LANCE R. LEFLEUR
DIRECTOR

ROBERT J. BENTLEY
GOVERNOR

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

August 31, 2012

CERTIFIED MAIL 91 7108 2133 3935 0351 7025
RETURN RECEIPT REQUESTED

Ray M. Elam, III
Managing Member
CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, AL 35266

RE: Final Permit
Masseyline Mine
NPDES Permit No. AL0080993
Jefferson County (073)

Dear Mr. Elam:

Enclosed is the issued National Pollutant Discharge Elimination System (NPDES) permit for the above referenced facility. The issuance, effective, and expiration dates of the permit are specified on the cover page.

Please see Parts I.C. and I.D. of the permit for monitoring and reporting requirements. Copies of the DMR forms are enclosed. The original DMR forms should be retained for your records. The original signature of a principal executive officer or authorized agent must appear on all DMRs submitted to the Department. The principal executive officer must submit, in writing, authorization allowing a designated agent to sign DMR forms submitted to the Department. **Use of the enclosed forms is required for future report submittals for this facility.**

Please be advised that pursuant to Part II.C.1 of the enclosed permit, you are allowed to continue with work related to the implementation of the Pollution Abatement/Prevention Plan for the proposed outfalls, including the construction of sedimentation basins. Any mining or processing activity 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 for the proposed outfalls 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. Please be advised that pursuant to ADEM Admin. Code r. 335-6-6-.05, this permit will automatically expire eighteen (18) months after the permit issuance date if construction, as defined by ADEM Admin. Code r. 335-6-6-.02(g), or mining has not commenced.

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(205) 941-1603 (FAX)

Decatur Branch
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(256) 353-1713
(256) 340-9359 (FAX)

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

Mobile-Coastal
4171 Commanders Drive
Mobile, AL 36615-1421
(251) 432-6533
(251) 432-6598 (FAX)

The Department provides a voluntary web-based electronic environmental (E2) reporting system for submittal of discharge monitoring reports (DMRs). The E2 DMR system provides an alternative method to submit DMR data and allows ADEM to electronically validate, acknowledge receipt, and upload data to the state's central wastewater database. This system is expected to reduce costs to both the regulated community and ADEM and to improve the accuracy of reported compliance data. If you wish to participate in this program, the Permittee Participation Package may be downloaded online at https://e2.adem.alabama.gov/npdes or you may obtain a hard copy by submitting a written request or by emailing e2admin@adem.alabama.gov.

The Department encourages you to voluntarily consider additional pollution prevention practices/alternatives at your facility which may assist you in complying with effluent limitations, and possibly reduce or eliminate pollutant discharges.

Should you have any questions concerning this matter, please contact Catherine McNeill at (334) 271-7848.

Sincerely,

Johnathan E. Hall, Chief
Mining and Natural Resource Section
Stormwater Management Branch
Water Division

JEH/cam File: FPER/40072

Enclosure

cc: Catherine McNeill, ADEM
Karrie-Jo Shell, EPA Region IV
Alicia Thomas, EPA Region IV
William Pearson, U.S. Fish and Wildlife Service
Christa Marks, Alabama Surface Mining Commission

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 1 4 2011

Ms. Glenda Dean
Chief, Water Division
Alabama Department of Environmental
Management
P.O. Box 301463
Montgomery, Alabama 36130-1463

Subject: Draft Permit Reviews
National Pollutant Discharge Elimination System Permits

Dear Ms. Dean:

On March 15, 2011, the Alabama Department of Environmental Management (ADEM) publicly noticed the following draft National Pollutant Discharge Elimination System (NPDES) coal mine permits and fact sheets:

