



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

February 15, 2024

Mr. Bill Harper
Primary Member
Little Hawk Mining, LLC
1449 Experiment Farm Rd
Monroeville, AL 36460

RE: Draft Permit
Little Hawk Mine
NPDES Permit Number AL0073521
Monroe County (099)

Dear Mr. Harper:

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

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

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

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

Should you have any questions concerning this matter, please contact Jasmine White at (334) 270-5622 or jasmine.white@adem.alabama.gov.

Sincerely,

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

WDM/jlw File: DPER/16309

cc: Jasmine White, ADEM
Environmental Protection Agency Region IV
Alabama Department of Conservation and Natural Resources
U.S. Fish and Wildlife Service
Alabama Historical Commission
Advisory Council on Historic Preservation
Alabama Department of Labor





NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

PERMITTEE: Little Hawk Mining LLC
1499 Experiment Farm Road
Monroeville, AL 36460

FACILITY LOCATION: Little Hawk Mine
1449 Experiment Farm Road
Monroeville, AL 36460
Monroe County
T6N, R7E, Sections 13 and 14
T6N, R8E, Sections 18 and 19

PERMIT NUMBER: AL0073521

DSN & RECEIVING STREAM:	001 - 1	Unnamed Tributary to Brushy Creek/Groundwater
	002 - 1	Unnamed Tributary to Brushy Creek/Groundwater
	003 - 1	Unnamed Tributary to Brushy Creek/Groundwater
	004 - 1	Unnamed Tributary to Brushy Creek/Groundwater
	005 - 1	Unnamed Tributary to Brushy Creek/Groundwater
	006 - 1	Unnamed Tributary to Brushy Creek/Groundwater
	007 - 1	Unnamed Tributary to Brushy Creek/Groundwater
	008 - 1	Unnamed Tributary to Brushy Creek/Groundwater

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

ISSUANCE DATE:

EFFECTIVE DATE:

EXPIRATION DATE:

Draft

Alabama Department of Environmental Management

**MINING AND NATURAL RESOURCE SECTION
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT**

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PART I DISCHARGE LIMITATIONS, CONDITIONS, AND REQUIREMENTS

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from each point source identified on Page 1 of this Permit and described more fully in the Permittee's application, if the outfalls have been constructed and certified. Discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency ¹
pH 00400	6.0 s.u.	-----	9.0 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-----	35.0 mg/L	70.0 mg/L	Grab	2/Month
Flow, In Conduit or Thru Treatment Plant ² 50050	-----	Report MGD	Report MGD	Instantaneous	2/Month

B. REQUIREMENTS TO ACTIVATE A PROPOSED MINING OUTFALL

1. Discharge from any point source identified on Page 1 of this Permit which is a proposed outfall is not authorized by this Permit until the outfall has been constructed and certification received by the Department from a professional engineer, registered in the State of Alabama, certifying that such facility has been constructed according to good engineering practices and in accordance with the Pollution Abatement and/or Prevention (PAP) Plan.
2. Certification required by Part I.B.1. shall be submitted on a completed ADEM Form 432. The certification shall include the latitude and longitude of the constructed and certified outfall.
3. Discharge monitoring and Discharge Monitoring Report (DMR) reporting requirements described in Part I.C. of this Permit do not apply to point sources that have not been constructed and certified.
4. Upon submittal of the certification required by Part I.B.1. to the Department, all monitoring and DMR submittal requirements shall apply to the constructed and certified outfall.

C. DISCHARGE MONITORING AND RECORD KEEPING REQUIREMENTS

1. Sampling Schedule and Frequency

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

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

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

- b. If the final effluent is pumped in order to discharge (e.g. from incised ponds, old highwall cuts, old pit areas or depressions, etc.), the Permittee shall collect at least one grab sample of the discharge from each point source identified on Page 1 of this Permit and described more fully in the Permittee's application each quarterly (three month) monitoring period if a discharge occurs at any time during the quarterly monitoring period which results from direct pumped drainage. Each sample collected shall be analyzed for each parameter specified in Part I.A. of this Permit.
- c. The Permittee may increase the frequency of sampling listed in Parts I.C.1.a and I.C.1.b; however, all sampling results must be reported to the Department and included in any calculated results submitted to the Department in accordance with this Permit.

2. Measurement Frequency

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

- a. A measurement frequency of one day per week shall mean sample collection on any day of discharge which occurs every calendar week.
- b. A measurement frequency of two days per month shall mean sample collection on any day of discharge which occurs every other week, but need not exceed two sample days per month.
- c. A measurement frequency of one day per month shall mean sample collection on any day of discharge which occurs during each calendar month.
- d. A measurement frequency of one day per quarter shall mean sample collection on any day of discharge which occurs during each calendar quarter.
- e. A measurement frequency of one day per six months shall mean sample collection on any day of discharge which occurs during the period of January through June and during the period of July through December.
- f. A measurement frequency of one day per year shall mean sample collection on any day of discharge which occurs during each calendar year.

3. Monitoring Schedule

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

- a. MONITORING REQUIRED MORE FREQUENTLY THAN MONTHLY AND MONTHLY shall be conducted during the first full month following the effective date of coverage under this Permit and every month thereafter. More frequently than monthly and monthly monitoring may be done anytime during the month, unless restricted elsewhere in this Permit, but the results should be reported on the last Discharge Monitoring Report (DMR) due for the quarter (i.e., with the March, June, September, and December DMRs).
- b. QUARTERLY MONITORING shall be conducted at least once during each calendar quarter. Calendar quarters are the periods of January through March, April through June, July through September, and October through December. The Permittee shall conduct the quarterly monitoring during the first complete calendar quarter following the effective date of this Permit and is then required to monitor once during each quarter thereafter. Quarterly monitoring may be done anytime during the quarter, unless restricted elsewhere in this

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

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

4. Sampling Location

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

5. Representative Sampling

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

6. Test Procedures

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

- a. For parameters with an EPA established Minimum Level (ML), report the measured value if the analytical result is at or above the ML and report "0" for values below the ML. Test procedures for the analysis of pollutants shall conform to 40 CFR Part 136, guidelines published pursuant to Section 304(h) of the FWPCA, 33 U.S.C. Section 1314(h), and ADEM Standard Operating Procedures. If more than one method for analysis of a substance is approved for use, a method having a minimum level lower than the permit limit shall be used. If the minimum level of all methods is higher than the permit limit, the method having the lowest minimum level shall be used and a report of less than the minimum level shall be reported as zero and will constitute compliance, however should EPA approve a method with a lower minimum level during the term of this Permit the Permittee shall use the newly approved method.
- b. For pollutant parameters without an established ML, an interim ML may be utilized. The interim ML shall be calculated as 3.18 times the Method Detection Level (MDL) calculated pursuant to 40 CFR Part 136, Appendix B.

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

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

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

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

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

7. Recording of Results

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

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

8. Routine Inspection by Permittee

- a. The Permittee shall inspect all point sources identified on Page 1 of this Permit and described more fully in the Permittee's application and all treatment or control facilities or systems used by the Permittee to achieve compliance with the terms and conditions of this Permit at least as often as the applicable sampling frequency specified in Part I.C.1 of this Permit.
- b. The Permittee shall maintain a written log for each point source identified on Page 1 of this Permit and described more fully in the Permittee's application in which the Permittee shall record the following information:
 - (1) The date and time the point source and any associated treatment or control facilities or systems were inspected by the Permittee;
 - (2) Whether there was a discharge from the point source at the time of inspection by the Permittee;
 - (3) Whether a sample of the discharge from the point source was collected at the time of inspection by the Permittee;

- (4) Whether all associated treatment or control facilities or systems appeared to be in good working order and operating as efficiently as possible, and if not, a description of the problems or deficiencies; and
- (5) The name and signature of the person performing the inspection of the point source and associated treatment or control facilities or systems.

9. Records Retention and Production

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

10. Monitoring Equipment and Instrumentation

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

D. DISCHARGE REPORTING REQUIREMENTS

1. Requirements for Reporting of Monitoring

- a. Monitoring results obtained during the previous three (3) months shall be summarized for each month on a Discharge Monitoring Report (DMR) Form approved by the Department, and submitted to the Department so that it is received by the Director no later than the 28th day of the month following the quarterly reporting period (i.e., on the 28th day of January, April, July, and October of each year).
- b. The Department utilizes a web-based electronic reporting system for submittal of DMRs. **Except as allowed by Part I.D.1.c. or d., the Permittee shall submit all DMRs required by Part I.D.1.a. by utilizing the Department's current electronic reporting system.** The Department's current reporting system, Alabama Environmental Permitting and Compliance System (AEPACS), can be found online at <https://aepacs.adem.alabama.gov/nviro/ncore/external/home>.

- c. If the electronic reporting system is down (i.e. electronic submittal of DMR data is unable to be completed due to technical problems originating with the Department's system; this could include entry/submittal issues with an entire set of DMRs or individual parameters), permittees are not relieved of their obligation to submit DMR data to the Department by the required submittal date. However, if the electronic reporting system is down on the 28th day of the month or is down for an extended period of time as determined by the Department when a DMR is required to be submitted, the facility may submit the data in an alternate manner and format acceptable to the Department. Preapproved alternate acceptable methods include faxing, e-mailing, mailing, or hand-delivery of data such that they are received by the required reporting date. Within five calendar days of the electronic reporting system resuming operation, the Permittee shall enter the data into the reporting system unless an alternate timeframe is approved by the Department. An attachment should be included with the electronic DMR submittal verifying the original submittal date (date of the fax, copy of dated e-mail, or hand-delivery stamped date).
- d. The permittee may submit a request to the Department for a temporary electronic reporting waiver for DMR submittals. The waiver request should include the permit number; permittee name; facility/site name; facility address; name, address, and contact information for the responsible official or duly authorized representative; a detailed statement regarding the basis for requesting such a waiver; and the duration for which the waiver is requested. Approved electronic reporting waivers are not transferrable. Permittees with an approved electronic reporting waiver for DMRs may submit hard copy DMRs for the period that the approved electronic reporting waiver request is effective. The Permittee shall submit the Department-approved DMR forms to the address listed in Part I.D.1.i.
- e. If the Permittee, using approved analytical methods as specified in Part I.C.6., monitors any discharge from a point source identified on Page 1 of this Permit and describe more fully in the Permittee's application more frequently than required by this Permit; the results of such monitoring shall be included in the calculation and reporting of values on the DMR Form, and the increased frequency shall be indicated on the DMR Form.
- f. In the event no discharge from a point source identified on Page 1 of this Permit and described more fully in the Permittee's application occurs during a monitoring period, the Permittee shall report "No Discharge" for such period on the appropriate DMR Form.
- g. Each DMR Form submitted by the Permittee to the Department in accordance with Part I.D.1. must be legible and bear an original signature or electronic signature. Photo and electronic copies of the signature are not acceptable and shall not satisfy the reporting requirements of this Permit.
- h. All reports and forms required to be submitted by this Permit, the AWPCA, and the Department's rules and regulations, shall be signed by a "responsible official" of the Permittee as defined in ADEM Admin. Code r. 335-6-6-.09 or a "duly authorized representative" of such official as defined in ADEM Admin. Code r. 335-6-6-.09 and shall bear the following certification:

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

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

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

Certified and Registered Mail shall be addressed to:

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

- j. Unless authorized in writing by the Department, approved reporting forms required by this Permit or the Department are not to be altered, and if copied or reproduced, must be consistent in format and identical in content to the ADEM approved form. Unauthorized alteration, falsification, or use of incorrectly reproduced forms constitutes noncompliance with the requirements of this Permit and may significantly delay processing of any request, result in denial of the request, result in permit termination, revocation, suspension, modification, or denial of a permit renewal application, or result in other enforcement action.
- k. If this Permit is a reissuance, then the Permittee shall continue to submit DMRs in accordance with the requirements of their previous permit until such time as DMRs are due as discussed in Part I.D.1.

2. Noncompliance Notification

- a. The Permittee must notify the Department if, for any reason, the Permittee's discharge:
- (1) Potentially threatens human health or welfare;
 - (2) Potentially threatens fish or aquatic life;
 - (3) Causes an in-stream water quality criterion to be exceeded;
 - (4) Does not comply with an applicable toxic pollutant effluent standard or prohibition established under Section 307(a) of the FWPCA, 33 U.S.C. §1317(a);
 - (5) Contains a quantity of a hazardous substance which has been determined may be harmful to the public health or welfare under Section 311(b)(4) of the FWPCA, 33 U.S.C. §1321(b)(4); or
 - (6) Exceeds any discharge limitation for an effluent parameter as a result of an unanticipated bypass or upset.

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

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

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

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

- a. The Director may, with respect to any point source identified on Page 1 of this Permit and described more fully in the Permittee's application, authorize the Permittee to reduce, suspend, or terminate the monitoring and/or reporting required by this Permit upon the submission of a written request for such reduction, suspension, or termination by the Permittee provided:
 - (1) All mining, processing, or disturbance in the drainage basin(s) associated with the discharge has ceased and site access is adequately restricted or controlled to preclude unpermitted and unauthorized mining, processing, transportation, or associated operations/activity;
 - (2) Permanent, perennial vegetation has been re-established on all areas mined or disturbed for at least one year since mining has ceased in the drainage basin(s) associated with the surface discharge, or all areas have been permanently graded such that all drainage is directed back into the mined pit to preclude all surface discharges;
 - (3) Unless waived in writing by the Department, the Permittee has been granted, in writing, a 100% Bond Release, if applicable, by the Alabama Department of Industrial Relations and, if applicable, by the Surface Mining Commission for all areas mined or disturbed in the drainage basin(s) associated with the discharge;
 - (4) Unless waived in writing by the Department, the Permittee has submitted inspection reports prepared and certified by a Professional Engineer (PE) registered in the State of Alabama or a qualified professional under the PE's direction which certify that the facility has been fully reclaimed or that water quality remediation has been achieved. The first inspection must be conducted approximately one year prior to and the second inspection must be conducted within thirty days of the Permittee's request for termination of monitoring and reporting requirements;

- (5) All surface effects of the mining activity such as fuel or chemical tanks, preparation plants or equipment, old tools or equipment, junk or debris, etc., must be removed and disposed of according to applicable state and federal regulations;
 - (6) The Permittee's request for termination of monitoring and reporting requirements contained in this Permit has been supported by monitoring data covering a period of at least six consecutive months or such longer period as is necessary to assure that the data reflect discharges occurring during varying seasonal climatological conditions;
 - (7) The Permittee has stated in its request that the samples collected and reported in the monitoring data submitted in support of the Permittee's request for monitoring termination or suspension are representative of the discharge and were collected in accordance with all Permit terms and conditions respecting sampling times (e.g., rainfall events) and methods and were analyzed in accordance with all Permit terms and conditions respecting analytical methods and procedures;
 - (8) The Permittee has certified that during the entire period covered by the monitoring data submitted, no chemical treatment of the discharge was provided;
 - (9) The Permittee's request has included the certification required by Part I.D.1.e. of this Permit; and
 - (10) The Permittee has certified to the Director in writing as part of the request, its compliance with (1) through (9) above.
- b. It remains the responsibility of the Permittee to comply with the monitoring and reporting requirements of this Permit until written authorization to reduce, suspend, or terminate such monitoring and/or reporting is received by the Permittee from the Director.

