**LANCE R. LEFLEUR**
DIRECTOR

**KAY IVEY**
GOVERNOR

**Alabama Department of Environmental Management**
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Montgomery, Alabama 36130-1463
(334) 271-7700 ▪ FAX (334) 271-7950

MARCH 28, 2019

MR JOHN C. KAMMEYER
VICE PRESIDENT - CIVIL PROJECTS, ESS & CCP
TVA WIDOWS CREEK
1101 MARKET STREET, LP 5D-C
CHATTANOOGA TN 37402

**RE: REVISED DRAFT PERMIT**
**RESPONSE TO FACILITY COMMENTS**
**NPDES PERMIT NUMBER AL0003875**

Dear Mr. Kammeyer:

The Department has received the comments dated February 22, 2019. The Department offers the following response(s):

**Comment 1**
On the permit Title Page, TVA requests the permittee name be changed to "Tennessee Valley Authority Widows Creek Facility" due to the fossil site ceasing power generation in September 2015.

**Response 1**
The permittee name has been changed in the revised draft.

**Comment 2**
On the permit Title Page, TVA requests a minimum of 30 days from the Issuance Date to the Effective Date.

**Response 2**
This request cannot be accommodated since NPDES permits are typically issued in the month prior to the effective date, which would not be within the 30-day minimum as requested.

**Comment 3**
On Page 3 of 36 for DSN0041, There is no footnote 3/ listed at the bottom of the page.

**Response 3**
The footnote has been removed from DSN0041 in the revised draft.

**Comment 4**
On Pages 8,9, and 10 of 36 for DSN0071, TVA requests that the description for DSN0071 be changed to "Discharge from the Process Water Pond to include stormwater runoff, sump flows from the former fossil plant powerhouse facilities, and CCR leachate.

**Response 4**
The description for DSN0071 has been updated in the revised draft.

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

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

**Mobile Branch**
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

**Mobile-Coastal**
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

**Comment 5**
On Pages 8,9, and 10 of 36 for DSN0071, TVA requests the sample type be changed from composite to grab. Discharges from this outfall are intermittent due to discharging stormwater runoff and variable sump flows.

**Response 5**
The sample types at DSN0071 have been changed to grab in the revised draft.

**Comment 6**
On Pages 8,9, and 10 of 36 for DSN0071, TVA requests that footnote 4/ be added to include the following: See Part IV.C for Allowable Stormwater Discharges.

**Response 6**
The footnote has been added to DSN0071.

**Comment 7**
On Pages 13 and 14 of 36 for DSN0131, TVA requests the Measurement Frequencies be changed from monthly to semi-annually since this discharge is stormwater.

**Response 7**
Sampling frequency has been changed from monthly to semi-annual. The outfall will now be referred to as DSN013S.

**Comment 8**
On Pages 23 of 36 for Schedule of Compliance, TVA requests that Form 2F should be submitted within one year as well as Form 2C after the proposed facility begins discharging.

**Response 8**
Form 2F requirements have been included in the Schedule of Compliance. The revised language states: "In accordance with the instructions for EPA Form 2D, a completed EPA Form 2C shall be submitted no later than one year after the proposed facility begins discharging. In addition, a completed EPA Form 2F shall be submitted no later than one year after the proposed facility begins discharging."

**Comment 9**
On page 36 of 36 for Part IV, TVA requests the addition of a section titled "Seep Identification and Corrective Action For Closed Coal Combustion Residual (CCR) Disposal Areas" to include the closed Ash Pond Area, closed Dredge Cell and the closed Gypsum Stack. TVA suggests the following language for this new section "The Permittee shall develop and maintain on-site a CCR Seep Identification and Corrective Action Plan to include quarterly inspections. If a seep is identified during an inspection, the Permittee must initiate corrective action as soon as feasible. A log of the inspections shall be maintained at the facility and shall be available for inspection by the Department. The log shall contain records of all inspections performed for the last three years and each entry shall be signed by the person performing the inspection."

**Response 9**
The section titled "Seep Identification and Corrective Action For Closed Coal Combustion Residual (CCR) Disposal Areas" has been added to Part IV of the revised draft.

Transmitted herein is a revised draft of the referenced permit.

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

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

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

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

If you have questions regarding this permit or monitoring requirements, please contact Brian Marshall by e-mail at **bmarshall@adem.alabama.gov** or by phone at **(334) 271-7895.**

Sincerely,

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

Enclosure: Revised Draft Permit

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

ADEM
Alabama Department of Environmental Management

# NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

| | |
|---|---|
| PERMITTEE: | TENNESSEE VALLEY AUTHORITY<br>WIDOWS CREEK FACILITY |
| FACILITY LOCATION: | 2800 STEAM PLANT ROAD<br>STEVENSON, AL 35772 |
| PERMIT NUMBER: | AL0003875 |
| RECEIVING WATERS: | DSN001, DSN004-DSN006, AND DSN021: TENNESSEE RIVER<br>DSN007-DSN008, DSN013, AND DSN023-DSN029: WIDOWS CREEK<br>DSN030-DSN033: HORN BRANCH |

*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:

**Revised Draft**

Alabama Department of Environmental Management

**INDUSTRIAL SECTION**
**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT**

**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 the following point source(s) outfall(s), described more fully in the permittee's application:

DSN001S, DSN025S through DSN028S: Storm water runoff from the closed Ash Pond area. 3/ 4/ 5/

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

| | DISCHARGE LIMITATIONS | | | | | MONITORING REQUIREMENTS 1/ | | |
|---|---|---|---|---|---|---|---|---|
| EFFLUENT CHARACTERISTIC | Monthly Average | Daily Maximum | Daily Minimum | Monthly Average | Daily Maximum | Measurement Frequency 2/ | Sample Type | Seasonal |
| pH | - | - | REPORT S.U. | - | REPORT S.U. | Semi-Annually | Grab | - |
| Solids, Total Suspended | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Oil & Grease | - | - | - | - | 15.0 mg/l | Semi-Annually | Grab | - |
| Arsenic, Total (As As) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Cadmium, Total (As Cd) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Chromium, Total (As Cr) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Copper, Total (As Cu) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Lead, Total (As Pb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |

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

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ Monitoring shall be required at DSN001S only.

5/ Monitoring for these outfalls shall begin once the Construction General Permit coverage has been terminated upon completion of the ash pond closure construction activity.

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

DSN001S, DSN025S through DSN028S (continued): Storm water runoff from the closed Ash Pond area. 3/ 5/ 6/

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

| | DISCHARGE LIMITATIONS | | | | | MONITORING REQUIREMENTS 1/ | | |
|---|---|---|---|---|---|---|---|---|
| EFFLUENT CHARACTERISTIC | Monthly Average | Daily Maximum | Daily Minimum | Monthly Average | Daily Maximum | Measurement Frequency 2/ | Sample Type | Seasonal |
| Nickel, Total (As Ni) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Antimony, Total (As Sb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Selenium, Total (As Se) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Flow, In Conduit or Thru Treatment Plant | - | REPORT MGD | - | - | - | Semi-Annually | Estimate 4/ | - |
| Mercury, Total 7/ | - | - | - | - | REPORT ug/l | Semi-Annually | Grab | - |
| Iron, Total (As Fe) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |

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

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.

5/ Monitoring shall be required at DSN001S only.

6/ Monitoring for these outfalls shall begin once the Construction General Permit coverage has been terminated upon completion of the ash pond closure construction activity.

7/ Mercury monitoring shall be in accordance with Part I.B.2 of the Permit.

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

DSN0041: Units 7 & 8 intake screen backwash water.

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

| | DISCHARGE LIMITATIONS | | | | | MONITORING REQUIREMENTS 1/ | | |
|---|---|---|---|---|---|---|---|---|
| EFFLUENT CHARACTERISTIC | Monthly Average | Daily Maximum | Daily Minimum | Monthly Average | Daily Maximum | Measurement Frequency 2/ | Sample Type | Seasonal |

**NO MONITORING REQUIRMENTS IMPOSED PROVIDED THE PERMITTEE ADD NO POLLUTANTS TO THE DISCHARGE**

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

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all

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

DSN005S: Storm water runoff from the closed Ash Pond area, restored limestone staging area, restored equipment staging area, and removed constructed wetlands. 3/ 4/

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

| | DISCHARGE LIMITATIONS | | | MONITORING REQUIREMENTS 1/ | | | | |
|---|---|---|---|---|---|---|---|---|
| EFFLUENT CHARACTERISTIC | Monthly Average | Daily Maximum | Daily Minimum | Monthly Average | Daily Maximum | Measurement Frequency 2/ | Sample Type | Seasonal |
| pH | - | - | REPORT S.U. | - | REPORT S.U. | Semi-Annually | Grab | - |
| Solids, Total Suspended | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Oil & Grease | - | - | - | - | 15.0 mg/l | Semi-Annually | Grab | - |
| Arsenic, Total (As As) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Cadmium, Total (As Cd) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Chromium, Total (As Cr) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Copper, Total (As Cu) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Lead, Total (As Pb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |

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2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a montbly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ Monitoring for these outfalls shall begin once the Construction General Permit coverage has been terminated upon completion of the ash pond closure construction activity.

