 Spectrum Cove
Alabaster, AL 35007
O - 205-664-2000
F-205-664-2142

TITLE

Figure 3 — Points of Interest
Foley Materials Company
Thomas Mine
NPDES #AL0076091
Macon County, Alabama

APPENDIX A

CERTIFICATION OF THE APPLICABILITY OF THE SUBSTANTIAL HARM CRITERIA

FACILITY OWNER CERTIFICATION OF THE APPLICABILITY OF THE SUBSTANTIAL HARM CRITERIA

FACILITY NAME: THOMAS MINE
FACILITY ADDRESS: 751 BOYD ROAD
SHORTER, ALABAMA

1. Does the facility transfer oil over water to or from vessels and does the facility have a total oil storage capacity greater than or equal to 42,000 gallons?
   Yes ____ No X

2. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and does the facility lack secondary containment that is sufficiently large to contain the capacity of the largest aboveground oil storage tank plus sufficient freeboard to allow for precipitation within any aboveground oil storage tank area?
   Yes ____ No X

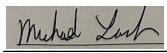
3. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III to 40 CFR 112 or a comparable formula) such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments?
   Yes ____ No X

4. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III to this appendix or a comparable formula 1) such that a discharge from the facility would shut down a public drinking water intake 2?
   Yes ____ No X

5. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and has the facility experienced a reportable oil discharge in an amount greater than or equal to 10,000 gallons within the last 5 years?
   Yes ____ No X

CERTIFICATION

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED IN THIS DOCUMENT, AND THAT BASED ON MY INQUIRY OF THOSE INDIVIDUALS RESPONSIBLE FOR OBTAINING THIS INFORMATION, I BELIEVE THAT THE SUBMITTED INFORMATION IS TRUE, ACCURATE, AND COMPLETE.

SIGNATURE: DATE: 
NAME: MICHAEL LACH
TITLE: COO

APPENDIX B

RECORDS OF PLAN REVIEW AND REVISION

DOCUMENTATION OF PLAN REVIEW

Date	Employee Name (Printed)	Revision Required?	Comments	Signature/Title/Date[1]

[1] I have completed a review and evaluation of the SPCC Plan for the Thomas facility on the date indicated, and will or will not revise the Plan as indicated.

RECORD OF PLAN REVISIONS

Date	Revision Number	Revision Author	Nature of Change	Re-certification Needed?	Revision Authorized By	Revision Approved By

APPENDIX C

EXAMPLE SPCC TRAINING RECORD

EXAMPLE EMPLOYEE TRAINING RECORD

TYPE OF TRAINING: _____

DATE OF SESSION: _____ **TIME:** _____

TRAINER : _____ _____

(PRINTED) **(SIGNATURE)**

I CERTIFY THAT I HAVE BEEN TRAINED IN THE ITEMS INDICATED BELOW AND HAVE READ AND UNDERSTAND THE SPCC PLAN PREPARED FOR THIS FACILITY.

ATTENDEES (NAMES, PRINTED): **SIGNATURE:**

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

TOPICS COVERED: _____

_____

_____

_____

APPENDIX D

TYPICAL SPILL KIT MATERIALS

Typical Spill Kit Materials

1. 2 BAGS ABSORBENT
2. 1 SQUEEGIE
3. 2 PLASTIC SHOVELS
4. 70 MAT PADS
5. 8 SOCKS
6. 4 PILLOWS
7. 6 LABELS
8. 5 TEMPORARY DISPOSAL BAGS
9. 1 EMERGENCY RESPONSE GUIDE BOOK

APPENDIX E

EXAMPLE SPILL REPORT FORM

Part A: Discharge Information	
General information when reporting a spill to outside authorities: Name: Thomas Mine Address: 751 Boyd Road Telephone: 513-504-0060 Owner/Operator: Foley Materials Company Primary Contact: Mitch Yarger	
Type of oil:	Discharge Date and Time:
Quantity released:	Discovery Date and Time:
Quantity released to a waterbody:	Discharge Duration:
Location/Source:	
Actions taken to stop, remove, and mitigate impacts of the discharge:	
Affected media (air/water/soil):	
Notification person:	Telephone contact: Business: 24-hr:
Nature of discharges, environmental/health effects, and damages: Injuries, fatalities or evacuation required?	

Part B: Notification Checklist		
	Date and time	Name of person receiving call
Discharge in any amount		
Plan Coordinator 513-504-0060 Environmental Consultant (205) 664-2000		Mitch Yarger Spectrum Environmental
Discharge in amount exceeding 25 gallons and *not affecting a waterbody or groundwater*		
Local Fire Department 334-727-9190 or 911		
Alabama Department of Environmental Management 334-271-7700		

APPENDIX F

FUEL TRANSFER PROCEDURES

PROCEDURE FOR LOADING OR UNLOADING OF THESE ITEMS:

DIESEL FUEL

GASOLINE

CHECK THE SPILL KIT INVENTORY TO CONFIRM KIT IS COMPLETE BFORE BEGINNING THE STEPS BELOW!

CONFIRM TANK RESERVE CAPACITY

REMOVE CAP FROM APPROPRIATE FILL PIPE.

CONNECT APPROPRIATE HOSE TO FILL PIPE INSURING CONNECTION IS TIGHT.

CONTINUOUS MONITOR TANK VOLUME WHILE FILLING.

WHEN LOADING OR OFF LOADING OF FLUIDS IS COMPLETE

DETACH HOSE

REPLACE AND SECURE PIPE CAP

NOTE ANY SPILLS AND NOTIFY APPROPRIATE PERSON

PROPERLY DISPOSE OF ANY SPILLED FLUID.

CHECK FOR ANY SPILLS UNDER DELIVERY TRUCK

IF A SPILL OCCURS DUE TO LACK OF THIS PROCEDURE, YOU MUST CONTACT THE NEAREST SUPERVISOR TO INFORM SAFETY/ENVIROMENTAL OF SPILLS.

YOU WILL BE HELD ACCOUNTABLE FOR THE PROCESS OF CLEANING UP THE SPILL.

APPENDIX G

FUEL INVENTORY RECORD

FUEL INVENTORY RECORD

Facility Name	Thomas Mine	Facility Location	751 Boyd Road, Shorter, AL

Date		Inspector		Product	
Total Volume		Units			

Date	Final Volume	Initial Volume	Total Added

*Make entry for each fill event or when the tank level is checked.