E. OTHER REPORTING AND NOTIFICATION REQUIREMENTS

1. Anticipated Noncompliance

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

2. Termination of Discharge

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

3. Updating Information

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

Permittee shall furnish the Director with an update of any information provided in the permit application.

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

4. Duty to Provide Information

- a. The Permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, suspending, terminating, or revoking and reissuing this Permit, in whole or in part, or to determine compliance with this Permit. The Permittee shall also furnish to the Director upon request, copies of records required to be maintained by this Permit.
- b. The Permittee shall furnish to the Director upon request, within a reasonable time, available information (name, phone number, address, and site location) which identifies offsite sources of material or natural resources (mineral, ore, or other material such as iron, coal, coke, dirt, chert, shale, clay, sand, gravel, bauxite, rock, stone, etc.) used in its operation or stored at the facility.

F. SCHEDULE OF COMPLIANCE

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

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

PART II OTHER REQUIREMENTS, RESPONSIBILITIES, AND DUTIES

A. OPERATIONAL AND MANAGEMENT REQUIREMENTS

1. Facilities Operation and Management

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

2. Pollution Abatement and/or Prevention Plan

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

- (1) The information indicated in ADEM Admin Code r. 335-6-9-.03 and ADEM Admin. Code ch. 335-6-9 and its Appendices A and B;
- (2) A description of methods which will be implemented to prevent offsite vehicle tracking onto roadways and/or into ditches at the entrances and/or exits of the Permittee's operations;
- (3) A description of setbacks from waters of the State in units of linear feet on the horizontal plane; a description of the methods taken to visibly delineate setbacks from waters of the State; and a description of any other actions taken to prevent encroachment upon setbacks;
- (4) A description of the methods used to delineate the boundaries of coverage under this Permit such that the boundaries are readily visible during the life of the operation;
- (5) A description of any other Best Management Practices (BMPs) which will be implemented to provide control of all nonpoint source pollution that is or may be associated with the Permittee's operations;

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

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

3. Best Management Practices (BMPs)

- a. Unless otherwise authorized in writing by the Director, the Permittee shall provide a means of subsurface withdrawal for any discharge from each point source identified on Page 1 of this Permit and described more fully in the Permittee's application. Notwithstanding the above provision, a means of subsurface withdrawal need not be provided for any discharge caused by a 24-hour precipitation event greater than a 10-year, 24-hour precipitation event.
- b. Dilution water shall not be added to achieve compliance with discharge limitations except when the Director has granted prior written authorization for dilution to meet water quality requirements.
- c. The Permittee shall minimize the contact of water with overburden, including but not limited to stabilizing disturbed areas through grading, diverting runoff, achieving quick growing stands of temporary vegetation, sealing acid-forming and toxic-forming materials, and maximizing placement of waste materials in back-fill areas.
- d. The Permittee shall prepare, submit to the Department for approval, and implement a Best Management Practices (BMPs) Plan for containment of any or all process liquids or solids, in a manner such that these materials do not present a potential for discharge, if so required by the Director. When submitted and approved, the BMP Plan shall become a part of this Permit and all requirements of the BMP Plan shall become requirements of this Permit.
- e. Spill Prevention, Control, and Management

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

- f. All surface drainage and storm water runoff which originate within or enters the Permittee's premises and which contains any pollutants or other wastes shall be discharged, if at all, from a point source identified on Page 1 of this Permit and described more fully in the Permittee's application.
- g. The Permittee shall take all reasonable precautions to prevent any surface drainage or storm water runoff which originates outside the Permittee's premises and which contains any pollutants or other wastes from entering the Permittee's premises. At no time shall the Permittee discharge any such surface drainage or storm water runoff which enters the Permittee's premises if, either alone or in combination with the Permittee's effluent, the discharge would exceed any applicable discharge limitation specified in Part I.A. of this Permit.

4. Biocide Additives

- a. The Permittee shall notify the Director in writing not later than sixty (60) days prior to instituting the use of any biocide corrosion inhibitor or chemical additive in any cooling or boiler system(s) regulated by this Permit. Notification is not required for additives that should not reasonably be expected to cause the cooling water or boiler water to exhibit toxicity as determined by analysis of manufacturer's data or testing by the Permittee. Such notification shall include:
- (a) Name and general composition of biocide or chemical;
 - (b) 96-hour median tolerance limit data for organisms representative of the biota of the water(s) which the discharge(s) enter(s);
 - (c) Quantities to be used;
 - (d) Frequencies of use;
 - (e) Proposed discharge concentrations; and
 - (f) EPA registration number, if applicable.
- b. The use of any biocide or chemical additive containing tributyl tin, tributyl tin oxide, zinc, chromium, or related compounds in any cooling or boiler system(s) regulated by the Permit is prohibited except as exempted below. The use of a biocide or additive containing zinc, chromium or related compounds may be used in special circumstances if (1) the permit contains limits for these substances, or (2) the applicant demonstrates during the application process that the use of zinc, chromium or related compounds as a biocide or additive will not pose a reasonable potential to violate the applicable State water quality standards for these substances. The use of any additive, not identified in this Permit or in the application for this Permit or not exempted from notification under this Permit is prohibited, prior to a determination by the Department that permit modification to control discharge of the additive is not required or prior to issuance of a permit modification controlling discharge of the additive.

5. Facility Identification

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

6. Removed Substances

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

7. Loss or Failure of Treatment Facilities

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

8. Duty to Mitigate

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

B. BYPASS AND UPSET

1. Bypass

- a. Any bypass is prohibited except as provided in Parts II.B.1.b. and c.
- b. A bypass is not prohibited if:
 - (1) It does not cause any applicable discharge limitation specified in Part I.A. of this Permit to be exceeded;
 - (2) The discharge resulting from such bypass enters the same receiving water as the discharge from the permitted outfall;
 - (3) It is necessary for essential maintenance of a treatment or control facility or system to assure efficient operation of such facility or system; and
 - (4) The Permittee monitors the discharge resulting from such bypass at a frequency, at least daily, sufficient to prove compliance with the discharge limitations specified in Part I.A. of this Permit.
- c. A bypass is not prohibited and need not meet the discharge limitations specified in Part I.A. of this Permit if:
 - (1) It is unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the Permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The Permittee submits a written request for authorization to bypass to the Director at least ten (10) days, if possible, prior to the anticipated bypass or within 24 hours of an unanticipated bypass, the Permittee is granted such authorization, and Permittee complies with any conditions imposed by the Director to minimize any adverse impact to waters resulting from the bypass.

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

2. Upset

- a. The Permittee may seek to demonstrate that noncompliance with technology-based effluent limits occurred as a result of an upset if the conditions of Part II.B.2.b are met and if the Permittee complies with the conditions provided in Part II.B.2.c.
- b. If the Permittee wishes to establish the affirmative defense of an upset for technology-based effluent limit noncompliance, the Permittee must demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the Permittee can identify the specific cause(s) of the upset;
 - (2) The wastewater treatment facility was at the time being properly operated in accordance with Part II.B.d.
 - (3) The Permittee submitted notice of the noncompliance during the upset as required by Part II.B.2.c; and
 - (4) The Permittee complied with any remedial measures required under Part II.A.7. of this Permit.
- c. If the Permittee wishes to establish the affirmative defense of an upset for technology-based effluent limit noncompliance, the Permittee shall:
 - (1) No later than 24-hours after becoming aware of the occurrence of the upset, orally report the occurrence and circumstances of the upset to the Director in accordance with Part I.G.2.; and
 - (2) No later than five (5) days after becoming aware of the occurrence of the upset, furnish the Director with evidence, including properly signed, contemporaneous operating logs, design drawings, construction certification, maintenance records, weir flow measurements, dated photographs, rain gauge measurements, or other relevant evidence, demonstrating that:
 - (i) An upset occurred;
 - (ii) The Permittee can identify the specific cause(s) of the upset;
 - (iii) The Permittee's treatment facility was being properly operated at the time of the upset; and
 - (iv) The Permittee promptly took all reasonable steps to minimize any adverse impact to waters resulting from the upset.
- d. A discharge which is an overflow from a treatment facility or system, or an excess discharge from a point source associated with a treatment facility or system and which results from a 24-hour precipitation event larger than a 10-year, 24-hour precipitation event is not eligible to be considered as a result of an upset unless:

- (1) The treatment facility or system is designed, constructed, and maintained to contain the maximum volume of wastewater which would be generated by the facility during a 24-hour period without an increase in volume from precipitation and the maximum volume of wastewater resulting from a 10-year, 24-hour precipitation event or to treat the maximum flow associated with these volumes. In computing the maximum volume of wastewater which would result from a 10-year, 24-hour precipitation event, the volume which would result from all areas contributing runoff to the individual treatment facility must be included (i.e., all runoff that is not diverted from the mining area and runoff which is not diverted from the preparation plant area); and
 - (2) The Permittee takes all reasonable steps to maintain treatment of the wastewater and minimize the amount of overflow or excess discharge.
- e. The Permittee has the burden of proof in defense of any enforcement action as a result of noncompliance of technology-based effluent limits the Permittee proposes to attribute to an upset.

C. PERMIT CONDITIONS AND RESTRICTIONS

1. Prohibition against Discharge from Facilities Not Certified

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

2. Permit Modification, Suspension, Termination, and Revocation

- a. This Permit may be modified, suspended, terminated, or revoked and reissued, in whole or in part, during its term for cause, including but not limited to, the following:
 - (1) The violation of any term or condition of this Permit;

- (2) The obtaining of this Permit by misrepresentation or the failure to disclose fully all relevant facts;
 - (3) The submission of materially false or inaccurate statements or information in the permit application or reports required by the Permit;
 - (4) The need for a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
 - (5) The existence of any typographical or clerical errors or of any errors in the calculation of discharge limitations;
 - (6) The existence of material and substantial alterations or additions to the facility or activity generating wastewater which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;
 - (7) The threat of the Permittee's discharge on human health or welfare; or
 - (8) Any other cause allowed by ADEM Admin. Code ch. 335-6-6.
- b. The filing of a request by the Permittee for modification, suspension, termination, or revocation and reissuance of this Permit, in whole or in part, does not stay any Permit term or condition of this Permit.

3. Automatic Expiration of Permits for New or Increased Discharges

- a. Except as provided by ADEM Admin. Code r. 335-6-6-.02(h) and 335-6-6-.05, if this Permit was issued for a new discharger or new source, it shall expire eighteen months after the issuance date if construction has not begun during that eighteen month period.
- b. Except as provided by ADEM Admin. Code r. 335-6-6-.02(h) and 335-6-6-.05, if any portion of this Permit was issued or modified to authorize the discharge of increased quantities of pollutants to accommodate the modification of an existing facility, that portion of this Permit shall expire eighteen months after this Permit's issuance if construction of the modification has not begun within eighteen month period.
- c. Construction has begun when the owner or operator has:
 - (1) Begun, or caused to begin as part of a continuous on-site construction program:
 - (i) Any placement, assembly, or installation of facilities or equipment; or
 - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (2) Entered into a binding contractual obligation for the purpose of placement, assembly, or installation of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under the paragraph. The entering into a lease with the State of

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

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

4. Transfer of Permit

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

5. Groundwater

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

6. Property and Other Rights

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

D. RESPONSIBILITIES

1. Duty to Comply

- a. The Permittee must comply with all terms and conditions of this Permit. Any permit noncompliance constitutes a violation of the AWPCA, AEMA, and the FWPCA and is grounds for enforcement action, for permit termination, revocation and reissuance, suspension, modification, or denial of a permit renewal application.
- b. The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the FWPCA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Permit has not yet been modified to incorporate the effluent standard, prohibition or requirement.
- c. For any violation(s) of this Permit, the Permittee is subject to a civil penalty as authorized by the AWPCA, the AEMA, the FWPCA, and Code of Alabama 1975, §§22-22A-1 et. seq., as amended, and/or a criminal penalty as authorized by Code of Alabama 1975, §22-22-1 et. seq., as amended.

- d. The necessity to halt or reduce production or other activities in order to maintain compliance with the conditions of this Permit shall not be a defense for a Permittee in an enforcement action.
- e. Nothing in this Permit shall be construed to preclude or negate the Permittee's responsibility or liability to apply for, obtain, or comply with other ADEM, federal, state, or local government permits, certifications, licenses, or other approvals.
- f. The discharge of a pollutant from a source not specifically identified in the permit application for this Permit and not specifically included in the description of an outfall in this Permit is not authorized and shall constitute noncompliance with this Permit.
- g. The Permittee shall take all reasonable steps, including cessation of production or other activities, to minimize or prevent any violation of this Permit or to minimize or prevent any adverse impact of any permit violation.

2. Change in Discharge

- a. The Permittee shall apply for a permit modification at least 180 days in advance of any facility expansion, production increase, process change, or other action that could result in the discharge of additional pollutants, increase the quantity of a discharged pollutant, or that could result in an additional discharge point. This requirement also applies to pollutants that are not subject to discharge limitations in this Permit. No new or increased discharge may begin until the Director has authorized it by issuance of a permit modification or a reissued permit.
- b. The Permittee shall notify the Director as soon as it knows or has reason to believe that it has begun or expects to begin to discharge any pollutant listed as a toxic pollutant pursuant to Section 307(a) of the FWPCA, 33 U.S.C. §1317(a), any substance designated as a hazardous substance pursuant to Section 311(b)(2) of the FWPCA, 33 U.S.C. §1321(b)(2), any waste listed as a hazardous waste pursuant to Code of Alabama 1975, §22-30-10, or any other pollutants or other wastes which is not subject to any discharge limitations specified in Part I.A. of this Permit and was not reported in the Permittee's application, was reported in the Permittee's application in concentrations or mass rates lower than that which the Permittee expects to begin to be discharged, or has reason to believe has begun to be discharged.

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

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

4. Compliance with Water Quality Standards and Other Provisions

- a. On the basis of the Permittee's application, plans, or other available information, the Department has determined that compliance with the terms and conditions of this Permit will assure compliance with applicable water quality standards. However, this Permit does not relieve the Permittee from compliance with applicable State water quality standards established in ADEM Admin. Code ch. 335-6-10, and does not preclude the Department from taking action as appropriate to address the potential for contravention of applicable State water quality standards which could result from discharges of pollutants from the permitted facility.
- b. Compliance with Permit terms and conditions notwithstanding, if the Permittee's discharge(s) from point source(s) identified on Page 1 of this Permit cause(s) or contribute(s) to a condition in contravention of State water quality standards, the Department may require abatement action to be taken by the Permittee, modify the Permit pursuant to the Department's rules and regulations, or both.
- c. If the Department determines, on the basis of a notice provided pursuant to Part II.C.2. of this Permit or any investigation, inspection, or sampling, that a modification of this Permit is necessary to assure maintenance of water quality standards or compliance with other provisions of the AWPCA or FWPCA, the Department may require such modification and, in cases of emergency, the Director may prohibit the noticed act until the Permit has been modified.