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

DSN005S (continued): Storm water runoff from the closed Ash Pond area, restored limestone staging area, restored equipment staging area, and removed constructed wetlands. 3/ 5/

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

| | DISCHARGE LIMITATIONS | | | | | MONITORING REQUIREMENTS 1/ | | |
|---|---|---|---|---|---|---|---|---|
| EFFLUENT CHARACTERISTIC | Monthly Average | Daily Maximum | Daily Minimum | Monthly Average | Daily Maximum | Measurement Frequency 2/ | Sample Type | Seasonal |
| Nickel, Total (As Ni) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Antimony, Total (As Sb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Selenium, Total (As Se) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Flow, In Conduit or Thru Treatment Plant | - | REPORT MGD | - | - | - | Semi-Annually | Estimate 4/ | - |
| Mercury, Total 6/ | - | - | - | - | REPORT ug/l | Semi-Annually | Grab | - |
| Iron, Total (As Fe) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |

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2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.

5/ Monitoring for these outfalls shall begin once the Construction General Permit coverage has been terminated upon completion of the ash pond closure construction activity.

6/ Mercury monitoring shall be in accordance with Part I.B.2 of the Permit.

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

DSN006S: Storm water from general site runoff and the removed constructed wetlands, and inactive ash disposal area seepage. 3/ 4/

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

| | DISCHARGE LIMITATIONS | | | | | MONITORING REQUIREMENTS 1/ | | |
|---|---|---|---|---|---|---|---|---|
| EFFLUENT CHARACTERISTIC | Monthly Average | Daily Maximum | Daily Minimum | Monthly Average | Daily Maximum | Measurement Frequency 2/ | Sample Type | Seasonal |
| pH | - | - | REPORT S.U. | - | REPORT S.U. | Semi-Annually | Grab | - |
| Solids, Total Suspended | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Oil & Grease | - | - | - | - | 15.0 mg/l | Semi-Annually | Grab | - |
| Arsenic, Total (As As) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Cadmium, Total (As Cd) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Chromium, Total (As Cr) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Copper, Total (As Cu) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Lead, Total (As Pb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |

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2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ Monitoring for these outfalls shall begin once the Construction General Permit coverage has been terminated upon completion of the ash pond closure construction activity.

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

DSN006S (continued): Storm water from general site runoff and the removed constructed wetlands, and inactive ash disposal area seepage. 3/ 5/

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

| | DISCHARGE LIMITATIONS | | | | | MONITORING REQUIREMENTS 1/ | | |
|---|---|---|---|---|---|---|---|---|
| EFFLUENT CHARACTERISTIC | Monthly Average | Daily Maximum | Daily Minimum | Monthly Average | Daily Maximum | Measurement Frequency 2/ | Sample Type | Seasonal |
| Nickel, Total (As Ni) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Antimony, Total (As Sb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Selenium, Total (As Se) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Flow, In Conduit or Thru Treatment Plant | - | REPORT MGD | - | - | - | Semi-Annually | Estimate 4/ | - |
| Mercury, Total 6/ | - | - | - | - | REPORT ug/l | Semi-Annually | Grab | - |
| Iron, Total (As Fe) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |

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2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.

5/ Monitoring for these outfalls shall begin once the Construction General Permit coverage has been terminated upon completion of the ash pond closure construction activity.

6/ Mercury monitoring shall be in accordance with Part I.B.2 of the Permit.

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

DSN0071: Discharge from the Process Water Pond to include storm water runoff, sump flows from the former fossil plant powerhouse facilities, and CCR leachate. 3/ 4/

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

| | DISCHARGE LIMITATIONS | | | | | MONITORING REQUIREMENTS 1/ | | |
|---|---|---|---|---|---|---|---|---|
| EFFLUENT CHARACTERISTIC | Monthly Average | Daily Maximum | Daily Minimum | Monthly Average | Daily Maximum | Measurement Frequency 2/ | Sample Type | Seasonal |
| pH | - | - | 6.0 S.U. | - | 8.5 S.U. | Monthly | Grab | - |
| Solids, Total Suspended | - | - | - | 22.0 mg/l | 77.0 mg/l | Monthly | Grab | - |
| Oil & Grease | - | - | - | 9.0 mg/l | 12.0 mg/l | Monthly | Grab | - |
| Nitrogen, Total (As N) | - | - | - | - | REPORT mg/l | Monthly | Grab | - |
| Phosphorus, Total (As P) | - | - | - | - | REPORT mg/l | Monthly | Grab | - |
| Arsenic, Total (As As) | - | - | - | - | REPORT mg/l | Monthly | Grab | - |
| Cadmium, Total (As Cd) | - | - | - | - | REPORT mg/l | Monthly | Grab | - |
| Chromium, Total (As Cr) | - | - | - | - | REPORT mg/l | Monthly | Grab | - |

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

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ See Part IV.C for Allowable Stormwater Discharges.

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

DSN0071 (continued): Discharge from the Process Water Pond to include storm water runoff, sump flows from the former fossil plant powerhouse facilities, and CCR leachate. 3/ 4/

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

| | DISCHARGE LIMITATIONS | | | | | MONITORING REQUIREMENTS 1/ | | |
|---|---|---|---|---|---|---|---|---|
| EFFLUENT CHARACTERISTIC | Monthly Average | Daily Maximum | Daily Minimum | Monthly Average | Daily Maximum | Measurement Frequency 2/ | Sample Type | Seasonal |
| Copper, Total (As Cu) | - | - | - | - | REPORT mg/l | Monthly | Grab | - |
| Lead, Total (As Pb) | - | - | - | - | REPORT mg/l | Monthly | Grab | - |
| Nickel, Total (As Ni) | - | - | - | - | REPORT mg/l | Monthly | Grab | - |
| Zinc, Total (As Zn) | - | - | - | - | REPORT mg/l | Monthly | Grab | - |
| Antimony, Total (As Sb) | - | - | - | - | REPORT mg/l | Monthly | Grab | - |
| Selenium, Total (As Se) | - | - | - | - | REPORT mg/l | Monthly | Grab | - |
| Nitrogen, Ammonia, Total (As NH3) | - | - | - | - | REPORT mg/l | Monthly | Grab | - |
| Flow, In Conduit or Thru Treatment Plant | REPORT MGD | REPORT MGD | - | - | - | Monthly | Instantaneous | - |

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

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

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3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

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

DSN0071 (continued): Discharge from the Process Water Pond to include storm water runoff, sump flows from the former fossil plant powerhouse facilities, and CCR leachate. 3/ 4/

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

| | DISCHARGE LIMITATIONS | | | | | MONITORING REQUIREMENTS 1/ | | |
|---|---|---|---|---|---|---|---|---|
| EFFLUENT CHARACTERISTIC | Monthly Average | Daily Maximum | Daily Minimum | Monthly Average | Daily Maximum | Measurement Frequency 2/ | Sample Type | Seasonal |
| Mercury, Total 5/ | - | - | - | - | REPORT ug/l | Monthly | Grab | - |
| Iron, Total (As Fe) | - | - | - | - | REPORT mg/l | Monthly | Grab | - |

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

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise speeified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ See Part IV.C for Allowable Stormwater Discharges.

5/ Mercury monitoring shall be in accordance with Part I.B.2 of the Permit.

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

DSN008S, DSN021S, DSN023S, and DSN024S: Storm water from the closed Ash Pond Dredge Cell. 3/ 4/ 5/

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

| | DISCHARGE LIMITATIONS | | | | | MONITORING REQUIREMENTS 1/ | | |
|---|---|---|---|---|---|---|---|---|
| EFFLUENT CHARACTERISTIC | Monthly Average | Daily Maximum | Daily Minimum | Monthly Average | Daily Maximum | Measurement Frequency 2/ | Sample Type | Seasonal |
| pH | - | - | REPORT S.U. | - | REPORT S.U. | Semi-Annually | Grab | - |
| Solids, Total Suspended | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Oil & Grease | - | - | - | - | 15.0 mg/l | Semi-Annually | Grab | - |
| Arsenic, Total (As As) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Cadmium, Total (As Cd) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Chromium, Total (As Cr) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Copper, Total (As Cu) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Lead, Total (As Pb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |

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

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as botb the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ Monitoring shall be required at DSN023S only.

5/ Monitoring for these outfalls shall begin once the Construction General Permit coverage has been terminated upon completion of the ash pond closure construction activity.

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

DSN008S, DSN021S, DSN023S, and DSN024S (continued): Storm water from the closed Ash Pond Dredge Cell. 3/ 5/ 6/

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

| | DISCHARGE LIMITATIONS | | | | | MONITORING REQUIREMENTS 1/ | | |
|---|---|---|---|---|---|---|---|---|
| EFFLUENT CHARACTERISTIC | Monthly Average | Daily Maximum | Daily Minimum | Monthly Average | Daily Maximum | Measurement Frequency 2/ | Sample Type | Seasonal |
| Nickel, Total (As Ni) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Zinc, Total (As Zn) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Antimony, Total (As Sb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Selenium, Total (As Se) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Flow, In Conduit or Thru Treatment Plant | - | REPORT MGD | - | - | - | Semi-Annually | Estimate 4/ | - |
| Mercury, Total 7/ | - | - | - | - | REPORT ug/l | Semi-Annually | Grab | - |
| Iron, Total (As Fe) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |

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

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.

5/ Monitoring shall be required at DSN023S only.

6/ Monitoring for these outfalls shall begin once the Construction General Permit coverage has been terminated upon completion of the ash pond closure construction activity.

7/ Mercury monitoring shall be in accordance with Part I.B.2 of the Permit.

