NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT

DISCHARGE AUTHORIZED:	DISCHARGES OF FILTER BACKWASH, SEDIMENTATION BASIN WASH WATER, AND DECANT WATER FROM WATER TREATMENT PLANTS (DISCHARGES FROM WATER TREATMENT PLANTS THAT USE ION-EXCHANGE OR REVERSE OSMOSIS ARE NOT COVERED BY THIS GENERAL PERMIT.)
AREA OF COVERAGE:	THE STATE OF ALABAMA
PERMIT NUMBER:	ALG640000
RECEIVING WATERS:	ALL WATERS OF THE STATE NOT DESIGNATED OUTSTANDING NATIONAL RESOURCE WATER OR OUTSTANDING ALABAMA WATER

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

ISSUANCE DATE:	April 5, 2018
EFFECTIVE DATE:	July 1, 2018
EXPIRATION DATE:	June 30, 2023

Glenda L. Dean

Alabama Department of Environmental Management

WATER TREATMENT PLANT GENERAL PERMIT

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FILTER BACKWASH GENERAL PERMIT LIMITS
GENERAL NPDES PERMIT ALG640000
PART I

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:

DSN001: Effluent limitations and monitoring requirements for filter backwash water, sedimentation basin washdown, and decant water from water treatment plants.

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

EFFLUENT CHARACTERISTIC	UNITS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS 1/	
		Daily Minimum	Daily Maximum	Monthly Average	Measurement Frequency	Sample Type
Flow	MGD	-	Monitor	Monitor	1/Day	Instantaneous
pH	s.u.	6.0	8.5	-	1/Month	Grab
Total Suspended Solids	mg/l	-	45.0	30.0	1/Month	Composite
Total Residual Chlorine 2/ 3/ 4/ 5/	mg/l	-	0.019 / 0.013 2/	0.011 / 0.0075 2/	1/Month	Grab
Aluminum, Total Recoverable 6/ 7/	mg/l	-	Monitor	Monitor	1/Month	Composite
Iron, Total Recoverable 6/ 8/	mg/l	-	1.0	-	1/Month	Composite
Phosphorus, Total as P 9/	mg/l	-	Monitor	-	1/Month	Composite

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.
2/ For discharges to freshwater, the daily maximum and the monthly average limits for chlorine are 0.019 mg/l and 0.011 mg/l. For discharges to saltwater, the daily maximum and the monthly average limits for chlorine are 0.013 mg/l and 0.0075 mg/l.
3/ If the discharge is greater than 2,500 feet from a water of the state, monitoring of chlorine may not be required if the conditions of the "Chlorine Monitoring Options" of the "Notice of Intent" are met. However, the facility must code the total residual chlorine parameter on the electronic Discharge Monitoring Report (E-DMR) as *9 (monitoring is conditional not required this period).
4/ Monitoring is not required if the source water is free of chlorine and no chlorine is added to the water. However, the facility must code the total residual chlorine parameter on the electronic Discharge Monitoring Report (E-DMR) as *9 (monitoring is conditional not required this period).
5/ A measurement of TRC below 0.05 mg/l shall be considered in compliance with the permit limitations above and should be reported as *B on the discharge monitoring reports.
6/ For the purpose of demonstration of compliance with this parameter, "Total" and "Total Recoverable" shall be considered equivalent.
7/ This monitoring applies only to wastewater discharges from plants that use an aluminum-based coagulant.
8/ This limit applies only to wastewater discharges from plants that use filtration from iron removal or iron-based coagulants.
9/ This monitoring applies only to wastewater discharges from plants that use phosphate-based corrosion inhibitors.