5. Compliance with Statutes and Rules

- a. This Permit has been issued under ADEM Admin. Code div. 335-6. All provisions of this division, that are applicable to this Permit, are hereby made a part of this Permit. A copy of this division may be obtained for a small charge from the Office of General Counsel, Alabama Department of Environmental Management, 1400 Coliseum Blvd., Montgomery, AL 36110-2059.
- b. This Permit does not authorize the noncompliance with or violation of any Laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws. FWPCA, 33 U.S.C. Section 1319, and Code of Alabama 1975, Section 22-22-14.

6. Right of Entry and Inspection

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

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

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

- a. If the Permittee intends to continue to discharge beyond the expiration date of this Permit, the Permittee shall file with the Department a complete permit application for reissuance of this Permit at least 180 days prior to its expiration. Applications must be submitted electronically via the Department's current electronic permitting system. The Department's current online permitting system, Alabama Environmental Permitting and Compliance System (AEPACS), can be found online at <https://aepacs.adem.alabama.gov/nviro/ncore/external/home>.
- b. If the Permittee does not desire to continue the discharge(s) allowed by this Permit, the Permittee shall notify the Department at least 180 days prior to expiration of this Permit of the Permittee's intention not to request reissuance of this Permit. This notification must include the information required in Part I.D.4.a. and be signed by an individual meeting the signatory requirements for a permit application as set forth in ADEM Admin. Code r. 335-6-6-.09.
- c. Failure of the Permittee to submit to the Department a complete application for reissuance of this Permit at least 180 days prior to the expiration date of this Permit will void the automatic continuation of this Permit provided by ADEM Admin. Code r. 335-6-6-.06; and should this Permit not be reissued for any reason, any discharge after the expiration of this Permit will be an unpermitted discharge.

PART III ADDITIONAL REQUIREMENTS, CONDITIONS, AND LIMITATIONS

A. CIVIL AND CRIMINAL LIABILITY

1. Tampering

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

2. False Statements

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

3. Permit Enforcement

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

4. Relief From Liability

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

B. OIL AND HAZARDOUS SUBSTANCE LIABILITY

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

C. AVAILABILITY OF REPORTS

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

D. DEFINITIONS

1. Alabama Environmental Management Act (AEMA) - means Code of Alabama 1975, §§22-22A-1 et. seq., as amended.
2. Alabama Water Pollution Control Act (AWPCA) - means Code of Alabama 1975, §§22-22-1 et. seq., as amended.
3. Average monthly discharge limitation - means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar

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

4. Arithmetic Mean - means the summation of the individual values of any set of values divided by the number of individual values.
5. BOD - means the five-day measure of the pollutant parameter biochemical oxygen demand
6. Bypass - means the intentional diversion of waste streams from any portion of a treatment facility.
7. CBOD - means the five-day measure of the pollutant parameter carbonaceous biochemical oxygen demand.
8. Controlled Surface Mine Drainage – means any surface mine drainage that is pumped or siphoned from the active mining area.
9. Daily discharge - means the discharge of a pollutant measured during any consecutive 24-hour period in accordance with the sample type and analytical methodology specified by the discharge permit.
10. Daily maximum - means the highest value of any individual sample result obtained during a day.
11. Daily minimum - means the lowest value of any individual sample result obtained during a day.
12. Day - means any consecutive 24-hour period.
13. Department - means the Alabama Department of Environmental Management.
14. Director - means the Director of the Department or his authorized representative or designee.
15. Discharge - means "[t]he addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other waste into waters of the state." Code of Alabama 1975, §22-22-1(b)(8).
16. Discharge monitoring report (DMR) - means the form approved by the Director to accomplish monitoring report requirements of an NPDES Permit.
17. DO - means dissolved oxygen.
18. E. coli – means the pollutant parameter Escherichia coli.
19. 8HC - means 8-hour composite sample, including any of the following:
 - a. The mixing of at least 5 equal volume samples collected at constant time intervals of not more than 2 hours over a period of not less than 8 hours between the hours of 6:00 a.m. and 6:00 p.m. If the sampling period exceeds 8 hours, sampling may be conducted beyond the 6:00 a.m. to 6:00 p.m. period.
 - b. A sample continuously collected at a constant rate over period of not less than 8 hours between the hours of 6:00 a.m. and 6:00 p.m. If the sampling period exceeds 8 hours, sampling may be conducted beyond the 6:00 a.m. to 6:00 p.m. period.
20. EPA - means the United States Environmental Protection Agency.

21. Federal Water Pollution Control Act (FWPCA) - means 33 U.S.C. §§1251 et. seq., as amended.
22. Flow – means the total volume of discharge in a 24-hour period.
23. Geometric Mean - means the Nth root of the product of the individual values of any set of values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero (0) shall be considered one (1).
24. Grab Sample - means a single influent or effluent portion which is not a composite sample. The sample(s) shall be collected at the period(s) most representative of the discharge.
25. Indirect Discharger - means a nondomestic discharger who discharges pollutants to a publicly owned treatment works or a privately owned treatment facility operated by another person.
26. Industrial User - means those industries identified in the Standard Industrial Classification manual, Bureau of the Budget 1967, as amended and supplemented, under the category “Division D – Manufacturing” and such other classes of significant waste producers as, by regulation, the Director deems appropriate.
27. mg/L - means milligrams per liter of discharge.
28. MGD - means million gallons per day.
29. Monthly Average - means, other than for E. coli bacteria, the arithmetic mean of all the composite or grab samples taken for the daily discharges collected in one month period. The monthly average for E. coli bacteria is the geometric mean of daily discharge samples collected in a one month period. The monthly average for flow is the arithmetic mean of all flow measurements taken in a one month period. (Zero discharges shall not be included in the calculation of monthly averages.)
30. New Discharger - means a person owning or operating any building, structure, facility or installation:
 - a. From which there is or may be a discharge of pollutants;
 - b. From which the discharge of pollutants did not commence prior to August 13, 1979, and which is not a new source; and
 - c. Which has never received a final effective NPDES Permit for dischargers at that site.
31. New Source - means:
 - a. A new source as defined for coal mines by 40 CFR Part 434.11 (1994); and
 - b. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
 - (1) After promulgation of standards of performance under Section 306 of FWPCA which are applicable to such source; or
 - (2) After proposal of standards of performance in accordance with Section 306 of the FWPCA which are applicable to such source, but only if the standards are promulgated in accordance with Section 206 within 120 days of their proposal.
32. NH3-N - means the pollutant parameter ammonia, measured as nitrogen.

33. 1-year, 24-hour precipitation event - means the maximum 24-hour precipitation event with a probable recurrence interval of once in one year as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.
34. Permit application - means forms and additional information that are required by ADEM Admin. Code r. 335-6-6-.08 and applicable permit fees.
35. Point Source - means "any discernible, confined and discrete conveyance, including but not limited to any pipe, channel, ditch, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged." Section 502(14) of the FWPCA, 33 U.S.C. §1362(14).
36. Pollutant - includes for purposes of this Permit, but is not limited to, those pollutants specified in Code of Alabama 1975, §22-22-1(b)(3) and those effluent characteristics, excluding flow, specified in Part I.A. of this Permit.
37. Pollutant of Concern - means those pollutants for which a water body is listed as impaired or which contribute to the listed impairment.
38. Pollution Abatement and/or Prevention Plan (PAP Plan) – mining operations plan developed to minimize impacts on water quality to avoid a contravention of the applicable water quality standards as defined in ADEM Admin. Code r. 335-6-9-.03
39. Preparation, Dry - means a dry preparation facility within which the mineral/material is cleaned, separated, or otherwise processed without use of water or chemical additives before it is shipped to the customer or otherwise utilized. A dry preparation plant includes all ancillary operations and structures necessary to clean, separate, or otherwise process the mineral/material, such as storage areas and loading facilities. Dry preparation also includes minor water spray(s) used solely for dust suppression on equipment and roads to minimize dust emissions.
40. Preparation, Wet - means a wet preparation facility within which the mineral/material is cleaned, separated, or otherwise processed using water or chemical additives before it is shipped to the customer or otherwise utilized. A wet preparation plant includes all ancillary operations and structures necessary to clean, separate, or otherwise process the mineral/material, such as storage areas and loading facilities. Wet preparation also includes mineral extraction/processing by dredging, slurry pumping, etc.
41. Privately Owned Treatment Works - means any devices or system which is used to treat wastes from any facility whose operator is not the operator of the treatment works, and which is not a "POTW".
42. Publicly Owned Treatment Works (POTW) - means a wastewater collection and treatment facility owned by the State, municipality, regional entity composed of two or more municipalities, or another entity created by the State or local authority for the purpose of collecting and treating municipal wastewater.
43. Receiving Stream - means the "waters" receiving a "discharge" from a "point source".
44. Severe property damage - means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
45. 10-year, 24-hour precipitation event - means that amount of precipitation which occurs during the maximum 24-hour precipitation event with a probable recurrence interval of once in ten years as

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

46. TKN - means the pollutant parameter Total Kjeldahl Nitrogen.
47. TON - means the pollutant parameter Total Organic Nitrogen.
48. TRC - means Total Residual Chlorine.
49. TSS – means the pollutant parameter Total Suspended Solids
50. Treatment facility and treatment system - means all structures which contain, convey, and as necessary, chemically or physically treat mine and/or associated preparation plant drainage, which remove pollutants limited by this Permit from such drainage or wastewater. This includes all pipes, channels, ponds, tanks, and all other equipment serving such structures.
51. 24HC - means 24-hour composite sample, including any of the following:
 - a. The mixing of at least 12 equal volume samples collected at constant time intervals of not more than 2 hours over a period of 24 hours;
 - b. A sample collected over a consecutive 24-hour period using an automatic sampler composite to one sample. As a minimum, samples shall be collected hourly and each shall be no more than one twenty-fourth (1/24) of the total sample volume collected; or
 - c. A sample collected over a consecutive 24-hour period using an automatic composite sampler composited proportional to flow.
52. 24-hour precipitation event - means that amount of precipitation which occurs within any 24-hour period.
53. 2-year, 24-hour precipitation event - means the maximum 24-hour precipitation event with a probable recurrence interval of once in two years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.
54. Upset - means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit discharge limitations because of factors beyond the control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate facilities, lack of preventive maintenance, or careless or improper operation.
55. Waters - means "[a]ll waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the State, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership, or corporation unless such waters are used in interstate commerce." Code of Alabama 1975, §22-22-1(b)(2). "Waters" include all "navigable waters" as defined in §502(7) of the FWPCA, 33 U.S.C. §1362(7), which are within the State of Alabama.
56. Week - means the period beginning at twelve midnight Saturday and ending at twelve midnight the following Saturday.
57. Weekly (7-day and calendar week) Average – is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The calendar week is defined as beginning on Sunday and ending on Saturday. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the

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

E. SEVERABILITY

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

F. PROHIBITIONS AND ACTIVITIES NOT AUTHORIZED

1. Discharges from disposal or landfill activities as described in ADEM Admin. Code div. 335-13 are not authorized by this Permit unless specifically approved by the Department.
2. Relocation, diversion, or other alteration of a water of the State is not authorized by this Permit unless specifically approved by the Department.
3. Lime or cement manufacturing or production and discharge of process waters from such manufacturing or production is not authorized by this Permit unless specifically approved by the Department.
4. Concrete or asphalt manufacturing or production and discharge of process waters from such manufacturing or production is not authorized by this Permit unless specifically approved by the Department.
5. The discharge of wastewater, generated by any process, facility, or by any other means not under the operational control of the Permittee or not identified in the application for this Permit or not identified specifically in the description of an outfall in this Permit is not authorized by this Permit.

G. DISCHARGES TO IMPAIRED WATERS

1. This Permit does not authorize new sources or new discharges of pollutants of concern to impaired waters unless consistent with an EPA-approved or EPA-established Total Maximum Daily Load (TMDL) and applicable State law, or unless compliance with the limitations and requirements of the Permit ensure that the discharge will not contribute to further degradation of the receiving stream. Impaired waters are those that do not meet applicable water quality standards and are identified on the State of Alabama's §303(d) list or on an EPA-approved or EPA-established TMDL. Pollutants of concern are those pollutants for which the receiving water is listed as impaired or contribute to the listed impairment.
2. Facilities that discharge into a receiving stream which is listed on the State of Alabama's §303(d) list of impaired waters, and with discharges that contain the pollutant(s) for which the waters are impaired, must within six (6) months of the Final §303(d) list approval, document in its BMP plan how the BMPs will control the discharge of the pollutant(s) of concern, and must ensure that there will be no increase of the pollutants of concern. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan.
3. If the facility discharges to impaired waters as described above, it must determine whether a TMDL has been developed and approved or established by EPA for the listed waters. If a TMDL is approved or established during this Permit cycle by EPA for any waters into which the facility discharges, the facility must review the applicable TMDL to see if it includes requirements for control of any water discharged by the Permittee. Within six (6) months of the date of TMDL approval or establishment, the facility must notify the Department on how it will modify its BMP plan to include best management practices specifically targeted to achieve the allocations prescribed

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

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION**

NPDES INDIVIDUAL PERMIT RATIONALE

Company Name: Little Hawk Mining LLC

Facility Name: Little Hawk Mine

County: Monroe

Permit Number: AL0073521

Prepared by: Jasmine White

Date: February 13, 2024

Receiving Waters: Unnamed Tributaries to Brushy Creek/Groundwater

Permit Coverage: Construction Sand and Gravel Mine, Mineral Wet Processing, Mineral Loading, Mineral Storing, Mineral Transportation, and Associated Areas

SIC Code: 1442

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

This proposed permit covers a construction sand and gravel mine, mineral wet processing, mineral storage, mineral loading, mineral transportation, and associated areas which discharge to surface waters of the state.

The proposed permit authorizes treated discharges into stream segments, other State waters, or local watersheds classified as Fish & Wildlife (F&W) per ADEM Admin. Code ch. 335-6-11. If the requirements of the proposed permit are fully implemented, the facility will not discharge pollutants at levels that will cause or contribute to a violation of the F&W classification.

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

Technology Based Effluent Limits (TBELs) for construction sand and gravel facilities can be found in 40 CFR 436.32(1) and (2) for facilities that recycle waste water for use in processing and mine dewatering, respectively. The TBELs were promulgated for existing dischargers using the Best Practicable Control Technology Available (BPT). New Source Performance Standards (NSPS) have not yet been developed by the EPA for the construction sand and gravel subcategory.

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

The instream WQS for pH, for streams classified as F&W, are 6.0 - 8.5 s.u per ADEM Admin Code r. 335-6-10-.09; however, because discharges from all outfalls are expected only in response to rain events, it is

the opinion of the Department that discharges with an allowable pH daily maximum of 9.0 will not adversely affect the instream pH based on the low discharge/stream flow ratio. The discharge limitations for pH of 6.0 – 9.0 s.u. for all outfalls are identical to the existing point source TBELs found in 40 CFR 436 Subpart C.

The TBELs for 40 CFR 436 Subpart C do not include limitations for Total Suspended Solids (TSS). TSS is classified as a conventional pollutant in 40 CFR 401.16 and is expected to be discharged from this type of facility. Therefore, monthly average and daily maximum effluent limitations for TSS were prepared using Best Professional Judgment (BPJ) with consideration given to the NSPS for TSS in 40 CFR 434.35.