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

DSN013S: Storm water from the closed C & D Landfill including flows from DSN013A, DSN013B, DSN013C, and DSN013D (from the closed Gypsum Stack). 3/

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

| | DISCHARGE LIMITATIONS | | | | | MONITORING REQUIREMENTS 1/ | | |
|---|---|---|---|---|---|---|---|---|
| EFFLUENT CHARACTERISTIC | Monthly Average | Daily Maximum | Daily Minimum | Monthly Average | Daily Maximum | Measurement Frequency 2/ | Sample Type | Seasonal |
| pH | - | - | REPORT S.U. | - | REPORT S.U. | Semi-Annually | Grab | - |
| Solids, Total Suspended | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Oil & Grease | - | - | - | - | 15.0 mg/l | Semi-Annually | Grab | - |
| Arsenic, Total (As As) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Cadmium, Total (As Cd) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Chromium, Total (As Cr) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Copper, Total (As Cu) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Lead, Total (As Pb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |

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

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

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

DSN013S (continued): Storm water from the closed C & D Landfill including flows from DSN013A, DSN013B, DSN013C, and DSN013D (from the closed Gypsum Stack). 3/

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

| | DISCHARGE LIMITATIONS | | | | | MONITORING REQUIREMENTS 1/ | | |
|---|---|---|---|---|---|---|---|---|
| EFFLUENT CHARACTERISTIC | Monthly Average | Daily Maximum | Daily Minimum | Monthly Average | Daily Maximum | Measurement Frequency 2/ | Sample Type | Seasonal |
| Nickel, Total (As Ni) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Zinc, Total (As Zn) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Antimony, Total (As Sb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Selenium, Total (As Se) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Flow, In Conduit or Thru Treatment Plant | - | REPORT MGD | - | - | - | Semi-Annually | Estimate 4/ | - |
| Mercury, Total 5/ | - | - | - | - | REPORT ug/l | Semi-Annually | Grab | - |
| Iron, Total (As Fe) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |

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

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.

5/ Mercury monitoring shall be in accordance with Part I.B.2 of the Permit.

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

DSN013A, DSN013B, DSN013C, and DSN013D: Storm water from the closed Gypsum Stack.

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

| | DISCHARGE LIMITATIONS | | | | | MONITORING REQUIREMENTS 1/ | | |
|---|---|---|---|---|---|---|---|---|
| EFFLUENT CHARACTERISTIC | Monthly Average | Daily Maximum | Daily Minimum | Monthly Average | Daily Maximum | Measurement Frequency 2/ | Sample Type | Seasonal |

**NO MONITORING REQUIRMENTS IMPOSED PROVIDED THE PERMITTEE ADD NO POLLUTANTS TO THE DISCHARGE**

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

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

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

DSN029S through DSN033S: Storm water from the closed Gypsum Stack footprint. 3/ 4/ 5/

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

| | DISCHARGE LIMITATIONS | | | | | MONITORING REQUIREMENTS 1/ | | |
|---|---|---|---|---|---|---|---|---|
| EFFLUENT CHARACTERISTIC | Monthly Average | Daily Maximum | Daily Minimum | Monthly Average | Daily Maximum | Measurement Frequency 2/ | Sample Type | Seasonal |
| pH | - | - | REPORT S.U. | - | REPORT S.U. | Semi-Annually | Grab | - |
| Solids, Total Suspended | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Oil & Grease | - | - | - | - | 15.0 mg/l | Semi-Annually | Grab | - |
| Arsenic, Total (As As) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Beryllium, Total (As Be) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Cadmium, Total (As Cd) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Chromium, Total (As Cr) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Copper, Total (As Cu) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |

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

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ Monitoring shall be required at DSN030S only.

5/ Monitoring for these outfalls shall begin once the Construction General Permit coverage has been terminated upon completion of the ash pond closure construction activity.

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

DSN029S through DSN033S (continued): Storm water from the closed Gypsum Stack footprint. 3/ 5/ 6/

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

| | DISCHARGE LIMITATIONS | | | | | MONITORING REQUIREMENTS 1/ | | |
|---|---|---|---|---|---|---|---|---|
| EFFLUENT CHARACTERISTIC | Monthly Average | Daily Maximum | Daily Minimum | Monthly Average | Daily Maximum | Measurement Frequency 2/ | Sample Type | Seasonal |
| Lead, Total (As Pb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Nickel, Total (As Ni) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Antimony, Total (As Sb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Selenium, Total (As Se) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |
| Flow, In Conduit or Thru Treatment Plant | - | REPORT MGD | - | - | - | Semi-Annually | Estimate 4/ | - |
| Mercury, Total 7/ | - | - | - | - | REPORT ug/l | Semi-Annually | Grab | - |
| Iron, Total (As Fe) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | - |

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

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.

2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.

3/ See Part IV.A for Best Management Practices (BMP) Plan Requirements.

4/ See Part IV.B for Stormwater Measurement and Sampling Requirements.

5/ Monitoring shall be required at DSN030S only.

6/ Monitoring for these outfalls shall begin once the Construction General Permit coverage has been terminated upon completion of the ash pond closure construction activity.

7/ Mercury monitoring shall be in accordance with Part I.B.2 of the Permit.

## B. DISCHARGE MONITORING AND RECORD KEEPING REQUIREMENTS

1. Representative Sampling

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

2. Test Procedures

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

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

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

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

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

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

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

3. Recording of Results

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

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

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

c. The dates and times the analyses were performed;

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

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

f. The results of all required analyses.

4. Records Retention and Production

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

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

5. Monitoring Equipment and Instrumentation

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

## C. DISCHARGE REPORTING REQUIREMENTS

1. Reporting of Monitoring Requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) If a permittee is allowed to submit a hard copy DMR, the DMR must be legible and bear an original signature. Photo and electronic copies of the signature are not acceptable and shall not satisfy the reporting requirements of this permit.

(4) If the permittee, using approved analytical methods as specified in Provision I.B.2, monitors any discharge from a point source for a limited substance identified in Provision I.A. of this permit more frequently than required by this permit, the results of such monitoring shall be included in the calculation and reporting of values on the DMR and the increased frequency shall be indicated on the DMR.

(5) In the event no discharge from a point source identified in Provision I.A. of this permit and described more fully in the permittee's application occurs during a monitoring period, the permittee shall report "No Discharge" for such period on the appropriate DMR.

d. All reports and forms required to be submitted by this permit, the AWPCA and the Department's Rules, shall be electronically signed (or, if allowed by the Department, traditionally signed) by a "responsible official" of the permittee as defined in ADEM Administrative Code Rule 335-6-5-.14 or a "duly authorized representative" of such official as defined in ADEM Administrative Code Rule 335-6-5-.14 and shall bear the following certification:

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

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

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

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

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

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

**Alabama Department of Environmental Management**

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

Certified and Registered Mail shall be addressed to:

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

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

2. Noncompliance Notification

a. 24-Hour Noncompliance Reporting

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

(1) does not comply with any daily minimum or maximum discharge limitation for an effluent characteristic specified in Provision I. A. of this permit which is denoted by an "(X)";

(2) threatens human health or welfare, fish or aquatic life, or water quality standards;

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

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

(5) exceeds any discharge limitation for an effluent characteristic as a result of an unanticipated bypass or upset; and

(6) is an unpermitted direct or indirect discharge of a pollutant to a water of the state (unpermitted discharges properly reported to the Department under any other requirement are not required to be reported under this provision).

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

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

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

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

(2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(3) A description of the steps taken and/or being taken to reduce or eliminate the noncomplying discharge and to prevent its recurrence.

## D. OTHER REPORTING AND NOTIFICATION REQUIREMENTS

1. Anticipated Noncompliance

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

2. Termination of Discharge

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

3. Updating Information

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

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

4. Duty to Provide Information

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

5. Cooling Water and Boiler Water Additives

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

      (1) name and general composition of biocide or chemical;

      (2) 96-hour median tolerance limit data for organisms representative of the biota of the waterway into which the discharge will ultimately reach;

      (2) quantities to be used;

      (3) frequencies of use;

      (4) proposed discharge concentrations; and

      (6) EPA registration number, if applicable.

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

6. Permit Issued Based On Estimated Characteristics

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

b. This permit shall be reopened if required to address any new information resulting from the completion and submittal of the Form 2C and or 2F.

## E. SCHEDULE OF COMPLIANCE

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

**IN ACCORDANCE WITH THE INSTRUCTIONS FOR EPA FORM 2D, A COMPLETED EPA FORM 2C SHALL BE SUBMITTED NO LATER THAN ONE YEAR AFTER THE PROPOSED FACILITY BEGINS DISCHARGING. IN ADDITION, A COMPLETED EPA FORM 2F SHALL BE SUBMITTED NO LATER THAN ONE YEAR AFTER THE PROPOSED FACILITY BEGINS DISCHARGING**

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

## PART II OTHER REQUIREMENTS, RESPONSIBILITIES, AND DUTIES

### A. OPERATIONAL AND MANAGEMENT REQUIREMENTS

1. Facilities Operation and Maintenance

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

2. Best Management Practices

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

b. The permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with 40 C.F.R. Section 112 if required thereby.

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

3. Spill Prevention, Control, and Management

The permittee shall provide spill prevention, control, and/or management sufficient to prevent any spills of pollutants from entering a water of the state or a publicly or privately owned treatment works. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and which shall prevent the contamination of groundwater and such containment system shall be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided.