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. Sampling and Analyses

a. Wastewater samples taken pursuant to Part I.,A., shall be taken at the outlet of the wastewater settling basin following either filter backwash or flocculator/sedimentation basin draining and/or cleaning.
b. Wastewater composite samples shall consist of a mixture of four (4) equal volume grab samples taken at equal time intervals during discharge from the wastewater settling basin which is caused by filter backwash or flocculator/sedimentation basin drain, with maximum length of time between first and last samples not to exceed six (6) hours.
c. Sufficient volume of wastewater samples shall be collected for all required sample preservation and analyses.
d. Total Residual Chlorine requirements.
   (1) Wastewater samples for TRC analyses shall be a grab sample collected during the last time interval of four (4) time intervals as required in Part I. B. 2.b.
   (2) TRC shall be determined within 15 minutes after collection of the sample.
e. Grab samples for pH shall be collected as shown in Part I. B. 2. d.(1).
f. Flow shall be reported as the amount backwashed, drained, or used for cleaning, as taken from daily plant records.

3. Exceptions

For water treatment plants which have not yet installed wastewater settling basins or other methods of treatment, sampling procedures should be as follows until such time as wastewater settling basins or other treatment are installed.

a. Water treatment filter backwash samples shall be collected once per month from the filter backwash trough or pressure filter backwash drain.

   (1) Wastewater composite samples shall consist of a mixture of equal volume grab samples collected once per minute for ten (10) minutes after the backwash pumps have been started, or, if backwash duration is less than ten (10) minutes, once per minute until the end of the backwash period.

   (2) Grab samples for TRC analysis shall be collected during the tenth (10th) minute of the filter backwash, or, if backwash duration is less than ten (10) minutes, during the last minute of backwash, and determined within 15 minutes after collection.

b. Water treatment flocculator, sedimentation basin, and other tank drains shall be sampled once per discharge event, during cleanout/washout operations after initial draining of flocculator, basins, or other tanks.

4. Test Procedures

For the purpose of reporting and compliance, permittees shall use the Minimum Level (ML) as established by EPA. All analytical values at or above the ML shall be reported as the measured value. Values below the ML shall be reported as “0”. 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 limits, 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.

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

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

When an EPA approved test procedure for analysis of a pollutant does not exist, the Director shall approve the procedure to be used.

5. Chlorine Test Methods

a. Testing for TRC shall be conducted according to either the amperometric titration method or the DPD colorimetric method as specified in Section 408(C) or (E), Standard Methods for the Examination of Water and Wastewater, 16th Edition. If chlorine is not detected using one of these methods, the permittee shall report on the DMR form the analytical results for TRC as being measured at less than the detection level for the test method selected. The permittee shall then be considered to be in compliance with the daily maximum concentration limit for TRC.

b. The permittee shall report to the Director within 30 days of the effective date of this permit the following information:

(1) Methods utilized by the permittee to achieve compliance with the daily maximum concentration limit for TRC.
(2) The laboratory method utilized by the permittee to test TRC.

6. 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.

7. Records Retention and Production

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

b. All records required to be kept for a period of three years shall be kept at the permitted facility or an alternate location approved by the Department in writing and shall be available for inspection. A complete copy of the permit, the Best Management Practices (BMP) Plan, most recent BMP

inspection records, and, if applicable, a Spill Prevention Control, and Countermeasure (SPCC) Plan shall be maintained at the facility. The past three years of DMRs, laboratory records, and historical BMP inspection and training records may be kept at an alternate Alabama location if approved by the Department

8. Monitoring Equipment and Instrumentation

All equipment and instrumentation used to determine compliance with the requirements of this permit shall be installed, maintained, and calibrated in accordance with the manufacturer's instructions or, in the absence of manufacturer's instructions, in accordance with accepted practices. At a minimum, flow measurement devices shall be calibrated at least once every 12 months.