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

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

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

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

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

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

The applicant is not proposing discharges into a stream segment or other State water that is included on Alabama's current CWA §303(d) list.

The applicant is not proposing new discharges of pollutant(s) to an ADEM identified Tier I water.

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

NPDES Individual Major Modification - Mining (Form 315)

version 2.2

(Submission #: HPE-AX12-20K5A, version 1)

Digitally signed by:
GlobalSign RSA OV SSL CA 2018
Date: 2021.12.30 08:05:33 -06:00
Reason: Submission Data
Location: State of Alabama

Details

Submission ID HPE-AX12-20K5A

Form Input

General Instructions

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

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

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

Permit Transfers
Permittee/Facility Name Changes (without a Permit Transfer)
Minor Modifications
Major Modifications
Reissuances
Reissuance of a permit on or after the current permit's expiration date
Revocation and Reissuance before the current permit's expiration date

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

Applicable Fees:

Permit Transfers and/or Permittee/Facility Name Changes
\$800

Minor Modifications
\$3,400 (Mineral/Resource Extraction Mining, Storage Transloading, Dry Processing)
\$3,940 (Wet Preparation, Processing, Beneficiation)
\$3,940 (Coalbed Methane Operations)

Major Modifications
\$5,820 (Mineral/Resource Extraction Mining, Storage Transloading, Dry Processing)
\$6,860 (Wet Preparation, Processing, Beneficiation)
\$6,860 (Coalbed Methane Operations)

Reissuances
\$5,820 (Mineral/Resource Extraction Mining, Storage Transloading, Dry Processing)
\$6,860 (Wet Preparation, Processing, Beneficiation)
\$6,860 (Coalbed Methane Operations)

Potential Add-on Fees for Major Modifications and Reissuances
\$1,015 (Biomonitoring & Toxicity Limits)
\$2,705 (Review of Model Performed by Others)
\$4,855 (Modeling ♦ desktop)

[For assistance, please click here to determine the permit staff responsible for the site or call \(334\) 394-4372.](#)

Processing Information

Purpose of Application

Reissuance of Permit Due to Approaching Expiration

Please indicate if the Permittee is applying for a permit transfer and/or name change in addition to permit modification or reissuance:

None

Action Type

Reissuance

Briefly describe any planned changes at the facility that are included in this reissuance application:

Reissue only

Is this a coalbed methane operation?

No

Permit Information

Permit Number

AL0073521

Current Permittee Name

Little Hawk Mining LLC

Permittee

Permittee Name

Little Hawk Mining LLC

Mailing Address

1499 Experiment Farm Road
Monroeville, AL 36460

Responsible Official

Prefix

Mr.

First Name Last Name

Bill Harper

Title

Primary Member

Organization Name

Little Hawk Mining, LLC

Phone Type Number Extension

Business 251-575-7570

Email

littlehawkmining@gmail.com

Mailing Address

1449 EXPERIMENT FARM RD
MONROEVILLE, AL 36460

Existing Permit Contacts

Affiliation Type	Contact Information	Remove?
Responsible Official, Notification Recipient	Bill Harper, Little Hawk Mining, LLC	Keep
Permittee	Little Hawk Mining LLC	Keep

Facility/Operations Information

Facility/Operations Name

Little Hawk Mine

Permittee Organization Type

LLC

Parent Corporation and Subsidiary Corporations of Applicant, if any:

NONE PROVIDED

Landowner(s) Name, Address and Phone Number:

Bill Harper
1449 Experiment Farm Road
Monroeville, AL 36460

Sub-contractor(s)/Operator(s), if known:

NONE PROVIDED

Is the Company/Permittee properly registered and in good standing with the Alabama Secretary of State's office?

Yes

Facility/Operations Address or Location Description

1449 EXPERIMENT FARM RD
Monroeville, AL 36460

Facility/Operations County (Front Gate)

Monroe

Do the operations span multiple counties?

No

Facility/Operations Contact

Prefix

Mr.

First Name Last Name

Bill Harper

Title

Primary Member

Organization Name

Little Hawk Mining, LLC

Phone Type Number Extension

Business 251-575-7570

Email

littlehawkmining@gmail.com

Detailed Directions to the Facility/Operations

From I-65, take US Hwy 84 West into Monroe County, Turn north onto Experiment Farm Road and travel approximately 1.5 miles. Entrance to pit is on the right.

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

[Map Instruction Help](#)

Facility/Operations Front Gate Latitude and Longitude

31.48027800000000,-87.32305599999999

Township(s), Range(s), Section(s) (Note: If you are submitting multiple TRSs, please separate each TRS by a semicolon. Example: T19S,R1E,S15; T20S,R2E,S16)

T6N, R7E, S 13, 14

T6N, R8E, S 18,19

SIC Code(s) [Please select your primary SIC code first]:

1442-Construction Sand and Gravel

NAICS Code(s) [Please select your primary NAICS code first]:

212321-Construction Sand and Gravel Mining

Member Information

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

Name	Title/Position	Physical Address of Residence
Bill Harper	Primary Memeber	478 Experiment Farm Road, Monroeville, AL 36460

Do you have any individuals to identify as described above?

No

Additional Contacts (1 of 1)

ADDITIONAL CONTACTS:

Contact Type

NONE PROVIDED

Contact

First Name

NONE PROVIDED

Last Name

NONE PROVIDED

Title

NONE PROVIDED

Organization Name

NONE PROVIDED

Phone Type**Number****Extension**

NONE PROVIDED

Email

NONE PROVIDED

Address

[NO STREET ADDRESS SPECIFIED]

[NO CITY SPECIFIED], AL [NO ZIP CODE SPECIFIED]

Compliance History

Has the applicant ever had any of the following:

None apply

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

Yes

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

Date of Issuance	Type of Action	Briefly describe alleged violations:	Date of Final Resolution
11/22/2021	Notice of Violation	Failure to monitor discharge	12/30/2021

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

ADOL - 010521

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

NA

Anti-Degradation Evaluation

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

No

Activity Description & Information

Narrative description of activity(s):

The site is used to mine sand and gravel. The mixture is separated via wet screening process and the gravel is washed before being loaded in trucks to be transported from the site.

Total Facility/Operations Area (acres)

1080.00

Total Disturbed Area (acres)

90.00

Anticipated Commencement Date

06/12/2017

Anticipated Completion Date

06/30/2032

Is/will this operation (please check all that apply):

An existing facility/operation which currently results in discharges to State waters?

Incised pit

Need/have ADOL permit coverage?

Does your facility/operation use cooling water?

No

Material to be Removed, Processed, or Transloaded

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

Mineral(s)/Mineral product(s)	%
Sand and/or Gravel	100
	Sum: 100

Proposed Activity To Be Conducted

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

- Excavation
- Grading, clearing, grubbing, etc.
- Mineral loading
- Mineral storing
- Mineral transportation
- Mineral wet preparation
- Onsite mining debris or equipment storage/disposal
- Pre-mining logging or land clearing
- Reclamation of disturbed areas
- Surface mining

If the type of activity presently conducted or proposed is Mineral Transportation, please specify the following:
Truck

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

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

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

Volume (gallons)	Contents
560	Diesel
560	Waste Oil

SPCC Plan

[SPCC.pdf - 12/29/2021 11:00 AM](#)

Comment

NONE PROVIDED

ASMC Regulated Entities

Is this a coal mining operation regulated by ASMC?
No

Topographic Map Submittal

Topographic Map

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

Topographic Map

[Figure 1 Map.pdf - 12/29/2021 11:00 AM](#)

[1.pdf - 12/29/2021 11:05 AM](#)

Comment

NONE PROVIDED

Detailed Facility Map Submittal

Detailed Facility Map

1.pdf - 12/29/2021 11:05 AM

Comment

NONE PROVIDED

Outfalls (1 of 8)

Outfall Identifier: 001

Feature Type

Outfall (External)

Outfall Identifier

001

Outfall Status

Existing

Permit Action

Reissue

Receiving Water

Brushy Creek

Check below if the discharge enters the receiving water via an unnamed tributary.

Unnamed Tributary

Location of Outfall

31.472500000000000, -87.320278000000000

Distance to Receiving Water (ft)

364

Disturbed Area (acres)

90

Drainage Area (acres)

364

303(d) Segment?

No

TMDL Segment?

No

Outfalls (2 of 8)

Outfall Identifier: 002

Feature Type

Outfall (External)

Outfall Identifier

002

Outfall Status

Proposed

Permit Action

Reissue

Receiving Water

Brushy Creek

Check below if the discharge enters the receiving water via an unnamed tributary.

Unnamed Tributary

Location of Outfall

31.47055600000000, -87.31333300000000

Distance to Receiving Water (ft)

800

Disturbed Area (acres)

4

Drainage Area (acres)

217

303(d) Segment?

No

TMDL Segment?

No

Outfalls (3 of 8)

Outfall Identifier: 003

Feature Type

Outfall (External)

Outfall Identifier

003

Outfall Status

Proposed

Permit Action

Reissue

Receiving Water

Brushy Creek

Check below if the discharge enters the receiving water via an unnamed tributary.

Unnamed Tributary

Location of Outfall

31.46833300000000, -87.30861100000000

Distance to Receiving Water (ft)

150

Disturbed Area (acres)

2

Drainage Area (acres)

109

303(d) Segment?

No

TMDL Segment?

No

Outfalls (4 of 8)

Outfall Identifier: 004

Feature Type

Outfall (External)

Outfall Identifier

004

Outfall Status

Proposed

Permit Action

Reissue

Receiving Water

Brushy Creek

Check below if the discharge enters the receiving water via an unnamed tributary.

Unnamed Tributary

Location of Outfall

31.46500000000000, -87.30222200000000

Distance to Receiving Water (ft)

200

Disturbed Area (acres)

1

Drainage Area (acres)

97

303(d) Segment?

No

TMDL Segment?

No

Outfalls (5 of 8)

Outfall Identifier: 005

Feature Type

Outfall (External)

Outfall Identifier

005

Outfall Status

Proposed

Permit Action

Reissue

Receiving Water

Brushy Creek

Check below if the discharge enters the receiving water via an unnamed tributary.

Unnamed Tributary

Location of Outfall

31.47944400000000, -87.30027800000001

Distance to Receiving Water (ft)

150

Disturbed Area (acres)

3

Drainage Area (acres)

201

303(d) Segment?

No

TMDL Segment?

No

Outfalls (6 of 8)

Outfall Identifier: 006

Feature Type

Outfall (External)

Outfall Identifier

006

Outfall Status

Proposed

Permit Action

Reissue

Receiving Water

Brushy Creek

Check below if the discharge enters the receiving water via an unnamed tributary.

Unnamed Tributary

Location of Outfall

31.48638900000000, -87.28916700000001

Distance to Receiving Water (ft)

100

Disturbed Area (acres)

1

Drainage Area (acres)

112

303(d) Segment?

No

TMDL Segment?

No

Outfalls (7 of 8)

Outfall Identifier: 007

Feature Type
Outfall (External)

Outfall Identifier
007

Outfall Status
Proposed

Permit Action
Reissue

Receiving Water
Brushy Creek

Check below if the discharge enters the receiving water via an unnamed tributary.
Unnamed Tributary

Location of Outfall
31.48638900000000, -87.29888900000000

Distance to Receiving Water (ft)
1,000

Disturbed Area (acres)
1

Drainage Area (acres)
60

303(d) Segment?
No

TMDL Segment?
No

Outfalls (8 of 8)

Outfall Identifier: 008

Feature Type
Outfall (External)

Outfall Identifier
008

Outfall Status
Proposed

Permit Action
Reissue

Receiving Water
Brushy Creek

Check below if the discharge enters the receiving water via an unnamed tributary.

Unnamed Tributary

Location of Outfall

31.48638900000000, -87.30805599999999

Distance to Receiving Water (ft)

100

Disturbed Area (acres)

1

Drainage Area (acres)

110

303(d) Segment?

No

TMDL Segment?

No

Discharge Characterization

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

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

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

[Download spreadsheet here.](#)

Required attachment:

[Form315TableB.xlsx - 12/29/2021 11:16 AM](#)

Comment

NONE PROVIDED

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

[Download spreadsheet here.](#)

Required attachment:

[Form315TableC.xlsx - 12/29/2021 11:18 AM](#)

Comment

NONE PROVIDED

Discharge Structure Description & Pollutant Source

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

[Download spreadsheet here.](#)

Required attachment:

[Form315DischargeStructure.xlsx - 12/29/2021 11:22 AM](#)

Comment

NONE PROVIDED

Variance Request

Do you intend to request or renew one or more of the CWA technology variances authorized at 40 CFR 122.21(m)?

No

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

Outfall(s):

001E, 002-008P

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

Identify and provide detailed explanation for any \diamond N \diamond or \diamond N/A \diamond response(s):

This facility is not discharging to a PWS classified stream.

No stream crossings.

Pollution Abatement & Prevention (PAP) Plan Review Checklist

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

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

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

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

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

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

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

Other:	Please select one:
Precipitation/Volume Calculations/Diagram Attached	Yes
BMP Plan for Haul Roads	Yes
Measures for Minimizing Impacts to Adjacent Stream (e.g., Buffer Strips, Berms)	Yes
Measures for Ensuring Appropriate Setbacks are Maintained at All Times	Yes
Methods for Minimizing Nonpoint Source Discharges	Yes
If Chemical Treatment Used, Methods for Ensuring Appropriate Dosage	Yes
Facility Closure Plans	Yes
PE Rationale(s) For Alternate Standards, Designs or Plans	N/A

Identify and provide detailed explanation for any **N** or **N/A** response(s):
 No alternatives are necessary.

Pollution Abatement & Prevention (PAP) Plan

Is this a coal mining operation regulated by ASMC?
 No

PAP Plan (non-coal mining facilities)

[PAP.pdf - 12/29/2021 12:28 PM](#)
Comment
 NONE PROVIDED

Professional Engineer (PE)

Registration License Number
 26776

Professional Engineer

Prefix

Mr.

First Name Last Name

Benjamin White

Title

Professional Engineer

Organization Name

TensawEngineering, LLC

Phone Type Number Extension

Business 2513311711

Email

bwhite@tensawengineering.com

Address

15 HAND AVE

STE 158

BAYMINETTE, AL 36507

Information for the Applicant

Please read the following information and acknowledge below:

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

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

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

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

The applicant is advised to contact:

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

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

Acknowledgement

I acknowledge I have read and understand the information above.

Additional Attachments

Additional Attachments

NONE PROVIDED

Comment

NONE PROVIDED

Application Preparer

Application Preparer

Prefix

NONE PROVIDED

First Name

NONE PROVIDED

Last Name

NONE PROVIDED

Title

NONE PROVIDED

Organization Name

NONE PROVIDED

Phone Type

NONE PROVIDED

Number

Extension

Email

NONE PROVIDED

Address

[NO STREET ADDRESS SPECIFIED]

[NO CITY SPECIFIED], AL [NO ZIP CODE SPECIFIED]

Fees Assessed

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

Wet Preparation, Processing, Beneficiation:
6860

Fee

Fee
6860

Agreements and Signature(s)

SUBMISSION AGREEMENTS

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

Professional Engineer (PE)

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

Signed By Ben White on 12/29/2021 at 12:32 PM

Responsible Official

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

Signed By William Harper on 12/30/2021 at 7:56 AM

The applicant is required to supply outfall number(s) as it appears on the map(s) required by this change the numbering sequence of the permitted outfalls], describe each, (e.g., pipe, spillway origin of pollutants. The response must be precise for each outfall. If the discharge of pollutant origins, each origin must be completely described.