	Facility	NPDES Permit No.
1.	Drummond Company - Arkadelphia 5761 Mine	AL0022837
2.	GTM Energy Partners - Poore Mine	AL0078867
3.	GTM Energy Partners - Henegar Mine	AL0072991
4.	CDM Mining & Equipment - Masseyline Mine	AL0080993
5.	Oak Grove Resources - Oak Grove Mine	AL0026875
6.	Haley Bros Coal, Inc. - Mallards Creek Mine	AL0077640
7.	Tuscaloosa Resources - Rockcastle Mine	AL0076589
8.	Cordova Clay Company - Riceton Hill Mine	AL0047198
9.	Riverview Development, LLC - Riverview Mine	AL0080853

The Environmental Protection Agency (EPA) has completed its review of the referenced draft permits and are providing comments in accordance with Section IV.B.3 of the Memorandum of Agreement and 40 Code of Federal Regulations (CFR) § 123.44(a).

1. The Reasonable Potential Analysis (RPA) should include background data for metals (antimony, arsenic, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, and zinc), total phenols, total cyanide, specific conductivity, and total dissolved solids levels in the receiving stream and downstream water bodies. Also, the most sensitive low-level analytical methods in 40 CFR Part 136 should be used to analyze for these pollutants of concern. Specifically, where EPA has approved more than one analytical method for a pollutant, EPA expects that applicants and permittees would select methods that are able to quantify the presence of pollutants in a given discharge at concentrations that are low enough to determine compliance with Water Quality Criteria. NPDES permit applicants should not use a less sensitive or less appropriate method, thus masking the presence of a pollutant in

the discharge, when an EPA approved method is available that can quantify the pollutant concentration at the lower levels needed for permit decision-making. For purposes of permit applications and compliance monitoring, a method is "sufficiently sensitive" when (1) the method quantitation level is at or below the level of the applicable water quality criterion for the pollutant or (2) the method quantitation level is above the applicable water quality criterion, but the amount of pollutant in a facility's discharge is high enough that the method detects and quantifies the level of pollutant in the discharge.

2. All water-quality based chemical specific permit limits and monitoring requirements derived based on the RPA should be applicable during all phases of mining activities (active mining and post-mining) as well as for all precipitation events.

3. Samples for metal parameters in the permit applications were taken from within a treatment pond at another mine; these were not effluent samples. Since the concentrations in treatment ponds can vary depending on where the sample is taken, the permit application should include sampling data that reflect effluent characteristics.

EPA requests that ADEM revise the draft permits and fact sheets to address these comments and recommendations before issuing a final permit. We understand that ADEM is conducting an industry-wide study that will address some of our concerns, and we commit to working with you in this effort. If you have any questions, please call me at (404) 562-9345, or Mark Nuhfer of the Municipal and Industrial NPDES Section at (404) 562-9390.

Sincerely,

James D. Giattina
Director
Water Protection Division

cc: See Enclosed Addressee List

Mr. Garry N. Drummond
Chief Executive Officer
Drummond Company
120 N. Walston Bridge Road
Jasper, AL 35504

Mr. Charles C. Stewart
President
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3000 Galleria Boulevard
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Birmingham, AL 35236-1360

Ms. Gail Beaird
President
Cordova Clay Company, Inc.
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Cordova, AL 35550

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Mr. Thomas Bryan
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Ms. Sherri L. Lowery
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Mr. Zachary Haley
President
Haley Bros Coal, Inc.
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Mr. Duke D. Vetor
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August 31, 2012

James D. Giattina, Director
Water Protection Division
United States Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

RE: Draft Permit Review

Dear Mr. Giattina:

The Department has made a final determination to issue a final permit to the following applicant:

1. CDM Mining & Equipment, LLC – Masseyline Mine; NPDES Permit No. AL0080993

A copy of the final permit will be provided to EPA under separate cover.

The above draft permit was made available to EPA initially on February 17, 2011. The draft permit was again made available to EPA for review concurrently with a 30-day public review period beginning on March 15, 2011. Written comments were received from EPA on April 18, 2011. Comments were also received from Black Warrior Riverkeeper.