C. DISCHARGE REPORTING REQUIREMENTS

1. Reporting of Monitoring Requirements

a. This permit requires daily and monthly self monitoring. The permittee shall conduct the required monitoring in accordance with the following schedule:

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

b. The permittee shall submit discharge monitoring reports (DMRs) in accordance with the following schedule:

REPORTS OF MORE FREQUENTLY THAN MONTHLY AND MONTHLY shall be submitted on a semiannual basis. The semiannual reports shall be submitted so that they are received by the Department no later than the 28th day of July and the 28th day of January unless otherwise directed by the Department and each submittal shall report results of all testing performed during the six month period preceding the reporting month. For example, the semiannual report due on January 28 should report the results of testing conducted during the months of July through December.

c. Except as allowed by Provision I.C.1.c.(1) or (2), the permittee shall submit all Discharge Monitoring Reports (DMRs) required by Provision I.C.1.b. by utilizing the Department's web-based 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 five 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 dated e-mail, or hand-delivery stamped date), if applicable.

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

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

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

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

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

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

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

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

Alabama Department of Environmental Management
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

2. Noncompliance Notification

a. If for any reason, the permittee's discharge (1) does not comply with any daily minimum or maximum discharge limitation for an effluent characteristic specified in Provision I. A. of this permit which is denoted by an "(X)", (2) threatens human health or welfare, fish or aquatic life, or water quality standards, (3) does not comply with an applicable toxic pollutant effluent standard or prohibition established under Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a), (4) contains a quantity of a hazardous substance which has been determined may be harmful to public health or welfare under Section 311(b)(4) of the FWPCA, 33 U.S.C. Section 1321(b)(4), (5) exceeds any discharge limitation for an effluent characteristic as a result of an unanticipated bypass, upset, (6) is an unpermitted direct or indirect discharge of a pollutant to a water of the state (unpermitted discharges properly reported to the Department under any other requirement are not required to be reported under this provision), the permittee shall orally report the occurrence and circumstances of such discharge to the Director within 24-hours after the permittee becomes aware of the occurrence of such discharge. In addition to the oral report, the permittee shall submit to the Director a written report as provided in Provision I. C. 2. c. no later than five (5) days after becoming aware of the occurrence of such discharge.

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

c. Any electronic report (or if acceptable to the Department a written report) required to be submitted to the Director by Provision I. C. 2 a. or b. shall be submitted using a copy of the Department's Noncompliance Notification Form provided with this permit and shall include the following information:

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

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

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

D. OTHER REPORTING AND NOTIFICATION REQUIREMENTS

1. Anticipated Noncompliance

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

2. Termination of Discharge

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

3. Updating Information

a. The permittee shall inform the Director of any change in the permittee's mailing address or telephone number or in the permittee's designation of a 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 Notice of Intent.

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

4. Duty to Provide Information

a. Any permittee shall furnish to the Director, within a reasonable time, any information which the Director or his designee may request to determine whether cause exists for suspending or revoking the permittee's authorization to discharge under this General Permit, in whole or in part, or to determine compliance with this permit or to determine if the permittee should be required to apply for an individual permit.

b. Any or all permittees shall furnish to the Director, within a reasonable time, any information which the Director or his designee may request to determine whether cause exists for modifying or terminating this permit.

5. New or Increased Discharges

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

6. Cooling Water and Boiler Water Additives

a. The permittee shall notify the Director in writing not later than sixty (60) days prior to instituting the use of any biocide corrosion inhibitor or chemical additive in a cooling or boiler system, not identified in the application for this permit, from which discharge is allowed by this permit. Such notification shall include:

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

(2) 48-hour or 96-hour LC50 data for the fathead minnow (Pimephales promelas) and cladoceran (Ceriodaphnia dubia) for fresh water discharges. For salt water, the mysid shrimp, and sheepshead minnow or inland silverside. Other acceptable aquatic organisms <u>may</u> be allowed by the Department if sufficient information is submitted.

(3) quantities to be used,

(4) frequencies of use,

(5) maximum proposed discharge concentrations, and

(6) EPA registration of number, if applicable.

b. The use of a biocide or additive containing tributyl tin, tributyl tin oxide, zinc, chromium or related compounds in a cooling or boiler system(s), from which a discharge regulated by this permit occurs, is prohibited. The use of any additive not identified in this permit or in the application for this permit prior to a determination by the Department that permit modification controlling discharge of the additive is prohibited.