### B. OTHER RESPONSIBILITIES

1. Duty to Mitigate Adverse Impacts

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

2. Right of Entry and Inspection

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

a. enter upon the permittee's premises where a regulated facility or activity or point source is located or conducted, or where records must be kept under the conditions of the permit;

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

c. inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and

d. sample or monitor, for the purposes of assuring permit compliance or as otherwise authorized by the AWPCA, any substances or parameters at any location.

### C. BYPASS AND UPSET

1. Bypass

a. Any bypass is prohibited except as provided in b. and c. below:

b. A bypass is not prohibited if:

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

(2) It enters the same receiving stream as the permitted outfall; and

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

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

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

(2) There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime (this condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance); and

(3) The permittee submits a written request for authorization to bypass to the Director at least ten (10) days prior to the anticipated bypass (if possible), the permittee is granted such authorization, and the permittee complies with any conditions imposed by the Director to minimize any adverse impact on human health or the environment resulting from the bypass.

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

2. Upset

a. A discharge which results from an upset need not meet the discharge limitations specified in Provision I. A. of this permit if:

(1) No later than 24-hours after becoming aware of the occurrence of the upset, the permittee orally reports the occurrence and circumstances of the upset to the Director or his designee; and

(2) No later than five (5) days after becoming aware of the occurrence of the upset, the permittee furnishes the Director with evidence, including properly signed, contemporaneous operating logs, or other relevant evidence, demonstrating that (i) an upset occurred; (ii) the permittee can identify the specific cause(s) of the upset; (iii) the permittee's facility was being properly operated at the time of the upset; and (iv) the permittee promptly took all reasonable steps to minimize any adverse impact on human health or the environment resulting from the upset.

b. The permittee has the burden of establishing that each of the conditions of Provision II. C.2.a. of this permit have been met to qualify for an exemption from the discharge limitations specified in Provision I.A. of this permit.

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

1. Duty to Comply

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

b. The necessity to halt or reduce production or other activities in order to maintain compliance with the conditions of the permit shall not be a defense for a permittee in an enforcement action.

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

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

e. Nothing in this permit shall be construed to preclude and negate the permittee's responsibility or liability to apply for, obtain, or comply with other ADEM, Federal, State, or Local Government permits, certifications, licenses, or other approvals.

2. Removed Substances

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

3. Loss or Failure of Treatment Facilities

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

4. Compliance with Statutes and Rules

a. This permit has been issued under ADEM Administrative Code, Chapter 335-6-6. All provisions of this chapter, that are applicable to this permit, are hereby made a part of this permit. A copy of this chapter may be obtained for a small charge from the Office of General Counsel, Alabama Department of Environmental Management, 1400 Coliseum Blvd., Montgomery, AL 36130.

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

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

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

a. If the permittee intends to continue to discharge beyond the expiration date of this permit, the permittee shall file a complete permit application for reissuance of this permit at least 180 days prior to its expiration. If the permittee does not intend to continue discharge beyond the expiration of this permit, the permittee shall submit written notification of this intent which shall be signed by an individual meeting the signatory requirements for a permit application as set forth in ADEM Administrative Code Rule 335-6-6-.09.

b. Failure of the permittee to apply for reissuance at least 180 days prior to permit expiration will void the automatic continuation of the expiring permit provided by ADEM Administrative Code Rule 335-6-6-.06 and should the permit not be reissued for any reason any discharge after expiration of this permit will be an unpermitted discharge.

2. Change in Discharge

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

b. The permittee shall notify the Director as soon as it is known or there is reason to believe:

(1) That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

(a) one hundred micrograms per liter;

(b) two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dini-trophenol; and one milligram per liter for antimony;

(c) five times the maximum concentration value reported for that pollutant in the permit application; or

(2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

(a) five hundred micrograms per liter;

(b) one milligram per liter for antimony;

(c) ten times the maximum concentration value reported for that pollutant in the permit application.

3. Transfer of Permit

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

4. Permit Modification and Revocation

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

(1) If cause for termination under Provision II. E. 5. of this permit exists, the Director may choose to revoke and reissue this permit instead of terminating the permit;

(2) If a request to transfer this permit has been received, the Director may decide to revoke and reissue or to modify the permit; or

(3) If modification or revocation and reissuance is requested by the permittee and cause exists, the Director may grant the request.

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

(1) If cause for termination under Provision II. E. 5. of this permit exists, the Director may choose to modify this permit instead of terminating this permit;

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

(3) The Director has received new information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance;

(4) A new or revised requirement(s) of any applicable standard or limitation is promulgated under Sections 301(b)(2)(C), (D), (E), and (F), and 307(a)(2) of the FWPCA;

(5) Errors in calculation of discharge limitations or typographical or clerical errors were made;

(6) To the extent allowed by ADEM Administrative Code, Rule 335-6-6-.17, when the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued;

(7) To the extent allowed by ADEM Administrative Code, Rule 335-6-6-.17, permits may be modified to change compliance schedules;

(8) To agree with a granted variance under 30l(c), 30l(g), 30l(h), 30l(k), or 3l6(a) of the FWPCA or for fundamentally different factors;

(9) To incorporate an applicable 307(a) FWPCA toxic effluent standard or prohibition;

(10) When required by the reopener conditions in this permit;

(11) When required under 40 CFR 403.8(e) (compliance schedule for development of pretreatment program);

(12) Upon failure of the state to notify, as required by Section 402(b)(3) of the FWPCA, another state whose waters may be affected by a discharge permitted by this permit;

(13) When required to correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions; or

(14) When requested by the permittee and the Director determines that the modification has cause and will not result in a violation of federal or state law, regulations or rules.

5. Permit Termination

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

a. Violation of any term or condition of this permit;

b. The permittee's misrepresentation or failure to disclose fully all relevant facts in the permit application or during the permit issuance process or the permittee's misrepresentation of any relevant facts at any time;

c. Materially false or inaccurate statements or information in the permit application or the permit;

d. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

e. The permittee's discharge threatens human life or welfare or the maintenance of water quality standards;

f. Permanent closure of the facility generating the wastewater permitted to be discharged by this permit or permanent cessation of wastewater discharge;

g. New or revised requirements of any applicable standard or limitation that is promulgated under Sections 301(b)(2)(C), (D), (E), and (F), and 307(a)(2) of the FWPCA that the Director determines cannot be complied with by the permittee; or

h. Any other cause allowed by the ADEM Administrative Code, Chapter 335-6-6.

6. Permit Suspension

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

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

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

## F. COMPLIANCE WITH TOXIC POLLUTANT STANDARD OR PROHIBITION

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

## G. DISCHARGE OF WASTEWATER GENERATED BY OTHERS

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

# PART III OTHER PERMIT CONDITIONS

## A. CIVIL AND CRIMINAL LIABILITY

1. Tampering

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

2. False Statements

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

3. Permit Enforcement

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

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

(1) An administrative order requiring abatement, compliance, mitigation, cessation, clean-up, and/or penalties;

(2) An action for damages;

(3) An action for injunctive relief; or

(4) An action for penalties.

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

(1) initiate enforcement action based upon the permit which has been continued;

(2) issue a notice of intent to deny the permit reissuance. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(3) reissue the new permit with appropriate conditions; or

(4) take other actions authorized by these rules and AWPCA.

4. Relief from Liability

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

## B. OIL AND HAZARDOUS SUBSTANCE LIABILITY

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

## C. PROPERTY AND OTHER RIGHTS

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

## D. AVAILABILITY OF REPORTS

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

## E. EXPIRATION OF PERMITS FOR NEW OR INCREASED DISCHARGES

1. If this permit was issued for a new discharger or new source, this permit shall expire eighteen months after the issuance date if construction of the facility has not begun during the eighteen-month period.

2. If this permit was issued or modified to allow the discharge of increased quantities of pollutants to accommodate the modification of an existing facility and if construction of this modification has not begun during the eighteen month period after issuance of this permit or permit modification, this permit shall be modified to reduce the quantities of pollutants allowed to be discharged to those levels that would have been allowed if the modification of the facility had not been planned.

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

   a. begun, or caused to begin as part of a continuous on-site construction program:

      (1) any placement, assembly, or installation of facilities or equipment; or

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

   b. entered into a binding contractual obligation for the purpose of placement, assembly, or installation of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under the paragraph. The entering into a lease with the State of Alabama for exploration and production of hydrocarbons shall also be considered beginning construction.

## F. COMPLIANCE WITH WATER QUALITY STANDARDS

1. On the basis of the permittee's application, plans, or other available information, the Department has determined that compliance with the terms and conditions of this permit should assure compliance with the applicable water quality standards.

2. Compliance with permit terms and conditions notwithstanding, if the permittee's discharge(s) from point sources identified in Provision I. A. of this permit cause or contribute to a condition in contravention of state water quality standards, the Department may require abatement action to be taken by the permittee in emergency situations or modify the permit pursuant to the Department's Rules, or both.

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

## G. GROUNDWATER

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

## H. DEFINITIONS

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

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

3. Arithmetic Mean – means the summation of the individual values of any set of values divided by the number of individual values.

4. AWPCA - means the Alabama Water Pollution Control Act.

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

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

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

8. Daily discharge - means the discharge of a pollutant measured during any consecutive 24-hour period in accordance with the sample type and analytical methodology specified by the discharge permit.