APPENDIX H

MONTHLY SPCC INSPECTION FORM

MONTHLY SPCC INSPECTION FORM

Date: Time:

Inspector: _____ Location:

Supervisor
Signature: _____ Date:

	YES	NO		YES	NO
STORAGE TANKS:			SECURITY:		
Diesel Tank			Lighting is working properly		
Gasoline Tank			Emergency contact information posted		
			EMERGENCY EQUIPMENT		
			Spill kit inventory		
Check welds, seams, nozzle connections (free of leaks)			Response materials in good condition		
General condition of tank is good			PPE available and in good condition		
Free of corrosion			Generator and tank in good condition		
Free of buckles and dents					
Vents not obstructed			DRUMS/CONTAINERS:		
Free of deterioration			General condition of container is good		
Free of malfunction (leaks, seepage, etc.)			Free of corrosion		
Level gauges working properly			Free of buckles and dents		
			Free of malfunction (leaks, seepage, etc.)		
PIPING & VALVES:			Free of deterioration		
Operating condition, free of leaks			Stored on a spill containment pallet		
No signs of corrosion damage to pipelines or supports					
ON-SITE VEHICLES:					
General condition of Equipment is good					
Free of corrosion					
Free of buckles and dents			DITCHES, CATCH BASINS, AND Detention Pond (drain)		
Level gauges working properly			Free of sheens and staining		
Free of malfunction (leaks, seepage, etc.)			Free of odors		

Record any deficiencies observed and corrected:

_____
_____
_____
_____

Repairs Needed:

_____
_____
_____
_____

SPECTRUM

Solutions to Your Environmental Challenges

Pollution Abatement/Prevention Plan
Thomas Mine
751 Boyd Road
Shorter, Alabama 36869

Prepared For:

Foley Materials Company, Inc.
P.O. Box 2447
Columbus, GA 31902

Current Update and Assembly by:

Ryan Cothern, GIT
License No. 1560G
Spectrum Environmental, Inc.
85 Spectrum Cove
Alabaster, Alabama 35007
(205) 664-2000

Jon Rasmussen, P.E.
Alabama Registration #24462
Flood-Con
209 Oxmoor Circle, Suite 710
Homewood, AL 35209
(205) 807-1799

Report Issuance Date: May 28, 2024

Spectrum Project Number:
3372-006-04

Table of Contents

1.0 INTRODUCTION

This Pollution Abatement Plan (PAP) has been prepared and is being submitted to fulfill the requirements of the Notice of Intent (NOI) for coverage under the Alabama Department of Environmental Management (ADEM) Individual National Pollutant Discharge Elimination System (NPDES) Permit AL0076091 for the Foley Materials Company (FMC) Thomas Mine.

A field review of the property has been conducted prior to the compilation and submittal of this PAP, including an evaluation the current disturbed areas. Portions of the Thomas Mine are currently active (approximately 117 acres) as shown on the figures provided.

The narrative description is intended to address the format as outlined by ADEM Administrative Code R.335-6-9, as well as to present the basis for the designs as further detailed in the PAP. Drawings were derived from rules and regulations of Appendices A and B of the Code, as well as from other generally accepted design data sources such as the U.S. Department of Agriculture's Natural Resource Conservation Service.

The facility and area as currently installed was designed, implemented, and certified by Larry E. Speaks & Associates, Inc. The following update to the PAP does not change the original design, capacities, or functionality of the original design by others. Although the critical items such as emergency spillways were checked for the new capacities no modifications are proposed to change the original design.

Further, systematic reclamation conducted under the guidelines of the Alabama Department of Labor (ADOL) Department of Industrial Relations (DIR) will aid in limiting exposed areas and further assist in reducing sediment load to the overall system. Abatement ponds, sediment ponds, etc. are still in place and function as they were previously permitted.

2.0 OPERATOR

The operator is FMC, which has its home office business address as follows:

Physical Plant Address	**Office Mailing Address**
751 Boyd Road	P.O. Box 2447
Shorter, Alabama 36869	Columbus, GA 31902

3.0 PROPERTY LOCATION AND DESCRIPTION

Thomas Mine is located in all or portions of the following United States Geologic Survey (USGS) Quarter (¼) Sections:

- S ½ of Section 1, T16N and R20E;
- N ½ of Section 12, T16N and R20E;
- SW ¼ of Section 6, T16N and R21E;
- NW ¼ of Section 7, T16N and R21E;

The total acreage encompassed within the Thomas Mine boundary is approximately 318 acres, all of which lies within Macon County, Alabama. Typical operations are from 7AM to 5PM Monday through Friday. Figures representing the property and its location are provided in Appendix A of this submittal.

4.0 GENERAL PIT OPERATION

FMC is a company that mines primarily construction sands and gravels and to a lesser degree dirt and red clay that represent overburden to the target sands and gravels. As provided in the Mining Operations definition provided by ADEM, FMC's mining operations are consistent with the following:

Mining Operations - regulated activities in an area, on or beneath land, including but not limited to, advance prospecting, mining site development, extraction, removal, mining, borrowing, remining, storing, transloading, wet and dry processing, transportation, and/or recovery of any mineral, including but not limited to, overburden, dirt, chert, soil, red clay,

rock, sand, gravel, and refuse from natural deposits. Pre-mining construction and land preparation, including but not limited to, clearing, grubbing, testing and advance prospecting in advance of mining activity is considered part of the mining operations for which a permit is required prior to commencement. For the purposes of this General Permit, mining operations does not refer to any industrial sand, coal, metal ore, dimension or crushed stone, or associated product. It also does not mean certain clay materials which contain heavy metals (e.g., bauxite, bentonite, fire clay.).

The mining operations conducted at Thomas Mine support the construction, roadbuilding, concrete, and concrete pipe business sectors. In general, the mining process can be described as dirt, red clay, sand & gravel, etc. is excavated and either hauled to the plant site or carried by conveyors where it will be washed, graded, and stockpiled. A general flow schematic has been provided in **Section 17** of this PAP which depicts the originating source of water requiring treatment and management and processes used to implement the necessary treatment.

5.0 RAW MATERIALS, PROCESSES AND PRODUCTS

The Thomas Mine mining operation consists of excavating construction dirt, red clay, sand, and gravel from the mining pit that is then transported to the plant for processing. At the plant, the materials are sorted either through physical separation or through wet processing operations for sorting, sizing, and stockpiling. The materials are then placed into dump trucks or other vehicles for delivery. The main waste product that results from the processing of sand and gravel is silt from the washing process. The process water from the prep plant is recycled. The stormwater and dewatering is directed through a series of ponds to the final treatment basin associated with outfall structure 002E. In the event that wash water escapes the recycle pond, it is directed through the sedimentation pond shown on the plan.

Specific products which will be produced are as follows:

Concrete Sand	No. 4 – No. 100
Shot Gravel	1/4”
# 7 Pea Gravel	3/8"
# 57-67	1”, ¾”, 3/8”
#4 Gravel	2” and smaller
Oversized Gravel	2” and larger
Red Clay/Fill Sand/Dirt	-

6.0 TOPOGRAPHIC MAP

Appendix A contains a topographic map of the Thomas Mine and shows the property boundaries, excavation areas, storm water discharge points, contour intervals and adjacent waters of the state.

7.0 METHOD OF DIVERTING SURFACE WATER RUNOFF

Disturbed areas are either graded or provided with earthen diversionary structures to allow surface water to drain to either a mined pond or the constructed sedimentation pond. Spoil piles are situated so any silt carried by drainage will be treated in the previously excavated pond.

Pit drainage and spoil runoff are diverted through the sedimentation basin by means of diversion ditches, pumps, or normal drainage patterns. In cases where it is not practical to use this system, then natural vegetation, vegetation windrows, hay berms. earthen berms or other equally effective systems may be utilized.

Mining areas to the east of the county road shall be graded or minded so that they drain toward or can be pumped to the ponds in series on the western side of the county road. It is the responsibility of Foley Materials to notify the engineer of substantial design changes which would alter the effectiveness of this plan.