E. SCHEDULE OF COMPLIANCE

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

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

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

PART II

A. REQUIREMENTS FOR COVERAGE UNDER THIS GENERAL PERMIT

1. Notice of Intent

Any person wishing to be permitted to discharge under this General Permit shall submit a Notice of Intent to be covered by this General Permit at least 30 days prior to the date of desired coverage. No discharge authorized under this General Permit may commence until the discharger receives the Director's acknowledgement of the Notice of Intent and approval of the coverage of the discharge by this General Permit. The Director's acknowledgement shall include a copy of this General Permit. **The permittee must electronically complete and submit the Notice of Intent utilizing the Department's e-NOI system, unless the permittee submits in writing valid justification as to why the electronic submittal process cannot be utilized and the Department approves in writing utilization of hard copy submittals. The Department's e-NOI system may be accessed at https://app.adem.alabama.gov/eNOI/.** For approved hard copy submissions, the Departmental forms are available on ADEM's webpage at http://adem.alabama.gov/DeptForms/.

Any person discharging to a municipal storm sewer, sanitary sewer or combination sewer must notify the municipality by letter of the discharge.

2. Content of Notice of Intent

a. A description of the process generating the discharge for which coverage is desired. This description shall be in sufficient detail to allow the Director to determine that the discharge is included in the category permitted by this General Permit;

b. The latitude and longitude of the discharge points for each discharge and the name of the waterbody receiving each discharge for which coverage under this General Permit is desired; and

c. A contact person, address and phone number for the facility or activity to be covered under this General Permit;

(1) A Notice of Intent shall be signed by a person meeting the requirements for signatories to permit application under ADEM Administrative Code Rule 335-6-6-.09 and the person signing the Notice of Intent shall make the certification required for submission of documents under ADEM Administrative Code Rule 335-6-6.09.

(2) Signatories to reports, discharge monitoring reports and any other submissions required by this General Permit shall be signed in accordance with the requirements of ADEM Administrative Code Rule 335-6-6.09.

B. OPERATIONAL AND MANAGEMENT REQUIREMENTS

1. Facilities Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance,

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

2. Best Management Practices

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

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

c. The permittee shall prepare and implement a Best Management Practices (BMP) Plan according to Part IV of this permit.

3. Spill Prevention, Control, and Management

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

C. OTHER RESPONSIBILITIES

1. Duty to Mitigate Adverse Impacts

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

2. Right of Entry and Inspection

The permittee shall allow the Director, or an authorized representative, upon the presentation of proper identification to:

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

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

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

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

D. BYPASS AND UPSET

1. Bypass

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

b. A bypass is not prohibited if:

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

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

(3) It is part of the storm water control system when the intention of the design, as approved by the Director, is to contain the first flush only.

c. A bypass is not prohibited and need not meet the discharge limitations specified in 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 judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance); and

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

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

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

1. Duty to Comply

a. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the AWPCA and the FWPCA and is grounds for: enforcement action,

termination, or suspension of authorization under this permit; denial of a permit renewal application; a requirement that permittee submit an application for an individual NPDES permit.

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

c. The discharge of a pollutant from a source not specifically identified in the Notice of Intent to be covered under this General Permit and not specifically included in the description of an outfall in this permit is not authorized and shall constitute noncompliance with this permit.

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

2. Removed Substances

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

3. Loss or Failure of Treatment Facilities

Upon the loss or failure of any treatment facility, including but not limited to the loss or failure of the primary source of power of the treatment facility, the permittee shall, where necessary to maintain compliance with the discharge limitations specified in 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.