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

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

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

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

13. Director - means the Director of the Department.

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

15. Discharge Monitoring Report (DMR) - means the form approved by the Director to accomplish reporting requirements of an NPDES permit.

16. DO – means dissolved oxygen.

17. 8HC – means 8-hour composite sample, including any of the following:

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

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

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

19. FC – means the pollutant parameter fecal coliform.

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

21. FWPCA - means the Federal Water Pollution Control Act.

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

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

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

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

26. MGD – means million gallons per day.

27. Monthly Average – means, other than for fecal coliform bacteria, the arithmetic mean of the entire composite or grab samples taken for the daily discharges collected in one month period. The monthly average for fecal coliform bacteria is the geometric mean of daily discharge samples collected in a one month period. The monthly average for flow is the arithmetic mean of all flow measurements taken in a one month period.

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

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

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

    c. which has never received a final effective NPDES permit for dischargers at that site.

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

30. Permit application - means forms and additional information that is required by ADEM Administrative Code Rule 335-6-6-.08 and applicable permit fees.

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

32. Pollutant - includes for purposes of this permit, but is not limited to, those pollutants specified in Code of Alabama 1975, Section 22-22-1(b)(3) and those effluent characteristics specified in Provision I. A. of this permit.

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

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

35. Receiving Stream – means the "waters" receiving a "discharge" from a "point source".

36. Severe property damage - means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

37. Significant Source – means a source which discharges 0.025 MGD or more to a POTW or greater than five percent of the treatment work's capacity, or a source which is a primary industry as defined by the U.S. EPA or which discharges a priority or toxic pollutant.

38. Solvent – means any virgin, used or spent organic solvent(s) identified in the F-Listed wastes (F001 through F005) specified in 40 CFR 261.31 that is used for the purpose of solubilizing other materials.

39. TKN – means the pollutant parameter Total Kjeldahl Nitrogen.

40. TON – means the pollutant parameter Total Organic Nitrogen.

41. TRC – means Total Residual Chlorine.

42. TSS – means the pollutant parameter Total Suspended Solids.

43. 24HC – means 24-hour composite sample, including any of the following:

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

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

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

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

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

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

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

## I. SEVERABILITY

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

## PART IV ADDITIONAL REQUIREMENTS, CONDITIONS, AND LIMITATIONS

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

1. BMP Plan

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

2. Plan Content

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

a. Establish specific objectives for the control of pollutants:

(1) Each facility component or system shall be examined for its potential for causing a release of significant amounts of pollutants to waters of the State due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.

(2) Where experience indicates a reasonable potential for equipment failure (e.g., a tank overflow or leakage), natural condition (e.g. precipitation), or circumstances to result in significant amounts of pollutants reaching surface waters, the plan should include a prediction of the direction, rate of flow, and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.

b. Establish specific best management practices to meet the objectives identified under paragraph a. of this section, addressing each component or system capable of causing a release of significant amounts of pollutants to the waters of the State, and identifying specific preventative or remedial measures to be implemented;

c. Establish a program to identify and repair leaking equipment items and damaged containment structures, which may contribute to contaminated stormwater runoff. This program must include regular visual inspections of equipment, containment structures and of the facility in general to ensure that the BMP is continually implemented and effective;

d. Prevent the spillage or loss of fluids, oil, grease, gasoline, etc. from vehicle and equipment maintenance activities and thereby prevent the contamination of stormwater from these substances;

e. Prevent or minimize stormwater contact with material stored on site;

f. Designate by position or name the person or persons responsible for the day to day implementation of the BMP;

g. Provide for routine inspections, on days during which the facility is manned, of any structures that function to prevent stormwater pollution or to remove pollutants from stormwater and of the facility in general to ensure that the BMP is continually implemented and effective;

h. Provide for the use and disposal of any material used to absorb spilled fluids that could contaminate stormwater;

i. Develop a solvent management plan, if solvents are used on site. The solvent management plan shall include as a minimum lists of the solvents on site; the disposal method of solvents used instead of dumping, such as reclamation, contract hauling; and the procedures for assuring that solvents do not routinely spill or leak into the stormwater;

j. Provide for the disposal of all used oils, hydraulic fluids, solvent degreasing material, etc. in accordance with good management practices and any applicable state or federal regulations;

k. Include a diagram of the facility showing the locations where stormwater exits the facility, the locations of any structure or other mechanisms intended to prevent pollution of stormwater or to remove pollutants from stormwater, the locations of any collection and handling systems;

l. Provide control sufficient to prevent or control pollution of stormwater by soil particles to the degree required to maintain compliance with the water quality standard for turbidity applicable to the waterbody(s) receiving discharge(s) under this permit;

m. Provide spill prevention, control, and/or management sufficient to prevent or minimize contaminated stormwater runoff. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and shall prevent the contamination of groundwater. The containment system shall also be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided;

n. Provide and maintain curbing, diking or other means of isolating process areas to the extent necessary to allow segregation and collection for treatment of contaminated stormwater from process areas;

o. Be reviewed by plant engineering staff and the plant manager; and

p. Bear the signature of the plant manager.

3. Compliance Schedule

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

4. Department Review

a. When requested by the Director or his designee, the permittee shall make the BMP available for Department review.

b. The Director or his designee may notify the permittee at any time that the BMP is deficient and require correction of the deficiency.

c. The permittee shall correct any BMP deficiency identified by the Director or his designee within 30 days of receipt of notification and shall certify to the Department that the correction has been made and implemented.

5. Administrative Procedures

a. A copy of the BMP shall be maintained at the facility and shall be available for inspection by representatives of the Department.

b. A log of the routine inspection required above shall be maintained at the facility and shall be available for inspection by representatives of the Department. The log shall contain records of all inspections performed for the last three years and each entry shall be signed by the person performing the inspection.

c. The permittee shall provide training for any personnel required to implement the BMP and shall retain documentation of such training at the facility. This documentation shall be available for inspection by representatives of the Department. Training shall be performed prior to the date that implementation of the BMP is required.

d. BMP Plan Modification. The permittee shall amend the BMP plan whenever there is a change in the facility or change in operation of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.

e. BMP Plan Review. The permittee shall complete a review and evaluation of the BMP plan at least once every three years from the date of preparation of the BMP plan. Documentation of the BMP Plan review and evaluation shall be signed and dated by the Plant Manager.

## B. STORMWATER FLOW MEASUREMENT AND SAMPLING REQUIREMENTS

1. Stormwater Flow Measurement

a. All stormwater samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches, during daylight hours only.

b. The total volume of stormwater discharged for the event must be monitored, including the date and duration (in hours) and rainfall (in inches) for storm event(s) sampled. The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event must be a minimum of 72 hours. This information must be recorded as part of the sampling procedure and records retained according to Part I.B. of this permit.

c. The volume may be measured using flow measuring devices, or estimated based on a modification of the Rational Method using total depth of rainfall, the size of the drainage area serving a stormwater outfall, and an estimate of the runoff coefficient of the drainage area. This information must be recorded as part of the sampling procedure and records retained according to Part I.B. of this permit.

2. Stormwater Sampling

a. A grab sample, if required by this permit, shall be taken during the first thirty minutes of the discharge (or as soon thereafter as practicable); and a flow-weighted composite sample, if required by this permit, shall be taken for the entire event or for the first three hours of the event.

b. All test procedures will be in accordance with part I.B. of this permit.

## C. ALLOWABLE NON-STORM WATER DISCHARGES

This permit authorizes non-stormwater discharges provided the non-stormwater component of the discharge is in compliance with Part III.D of ADEM's construction storm water permit.

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

1. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, concrete washout, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
   (a) Liquid waste shall not be directly discharged into storm sewers.
   (b) Washout and cleanout activities should be located as far away as possible from surface waters, natural buffer areas, stormwater inlets, and conveyances.
2. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater;
3. Minimize the discharge of pollutants from any spills and leaks from, including but not limited to vehicles; mechanical equipment; chemical storage; and refueling activities; and
4. Use of polymers, flocculants, or other treatment chemicals at the site may only be applied where treated stormwater is directed to a sediment control prior to discharge.

## D. SEEP IDENTIFICATION AND CORRECTIVE ACTION FOR CLOSED COMBUSTION RESIDIUAL (CCR) DISPOSAL AREAS

The Permittee shall develop and maintain on-site a CCR Seep Identification and Corrective Action Plan to include quarterly inspections. If a seep is identified during an inspection, the Permittee must initiate corrective action as soon as feasible. A log of the inspections shall be maintained at the facility and shall be available for inspection by the Department. The log shall contain records of all inspections performed for the last three years and each entry shall be signed by the person performing the inspection.

**LANCE R. LEFLEUR**
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

# FACT SHEET

## APPLICATION FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT TO DISCHARGE POLLUTANTS TO WATERS OF THE STATE OF ALABAMA

**Date:** February 27, 2019 **Prepared By:** Brian Marshall

**NPDES Permit No.** AL0003875

1. **Name and Address of Applicant:**

   Tennessee Valley Authority
   2800 Steam Plant Road
   Stevenson, AL 35772

2. **Name and Address of Facility:**

   Widows Creek Fossil Plant
   2800 Steam Plant Road
   Stevenson, Alabama 35772

3. **Description of Applicant's Type of Facility and/or Activity Generating the Discharge:**

   Individual Permit - Standard

4. **Applicant's Receiving Waters**

| Receiving Waters | Classification |
|---|---|
| Horn Branch | F&W |
| Tennessee River | PWS, S, F&W |
| Widows Creek | S, F&W |

   For the Outfall latitude and longitude see the permit application.