8.0 BMP - TYPICAL

During operation of the mining activity, erosion and sediment control devices shall be employed. Details for the proposed BMPs are provided in Appendix B**.**

a. **Diversionary Berms** will be constructed in lifts no greater than 8 to 10 inches loose measurement, and each lift will be compacted to 95% of its maximum dry density in accordance with ASTM D-698 (Standard Proctor). Further, the berms have side slopes no greater than 3: l and a minimum width across the top of 12 feet. At least 80% coverage of annual and perennial grasses will be established on the embankments of the berms.

b. **Sediment Barriers** are temporary structures used across a landscape to reduce the quantity of sediment that is moving downslope. Sediment barriers include silt fences, hay bales and brush berms. This practice applies where sheet and rill erosion occur on small, disturbed areas. Barriers intercept runoff from upslope to form ponds that temporarily store runoff and allow sediment to settle out of the water and stay on the mining site.
    - The Silt Fence (SF) is a temporary filter fence used on slopes along the outer boundaries of the work areas, perpendicular to flow.

- Class A silt fencing should be used on this project.
- The SF removes silt & sand (not fine clay particles) and prevents some downstream damage from sediment deposits.
- Locate the fence so sheet flow from disturbed areas must pass through the fence and ends are turned uphill to provide temporary storage of runoff and sediment.
- The SF also reduces the velocity of runoff flow.
- Dig a trench along the fence alignment and should be a minimum depth of 6 inches.
- Drive posts into the ground on the opposite side of the trench to a depth of at least 18 inches. Space posts at a maximum distance of 10 feet apart.
- The SF requires frequent inspections and must be maintained.
- Remove sediment deposits from the silt fence when they reach a depth of 15-inches to provide adequate storage volume for the next rain event and to reduce pressure on the fence.

c. **Vehicle Tracking** of sediment on adjacent roadways has a potential to cause hazards to local traffic and therefore, FMC is planning on maintaining an entrance/exit location that will aid in reducing the amount of natural material released from equipment and vehicular tires, etc. To accomplish this, FMC will provide aggregate base at the entrance to serve as a BMP to agitate the treads of equipment and vehicular treads to aid in removal of this material prior to entrance onto the local roadway. Should accumulations of natural material occur, FMC will implement a "sweeping" or removal effort on the roadways.

9.0 QUALITY OF EFFLUENT

The only waste products which are a by-product of the gravel washing process are clays and sands which are the matrix of the deposit. Clays and sands will settle into the previously mined ponds. The waste effluent is neutral in nature and is anticipated to reflect a pH in 6 to 9 standard units (su). Total suspended solids (TSS) should not exceed 70 mg/l (max daily) or 35 mg/l (daily average). The calculated flow is unknown and depends upon weather conditions, amount of rain, etc.

10.0 STORMWATER TREATMENT POND DESIGN DATA

Although the ponds were designed by others rough runoff calculations based on a 25-Year 24-hour type 3 Storm Event have been provided below and a Watershed Exhibit has been provided in Appendix C and part of this plan to determine flow and size of discharge structures. The calculations were performed using the NRCS SCS unit hydrograph and curve number Methods, with the variables and coefficients shown on the Figures.

The treatment process for water quality control is to be a previously mined pond. Details are presented in the "Pollution Abatement Plans". Pollution abatement facilities should be

designed and constructed so as to control both spoil runoff and pit drainage. The treatment ponds will provide a minimum of 0.25 acre-feet of storage for every acre of disturbed land draining to the pond or the volume required to manage the 25yr-24hr type 3 storm event, whichever is greater. All trees, brush, boulders, and any other objects that would impair compaction will be removed from the pond prior to construction. Accumulated sediment/sludge in the treatment ponds will be removed when the ponds have lost 60% of their liquid storage capacity due to sedimentation buildup. The ponds are to be maintained until mining has ceased, the site has been completely reclaimed, and the operator has received written permission from ADEM to remove the treatment ponds.

The dam for the sediment basin should be designed and built using the following as minimum criteria:

a) the dam for the sediment basin is designed for the top width to be no less than 12 feet wide.

b) the slope on either side of the dam is designed for no steeper than 3: l.

c) the dam is designed to be constructed with a cutoff trench at least 8 feet wide. The side slopes are designed to be no less than 1:1. The cutoff trench shall be located on the dam centerline and be of sufficient depth (not less than 2 feet) to extend into a relatively impervious material from which the core of the dam shall be constructed.

d) Trees, boulders and other obstructions removed from pond during initial construction.

e) the entire embankment and cutoff trench shall be compacted to 95% density.

f) the material placed in the embankment should be free of sod, roots, stones over 6 inches in diameter and other objectionable materials. The fill material should be placed and spread over the entire fill area, starting at the lowest point of the foundation, in layers not to exceed 12 inches in thickness.

g) the spillpipe is designed to be sized to adequately to carry the expected peak flow from a two-year frequency storm.

h) the spillpipes are designed to be made of a material capable of withstanding chemical reactions caused by the quality of water being discharged.

i) the spillpipe is designed to be equipped with a device, or constructed, such to ensure that subsurface withdrawal is accomplished in order to help prevent floating solids from discharging.

j) the spillpipes are designed to be equipped with anti-seep collars at each joint which radiate at least 2 feet from the pipe in all directions. The collars and their connections to the pipe should be watertight.

k) a splash pad or rip-rap is designed to be placed under the discharge of the spillpipe, or the location of the discharge set, to ensure that the discharge does not erode the dam or pipe can be constructed to be level with the natural ground.

1) the emergency spillway is designed to safely carry the expected peak flow from a 25-year, 24-hour storm or shorter duration. When designing spillways that are in the drainage course of a public water supply, then 50-years 24-hour or shorter duration data should be used. The slope of the entrance and to the exit to the emergency overflow is designed to be constructed with a control section at least 20 feet long. The side slopes of the emergency overflow should not be steeper than 2: 1. The emergency overflow should be rip-rapped or concreted in order to prevent erosion.

m) the spillway is designed to have a minimum of 1½ feet of freeboard between the normal overflow and the emergency overflow. There should be at least 1½ feet of freeboard between the maximum design flow elevation in the emergency overflow and the top of the dam.

n) if basins are built in a series, then the emergency overflow for each is designed to accommodate the entire drainage area.

o) the dam shall be sowed with both perennial and annual grasses in order to ensure erosion is minimized. The necessary erosion control measures should be place at the toe of the dam prior to completion of construction activity.

p) Areas in which surface mined minerals are stockpiled, and areas in which refuse resulting from any type of mining operation is or has been deposited, should be provided with diversion ditches or other appropriate methods of intercepting surface water in such a way as to minimize the possibility of sediment laden, acidic or toxic waters from such areas, being deposited into a stream.

Pond size requirements associated with each outfall are provided below.

Additional information was used to size the spillways for 25 year 100% passage to prevent failure.

Outfall 002E

Disturbed Area = 117 acres
0.25 Acre-Feet of disturbed land required for settlement pond.