Description of Origin of Pollutants – typical examples: (1) Discharge of drainage from the underground coal surface mine, (3) Discharge of drainage from a coal preparation plant and associated areas of wastewater from an existing source coal preparation plant, (6) Discharge of drainage from a surface mine drainage (pumped or siphoned), (9) Discharge of drainage from mine reclamation,

Outfall	Discharge structure Description	Description of Origin of pollutants	Surface Discharge
001E	1 - 36" PIPE	4,6,8,9	X
002P	2-48" PIPES	4,6,8,9	X
003P	1-48" PIPES	4,6,8,9	X
004P	1-48" PIPES	4,6,8,9	X
005P	2-48" PIPES	4,6,8,9	X
006P	2-48" PIPES	4,6,8,9	X
007P	1-48" PIPES	4,6,8,9	X
008P	2-48" PIPES	4,6,8,9	X

The applicant is required to supply the following information separately for every proposed of any other pollutant(s) listed in EPA Form 2C Tables A, B, C, D, and E that are not referred to in the discharge(s) is present or have reason to believe could be present in the discharge(s) at levels of concern:

Outfall E/P	Reason Believed Present	Information Source - # of Samples		
			lbs/day	mg/L
001E	NA	NA	NA	NA
002P	NA	NA	NA	NA
003P	NA	NA	NA	NA
004P	NA	NA	NA	NA
005P	NA	NA	NA	NA
006P	NA	NA	NA	NA
007P	NA	NA	NA	NA
008P	NA	NA	NA	NA

LITTLE HAWK MINE

MONROE COUNTY
 MONROEVILLE, AL
 7.5 MINUTE USGS
 TOPOGRAPHICAL QUADRANGLE
 T6N, R7E, S13 24
 T6N, R8E, S18 19

Discharge Point 008P
 Lat: 31° 29' 11" N
 Long: 87° 18' 29" W

Discharge Point 007P
 Lat: 31° 29' 11" N
 Long: 87° 17' 56" W

Discharge Point 006P
 Lat: 31° 29' 11" N
 Long: 87° 17' 21" W

Front Gate
 Lat: 31° 28' 33" N
 Long: 87° 19' 25" W








Discharge Point 005P
 Lat: 31° 28' 46" N
 Long: 87° 18' 01" W

Discharge Point 001E
 Lat: 31° 28' 21" N
 Long: 87° 19' 13" W

Discharge Point 002P
 Lat: 31° 28' 14" N
 Long: 87° 18' 48" W

Discharge Point 003P
 Lat: 31° 28' 06" N
 Long: 87° 18' 31" W

Discharge Point 004P
 Lat: 31° 27' 54" N
 Long: 87° 18' 08" W

	Office
	Discharge Points
	Haul Road
	Active Mine
	Disturbed Area
	Ponds
	boundary

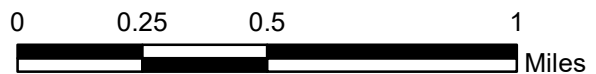








Figure 1

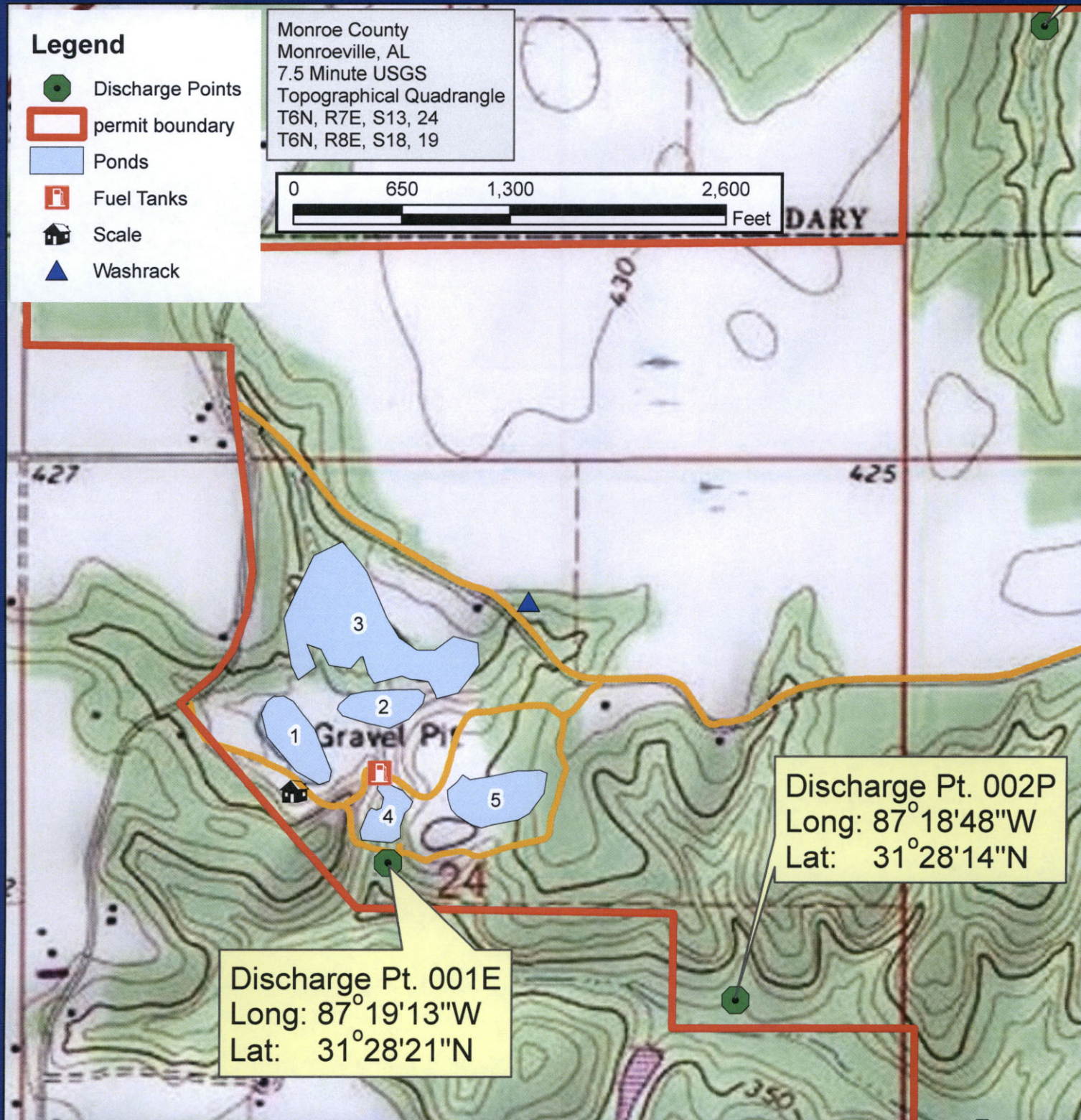
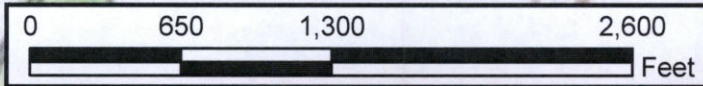


LITTLE HAWK MINING, LLC

Legend

-  Discharge Points
-  permit boundary
-  Ponds
-  Fuel Tanks
-  Scale
-  Washrack

Monroe County
Monroeville, AL
7.5 Minute USGS
Topographical Quadrangle
T6N, R7E, S13, 24
T6N, R8E, S18, 19



Discharge Pt. 001E
Long: 87°19'13"W
Lat: 31°28'21"N

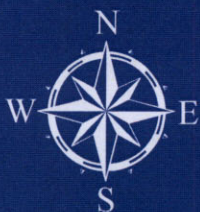
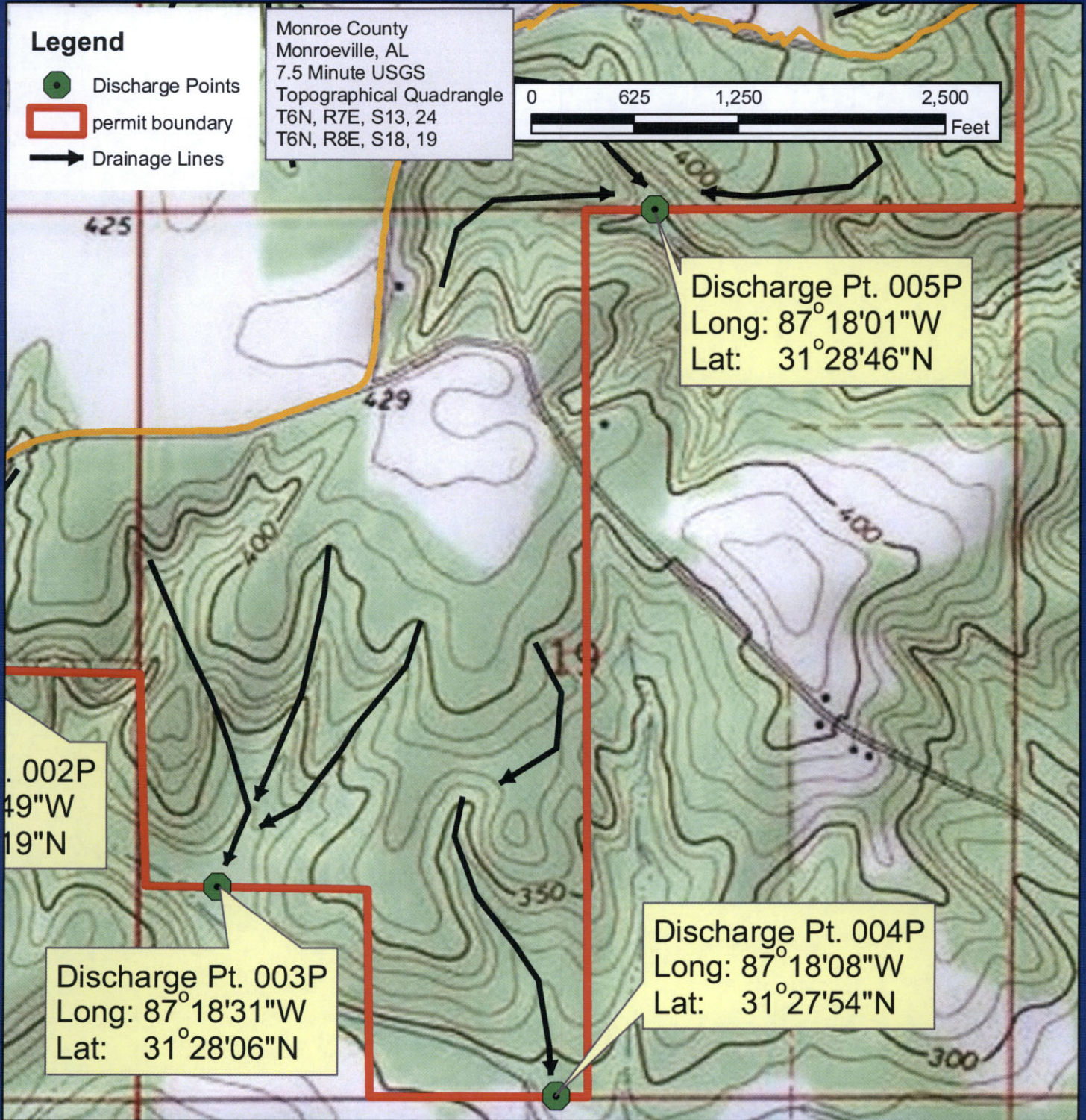
Discharge Pt. 002P
Long: 87°18'48"W
Lat: 31°28'14"N



LITTLE HAWK MINE
NPDES No. AL0073521

Benjamin W. White
Professional Engineer
cell: (251)-331-1711

LITTLE HAWK MINING, LLC






LITTLE HAWK MINE
NPDES No. AL0073521

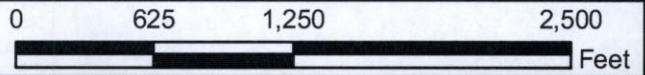
Benjamin W. White
Professional Engineer
cell: (251)-331-1711

LITTLE HAWK MINING, LLC

Legend

-  Discharge Points
-  permit boundary
-  Drainage Lines

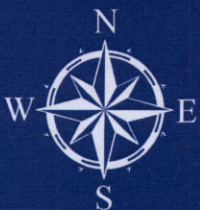
Monroe County
Monroeville, AL
7.5 Minute USGS
Topographical Quadrangle
T6N, R7E, S13, 24
T6N, R8E, S18, 19



Discharge Pt. 007P
Long: $87^{\circ}17'56''\text{W}$
Lat: $31^{\circ}29'11''\text{N}$

Discharge Pt. 006P
Long: $87^{\circ}17'21''\text{W}$
Lat: $31^{\circ}29'11''\text{N}$

Discharge Pt. 005P
Long: $87^{\circ}18'01''\text{W}$
Lat: $31^{\circ}28'46''\text{N}$