4. Compliance With Statutes and Rules

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

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

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

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

a. The permittee authorized to discharge under this General Permit, who wishes to continue to discharge upon the expiration of this permit, shall submit a Notice of Intent to be covered by the reissued General Permit. Such Notice of Intent shall be submitted at least 90 days prior to the expiration date of this General Permit. The permittee shall electronically submit the Notice of Intent utilizing the Department's e-NOI system, unless the permittee submits in writing valid justification as to why the electronic submittal process cannot be utilized and the Department approves in writing utilization of hard copy submittals.

b. Failure of the permittee to submit a Notice of Intent for reauthorization under this permit at least 90 days prior to the permit's expiration will void the automatic continuation of the authorization to discharge under this permit as provided by ADEM Administrative Code Rule 335-6-6-.06. Should the permit not be reissued for any reason prior to its expiration date, permittees who failed to meet the 90-day submittal deadline will be illegally discharging without a permit after the expiration date of the permit.

2. Change in Discharge

a. The permittee shall give notice to the Director at least 180 days in advance of any facility expansion, production increase, process change, or other action that could result in:

(1) The discharge of additional pollutants;

(2) The increase in the quantity of any discharge such that existing permit limitations would be exceeded;

(3) Or that could result in an additional discharge point.

This requirement applies to pollutants that are or that are not subject to discharge limitations in this permit. No new or increased discharge may begin until the Director has reviewed the information and taken appropriate action to authorize the discharge under this General Permit, or until such time as an appropriate action has been taken to authorize the discharge under an individual permit.

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

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

(a) One hundred micrograms per liter;

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

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

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

(a) Five hundred micrograms per liter;

(b) One milligram per liter for antimony;

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

3. Transfer of Permit

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

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

a. During the term of this General Permit the Director may, for cause, and subject to the public notice procedure of ADEM Administrative Code, Rule 335-6-6-.21, modify or revoke and reissue

this General Permit, or terminate it and require all those authorized under it to apply for individual NPDES permits. The causes for this action include but are not limited to the causes listed below:

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

(2) When the Director receives any information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance;

(3) When the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued;

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

(5) When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology based treatment requirements appropriate to discharge under 40 CFR 125.3(c);

(6) To correct technical mistakes, such as errors in calculation, clerical errors or mistaken interpretations of law made in determining permit conditions;

(7) If the permit limitations are found not to be protective of water quality standards;

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

(9) When required by the reopener conditions in this permit, and

(10) For any applicable cause set forth in ADEM Administrative Code Rule 335-6-6-.17.

b. Subject to the public notice procedures of ADEM Administrative Code Rule 335-6-6-.21, the Director may terminate this General Permit during its term for any of the causes for modification listed in Part II.F.4.a.

c. The Director may terminate authorization to discharge under this General Permit for cause. Cause shall include but not be limited to:

(1) Noncompliance with the permit;

(2) Noncompliance with Department Rules;

(3) A finding that this General Permit does not control the discharges sufficiently to protect water quality or comply with treatment based limits applicable to the discharge;

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

(5) Materially false or inaccurate statements or information in the permit application or the permit;

(6) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(7) The permittee's discharge threatens human life or welfare;

(8) Permanent closure of the facility generating the wastewater permitted to be discharged by this permit or permanent cessation of wastewater discharge; and

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

d. If the permittee believes that any past or planned activity would be cause for modification or revocation and reissuance of this General Permit under ADEM Administrative Code Rule 335-6-6-.23 (7), or termination and issuance of an individual permit under ADEM Administrative Code Rule 335-6-6-.23 (9) the permittee must report such information to the Permit Issuing Authority. The submittal of a new application may be required of the permittee. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned change, anticipated noncompliance or application for an individual permit, does not stay any permit condition.

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

a. The Director may require any person, otherwise eligible for coverage under this General Permit, to apply for an individual NPDES permit by notifying that person that an application is required. Notification shall consist of a written description of the reason(s) for the decision, appropriate permit application forms and directions, a statement informing the person that upon issuance of the individual permit coverage by this General permit shall automatically terminate. Reasons for this requirement may be:

(1) Noncompliance with the General Permit;

(2) Noncompliance with Department Rules;

(3) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the wastewater being discharged;

(4) Effluent guidelines are promulgated for a point source(s) covered by the General Permit;

(5) A water quality management plan applicable to the wastewater being discharged under this General Permit;

(6) Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under this General Permit or either a temporary reduction or permanent reduction or elimination of the authorized discharge is necessary;

(7) Standards for sewage sludge use or disposal have been promulgated for the sludge use or disposal practice covered by this General Permit;

(8) The discharge(s) is a significant contributor of pollutants. In making this decision the Director may consider:

(i) the location of the discharges with respect to waters of the state,

(ii) the size of the discharger, and

(iii) the quantity and nature of the pollutants discharged to waters of the state.