The Department carefully considered EPA's comments in its decision to issue the final permit. The comments and our responses follow below:

EPA Comment 1: The Reasonable Potential Analysis (RPA) should include background data for metals (antimony, arsenic, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, and zinc), total phenols, total cyanide, specific conductivity, and total dissolved solids levels in the receiving stream and downstream waterbodies. Also, the most sensitive low-level analytical methods in 40 CFR Part 136 should be used to analyze for these pollutants of concern. Specifically, where the Environmental Protection Agency (EPA) has approved more than one analytical method for a pollutant, the Agency expects that applicants and Permittees would select methods that are able to quantify the presence of pollutants in a give discharge at concentrations that are low enough to determine compliance with Water Quality Criteria. NPDES permit applicants should not use a less sensitive or less appropriate method, thus masking the presence of a pollutant in the discharge, when an EPA-approved method is available that can quantify the pollutant concentration at the lower levels needed for permit decision-making. For purposes of permit applications and compliance monitoring, a method is "sufficiently sensitive" when (1) the method quantitation level is at or below the level of the applicable water quality criterion for the pollutant or (2) the method quantitation level is above the applicable water quality criterion, but the amount of pollutant in a facility's discharge is high enough that the method detects and quantifies the level of pollutant in the discharge.

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Response 1: The Department agrees that additional in-stream data would be useful in future permit reviews. The Department and the ASMC have made a number of efforts towards sharing more information during permit development (and the Department has developed linkage between the NPDES database and ALAWADR, ADEM's water quality database). The Department is also working with the ASMC and other government agencies through an Interagency Coal Mining Coordination Team to standardize the background data collection efforts of the facilities to meet the data needs of all the permitting agencies. The Department believes that it has addressed the pollutant level analysis concerns in Part I.C.6 of the permit. That part requires the Permittee to use an analysis method having a minimum level lower than the permit limit or to use the method having the lowest minimum level.

EPA Comment 2: All water-quality based chemical specific permit limits and monitoring requirements derived based on the RPA should be applicable during all phases of mining activities (active mining and post-mining) as well as for all precipitation events.

Response 2: Based on the RPA conducted by the Department, the Masseyline Mine does not have a reasonable potential to discharge metals, cyanide, and total phenols in significant concentrations and the draft permit doesn't have limitations for chemical-specific parameters based on the RPA.

EPA Comment 3: Samples for metal parameters in the permit applications were taken from within a treatment pond at another mine; these were not effluent samples. Since the concentrations in treatment ponds can vary depending on where the sample is taken, the permit application should include sampling data that reflect effluent characteristics.

Response 3: Masseyline Mine is a proposed facility that used a representative sample from Outfall 004E at the Sloan Mountain Mine (AL0073067). As a result of using an in-pond sample from representative mine, Part II.C.3 of the aforementioned permit requires the Permittee to collect a sample of the discharge for all outfalls no later than six months following the effective date of the permit, if applicable. If no discharge occurs within the first six months following the effective date of the permit, a sample must be collected no later than six months following the date of the first discharge. This data shall be submitted on EPA Form 2C and received by the Department no later than 28 days following six months after the effective date of the permit or initial discharge, whichever applies. The Department may re-evaluate the reasonable potential for metal parameters from actual discharges from this facility when that data is received.

Thank you for your assistance and insights regarding these and future coal permits for Alabama. I look forward to working with you to ensure that NPDES permitting in Alabama as it relates to the coal mining industry continues in an appropriate and timely manner.

Sincerely,

Glenda L. Dean

Glenda L. Dean, Chief
Water Division

GLD/jeh: File: CORS/40072

cc: CDM Mining & Equipment, LLC
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Alabama Surface Mining Commission
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WATERKEEPER® ALLIANCE
MEMBER

April 14, 2011

Russell Kelly, Chief
Permits and Services Division
Alabama Department of Environmental Management
P. O. Box 301463
Montgomery, AL 36130-1463

Via Email Only

Re: Drummond Company Inc - Arkadelphia 5761 Mine, AL0022837 (Cullman)
CDM Mining & Equipment, LLC - Masseyline Mine, AL0080993
Tuscaloosa Resources, Inc. - Rockcastle Mine, AL0076589

Dear Mr. Kelly;

Thank you for the opportunity to provide comments on the Alabama Department of Environmental Management's (ADEM) proposed issuance of the NPDES permits listed above. We write on behalf of Black Warrior Riverkeeper, a non-profit organization dedicated to protecting and restoring the Black Warrior River and its tributaries. The proposed mines, if permitted, will all discharge to tributaries of the Black Warrior River.