5. **Permit Conditions:**

   See attached Rationale and Draft Permit.

6. **PROCEDURES FOR THE FORMULATION OF FINAL DETERMINATIONS**

   a. **Comment Period**

   The Alabama Department of Environmental Management proposes to issue this NPDES permit subject to the limitations and special conditions outlined above. This determination is tentative.

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

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

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

**Mobile Branch**
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

**Mobile-Coastal**
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

Russell A. Kelly, Chief
Permits and Services Division
Alabama Department of Environmental Management
1400 Coliseum Blvd
(Mailing Address: Post Office Box 301463; Zip 36130-1463)
Montgomery, Alabama 36110-2059
(334) 271-7714

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

**b. Public Hearing**

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

Russell A. Kelly, Chief
Permits and Services Division
Alabama Department of Environmental Management
1400 Coliseum Blvd
(Mailing Address: Post Office Box 301463; Zip 36130-1463)
Montgomery, Alabama 36110-2059
(334) 271-7714

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

**c. Issuance of the Permit**

All comments received during the public comment period shall be considered in making the final permit decision. At the time that any final permit decision is issued, the Department shall prepare a response to comments in accordance with ADEM Admin. Code r. 335-6-6-.21. **The permit record, including the response to comments, will be available to the public via the eFile System** (http://app.adem.alabama.gov/eFile/) **or an appointment to review the record may be made by writing the Permits and Services Division at the above address.**

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

**d. Appeal Procedures**

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

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

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

ADEM REVISED PERMIT RATIONALE

PREPARED DATE: January 16, 2019
REVISION DATE: February 28, 2019
PREPARED BY: Brian Marshall

Permittee Name: Tennessee Valley Authority

Facility Name: TVA Widows Creek Facility

Permit Number: AL0003875

PERMIT IS REISSUANCE DUE TO EXPIRATION

DISCHARGE SERIAL NUMBERS & DESCRIPTIONS:

| | |
|---|---|
| DSN001: | Storm water runoff from the closed Ash Pond area. |
| DSN004: | Units 7-8 Intake Screen Backwash |
| DSN005: | Storm water runoff from the closed Ash Pond area, restored limestone staging area, restored equipment staging area, and removed constructed wetlands. |
| DSN006: | Storm water from general site runoff and the removed constructed wetlands, and inactive ash disposal area seepage. |
| DSN007: | Discharge from the Process Water Pond. |
| DSN008: | Storm water from the closed Ash Pond Dredge Cell. |
| DSN013: | Storm water from the closed C & D Landfill including flows from DSN013A, DSN013B, DSN013C, and DSN013D (from the closed Gypsum Stack). |
| DSN021: | Storm water from the closed Ash Pond Dredge Cell. |
| DSN023: | Storm water from the closed Ash Pond Dredge Cell. |
| DSN024: | Storm water from the closed Ash Pond Dredge Cell. |
| DSN025: | Storm water runoff from the closed Ash Pond area. |
| DSN026: | Storm water runoff from the closed Ash Pond area. |
| DSN027: | Storm water runoff from the closed Ash Pond area. |
| DSN028: | Storm water runoff from the closed Ash Pond area. |
| DSN029: | Storm water from the closed Gypsum Stack footprint. |
| DSN030: | Storm water from the closed Gypsum Stack footprint. |
| DSN031: | Storm water from the closed Gypsum Stack footprint. |
| DSN032: | Storm water from the closed Gypsum Stack footprint. |
| DSN033: | Storm water from the closed Gypsum Stack footprint. |

**INDUSTRIAL CATEGORY:** NON-CATEGORICAL

**MAJOR:** Y

**STREAM INFORMATION:**

| | |
|---|---|
| Receiving Stream: | Tennessee River (DSN001, DSN004-DSN006, and DSN021) |
| Classification: | PWS, S, F&W |
| River Basin: | Tennessee |
| 7Q10: | 5607.2 cfs |
| 7Q2: | 9017.90 cfs |
| 1Q10: | 4205.34 cfs |
| Annual Average Flow: | 35,765.49 cfs |
| 303(d) List: | YES |

| | |
|---|---|
| Impairment: | Metals (Mercury) |
| TMDL: | NO |

| | |
|---|---|
| Receiving Stream: | Widows Creek (DSN007-DSN008, DSN013, and DSN023-DSN029) |
| Classification: | S, F&W |
| River Basin: | Tennessee River |
| 7Q10: | 0.83 cfs |
| 7Q2: | 1.34 cfs |
| 1Q10: | 0.62 cfs |
| Annual Average Flow: | 87.32 cfs |
| 303(d) List: | YES |
| Impairment: | Metals (Mercury) |
| TMDL: | NO |

| | |
|---|---|
| Receiving Stream: | Horn Branch (DSN030-DSN033) |
| Classification: | F&W |
| River Basin: | Tennessee |
| 7Q10: | 0.0 cfs |
| 7Q2: | 0.0 cfs |
| 1Q10: | 0.0 cfs |
| Annual Average Flow: | 4.13 cfs |
| 303(d) List: | NO |
| Impairment: | N/A |
| TMDL: | NO |

**DISCUSSION:**

The Widows Creek Combustion Turbine Site produced electricity from the combustion of coal using eight retired units. Although no longer producing steam electric power, the retired Widows Creek Fossil Plant is located at this site.

TVA requests that DSN001a, DSN001b, DSN001c, DSN009, DSN010, DSN011, DSN012, DSN015, DSN016, DSN017, DSN018, and DSN019 be removed due to the shutdown of operations at the site. DSN007, DSN008, DSN021, and DSN023 through DSN033 have been added to the permit because they contain both produced water and storm water discharges associated with post-production activities at the site.

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

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

**001S, 025S, 026S, 027S, and 028S:** Storm water runoff from the closed Ash Pond area.

| Parameter | Monthly Avg Loading | Daily Max Loading | Daily Min Concentration | Monthly Avg Concentration | Daily Max Concentration | Sample Frequency | Sample Type | Basis* |
|---|---|---|---|---|---|---|---|---|
| pH | - | - | REPORT S.U. | - | REPORT S.U. | Semi-Annually | Grab | BPJ |
| Solids, Total Suspended | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Oil & Grease | - | - | - | - | 15.0 mg/l | Semi-Annually | Grab | BPJ |
| Arsenic, Total (As As) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Cadmium, Total (As Cd) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Chromium, Total (As Cr) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Copper, Total (As Cu) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Lead, Total (As Pb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Nickel, Total (As Ni) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Antimony, Total (As Sb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Selenium, Total (As Se) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Flow, In Conduit or Thru Treatment Plant | - | REPORT MGD | - | - | - | Semi-Annually | Estimate | BPJ |
| Mercury, Total (As Hg) | - | - | - | - | REPORT ug/l | Semi-Annually | Grab | BPJ |
| Iron, Total (As Fe) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |

**005S:** Storm water runoff from the closed Ash Pond area, restored limestone staging area, restored equipment staging area, and removed constructed wetlands.

| Parameter | Monthly Avg Loading | Daily Max Loading | Daily Min Concentration | Monthly Avg Concentration | Daily Max Concentration | Sample Frequency | Sample Type | Basis* |
|---|---|---|---|---|---|---|---|---|
| pH | - | - | REPORT S.U. | - | REPORT S.U. | Semi-Annually | Grab | BPJ |
| Solids, Total Suspended | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Oil & Grease | - | - | - | - | 15.0 mg/l | Semi-Annually | Grab | BPJ |
| Arsenic, Total (As As) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Cadmium, Total (As Cd) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Chromium, Total (As Cr) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Copper, Total (As Cu) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Lead, Total (As Pb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Nickel, Total (As Ni) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Antimony, Total (As Sb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Selenium, Total (As Se) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Flow, In Conduit or Thru Treatment Plant | - | REPORT MGD | - | - | - | Semi-Annually | Estimate | BPJ |
| Mercury, Total (As Hg) | - | - | - | - | REPORT ug/l | Semi-Annually | Grab | BPJ |
| Iron, Total (As Fe) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |

**006S:** Storm water from general site runoff and the removed constructed wetlands, and inactive ash disposal area seepage.

| Parameter | Monthly Avg Loading | Daily Max Loading | Daily Min Concentration | Monthly Avg Concentration | Daily Max Concentration | Sample Frequency | Sample Type | Basis* |
|---|---|---|---|---|---|---|---|---|
| pH | - | - | REPORT S.U. | - | REPORT S.U. | Semi-Annually | Grab | BPJ |
| Solids, Total Suspended | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Oil & Grease | - | - | - | - | 15.0 mg/l | Semi-Annually | Grab | BPJ |
| Arsenic, Total (As As) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Cadmium, Total (As Cd) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Chromium, Total (As Cr) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Copper, Total (As Cu) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Lead, Total (As Pb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Nickel, Total (As Ni) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Antimony, Total (As Sb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Selenium, Total (As Se) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Flow, In Conduit or Thru Treatment Plant | - | REPORT MGD | - | - | - | Semi-Annually | Estimate | BPJ |
| Mercury, Total (As Hg) | - | - | - | - | REPORT ug/l | Semi-Annually | Grab | BPJ |
| Iron, Total (As Fe) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |