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

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

a. Any person covered by this General Permit may apply for termination of coverage by applying for an individual NPDES permit.

b. A permit application submitted voluntarily or at the direction of the Director for the purpose of termination of coverage by this General Permit shall be processed in accordance with the rules found in ADEM Administrative Code 335-6-6 applicable to individual permits.

c. Any person may petition the Director for withdrawal of this General Permit authority from a discharger. The Director shall consider the information submitted by the petitioner and any other information he may be aware of and may obtain additional information from the discharger and through inspections by Department staff and shall decide if coverage should be withdrawn. The petitioner shall be informed of the Director's decision and shall be provided a summary of the information considered.

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

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

G. COMPLIANCE WITH TOXIC POLLUTANT STANDARD OR PROHIBITION

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a), for a toxic pollutant discharged by the permittee and such standard or prohibition is more stringent than any discharge limitation on the pollutant specified in 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.

H. DISCHARGE OF WASTEWATER GENERATED BY OTHERS

The discharge of wastewater, generated by any process, facility, or by any other means not under the operational control of the permittee or not identified in the 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

A. CIVIL AND CRIMINAL LIABILITY

1. Tampering

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

2. False Statements

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

3. Permit Enforcement

a. Any NPDES permit issued or reissued by the Department is a permit for the purpose of the AWPCA and the FWPCA and as such any terms, conditions, or limitations of the permit are enforceable under state and federal law and as described under Rule 335-6-6-.18.

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

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

(2) An action for damages;

(3) An action for injunctive relief; or

(4) An action for penalties.

4. Relief From Liability

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

B. OIL AND HAZARDOUS SUBSTANCE LIABILITY

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

C. PROPERTY AND OTHER RIGHTS

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

D. AVAILABILITY OF REPORTS

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

E. COMPLIANCE WITH WATER QUALITY STANDARDS

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

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

F. GROUNDWATER

Unless specifically authorized by a permit issued by the Department, the discharge of pollutants to groundwater is prohibited. Should a threat of groundwater contamination occur, the Director may require groundwater monitoring to properly assess the degree of the problem and the Director may require that the permittee undertake measures to abate any such discharge and/or contamination.

G. DEFINITIONS

1. Authorization – means granted the privilege of discharging under the terms of this General Permit.

2. 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).

3. 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).

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

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

6. 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.

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

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

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

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

11. Director - means the Director of the Department.

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

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

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

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

16. Notice of Intent – means forms and additional information that are required by ADEM Administrative Code Rule 335-6-6-.23 and applicable permit fees.

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

18. 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).

19. 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.

20. 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.

21. Shock chlorination – means the periodic use of chlorine in cooling water systems as a biocide.

22. 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.

23. 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.

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

H. SEVERABILITY

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

PART IV

A. BEST MANAGEMENT PRACTICES (BMP) PLAN

1. Plan Content. The permittee shall prepare and implement a Best Management Practices (BMP) plan which shall:

   a. Provide control sufficient to prevent or control pollution of storm water by particles to the degree required to maintain compliance with this permit and water quality standards. Erosion control should also be addressed.

   b. Prevent the spillage or loss of any fluids, oil, grease, gasoline, chemical additives, disinfectants, etc. and thereby prevent the contamination of storm water from these substances;

   c. Prevent or minimize storm water contact with residual washdown water;

   d. Prevent or minimize storm water contact with any other pollutants present at the permittees facility;

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

   f. Provide for, at a minimum, two inspections a week, on workdays, of any structures that function to prevent storm water pollution or to remove pollutants from storm water and of the facility in general to ensure that the BMP is continually implemented and effective;

g. Include a diagram of the facility showing the direction of the storm water flow, the discharge point(s), and the locations of any structures or other mechanisms intended to prevent pollution of storm water or to remove pollutants from storm water. The site map should also identify the location, size, and contents of any tanks.

h. Bear the signature of the plant manager or corporate official.