LITTLE HAWK MINE
NPDES No. AL0073521

Benjamin W. White
Professional Engineer
cell: (251)-331-1711

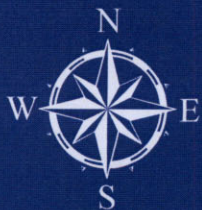
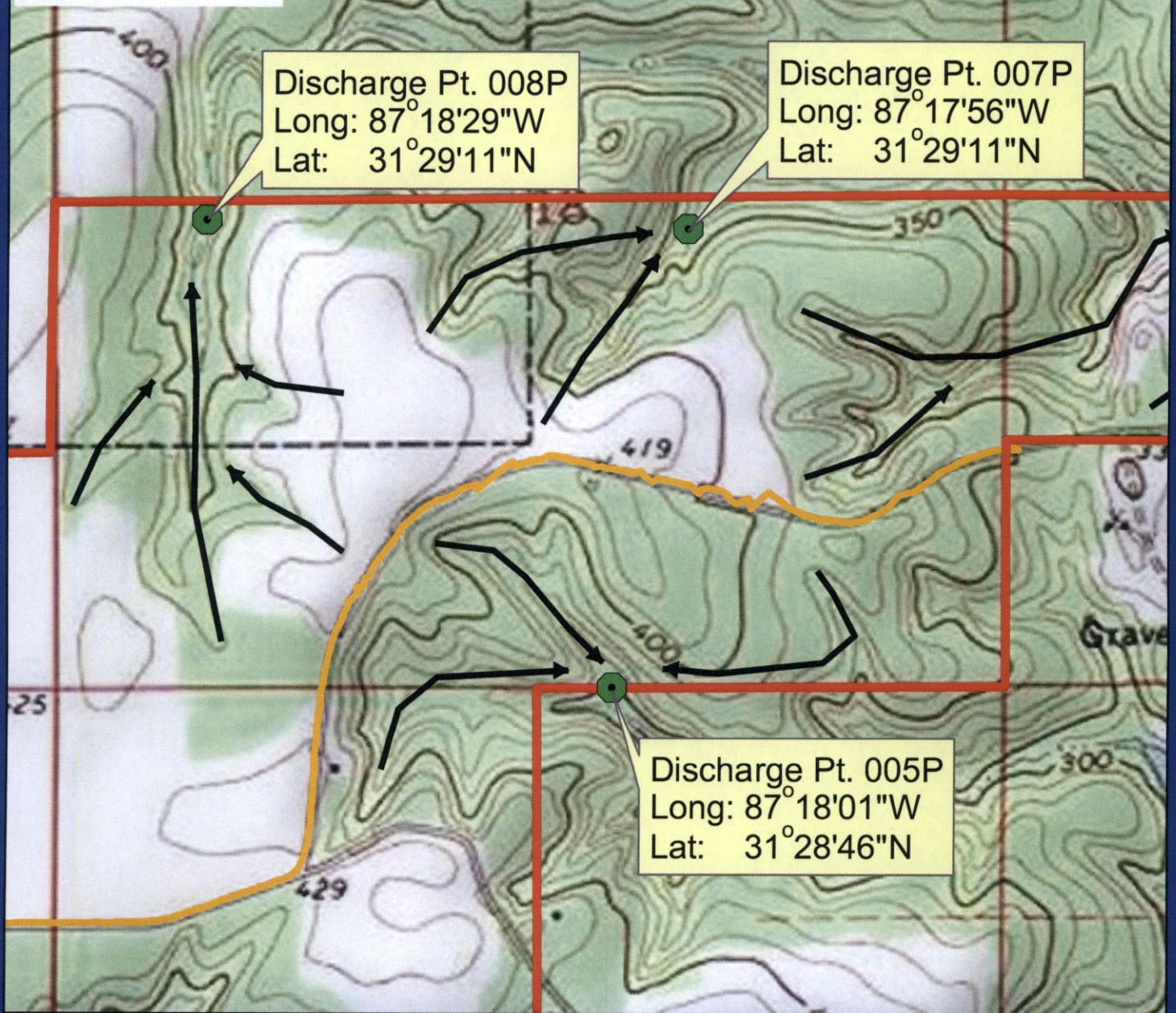
LITTLE HAWK MINING, LLC

Legend

-  Discharge Points
-  permit boundary
-  Drainage Lines

Monroe County
Monroeville, AL
7.5 Minute USGS
Topographical Quadrangle
T6N, R7E, S13, 24
T6N, R8E, S18, 19

0 625 1,250 2,500
Feet









LITTLE HAWK MINE
NPDES No. AL0073521

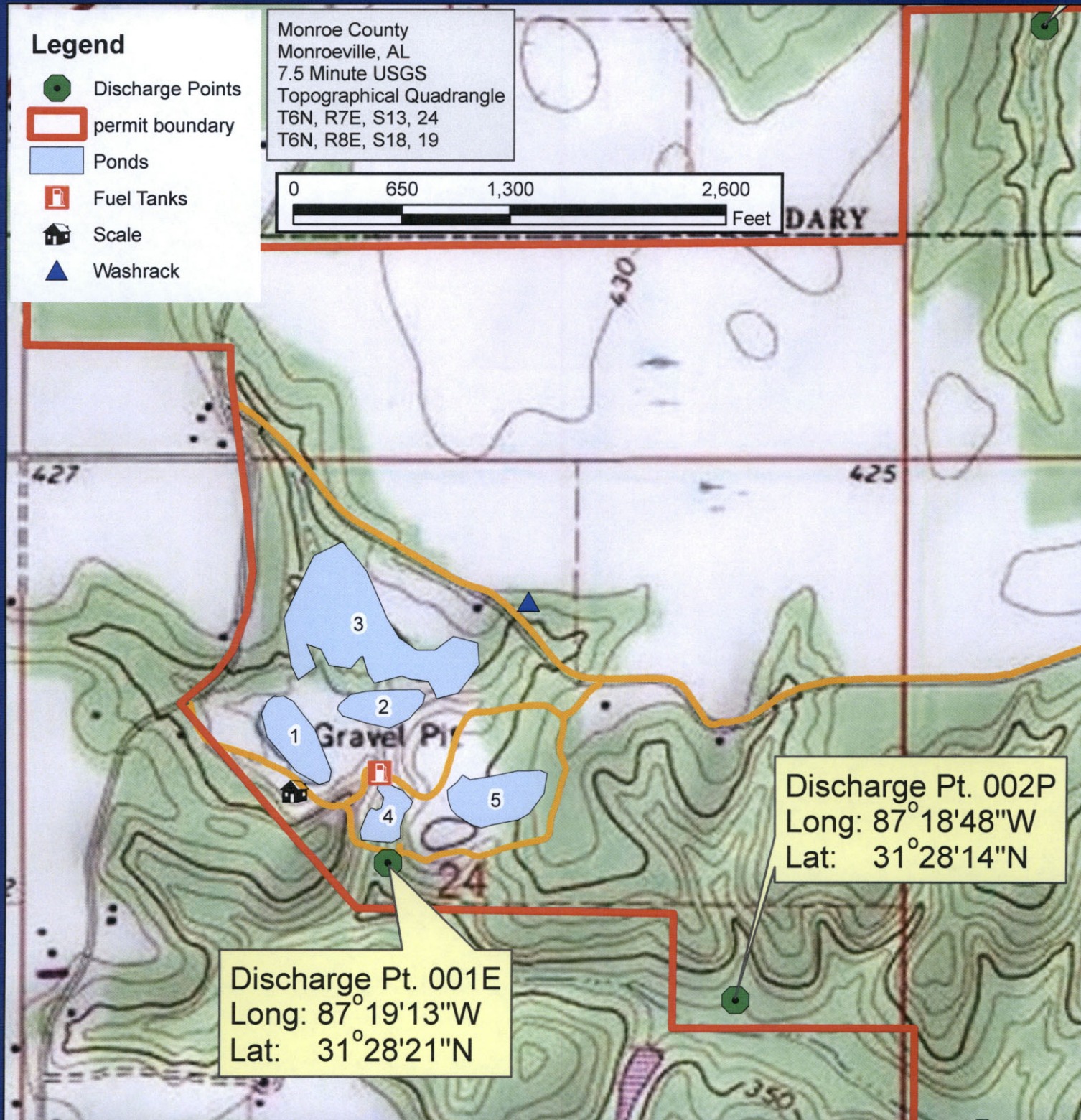
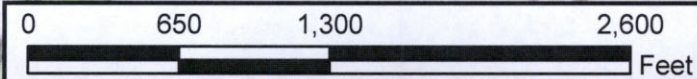
Benjamin W. White
Professional Engineer
cell: (251)-331-1711

LITTLE HAWK MINING, LLC

Legend

-  Discharge Points
-  permit boundary
-  Ponds
-  Fuel Tanks
-  Scale
-  Washrack

Monroe County
Monroeville, AL
7.5 Minute USGS
Topographical Quadrangle
T6N, R7E, S13, 24
T6N, R8E, S18, 19



Discharge Pt. 002P
Long: 87°18'48"W
Lat: 31°28'14"N

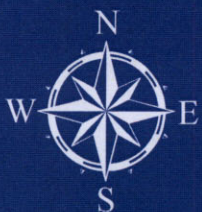
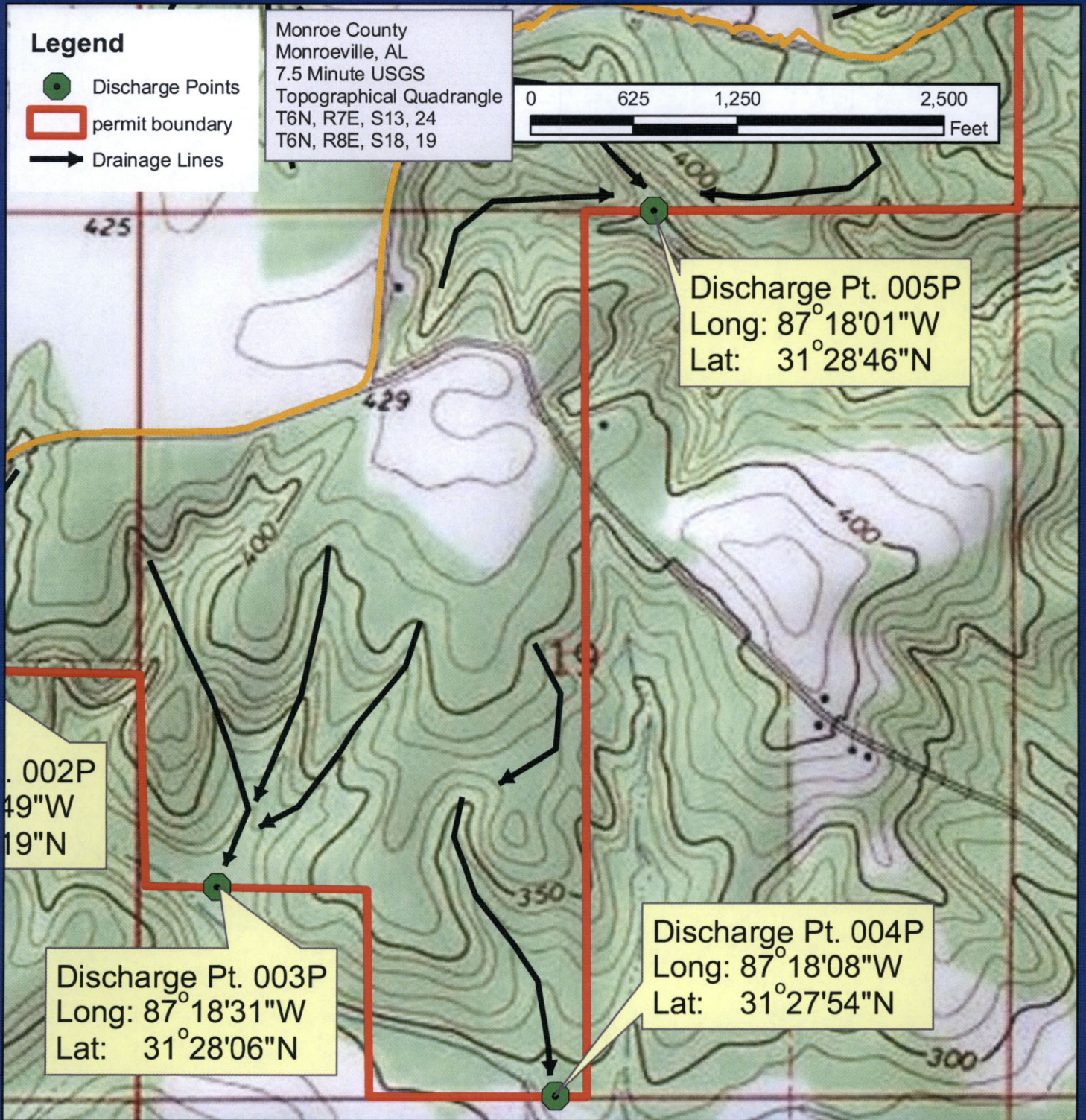
Discharge Pt. 001E
Long: 87°19'13"W
Lat: 31°28'21"N



LITTLE HAWK MINE
NPDES No. AL0073521

Benjamin W. White
Professional Engineer
cell: (251)-331-1711

LITTLE HAWK MINING, LLC






LITTLE HAWK MINE
NPDES No. AL0073521

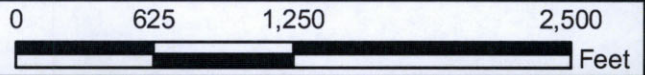
Benjamin W. White
Professional Engineer
cell: (251)-331-1711

LITTLE HAWK MINING, LLC

Legend

-  Discharge Points
-  permit boundary
-  Drainage Lines

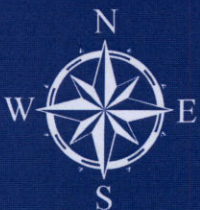
Monroe County
Monroeville, AL
7.5 Minute USGS
Topographical Quadrangle
T6N, R7E, S13, 24
T6N, R8E, S18, 19



Discharge Pt. 007P
Long: $87^{\circ}17'56''\text{W}$
Lat: $31^{\circ}29'11''\text{N}$

Discharge Pt. 006P
Long: $87^{\circ}17'21''\text{W}$
Lat: $31^{\circ}29'11''\text{N}$

Discharge Pt. 005P
Long: $87^{\circ}18'01''\text{W}$
Lat: $31^{\circ}28'46''\text{N}$




LITTLE HAWK MINE
NPDES No. AL0073521

Benjamin W. White
Professional Engineer
cell: (251)-331-1711

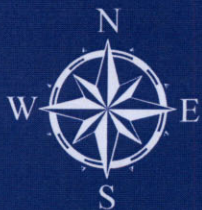
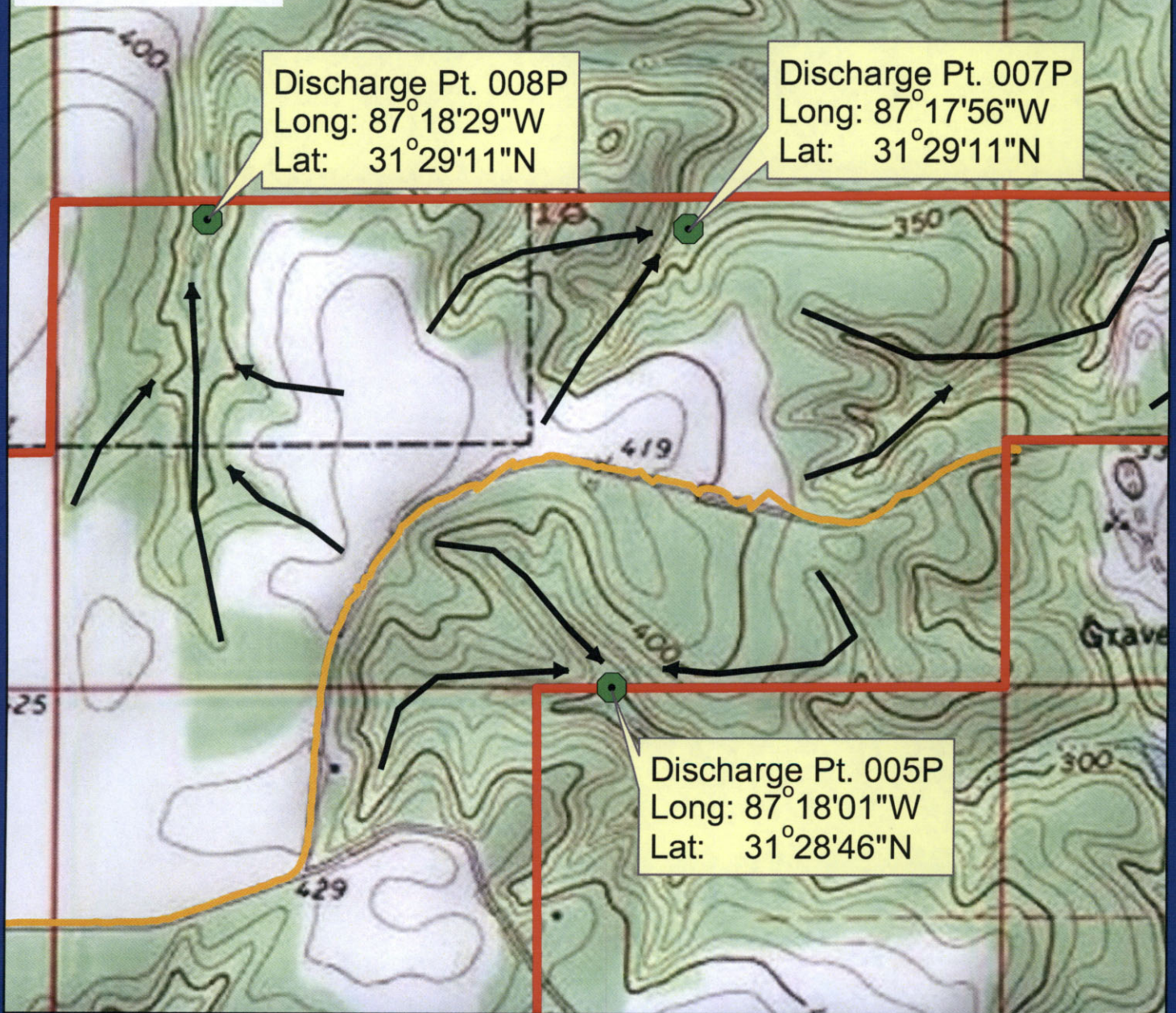
LITTLE HAWK MINING, LLC