We incorporate and adopt by reference EPA Region 4's October 1, 2010 comment letter to ADEM where the federal agency sets new expectations for coal mining NPDES permits in Alabama. We ask that all of these comments and recommendations be incorporated into draft permit revisions for the mines listed above. The action by EPA is long overdue. Given the numerous contaminants of concern associated with coal mining, the changes specified by EPA and incorporated into their comments are critical to protect our water quality from the impacts of surface mining.

As a result of EPA's October 1, 2010 letter, we note that ADEM has made some improvements to draft permits for surface coal mining and we commend those changes. The requirement for quarterly Whole Effluent Toxicity (WET) testing will help determine the effectiveness of the Best Management Practices (BMPs) and compliance with permit limits. Additionally, at Part I. A. of the permits, the requirement to at least monitor for many of the toxic pollutants known to be associated with coal mining will present us all with better information about the effluent so that the impacts these mines have may be better understood and addressed. However, we note that much additional work remains to be done in order to ensure that the permitting of these mines will not cause or contribute to violations of water quality standards as required by the Clean Water Act (CWA).

We also offer the following additional recommendations which are generally applicable to all of the permits referenced above.

Reasonable Potential Analysis

EPA requires a Reasonable Potential Analysis (RPA) for each mine permit that includes background data for metals (antimony, arsenic, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, and zinc), total phenols, total cyanide, specific conductivity, and total dissolved solids (TSS) levels in the receiving stream and downstream water bodies. EPA also recommends that the most sensitive low-level analytical methods in 40 CFR Part 136 should be used to analyze these pollutants of concern. EPA specifically instructs that ADEM should not assume background levels of zero when information is available that indicates otherwise.

Despite EPA's recommendations, the RPAs included with the new permits all assume background levels of zero for all parameters. Despite EPA's minimum recommendation that ADEM document the data sources used to analyze RPA, no such data sources are included in the permit fact statements or rationales for any of the new permits. These data sources are critical to allow EPA and the general public to ensure that ADEM is performing due diligence prior to issuing permits. The fact that no data sources are included with the RPA analysis is indicative of either a lack of information or a lack of transparency at ADEM.

While we understand that the background levels of zero are based on an *assumed* 7Q10 of 0 cfs, we believe that this assumption is improper and invalid. In order for the RPA to be accurate, ADEM must use actual data from the actual receiving streams. ADEM's assertion that the 7Q10 of 0 cfs represents the most stringent scenario is also inaccurate and improper. The 0 cfs scenario is certainly the easiest for ADEM to evaluate, and in *some cases* would represent the most stringent scenario. However, this is not always the case. If the actual background data indicates that there are already elevated levels of a given pollutant in the receiving waters, the presence of that same pollutant in the waste stream could create the reasonable potential for violations of water quality standards. Under the 7Q10 = 0 cfs scenario, ADEM is simply regurgitating the information provided by the applicant in Form 2C without performing an actual analysis. The case at the Rock Castle Mine is even more egregious, in that ADEM recognizes the 7Q10 is greater than zero, yet still assumes that all background concentrations are equal to zero. It is imperative that ADEM use the actual 7Q10 of the receiving streams *and* actual background data. Otherwise the RPA is just a meaningless formality.