**0071:** Discharge from the Process Water Pond.

| Parameter | Monthly Avg Loading | Daily Max Loading | Daily Min Concentration | Monthly Avg Concentration | Daily Max Concentration | Sample Frequency | Sample Type | Basis* |
|---|---|---|---|---|---|---|---|---|
| pH | - | - | 6.0 S.U. | - | 8.5 S.U. | Monthly | Grab | WQBEL |
| Solids, Total Suspended | - | - | - | 22.0 mg/l | 77.0 mg/l | Monthly | Grab | EGL/BPJ |
| Oil & Grease | - | - | - | 9.0 mg/l | 12.0 mg/l | Monthly | Grab | EGL/BPJ |
| Nitrogen, Total (As N) | - | - | - | - | REPORT mg/l | Monthly | Grab | BPJ |
| Phosphorus, Total (As P) | - | - | - | - | REPORT mg/l | Monthly | Grab | BPJ |
| Arsenic, Total (As As) | - | - | - | - | REPORT mg/l | Monthly | Grab | BPJ |
| Cadmium, Total (As Cd) | - | - | - | - | REPORT mg/l | Monthly | Grab | BPJ |
| Chromium, Total (As Cr) | - | - | - | - | REPORT mg/l | Monthly | Grab | BPJ |
| Copper, Total (As Cu) | - | - | - | - | REPORT mg/l | Monthly | Grab | BPJ |
| Lead, Total (As Pb) | - | - | - | - | REPORT mg/l | Monthly | Grab | BPJ |
| Nickel, Total (As Ni) | - | - | - | - | REPORT mg/l | Monthly | Grab | BPJ |
| Zinc, Total (As Zn) | - | - | - | - | REPORT mg/l | Monthly | Grab | BPJ |
| Antimony, Total (As Sb) | - | - | - | - | REPORT mg/l | Monthly | Grab | BPJ |
| Selenium, Total (As Se) | - | - | - | - | REPORT mg/l | Monthly | Grab | BPJ |
| Nitrogen, Ammonia, Total (As NH3) | - | - | - | - | REPORT mg/l | Monthly | Grab | BPJ |
| Flow, In Conduit or Thru Treatment Plant | REPORT MGD | REPORT MGD | - | - | - | Monthly | Instantaneous | BPJ |
| Mercury, Total (As Hg) | - | - | - | - | REPORT ug/l | Monthly | Grab | BPJ |
| Iron, Total (As Fe) | - | - | - | - | REPORT mg/l | Monthly | Grab | BPJ |

**008S, 021S, 023S, and 024S:** Storm water from the closed Ash Pond Dredge Cell.

| Parameter | Monthly Avg Loading | Daily Max Loading | Daily Min Concentration | Monthly Avg Concentration | Daily Max Concentration | Sample Frequency | Sample Type | Basis* |
|---|---|---|---|---|---|---|---|---|
| pH | - | - | REPORT S.U. | - | REPORT S.U. | Semi-Annually | Grab | BPJ |
| Solids, Total Suspended | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Oil & Grease | - | - | - | - | 15.0 mg/l | Semi- | Grab | BPJ |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | | | | Annually | | |
| Arsenic, Total (As As) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Cadmium, Total (As Cd) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Chromium, Total (As Cr) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Copper, Total (As Cu) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Lead, Total (As Pb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Nickel, Total (As Ni) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Zinc, Total (As Zn) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Antimony, Total (As Sb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Selenium, Total (As Se) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Flow, In Conduit or Thru Treatment Plant | - | REPORT MGD | - | - | - | Semi-Annually | Estimate | BPJ |
| Mercury, Total (As Hg) | - | - | - | - | REPORT ug/l | Semi-Annually | Grab | BPJ |
| Iron, Total (As Fe) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |

**013S:** Storm water from the closed C & D Landfill including flows from DSN013A, DSN013B, DSN013C, and DSN013D (from the closed Gypsum Stack).

| Parameter | Monthly Avg Loading | Daily Max Loading | Daily Min Concentration | Monthly Avg Concentration | Daily Max Concentration | Sample Frequency | Sample Type | Basis* |
|---|---|---|---|---|---|---|---|---|
| pH | - | - | REPORT S.U. | - | REPORT S.U. | Semi-Annually | Grab | BPJ |
| Solids, Total Suspended | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Oil & Grease | - | - | - | - | 15.0 mg/l | Semi-Annually | Grab | BPJ |
| Arsenic, Total (As As) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Cadmium, Total (As Cd) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Chromium, Total (As Cr) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Copper, Total (As Cu) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Lead, Total (As Pb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Nickel, Total (As Ni) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Zinc, Total (As Zn) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Antimony, Total (As Sb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Selenium, Total (As Se) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Flow, In Conduit or Thru Treatment Plant | - | REPORT MGD | - | - | - | Semi-Annually | Estimate | BPJ |
| Mercury, Total (As Hg) | - | - | - | - | REPORT ug/l | Semi-Annually | Grab | BPJ |
| Iron, Total (As Fe) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |

**029S, 030S, 031S, 032S, and 033S:** Storm water from the closed Gypsum Stack footprint.

| Parameter | Monthly Avg Loading | Daily Max Loading | Daily Min Concentration | Monthly Avg Concentration | Daily Max Concentration | Sample Frequency | Sample Type | Basis* |
|---|---|---|---|---|---|---|---|---|
| pH | - | - | REPORT S.U. | - | REPORT S.U. | Semi-Annually | Grab | BPJ |
| Solids, Total Suspended | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Oil & Grease | - | - | - | - | 15.0 mg/l | Semi-Annually | Grab | BPJ |
| Arsenic, Total (As As) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Beryllium, Total (As Be) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Cadmium, Total (As Cd) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Chromium, Total (As Cr) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Copper, Total (As Cu) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Lead, Total (As Pb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Nickel, Total (As Ni) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Antimony, Total (As Sb) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Selenium, Total (As Se) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |
| Flow, In Conduit or Thru Treatment Plant | - | REPORT MGD | - | - | - | Semi-Annually | Estimate | BPJ |
| Mercury, Total (As Hg) | - | - | - | - | REPORT ug/l | Semi-Annually | Grab | BPJ |
| Iron, Total (As Fe) | - | - | - | - | REPORT mg/l | Semi-Annually | Grab | BPJ |

*Basis for Permit Limitation

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

Discussion

## DSN001S, DSN025S, DSN026S, DSN027S, and DSN028S: Storm water runoff from the closed Ash Pond area.

Best Professional Judgment (BPJ)
The parameters of concern for these outfalls are based on the parameters of concern listed in EPA Form 2F, the current permit, and the representative sampling taken at DSN010 at the TVA Colbert Fossil Plant. These parameters are consistent with similar facilities in the state and have been proven to be reflective of the operations at this facility. Per the facility's request and ADEM Form 450, representative sampling shall occur at DSN001S.

TVA has requested that monitoring for these outfalls begin once the Construction General Permit coverage has been terminated upon completion of the ash pond closure construction activity.

The parameters with specific limits are discussed below:

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

## DSN0041: Units 7 & 8 intake screen backwash water.

No monitoring requirements imposed provided the permittee does not add pollutants to the discharge Part IV.C contains requirements that must be met by the permittee to adhere to 316(b) regulations

## DSN005S: Storm water runoff from the closed Ash Pond area, restored limestone staging area, restored equipment staging area, and removed constructed wetlands.

## DSN006S: Storm water from general site runoff and the removed constructed wetlands, and inactive ash disposal area seepage.

Best Professional Judgment (BPJ)
The parameters of concern for these outfalls are based on the parameters of concern listed in EPA Form 2F, the current permit, and the representative sampling taken at DSN010 at the TVA Colbert Fossil Plant. These parameters are consistent with similar facilities in the state and have been proven to be reflective of the operations at this facility.

TVA has requested that monitoring for these outfalls begin once the Construction General Permit coverage has been terminated upon completion of the ash pond closure construction activity.

The parameters with specific limits are discussed below:

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

## DSN0071: Discharge from the Process Water Pond.

The Process Water Pond receives primarily storm water runoff and sump flows from the former fossil plant powerhouse facility. There will be CCR Leachate that discharges to DSN007.

The powerhouse may be deconstructed during the next permit cycle. Asbestos abatement activity will be required during the deconstruction process, prior to demolition of the facility. Workers use showers during the decontamination process. Wastewater from the showers is processed through micro-filters prior to being drained to the station sump via powerhouse drains and ultimately to the Process Water Pond. The material collected on the filters is disposed of as hazardous waste.

### pH

Based on BPJ and 40 CFR 423.12 the allowable pH range for direct discharge is 6.0 to 9.0 s.u. Due to the change in receiving stream from the Tennessee River to Widows Creek, the following ADEM regulations (ADEM Administrative Code, Division 6 Regulations, specifically 335-6-10-.09(3)(c)(2) – Specific Water Quality for Swimming and Other Whole Body Water-Contact Sports classified streams) apply to the pH levels from this discharge: "Sewage, industrial waste or other wastes shall not cause the pH to deviate more than one unit from then normal or natural pH, nor be less than 6.0, nor greater than 8.5 standard units." pH will be monitored monthly.

### TSS

40 CFR 423.12(b)(3) (low volume wastes) limits TSS to 100 mg/l as a daily max and 30 mg/l as monthly average. 40 CFR 423.12(b)(9) (coal pile runoff) limits TSS to 50 mg/l as a daily max. The facility is no longer subject to categorical limitations, but still has waste discharged from the process pond. The current permit limits TSS to 70 mg/l as a daily max and 22 mg/l as a monthly average. These limits were based on a mass balance calculation using a lower effluent flow than what is listed in the permittee's application. Therefore, the existing limits will remain since the facility has demonstrated compliance with the existing limits to avoid backsliding.