2. Compliance Schedule: The permittee shall prepare and fully implement the BMP no later than the date coverage is granted.

3. Department Review

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

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

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

4. Administrative Procedures

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

b. A log of the inspections required by Part IV.A. of this permit shall be maintained at the facility and shall be available for inspection by representatives of the Department. The log shall contain records of all inspections performed and any corrective actions taken 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.

B. PROHIBITIONS

1. Wastewater from water treatment plants shall not be discharged directly to the receiving stream, but shall be discharged to a wastewater settling basin or other method of treatment.

2. Water treatment flocculators, settlers, sedimentation basins and other water treatment tanks shall not be drained directly to the receiving stream, but shall be drained to a wastewater settling basin or other method of treatment.

C. REMOVED SUBSTANCES

Solids, sludges, filter backwash, or any other pollutant or waste removed in the course of treatment or control of wastewaters shall be disposed in a manner that complies with State and Federal regulations as outlined in applicable guidance entitled Management of Water Treatment Plant Residuals, EPA/625/R-95/008 dated April 1996, or the most current edition.

D. DISCHARGE(S) TO IMPAIRED WATERS REQUIREMENTS

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

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

a. The facility eligible for coverage, or covered, under this permit must determine whether its discharge(s) contributes directly or indirectly to a waterbody that is included on the latest 303(d) list or otherwise designated by the Department as impaired or is included in an EPA-approved or EPA-established TMDL. If the facility has discharges meeting this criterion, it must comply with Part IV.D., if its discharge does not meet this criterion, Part IV.D. does not apply to the facility.

b. Facilities that discharge into a receiving water which is listed on the State of Alabama's 303(d) list of impaired waters, and with discharges that contain the pollutant(s) for which the waterbody is impaired, must by April 30th of the following year or within 6 months of such approval of the 303(d) list or applicable TMDL or establishment of TMDL by EPA (whichever is longer), document in its BMP plan how the BMPs will control the discharge of the pollutant(s) of concern, and must ensure that there will be no increase of the pollutants of concern. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan.

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

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

a. The facility must determine whether the EPA-approved or EPA-Established TMDL is for a pollutant likely to be found in discharges from its facility.

b. The facility must determine whether the TMDL includes a pollutant allocation or other performance requirements specifically for discharges from its facility.

c. If, after the determinations above have been made and if it is determined that the facility must implement specific allocations provisions of the TMDL, then the facility must assess whether the allocations are being met through implementation of existing control measures or if additional control measures are necessary.

d. The facility must document all control measures currently being implemented or planned to be implemented, to include a schedule of implementation for all planned controls, and must document calculations or other evidence showing that the allocations will be met. Revised BMP plans must be submitted to the Department for review.

e. If a TMDL contains requirements for control of pollutants from the facility's discharges, then the BMP plan must include BMPs specifically targeted to achieve the allocations prescribed by the TMDL. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations

must also be included in the BMP plan. Implementation of the monitoring plan in accordance with Part IV.D.2 will determine whether the controls are adequate to meet the TMDL allocations. If the facility cannot comply with the requirements of the TMDL, then the facility must apply for and obtain permit coverage under an individual permit.

f. If the evaluation shows that additional or modified controls are necessary, the facility must describe the type and schedule for the control additions/revisions in the BMP plan. The facility must also continue Paragraphs IV.D.2.d.-f. until two continuous monitoring cycles, as defined in the monitoring plan in accordance with Part IV.D. 2, show that the TMDL allocations are being met or that water quality (WQ) standards are being met.

3. Requirements for New or Revised BMP Plans

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