However, additional storage is necessary to manage the 25yr-24hr storm event. Based on current NOAA Atlas rainfall maps at the plant site the 25yr-24hr precipitation is 7.24".
A watershed analysis was performed using SCS UH and CN methodology and storage indication routing to determine the required storage volume for the 25yr 24hr type 3 storm event. The watershed study includes the following:

a. 117 acrs of disturbed area.
b. Approx 180 acres of overall watershed area.
c. Four (4) existing settlement basins. Areas of each settlement basin were taken from google earth and USGS Lidar mapping. Each existing settlement pond approximate area was digitized as follows:
    - Pond 1: 1 acre
    - Pond 2: 4 acres
    - Pond 3: 10 acres
    - Pond 4 (@outfall 002E): 21 acres

d. Curve Numbers used:
    - Disturbed area = 86
    - Woods = 55
    - Water body = 98
    - Open space = 61

Total combined settlement pond volume required to manage the 25yr-24hr storm = 57.4 acre-feet.

25yr-24hr designed peak flow rate outfall at 002E : 28.8 cfs (per Larry E. Speaks & Associates)

25yr-24hr calculated peak flow rate outfall at 002E: 24.0 cfs < 28.8, therefore complies.

Existing outfall structures:
1- Existing 8" diameter outfall pipe;
1- 20' wide X 2' high Emergency Spillway (25-Year Storm Event)

11.0 SEDIMENT CONTROL FOR HAUL ROADS

The haul roads will have a sustained grade generally less than 10% with a maximum grade not to exceed 15% for 300 linear feet. The roads are designed not to be more than 300 feet of 15 percent maximum grade for each 1,000 feet of road constructed. The haul road, wherever possible, should be located so that runoff from the road enters a sediment basin constructed for the mining operation. Outer slopes for haul roads out of the permitted area are designed not to be steeper than 2:1 and should be seeded with annual and perennial grasses with at least 80 percent cover to avoid erosion. Where this is not possible, basins, hay filters or diversion ditches should be cut, built or placed to intercept runoff. Details outlining control measures must be included with the abatement plan. Stream crossings should be avoided; however, any crossings which are necessary, and which meet technical staff approval should be detailed with drawings and any other pertinent data in this report, using best engineering practices. Effective BMPs will be installed and maintained at all times. Pit roads will be ditched and stabilized so that runoff will be collected as illustrated Figure 3.

12.0 DAM FOR THE SEDIMENT BASIN

The dam for the sediment basin is designed and shall be built and maintained using the following as minimum criteria:

- The dam for the sediment basin is designed for the top width to be no less than 12 feet wide;
- The slope on either side of the dam is designed for no steeper than 3:1;
- The dam is designed to be constructed with a cutoff trench at least 8 feet wide. The side slopes are designed to be no less than 1:1. The cutoff trench shall be located on the dam centerline and be of sufficient depth (not less than 2 feet) to extend into a relatively impervious material from which the core of the dam shall be constructed;
- Trees, boulders and other obstructions removed from pond during initial construction;
- The entire embankment and cutoff trench shall be compacted to 95% density;
- The material placed in the embankment should be free of sod, roots, stones over 6 inches in diameter and other objectionable materials;
- The fill material should be placed and spread over the entire fill area, starting at the lowest point of the foundation, in layers not to exceed 12 inches in thickness
- The spillpipe is designed to be sized to adequately carry the expected peak flow from a two-year frequency storm;

- The spill pipes are designed to be made of a material capable of withstanding chemical reactions caused by the quality of water being discharged;
- The spillpipe is designed to be equipped with a device, or constructed, such to ensure that subsurface with drawl is accomplished in order to help prevent floating solids from discharging;
- The spillpipes are designed to be equipped with anti-seep collars at each joint which radiate at least 2 feet from the pipe in all directions. The collars and their connections to the pipe should be watertight;
- A splash pad or rip-rap is designed to be placed under the discharge of the spillpipe, or the location of the discharge set, so as to ensure that the discharge does not erode the dam or pipe can be constructed to be level with the natural ground;
- The emergency spillway is designed to safely carry the expected peak flow from a 25-year, 24-hour storm or shorter duration. The slope of the entrance and to the exit to the emergency overflow is designed to be constructed with a control section at least 20 feet long. The side slopes of the emergency overflow should not be steeper than 2:1. The emergency overflow should be rip-rapped or concreted in order to prevent erosion;
- The spillway is designed to have a minimum of 1 ½, feet of free board between the normal overflow and the emergency overflow. There should be at least 1 ½ feet of free board between the maximum design flow elevation in the emergency overflow and the top of the dam;
- If basins are built in a series, then the emergency overflow for each is designed to accommodate the entire drainage area;
- The dam shall be sowed with both perennial and annual grasses in order to ensure erosion is minimized. The necessary erosion control measures should be place at the toe of the dam prior to completion of construction activity; and
- Areas in which surface mined minerals are stockpiled, and areas in which refuse resulting from any type of mining operation is or has been deposited, should be provided with diversion ditches or other appropriate methods of intercepting surface water in such a way as to minimize the possibility of sediment laden, acidic or toxic waters from such areas, being deposited into a stream.

13.0 NON-POINT SOURCE POLLUTION

All disturbed areas are graded such that the drainage will carry storm water effluent to the settlement ponds therefore no non-point sources of pollutants will result from planned mining operations.

14.0 MARKING OF BUFFER AREAS AROUND STREAMS AND PROPERTY BOUNDARIES

Property boundaries, streams, and wetlands, as indicated on the Figures in Appendix A, shall be marked as appropriate. At a minimum, an undisturbed buffer of 50 feet shall be maintained. Where roads, fences, or other obvious boundaries occur these will be utilized while areas along property lines not otherwise physically separated shall be designated with flagging and/or appropriate marking. Should periodic site evaluations indicate that markings require updating, FMC will complete this task.

15.0 PUBLIC WATER SUPPLY IMPOUNDMENT

The eventual receiving water will be Line Creek. All discharge to Line Creek will meet effluent limitation due to settling time required in the sedimentation pond. Line Creek is not considered a public water supply watershed.

16.0 RECLAMATION PROCEDURE

As mining is completed in an area, the area shall be dressed to eliminate any piles of dirt, or low areas which will hold water, with terraces to keep erosion to a minimum, and grassed. A sump shall be maintained at the low end of all reclamation work until a satisfactory stand of grass is obtained. Disturbed areas without construction activity for more than 21 days should be temporarily seeded and fertilized.

The reclamation procedures will meet requirements of the Alabama Surface Mining Act of 1969, as amended by Act 99-579, and as regulated under permits reviewed and renewed annually by the Alabama Department of Industrial Relations (ADIR). Reclamation procedures will commence contemporaneously with ongoing mining activities, once all mining activities are completed in a portion of the total area to be mined.