Legend

-  Discharge Points
-  permit boundary
-  Drainage Lines

Monroe County
Monroeville, AL
7.5 Minute USGS
Topographical Quadrangle
T6N, R7E, S13, 24
T6N, R8E, S18, 19

0 625 1,250 2,500
Feet



LITTLE HAWK MINE
NPDES No. AL0073521

Benjamin W. White
Professional Engineer
cell: (251)-331-1711

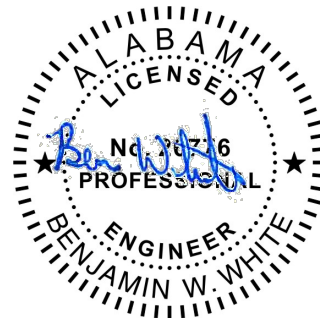
SPILL PREVENTION CONTROL AND COUNTERMEASURE (SPCC) PLAN

**Little Hawk Mining, LLC
Little Hawk Mine – Monroeville,
AL0073521**

Prepared for:

**Bill Harper
Little Hawk Mining, LLC
478 Experiment Farm Road
Monroeville, AL 36460**

December 23, 2021



Prepared by:



TENSAW
ENGINEERING

**15 Hand Avenue, Suite 158
Bay Minette, AL 36507
(251) 331-1711**

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1.0 GENERAL

1.1 Facility Location

The Little Hawk Pit is located off of County Road 37 in Monroe County, Alabama. This site is located in Sections 13 and 24 of Township 6 North, Range 7 East and Sections 17, 18 and 19 of Township 6 North, Range 8 East. The site consists of approximately 1080 acres, of which approximately 90 acres are currently used for sand and gravel mining. The facility will provide refueling for onsite equipment. Stormwater drainage is routed to various settling ponds on site.

1.2 Regulatory Requirements

This plan complies with the guidelines set forth in the US Environmental Protection Agency "Regulations on Oil Pollution Prevention." The specific regulations are located in Title 40 CFR, Chapter I, Subchapter D, Part 112. Oil is used as a generic term covering all of the petroleum products such as diesel fuel, gasoline and oil products.

1.3 SPCC Plan Updates

Future changes and/or revisions to this Spill Prevention Control and Countermeasure (SPCC) Plan will be made in accordance with current EPA guidelines. This will include review and approval by an Alabama licensed professional engineer.

2.0 FACILITY

2.1 The Little Hawk Mine

The facility is a sand and gravel mining operation and only provides diesel fuel and oil to onsite equipment. This is an existing facility for Little Hawk Mining, LLC. The total area to be permit for this facility is approximately 1080 acres consisting of approximately 90 disturbed acres.

2.2 Petroleum Fuel Storage

The site contains one 560-gallon above ground storage tank (AST) and two mobile 560-gallon fuel tanks containing diesel fuel. All fuel tanks are used to supply fuel to onsite equipment. The site also contains one 560-gallon AST containing waste oil. All ASTs will be placed within containment structures located onsite.

3.0 OIL SPILL PREVENTION

3.1 Recent Spills

In conversations with Mr. Bill Harper, Primary Member, it was indicated he was aware of no spills of a reportable quantity at the facility during or prior to the time of Little Hawk Mining, LLC occupying the site.

3.2 Potential Spills

Even with the incorporation of spill prevention and control measures, and the exercise of prudent management activities, each AST site represents an opportunity for potential spills. Therefore, each AST and its pertinent attributes are described below.

One AST located onsite is a 560-gallon above ground storage tank (AST) containing diesel fuel. It is located between detention ponds No. 3 and 4, near the washing area and supplies diesel fuel for the water pump. The

other AST located onsite is a 560-gallon AST containing waste oil. It is located between the haul road and detention pond No. 1. There are also two fuel tanks located on trucks with a capacity of 560-gallons each which are used to fuel onsite equipment as needed. When not in use, these fuel trucks are staged at the office located onsite. The AST's have a volume that is sufficient to contain more than 110 percent of each tank's content should it rupture within the confines of the structure. The tanks are filled as needed, and the tanks are only used as described. Spillage of fuel can occur through a rupture of the tanks and retaining structure or through rupture of the supply lines from the supply truck to the tank. The delivery truck drivers are required to stay with their truck throughout the fuel supplying process.

3.3 Operating Procedures

3.3.1 Security

All areas where fuel is stored and dispensed are on the site. During hours where the facility is not in operation, all valves are closed and locked to prevent theft.

3.3.2 Personnel

Little Hawk Mining, LLC. personnel will be properly instructed in the operation and maintenance of equipment and other measures, which have been installed or incorporated into operational procedures to prevent release of petroleum products to the environment. Facility personnel will also be instructed as to the applicable regulations concerning above ground storage tanks and measures to appropriately address petroleum spills and/or releases should they occur.

Drills/demonstrations will be conducted to train facility personnel in the use of the various sorbents, booms, and other equipment used to clean up a petroleum spill. Appropriate procedures for closing valves

and assuring shutoff of electricity will be covered. Reporting and notification procedures will also be addressed.

A specific person, and an alternate, will be designated who will have the responsibility of implementing oil spill prevention procedures and ensuring that the necessary equipment is purchased, maintained, and appropriately used.

4.0 OIL SPILL CONTROL

4.1 Containment Structure

All ASTs, will be located within secondary containment structures (containment vessel). The containment structures are constructed of steel plating. The containment structures are of sufficient size to contain more than 110 percent of the total volume of the contained ASTs should a rupture occur.

4.2 Overfill Protection

Truck drivers should follow correct operating procedures when unloading diesel fuel and stay with equipment at all times during unloading/ fueling operations. Key personnel should know when trucks are in the unloading area. The fuel provider should be equipped with overfill protection. In addition, fueling contractors will have the responsibility of staying with the fill hoses during filling operations to insure that overfilling and/or spillage does not occur.

4.5 Record Keeping Daily Inventory

A daily inventory of fuel and oil quantities will be recorded to maintain an accurate record of quantities. Invoices of purchases from fuel suppliers and

records of fuel dispensed will be kept . Daily inventory of quantities should coincide with the amount of fuel purchased minus the quantity used by equipment. If discrepancies in these quantities are found the tanks and supply lines shall be inspected for indications of leaks and corrected.

4.6 Absorbent Materials

The following items will be kept in a small container at the site to aid in controlling inadvertent small, less than 25 gallons, petroleum releases and to provide countermeasure aid in the clean-up of any releases.

- Fifteen four-liter oil absorbent pillows
- Five 3” by 8” oil absorbent socks

In addition, the site should provide the following equipment to aid in the mitigation of small petroleum spills/releases.

- One shovel (square point)
- One shovel (round point)
- One fire extinguisher
- Hand suction pump

The above materials are to be located on-site, within easy access of the AST area. Materials will be replaced as they are used or become unserviceable.

4.7 Maintenance

All tanks, hoses, valves and containment structure are to be inspected periodically.

5.0 OIL SPILL COUNTER MEASURES

5.1 AST Minor Spills

Following a minor spill, less than 25 gallons, countermeasures will consist of removing the fuel via suction pumps and/or sorbent material. The recovered fuel and/or used absorbent material will be properly stored and disposed.

5.2 AST Major Spills

Following a major spill, greater than 25 gallons, countermeasures will consist of removing the fuel via suction pumps and/or sorbent material. In addition, booms and/or dikes will be placed to contain the released product. The recovered fuel and/or used absorbent material will be properly stored and disposed.

Soils and/or groundwater impacted by the release may need to be removed and/or remediated according to the rules and regulations of the Alabama Department of Environmental Management (ADEM) and any applicable county and city regulations.

In addition, major spills should be reported to the local fire departments immediately and to ADEM within 24 hours of the release.

6.0 SPILL NOTIFICATION PROCEDURES

In case of a spill greater than 25 gallons, the following notification and emergency numbers are provided:

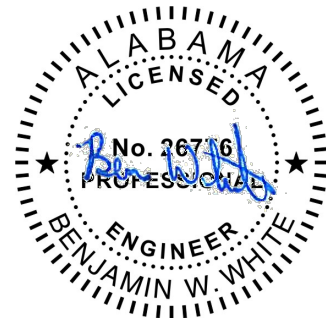
Monroeville Fire Department	(251) 575-2084
National Emergency Response Center	1-800-535-5053
Emergency Management Agency	1-800-843-0699
Alabama Department of Environmental Management	1-334-271-7700

**POLLUTION ABATEMENT AND
PREVENTION PLAN**

**LITTLE HAWK MINING, LLC
LITTLE HAWK MINE
AL0073521**

Prepared for:
**Bill Harper
Little Hawk Mining, LLC
1449 Experiment Farm Road
Monroeville, AL 36460**

December 23, 2021



Prepared by:



TENSAW
ENGINEERING

**15 Hand Avenue, Suite 158
Bay Minette, AL 36507
(251) 331-1711**

I. INTRODUCTION

This Pollution Abatement/Prevention (PAP) plan is a required part of an application for a NPDES Permit. The Little Hawk Pit, is located in Sections 13 and 24, T6 North, R7 East and Sections 17, 18 and 19, T6 North, R8 East in Monroe County, Alabama (Appendix A, Figure 1). This application is being prepared in accordance with the rules and regulations of the Alabama Department of Environmental Management. This plan was developed in an effort to incorporate existing features and Best Management Practices to prevent discharge of sediment into waters of the state. This proposed sand and gravel mine is occupied by Little Hawk Mining, LLC. The operator intends to keep the pit open for 10 years.

The PAP plan is presented in two parts, which includes a narrative description of the operation and treatment requirements, drainage maps, and discharge calculations where applicable. The narrative description is intended to address the format as outlined by the ADEM Admin. Code R. 335-6-9, as well as present the basis for the designs as further detailed in the PAP. Drawings as presented in the PAP were derived from rules and regulations of the ADEM Admin. Code R. 335-6-9, Appendix A and Appendix B, as well as from other generally accepted design data.

II. OPERATOR

The operator of this pit is Campbell Sand and Gravel.. The business address is:

478 Experiment Farm Road
Monroeville, AL 36460

The pit will lie in Monroe County, AL as follows:

The property is located in the North half of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 13 T6N R7E; the SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 13 T6N R7E; the SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 13 T6N R7E less areas west of County Road 37; the NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of Section 24 T6N R7E less areas west of County Road 37; the NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 19 T6N R8E less the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 19 T6N R8E; the South half of Section 18 T6N R8E; the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17 T6N R8E; and all North of the branch in north half of SW $\frac{1}{4}$; all that part of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ West of the creek and North of branch of Section 17 T6N R8E.

III. GENERAL INFORMATION

The pit will operate six days a week. Operation hours are 5:00 am till 5:00 pm Mon-Fri and 5:00 am till 2:00 pm on Saturday. There will be 11 employees other than the owner. Products to be mined are sand and gravel.

IV. TOPOGRAPHIC MAP

A site drainage map indicating direction of flow, areas of excavation, location of the sand and gravel preparation facilities, proposed mining progression, drainage patterns, and discharge point is provided as part of this plan.

V. METHOD OF DIVERTING SURFACE WATER RUNOFF

The pit areas from which construction sand/gravel is mined are configured such that surface water runoff is essentially totally contained within the boundaries proposed for excavation (i.e., and “incised pit” operation). Runoff from the pit areas is contained within the incised pit excavation area.

As presently configured (Figure 2, Appendix A), surface water discharge from the pit excavation (disturbed) areas is prevented under normal operating circumstances since geological features of the site allow sufficient infiltration (i.e., discharge to groundwater) from rainfall which falls within the pit boundaries. Settling ponds within the pit are formed by excavation without the need to construct dams, dikes, or spillways. The surface water discharge locations, 001E, 002P, 003P, 004P, 005P, 006P, 007P and 008P associated with this application considers a circumstance where accumulated storm water within the settling pond area inside the pit would be removed by pumping and/or where accumulated storm water exceeds capacity of the pit as may possibly be required by extreme events greater than the design storm. In such event the accumulated stormwater would overflow into the natural drainage leading to a UT Brushy Creek.