### Oil & Grease

40 CFR 423.12(b)(3) (low volume wastes) limits oil and grease to 20 mg/l as a daily max and 15 mg/l as monthly average. The current permit limits oil and grease to 12 mg/l as a daily max and 9 mg/l as a monthly average. These limits were based on a mass balance calculation using a lower effluent flow than what is listed in the permittee's application. Therefore, the existing limits will remain since the facility has demonstrated compliance with the existing limits to avoid backsliding.

**Best Professional Judgment (BPJ)**

The remaining parameters of concern for this outfall are based on the parameters of concern listed in EPA Form 2D and the current permit. These parameters are consistent with similar facilities in the state and have been proven to be reflective of the operations at this facility. The remaining parameters included in the monitoring requirements for this outfall will be report-only with a monitoring frequency of once per month.

## DSN008S, DSN021S, DSN023S, and DSN024S: Storm water from the closed Ash Pond Dredge Cell.

**Best Professional Judgment (BPJ)**

The parameters of concern for these outfalls are based on the parameters of concern listed in EPA Form 2F, the current permit, and the representative sampling taken at DSN010 at the TVA Colbert Fossil Plant. These parameters are consistent with similar facilities in the state and have been proven to be reflective of the operations at this facility. Per the facility's request and ADEM Form 450, representative sampling shall occur at DSN023S.

TVA has requested that monitoring for these outfalls begin once the Construction General Permit coverage has been terminated upon completion of the ash pond closure construction activity

The parameters with specific limits are discussed below:

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

## DSN0131: Storm water from the closed C & D Landfill including flows from DSN013A, DSN013B, DSN013C, and DSN013D (from the closed Gypsum Stack).

Monitoring will not be required at DSN013A, DSN013B, DSN013C, and DSN013D because all parameters of concern are being monitored at DSN0131. Monitoring for this outfall shall be monthly based on the nature of the discharges directed to the final monitoring point.

**Best Professional Judgment (BPJ)**
The parameters of concern for this outfall are based on the parameters of concern listed in EPA Form 2F, the current permit, and the representative sampling taken at DSN010 at the TVA Colbert Fossil Plant. These parameters are consistent with similar facilities in the state and have been proven to be reflective of the operations at this facility.

The parameters with specific limits are discussed below:

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

## DSN029S, DSN030S, DSN031S, DSN032S, and DSN033S: Storm water from the closed Gypsum Stack footprint.

**Best Professional Judgment (BPJ)**
The parameters of concern for these outfalls are based on the parameters of concern listed in EPA Form 2F, the current permit, and the representative sampling taken at DSN010 at the TVA Colbert Fossil Plant. These parameters are consistent with similar facilities in the state and have been proven to be reflective of the operations at this facility. Per the facility's request and ADEM Form 450, representative sampling shall occur at DSN030S.

TVA has requested that monitoring for these outfalls begin once the Construction General Permit coverage has been terminated upon completion of the ash pond closure construction activity.

The parameters with specific limits are discussed below:

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

**Part I.E.1 – Schedule of Compliance**
In accordance with the instructions for EPA Form 2D, a completed EPA Form 2C for outfall DSN007 shall be submitted no later than one year after the proposed facility begins discharging.

**Part IV.B – Stormwater Flow Measurement and Sampling Requirements**
Per the facility's request and in the interest of personal safety, storm water monitoring is required during daylight hours only.

**Part IV.C - Allowable Non-Stormwater Discharges**

This permit authorizes the following non-stormwater discharges provided the non-stormwater component of the discharge is in compliance with Part III.D of ADEM's construction storm water permit.

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

1. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, concrete washout, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

   (a) Liquid waste shall not be directly discharged into storm sewers.

   (b) Washout and cleanout activities should be located as far away as possible from surface waters, natural buffer areas, stormwater inlets, and conveyances.

2. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater;

3. Minimize the discharge of pollutants from any spills and leaks from, including but not limited to vehicles; mechanical equipment; chemical storage; and refueling activities; and

4. Use of polymers, flocculants, or other treatment chemicals at the site may only be applied where treated stormwater is directed to a sediment control prior to discharge.

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

## February 28, 2019 Revisions

Based on the comments received from the facility on February 22, 2019 (see attached), the following changes have been made to the revised draft (see Response to Comments in Revised Draft Cover Letter):

- Permit Title Page – Permittee name changed to "Tennessee Valley Authority Widows Creek Facility"
- Page 3 for DSN041 – Footnote 3, which states "See Part IV.A for Best Management Practices (BMP) Plan Requirements" has been removed.
- Page 8-10 for DSN0071 – Outfall description changed to "Discharge from the Process Water Pond to include stormwater runoff, sump flows from the former fossil plant powerhouse facilities, and CCR leachate.
- Page 8-10 for DSN0071 – Sample type has been changed from composite to grab based upon the nature of the discharge.
- Page 8-10 for DSN0071 – At the facility's request, footnote 4/ has been added stating "See Part IV.C for Allowable Stormwater Discharges."
- Page 13-14 for DSN0131 – Sampling frequency has been changed from monthly to semi-annual since this is a storm water only outfall. The outfall will now be referred to as DSN013S.
- Page 23 for Schedule of Compliance – Form 2F requirements have been included in the Schedule of Compliance. The revised language states: "In accordance with the instructions for EPA Form 2D, a completed EPA Form 2C shall be submitted no later than one year after the proposed facility begins discharging. In addition, a completed EPA Form 2F shall be submitted no later than one year after the proposed facility begins discharging."
- Page 36 for Part IV – TVA requests that an additional subpart be added called "Seep Identification and Corrective Action for Closed Combustion Residual (CCR) disposal areas" which includes the following "The Permittee shall develop and maintain on-site a CCR Seep Identification and Corrective Action Plan to include quarterly inspections. If a seep is identified during an inspection, the Permittee must initiate corrective action as soon as feasible. A log of the inspections shall be maintained at the facility and shall be available for inspection by the Department. The log shall contain records of all inspections performed. for the last three years and each entry shall be signed by the person performing the inspection."

- In regards to Mercury monitoring, there are multiple methods that can achieve measurements below the State Water Quality Criteria. As a result, the following footnote has been added to all Mercury monitoring: "Monitoring for Mercury shall be in accordance with Part I.B.2 of the Permit." This part requires the permittee to utilize the method having the lowest minimum level."

## Marshall, Brian C

**From:** Cheek, Terence Edward <techeek@tva.gov>
**Sent:** Friday, February 22, 2019 1:38 PM
**To:** Marshall, Brian C
**Cc:** Ramsey, S Scott; Reed, Chad Howard
**Subject:** TVA Comments on Widows Creek Draft NPDES Permit (AL0003875)
**Attachments:** WCF Pre-Draft Permit Jan 2019.pdf

**Importance:** High

Brian:

TVA has reviewed the early Widows Creek draft permit (AL0003875) dated January 28, 2019, and offers the following comments to the Department for consideration:

1. On the permit Title Page, TVA requests the permittee name be changed to "Tennessee Valley Authority Widows Creek Facility" due to the fossil site ceasing power generation in September 2015.

2. On the permit Title Page, TVA requests a minimum of 30 days from the Issuance Date to the Effective Date

3. On Page 3 of 36 for DSN0041:
    - There is no footnote 3/ listed at the bottom of the page.

4. On Pages 8,9, and 10 of 36 for DSN0071:
    - TVA requests that the description for DSN0071 be changed to "Discharge from the Process Water Pond to include stormwater runoff, sump flows from the former fossil plant powerhouse facilities, and CCR leachate.
    - TVA requests the sample type be changed from composite to grab. Discharges from this outfall are intermittent due to discharging stormwater runoff and variable sump flows.
    - TVA requests that footnote 4/ be added to include the following: See Part IV.C for Allowable Stormwater Discharges

5. On Pages 13 and 14 of 36 for DSN0131:
    - TVA requests the Measurement Frequencies be changed from monthly to semi-annually since this discharge is stormwater.

6. On Pages 23 of 36 for Schedule of Compliance:
    - TVA requests that Form 2F should be submitted within one year as well as Form 2C after the proposed facility begins discharging.

7. On page 36 of 36 for Part IV:

    - TVA requests the addition of a section titled "Seep Identification and Corrective Action For Closed Coal Combustion Residual (CCR) Disposal Areas" to include the closed Ash Pond Area, closed Dredge Cell and the closed Gypsum Stack. TVA suggests the following language for this new section "The Permittee shall develop and maintain on-site a CCR Seep Identification and Corrective Action Plan to include quarterly inspections. If a seep is identified during an inspection, the Permittee must initiate corrective action as soon as feasible. A log of the inspections shall be maintained at the facility and shall be available for inspection by the Department. The log shall contain records of all inspections

performed for the last three years and each entry shall be signed by the person performing the inspection."

We appreciate the opportunity to provide comments on the draft NPDES permit. If you have any questions or would like to discuss any of our comments in greater detail, please contact Chad Reed at 423-751-3948 or me at 423-751-2201.

Respectfully,

Terry

**Terry Cheek**
Senior Manager
Water Permits, Compliance & Monitoring

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