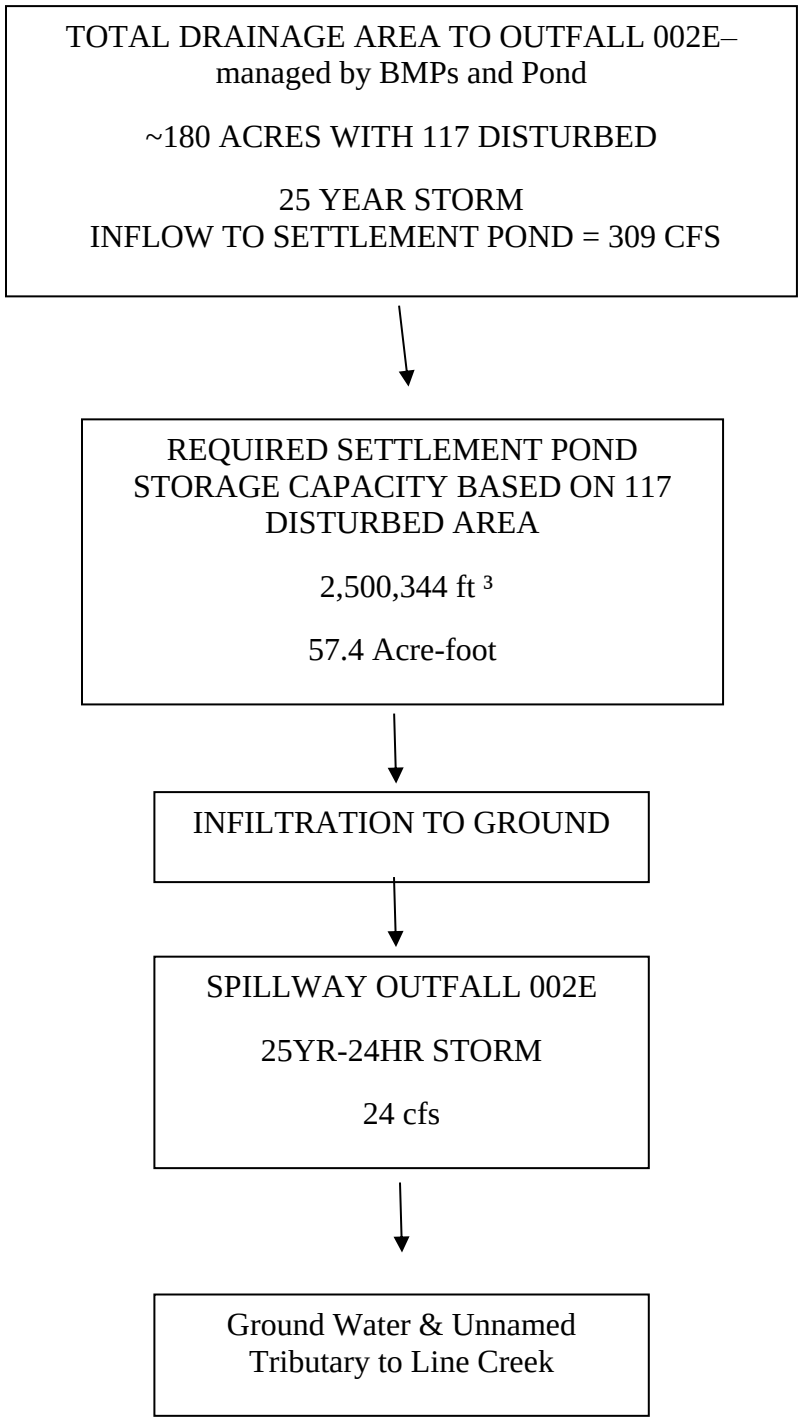
A minimum 50-foot setback (undisturbed buffer strip) will be maintained between surface mining areas and areas, which could be adversely affected by mining (watercourses, adjoining properties, or other features, as applicable).

The setback shall have lateral support graded to a 3:1 slope or flatter, stabilized, mulched, fertilized and planted in native grasses and legumes. High walls (uphill side of excavation) require grading and/or backfilling to a 3:1 or flatter slope and shall be provided soil stabilization and/or draining control as necessary for protection.

During reclamation, all disturbed areas will be revegetated by applying lime and/or fertilizer as recommended by a comprehensive soil analysis, then mulched and seeded with permanent native grasses and legumes to achieve a minimum of 75% vegetative cover. Reclamation of affected land will be completed within two(2) years from the date of the expiration of the ADIR permit.

17.0 SCHEMATIC DIAGRAMS

The following is a general flow schematic showing the anticipated water source areas and the planned management features.



18.0 SPILL PREVENTION CONTROL AND COUNTERMEASURES PLAN

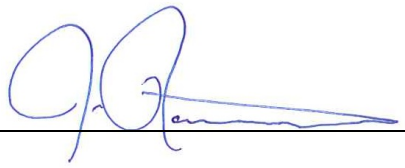
This facility has a two (2) above ground storage tanks as well as a variety of 55-gallon drums used for fueling, lubricants, and fluids. A detailed Spill Prevention Control and Countermeasure (SPCC) Plan is kept on-site.