Given the history and prevalence of coal mining in the area, it is essential for ADEM to conduct a *complete* RPA for the pollutants of concern to ensure that the discharges proposed by each of the new permits will not cause or contribute to a violation of Alabama water quality standards, including human health criteria and as well as acute and chronic aquatic life criteria. Assuming background levels of zero for all permits and all mines is not only inaccurate; it also does not offer adequate information for ADEM, the mine operator or the public to determine just what impact the proposed discharges may have on water quality. In cases where site-specific data is not available, ADEM can characterize the effluent using data from nearby and/or adjacent mines having similar geological characteristics as the mine under review and/or from ambient data collected as part of the CWA §404 review (if applicable) or from Alabama Surface Mining Commission (ASMC) permit applications (if available), or from other scientifically reliable sources. ADEM could also independently test for this data or even require the permit applicant to furnish it as part of the NPDES permit application. What ADEM *cannot* do is assume or guess about background levels of these toxic pollutants. What ADEM *cannot* do is allow permit applicants to furnish outdated or irrelevant data from sites that are in no way similar to the draft

permit site, which EPA identifies as a past practice that must end. *See EPA October 1, 2010 Comment Letter at p.4-5.*

Today, there are numerous, peer-reviewed studies which demonstrate the relationship between discharges from surface coal mines and water quality impairments. In the absence of reliable, site-specific data that would allow ADEM to assume background levels of zero, ADEM or the permittee must accurately quantify the background levels of all pollutants of concern in conducting the RPA analysis—and include the source of the data they rely upon. Given the demonstrable relationship between mining wastewater discharges and impairment, it is simply not scientifically valid or appropriate to assume, rather than quantify or test. Given the sheer number of mines in our watershed and the cumulative mining impacts that already exist, background levels must be quantified. Put simply, it is impossible for ADEM to verify that new source discharges will not cause or contribute to violations of water quality standards without evaluating the actual, existing conditions in the receiving waters.

Applicable Monitoring Requirements

EPA requires that any permit limits and monitoring requirements based on the RPA be applicable during all phases of mining activities (active and post-mining) as well as for all precipitation events. However, ADEM has not imposed these important requirements in the referenced draft permits.

First, the monitoring requirements for chemical-specific parameters based on the RPA (Part I.A.) are actually suspended post mining. *See* Part I.C.(4); Part IV.F. ADEM asserts in each permit rationale that exempting these mines from monitoring requirements once mining has ceased, revegetation has been established and a Phase II bond release has been obtained is an effective substitute for the monitoring requirements of Part I.A. We do not agree. No monitoring for post mining impacts means no protection for the receiving waters from poor erosion controls, acid mine drainage, or other possible inadequacies of reclamation. In order to be truly protective of water quality, the permits must be revised to require monitoring for a significant period after the closure of mine NPDES permits.

Another exemption that should end is ADEM's precipitation event exemption, which has the demonstrated potential to "swallow the rule" of express permit limitations. *See* Part IV.C. (1) through (7). While ADEM has slightly altered the precipitation event exemption in the draft permits, we note that the exemptions still exist, much to the detriment of water quality. We have consistently maintained in prior comments and in current administrative litigation (*Black Warrior Riverkeeper, Inc. v. ADEM, EMC Docket No. 09-04*) that precipitation event exemptions have the potential to cause or contribute to violations of water quality standards under the CWA. As stated in that litigation by our expert witness, Dr. Robert Angus, a biology professor at the University of Alabama at Birmingham, ADEM's past use of these exemptions for iron, manganese and total suspended solids as well as their consistent failure to impose limits for total dissolved solids, sulfate, chlorides, aluminum and other heavy metals at all have caused a violation of Alabama's water quality standards because of the harm to fish and wildlife. *See March 10, 2009 Affidavit of Dr. Robert Angus.* In order to be truly protective of water quality ADEM must apply the generally applicable pollutant limits and monitoring to *all* mining discharges, regardless of weather conditions.

ADEM's use of these precipitation exemptions should absolutely end. The agency's current position—that discharges only occur during rain events (according to the permit rationale statements), but that permit limitations do not apply when it rains—is logically and legally unsupportable.