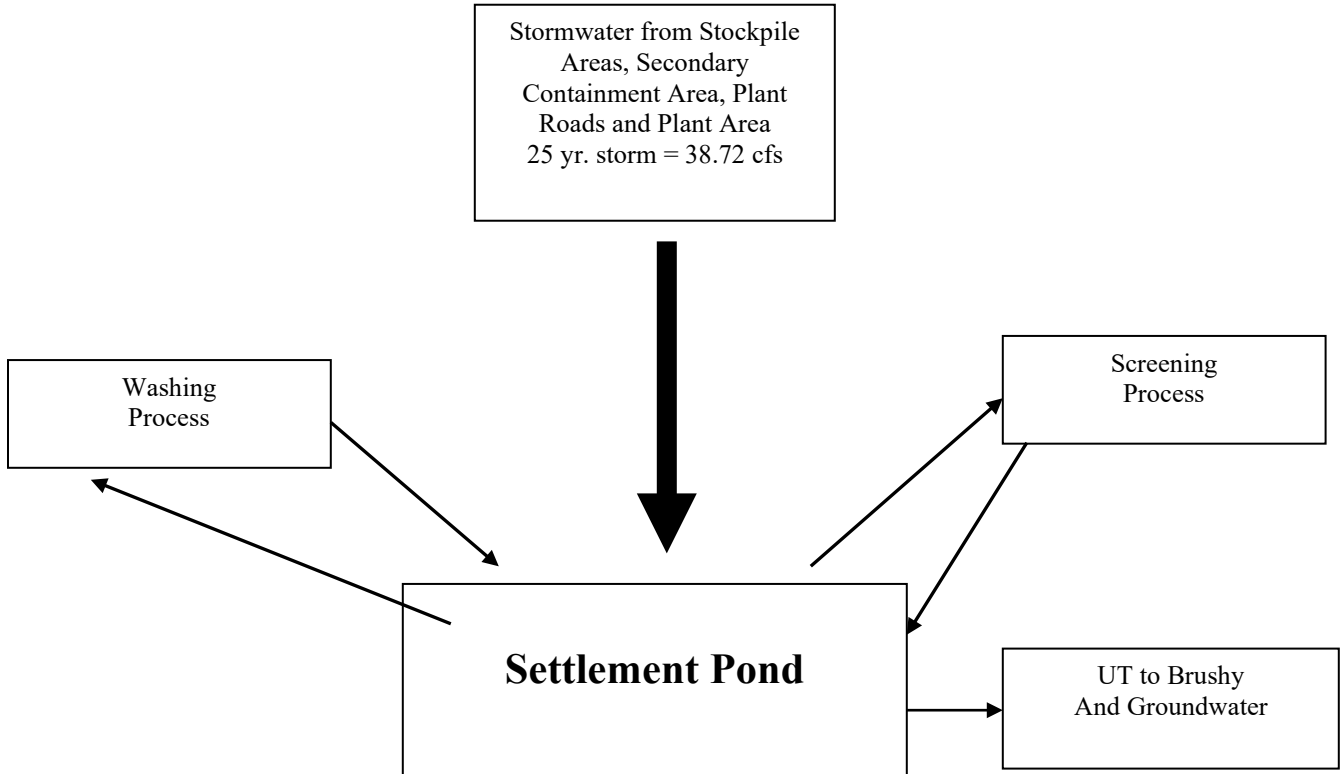
Any minor areas of disturbance (primarily topsoil storage, perimeter berms and haul roads) for which drainage cannot feasibly be routed to the excavated pit and sediment pond areas will have effective Best Management Practices (BMPs) fully implemented and maintained at all times for the control of non-point source pollution (i.e., erosion/sediment transport controls). Such areas shall be vegetated with annual and/or perennial grasses as soon as practical after land disturbance activities are completed.

VI. RAW MATERIALS, PROCESSED AND PRODUCTS

The materials that will be mined are sand and gravel which will be washed at this facility.

VII. SCHEMATIC DIAGRAM

A schematic diagram is provided showing all proposed processes at the site.



Stormwater for the stockpile areas, secondary containment area, plant and road areas will flow directly into the proposed pit shall be of sufficient size to safely hold the 25 year, 24 hour storm event. The washer plant will draw water from the Proposed Pit and then return the water to the same Pit. Should the storm event occur exceeding a 25 year event the permitted discharge point 001E will discharge into the UT to Brushy Creek.

As mine progression warrants the need of constructed discharge points 002P - 008P, they will be certified by a licensed professional engineer in the state of Alabama. Until further notice, these discharge points will not be used. However, when these discharge points become necessary, the mine will be configured similar to the above schematic.

VIII. POST TREATMENT QUANTITY AND QUALITY OF EFFLUENT

As previously noted, field examination of pit topography and consideration of site geology indicates that surface water discharge will not occur from the mining areas as presently configured (i.e. stormwater will discharge to groundwater). Stormwater will temporarily suspend soil particles; however, such suspended solids will be deposited in the lower drainage collection areas (settling ponds) of the pit and will be filtered by natural processes during infiltration. Collected waters from settling ponds in the pit may be removed by pumping it over the incised pit boundary to drainage features shown on Figure 2, Appendix A. Under normal operations, no discharge is anticipated since infiltration is facilitated by the “incised pit” configuration.

The treatment ponds are designed to provide adequate oxidation for the removal of iron and other metals to a concentration within the permit requirements. The pH of the affluent will be between 6.0 su and 8.5 su or as allowed by the permit. All denuded slopes will be temporarily seeded if unused for more than 14 days. A perennial grass will be broadcast on all outside slopes. Sediments basin (ponds) will be cleaned out when sediment accumulation is 60% of design capacity. Sediment removal shall be done as needed and as conditions warrant. All treatment basins will remain throughout the life of all mining activity.

IX. SEDIMENT CONTROL FOR HAUL ROADS

The access and haul roads will have a sustained grade of no greater than 10%. The outer slope will be no steeper than 2:1 and will maintain an 80% coverage of annual and perennial grasses. Effective BMP's will be installed and maintained at all times. The roads will be crowned and properly ditched. Typical designs for these structures are included as part of this plan. In addition, the haul roads will be located such that all drainage goes to a permitted treatment pond. There will be no stream crossing at this facility.

X. LOCATION OF ALL STREAMS ADJACENT TO MINING AREA

The topographic map submitted as part of this plan shows all water bodies. The streams in the vicinity of this mining operation is an UT to Brushy Creek which exists off of the southern boundary. There is not discharge to a public water supply at this mining facility.

XI. NON-POINT SOURCE POLLUTION

By virtue of the fact that all disturbed areas are graded such that the drainage will carry yard dust to the settling pond, non-point sources of pollution do not result from this project.

XII. SPILL PREVENTION CONTROL & COUNTERMEASURES (SPCC) PLAN

Fueling facilities will be available at this pit. See Appendix B for SPCC plan.

XIII. RUNOFF CALCULATIONS

Since surface water discharge is not required under normal operation conditions, runoff calculations are not applicable.

XVI. RECLAMATION PROCEDURE

As mining is completed in an area, the area shall be dressed to minimize piles of dirt and intermediate low areas that would be difficult to establish vegetation. Surfaces will be graded, with terraces as necessary, to facilitate erosion control and to continue direct drainage to infiltration sumps, which will remain until reclamation is completed. Final reclamation will include establishment of permanent vegetation as needed for erosion and sediment control.

During operation and reclamation, erosion and sediment control measures such as hay bales, riprap, cleared trees, and other acceptable BMPs will be utilized as needed.

The reclamation procedures will meet requirements of the Alabama Surface Mining Act of 1969, as amended by Act 99-579, and as regulated under permits reviewed and renewed annually by the Alabama Department of Labor (ADOL).

Reclamation procedures will commence contemporaneously with ongoing mining activities, once all mining activities are completed in a portion of the total area to be mined.

A minimum 50-foot setback (undisturbed buffer strip) will be maintained between surface mining areas and areas which could be adversely affected by mining (watercourses, adjoining properties, or other features, as applicable). The setback shall have lateral support graded to a 3:1 slope or flatter, stabilized, mulched, fertilized, and planted in native grasses and legumes.

Highwalls (uphill side of excavation) require grading and/or backfilling to a 3:1 or flatter slope, and shall be provided soil stabilization and/or drainage control as necessary for protection.

During reclamation, all disturbed areas will be revegetated by applying lime and/or fertilizer, as recommended by a comprehensive soil analysis, then mulched and seeded with permanent native grasses and legumes to achieve a minimum of 75% vegetative cover.

Reclamation of affected land will be completed within two (2) years from the date of expiration of the ADOL permit.

XIV. BMP TYPICALS (Appendix D)

Attached as Appendix D are erosion and sediment control design and maintenance criteria for typical BMPs that may be employed, as applicable, during operation of the mining activity.

APPENDIX A
MAPS

LITTLE HAWK MINE

MONROE COUNTY
MONROEVILLE, AL
7.5 MINUTE USGS
TOPOGRAPHICAL QUADRANGLE
T6N, R7E, S13 24
T6N, R8E, S18 19

Discharge Point 008P
Lat: 31° 29' 11" N
Long: 87° 18' 29" W

Discharge Point 007P
Lat: 31° 29' 11" N
Long: 87° 17' 56" W

Discharge Point 006P
Lat: 31° 29' 11" N
Long: 87° 17' 21" W

Front Gate
Lat: 31° 28' 33" N
Long: 87° 19' 25" W








Discharge Point 005P
Lat: 31° 28' 46" N
Long: 87° 18' 01" W

Discharge Point 001E
Lat: 31° 28' 21" N
Long: 87° 19' 13" W

Discharge Point 002P
Lat: 31° 28' 14" N
Long: 87° 18' 48" W

Discharge Point 003P
Lat: 31° 28' 06" N
Long: 87° 18' 31" W

Discharge Point 004P
Lat: 31° 27' 54" N
Long: 87° 18' 08" W

-  Office
-  Discharge Points
-  Haul Road
-  Active Mine
-  Disturbed Area
-  Ponds
-  boundary

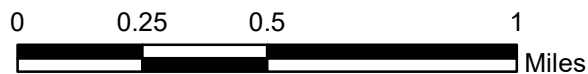


Figure 1

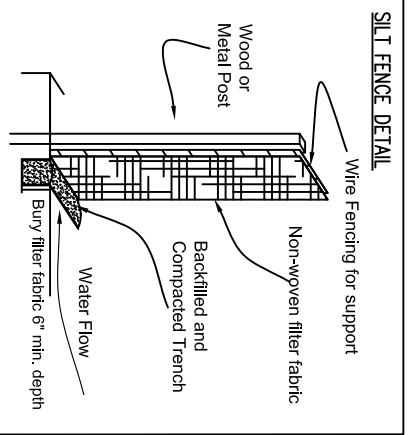
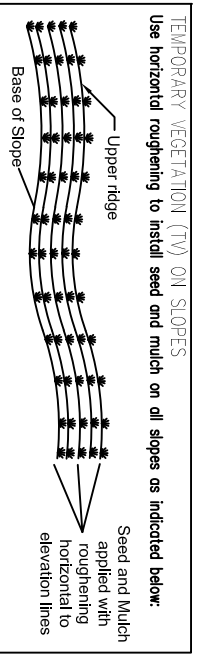
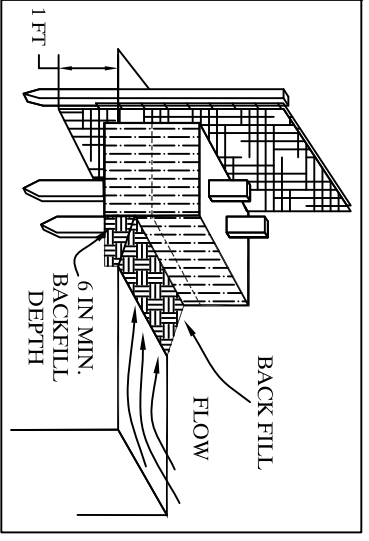
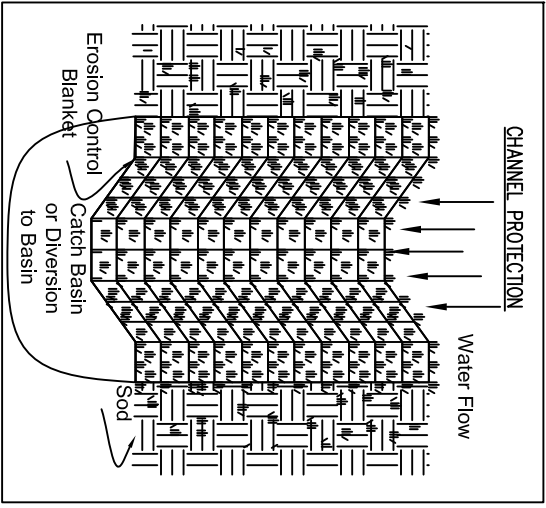
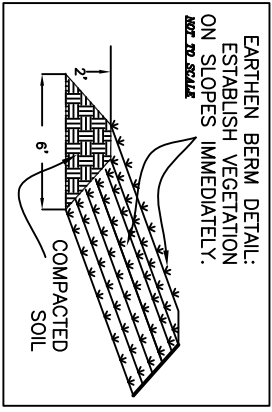
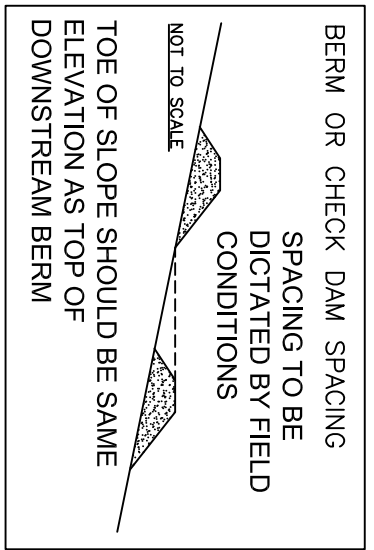
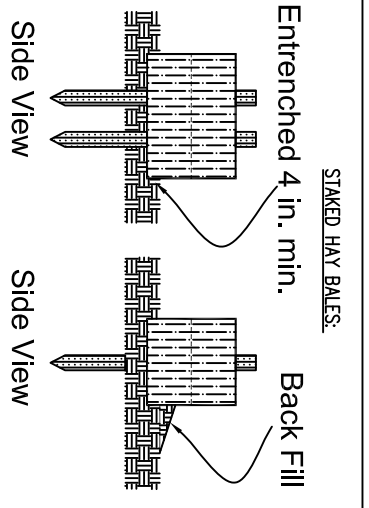
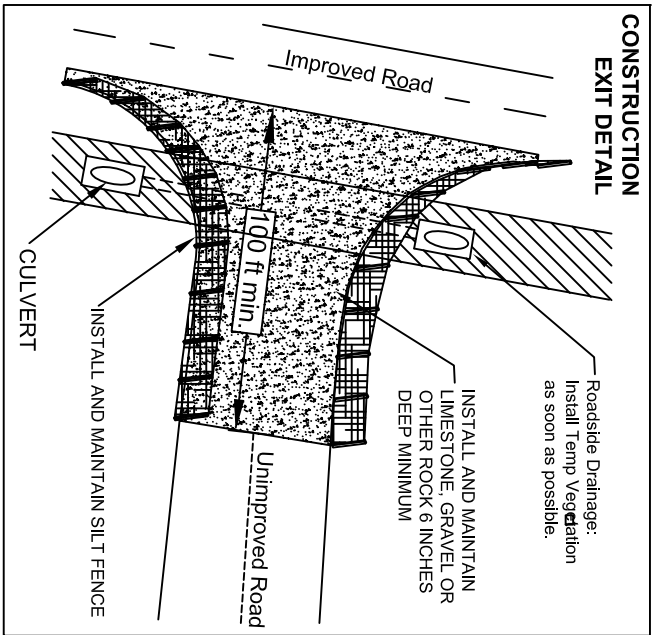


APPENDIX B
SPCC

APPENDIX C
DRAINAGE CALCULATIONS

APPENDIX D
STANDARD DRAWINGS

CONSTRUCTION EXIT DETAIL



IMPORTANT NOTE:
 These details are provided as a field reference only. Site conditions may exist that would render these details as impractical therefore best professional judgement should be used at all times.

The Alabama Handbook for Erosion and Sediment Control contains additional information and should be consulted prior to the installation of these or any construction best management practices.

DRAWING BY : Ben White

REVISIONS:	

15 Hand Ave, Suite 158
 Bay Minette, AL 36507
 Phone: (251)331-1711



BMP TYPICAL DETAILS

PROJECTION