19.0 CERTIFICATION STATEMENT

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

Jon Rasmussen

Printed Name of Professional Engineer

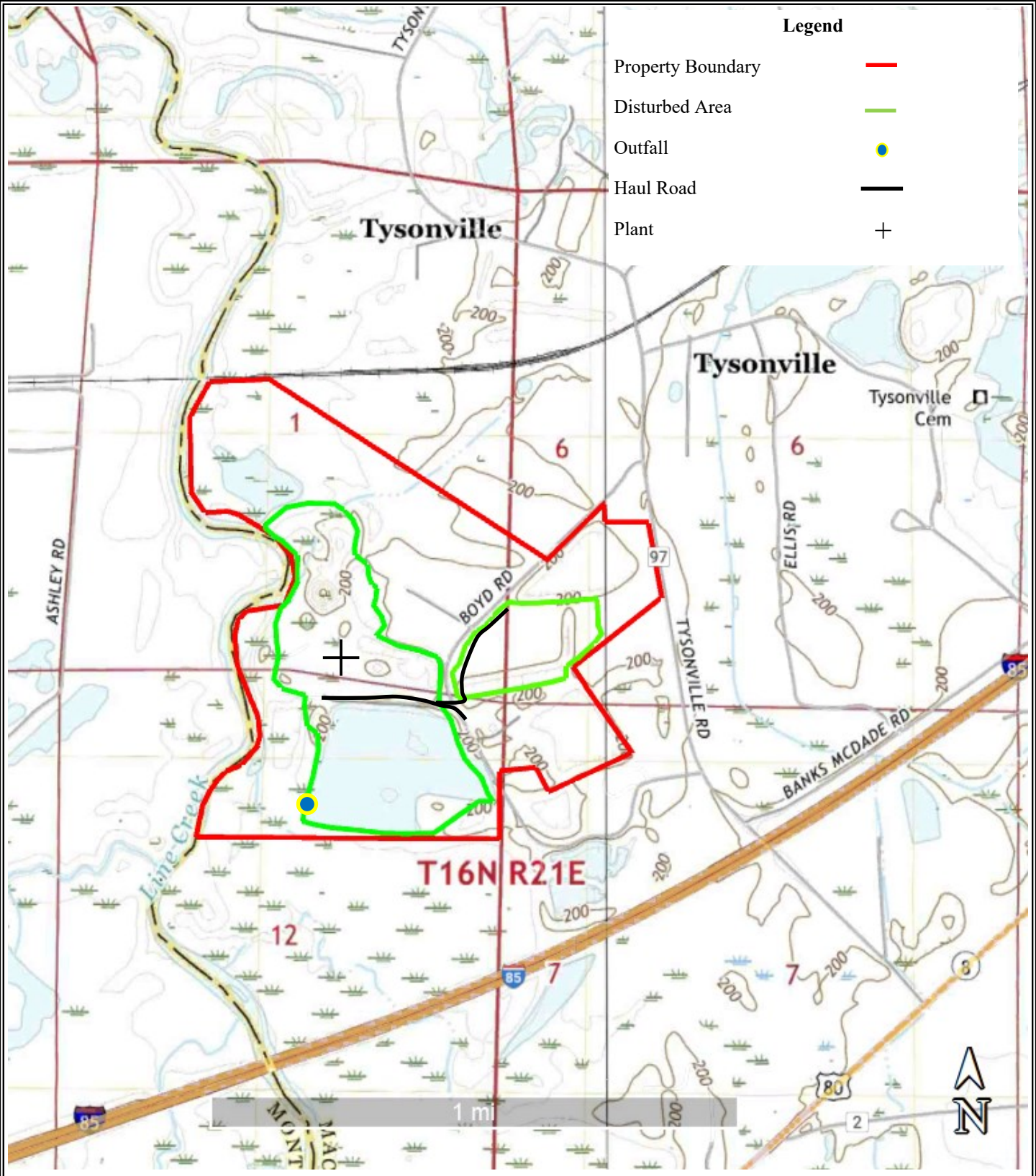


Signature

Date: 5-28-24 Registration No. 24462 State: Alabama

APPENDIX A

FIGURES



Source: Image courtesy of Google Earth

NO.	DATE	REVISION NOTE	BY

Drawn By: RC	Client #: 3372
Checked By: RC	Date: 5/3/24
Project Mgr.: RC	Project #: 3372-006

SPECTRUM
Solutions to Your Environmental Challenges
85 Spectrum Cove
Alabaster, AL 35007
O - 205-664-2000
F-205-664-2142

TITLE

Figure 1 — Site Location Map (topo)
Foley Materials Company
Thomas Mine
NPDES #AL0076091
Macon County, Alabama

Source: Image courtesy of ESRI.

NO.	DATE	REVISION NOTE	BY

Drawn By: RC	Client #: 3372
Checked By: RC	Date: 5/3/24
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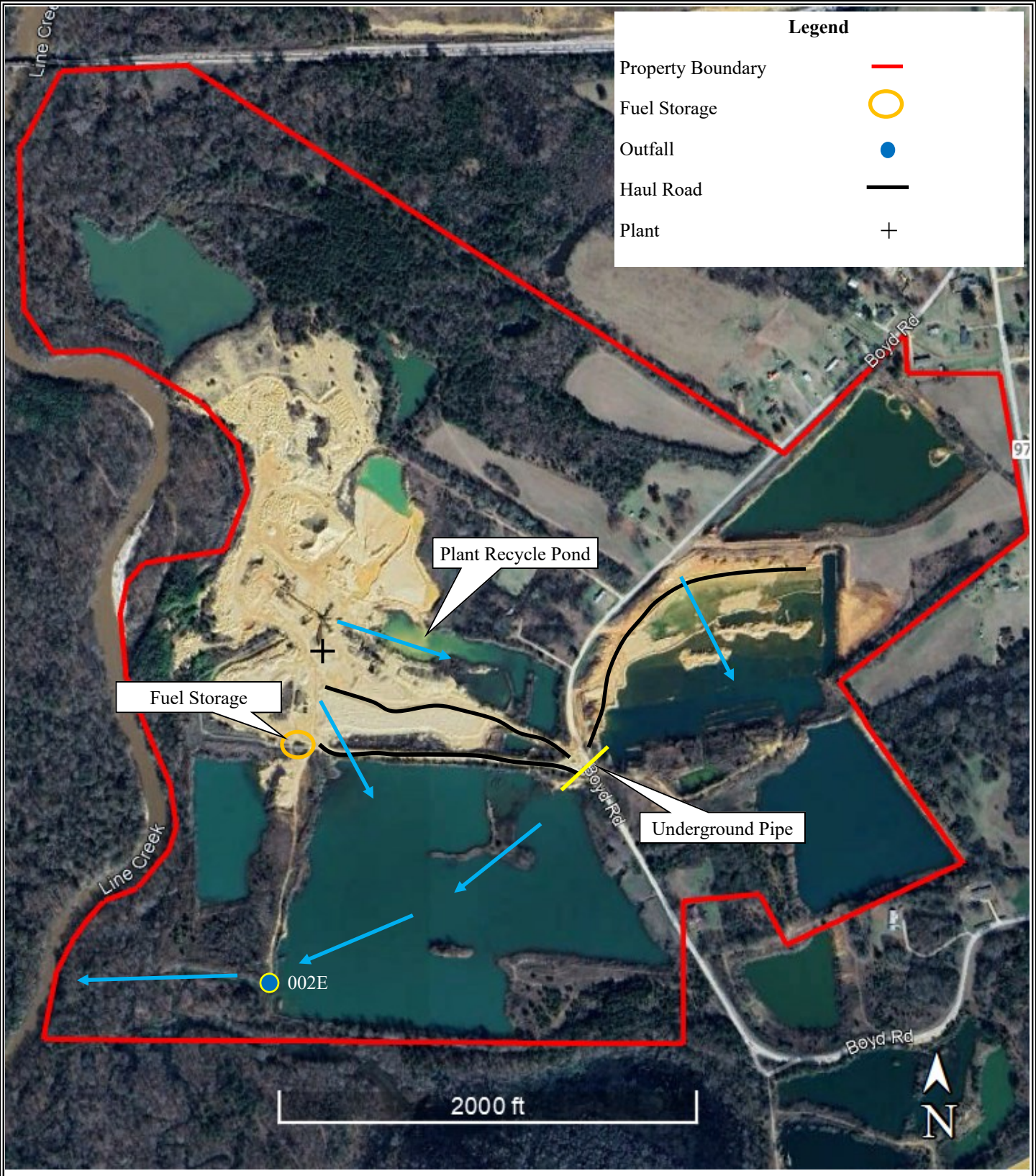
Figure 2 — Facility Detail Map
Foley Materials Company
Thomas Mine
NPDES #AL0076091
Macon County, Alabama



Source: Image courtesy of ESRI.

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Figure 3 — Water Management
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Thomas Mine
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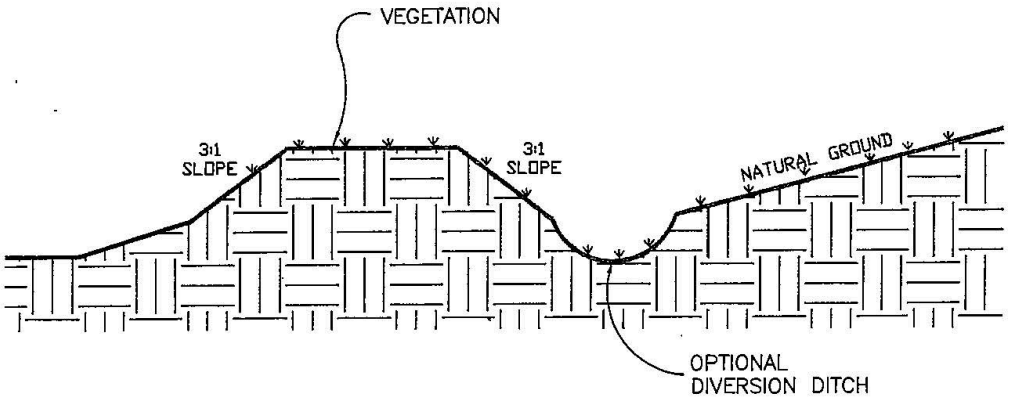
Macon County, Alabama

APPENDIX B

BMP TYPICAL DESIGNS



NOTES:

1. TO BE USED TO DIVERT STORMWATER RUNOFF TO PERMITTED DISCHARGE POINTS
2. CONSTRUCT IN 6 INCH TO 9 INCH UNCOMPACTED LIFTS TO FORM THE EMBANKMENT WITH SIDE SLOPES 3:1 OR FLATTER
3. OVERBUILD AT LEAST 10% FOR SETTLEMENT
4. USE MOIST CLAY MATERIAL IN THE CORE OF THE BERM WITH MORE PERMEABLE MATERIALS IN THE SHELL OF THE BERM
5. ONCE CONSTRUCTED, SPREAD TOPSOIL OVER BERM AND ESTABLISH VEGETATION
6. INSPECT AFTER EVERY STORM EVENT
7. MONITOR FOR EROSION, SETTLEMENT, SEEPAGE, OR SLUMPING AND REPAIR AS NEEDED
8. REMOVE ACCUMULATED SEDIMENT WHEN IT REACHES 1/2 THE HIEGHT OF THE BERM

EARTHEN BERM

Source: Image courtesy of Larry E. Speaks & Associates.

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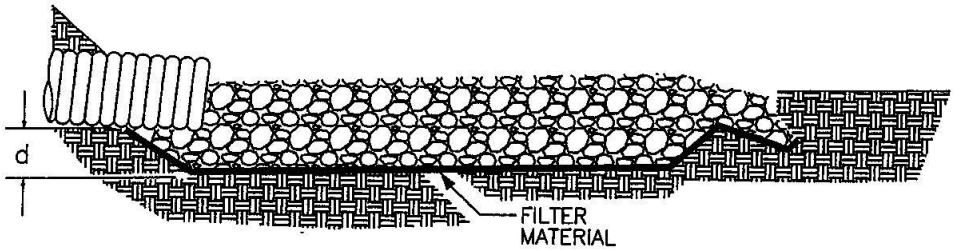
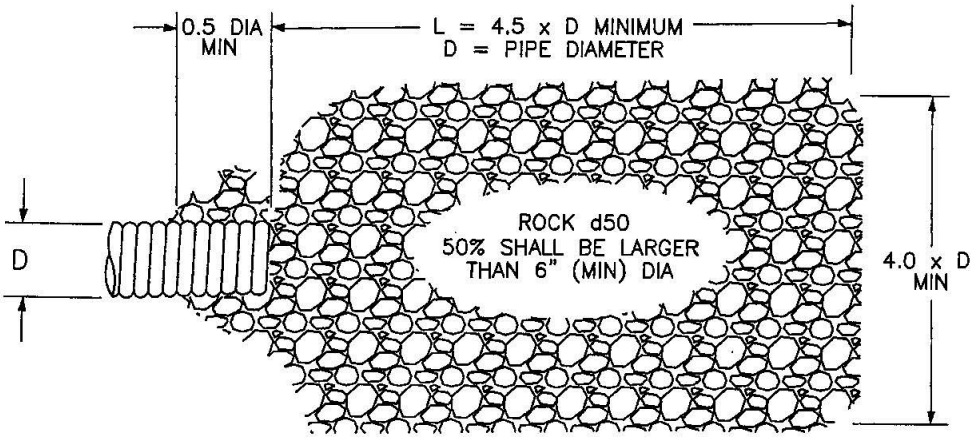
Figure 1 — Earthen Berm BMP Design
Foley Materials Company

SIDE VIEW



THICKNESS (d) = 1.5 x MAX ROCK DIAMETER (6" MIN)

OVERHEAD VIEW



NOTES:

1. "L" = LENGTH OF APRON. DISTANCE "L" SHALL BE SUFFICIENT TO DISSIPATE ENERGY AND MINIMIZE EROSION DAMAGE.
2. APRON SHALL BE SET AT A ZERO GRADE WITH NO OVERFALL AND ALIGNED STRAIGHT.
3. FILTER MATERIAL SHALL BE FILTER FABRIC OR MINIMUM 6" THICK GRADED GRAVEL LAYER. AVOID DAMAGE TO THE FABRIC WHEN PLACING ROCK.
4. A CONCRETE SPLASH BLOCK MAY ALSO BE USED.
5. AFTER RAIN EVENTS, CHECK FOR EROSION AROUND OR BENEATH AND FOR ROCK DISPLACEMENT.

OUTLET PROTECTION

Source: Image courtesy of Larry E. Speaks & Associates.

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Figure 2 — Outlet Protection BMP Design
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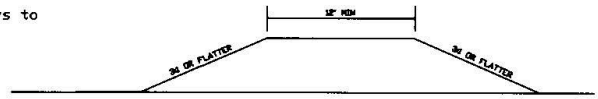
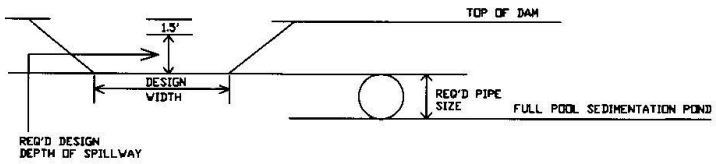
TYPICAL SECTION FOR DAM CONSTRUCTION

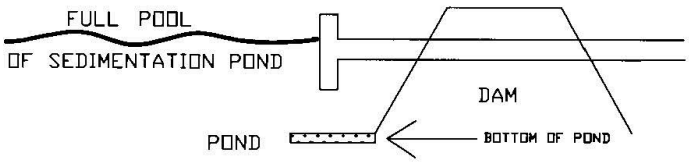
CONSTRUCTION REQUIREMENTS FOR DAM

1. All trees, boulders and other obstructions to be removed from proposed pond area.
2. All materials excavated from pond shall be placed up stream from the pond so any silt from the excavated material will go back into the pond.
3. All embankment shall be compacted to 95 percent density.
4. Spillpipe shall be equipped with anti-seep collars at each joint to radiate at least 2 feet from the pipe in all directions. All connections shall be watertight.
5. The spillpipe shall be laid as shown in detail to prevent any floating solids from being discharged.
6. Final elevation of all dams, pipes and emergency spillways to be determined in field, depending upon size of pond.



TYPICAL SECTION FOR SPILLWAY & SUBSURFACEWITHDRAWAL CONSTRUCTION





LARRY E. SPEAKS & ASSOCIATES
CONSULTING ENGINEERS & LAND SURVEYORS
335 HERRON STREET
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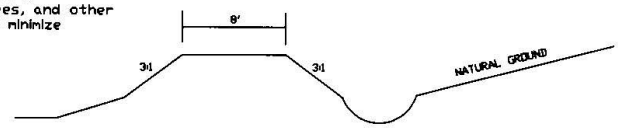
Figure 3 — Dam & Spillway BMP Design
Foley Materials Company

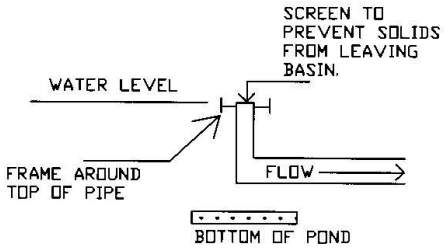
TYPICAL SECTION FOR DITCH AND OR BERM TO DIVERT WATER

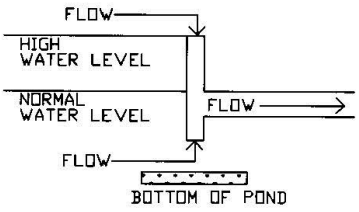
EROSION CONTROL AND RECLAMATION PROCEDURE

1. The areas not being used for daily mining or haul roads shall be grassed with both perennial and annual grasses to ensure erosion is kept to a minimum. The grassed areas shall be limed and fertilized as necessary to establish and maintain an adequate stand of grass.
2. As mining is completed in an area, the area shall be dressed to eliminate any piles of dirt, or low areas which will hold water, with terraces to keep erosion to a minimum, and grassed as detailed in Paregraph 1 above. A sump shall be maintained at the low end of all reclamation work until a satisfactory stand of grass is obtained.
3. During construction and reclamation, erosion control measures such as hay bales, riprap, cleared trees, and other acceptable methods will be utilized as needed to minimize erosion.



TYPICAL SECTION FOR PIPE/OUTFALL CONSTRUCTION





TYPICAL SECTION FOR SPLASHPAD CONSTRUCTION

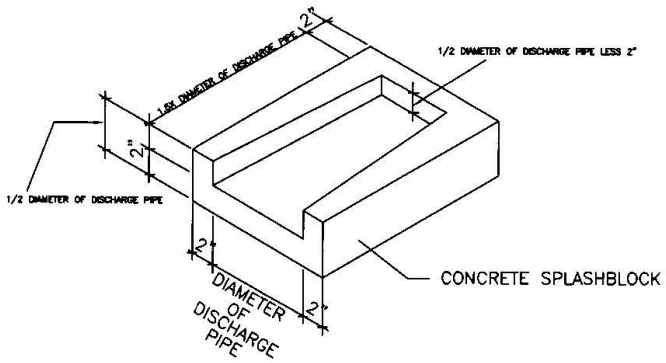


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Figure 4 — Ditch/Berm, Pipe/Outfall, & Splashpad BMP Design
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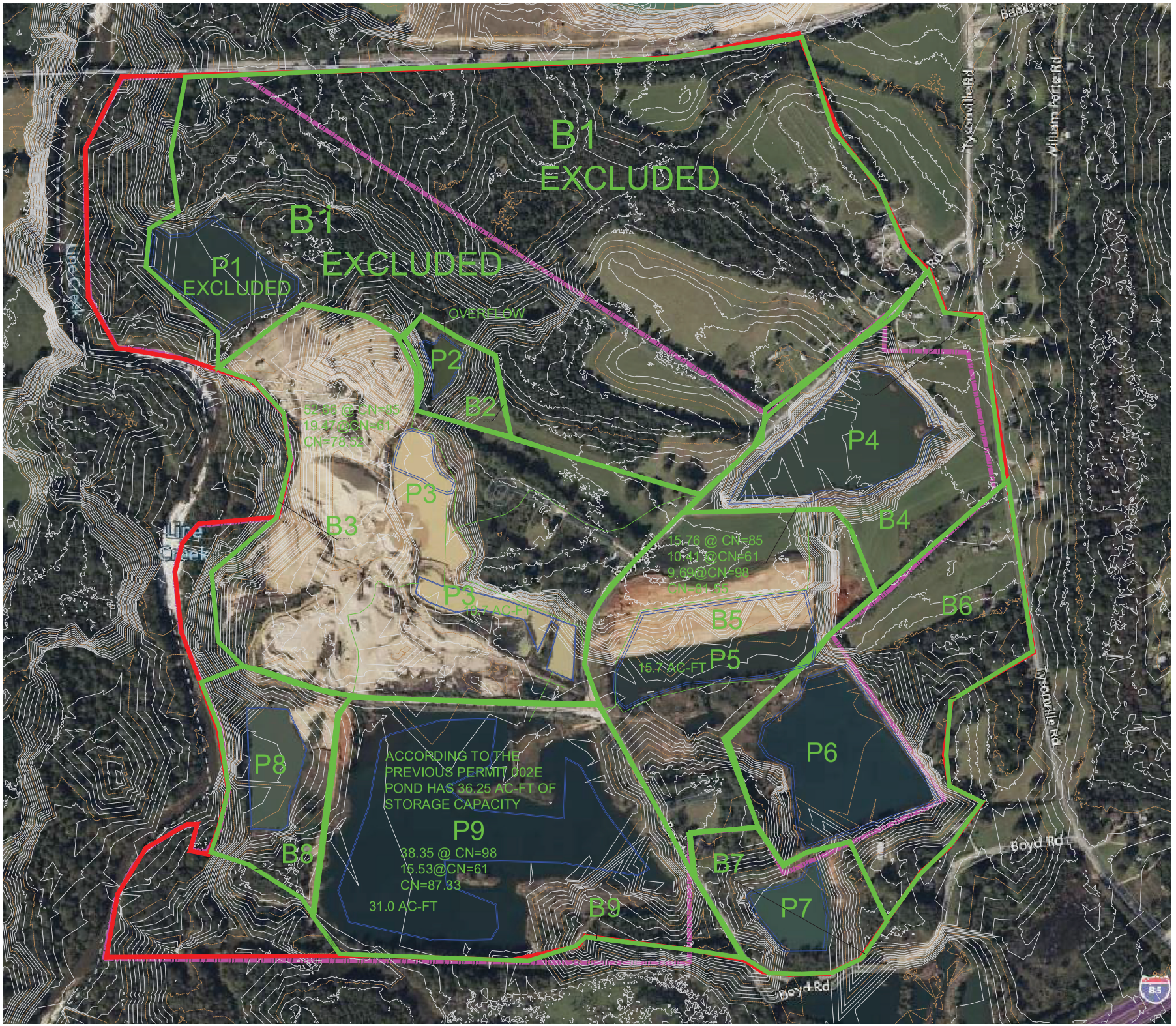
APPENDIX C

WATERSHED EXHIBIT


B1
EXCLUDED
B1
EXCLUDED
P1
EXCLUDED
OVERFLOW
P2
B2
52.56 @ CN=85
19.47@CN=61
CN=78.52
P3
B3
P3
10.7 AC-FT
P4
B4
15.76 @ CN=85
10.11@CN=61
9.69@CN=98
CN=81.55
B5
B6
15.7 AC-FT
P5
P6
P8
ACCORDING TO THE
PREVIOUS PERMIT 002E
POND HAS 36.25 AC-FT OF
STORAGE CAPACITY
P9
38.35 @ CN=98
15.53@CN=61
CN=87.33
31.0 AC-FT
B8
B9
B7
P7
Boyd Rd
Boyd Rd
Tysonville Rd
William Perry Rd
Tysonville Rd