In-Stream Monitoring

EPA observes that "[d]espite the amount of data Alabama has collected for CWA Section 303(d) listing purposes, there is a scarcity of information available to EPA specifically pertaining to in-stream water quality in coal mining areas" and that "much remains to be done in assessing waters in areas of active coal mining in Alabama." EPA October 1, 2010 Comment Letter at p. 2. Coal mining activities rank as the second largest source of impairment for stream miles in our state. EPA October 1, 2010 Comment Letter at p. 2 *(citing Table 2-7 of ADEM's 2010 Integrated Water Quality Monitoring and Assessment 305(b) Report).* Most coal mines discharge to rivers and streams yet remarkably "77% of Alabama's rivers and streams have not been assessed for water quality purposes." *Id.* Just as remarkably, ADEM has no active trend or reference water quality monitoring stations in Walker County, the epicenter of coal mining in Alabama, and very few in Tuscaloosa County, another area of concentrated coal mining. *Id.* Alabama also has no data in EPA's Storage and Retrieval system, a repository for ambient water quality, biological and physical data.

This critical informational deficit must be addressed by ADEM sooner rather than later. We understand that ADEM has developed a study plan to assess the impacts of surface coal mining near wadeable streams in the coal-mining regions of Alabama. We commend this study as a start in gathering the necessary information about how surface mining affects water quality in the watershed. However, we also urge ADEM to follow the suggestions made by EPA in their October 1, 2010 comment letter about other ways for ADEM to develop this vital data.[1] We urge ADEM to revise these permits to include in-stream monitoring requirements similar to the EPA monitoring plan included as an attachment to the October 1, 2010 comment letter. Not only would this information help us better understand how coal mining affects our rivers and streams; the data could be used for future RPAs and to write better permits. Having the permit applicants commit to gathering this data as a part of permit obligations is a sound suggestion that could give ADEM and the public concrete information about the impacts of coal mining to our watershed. Given the known relationship between coal mining and water impairment, requiring this data is not only appropriate; it is essential to assess the health of our streams and rivers. EPA conducted a recent study that found that nine out of every ten streams downstream from surface mining operations were impaired based on a genus-level assessment of aquatic life. *Downstream Effects of Mountaintop Coal Mining*, http://www.bioone.org/doi/abs/10.1899/08-015.1. Given the data now available that conclusively ties coal mining to stream impairment, ADEM can no longer turn a blind eye to this connection.

ADEM and the regulated community continue to assert, without any documentation or meaningful support, that current NPDES permitting for coal mines is sufficiently protective of in-stream water quality. It is time to test that theory by requiring the kind of in-stream water quality monitoring which can conclusively speak to the issue, once and for all.

Best Management Practices Plan

[1] In that letter, EPA outlined a number of creative and cost effective ways ADEM could gather in-stream monitoring data, including using their Industrial River Monitoring Program as a model for a similar coal mining monitoring program.

EPA has recommended and ADEM should specifically require 120 days for the submission of a Best Management Practices (BMP) plan by permittees in Part I.D. of the draft permits. *See* EPA October 1, 2010 Comment Letter at p. 5. However, the language adopted by ADEM in Part II.A.2.b of the permits potentially allows much more than the recommended 120 days. Currently the permits require that "the BMP plan shall be submitted no later than the 28th day of the month following the first complete calendar quarter following the effective date of this Permit." This language is overly complex and (depending on when a permit is issued) could arguably allow more than 200 days for submission of the BMP plan. BMP plans for coal mines should not take this long to develop and are essential to any assessment of whether the mines can meet permit limits. As such, the timely submittal of BMP plans is extremely important and needs to be addressed with clear, specific language. We recommend that ADEM require submittal of BMP plans within 90 days of the effective date of permitting and that ADEM make the BMP plans available on its publicly accessible "eFile" server, since the BMP plan is made part of the permit under Part II. A. 2.

Precipitation Event Exemption Language

While we support the absolute elimination of precipitation event exemptions, we note the continued use of the vague term "persuasive evidence" in Part IV. C.(1)(a), (b) and (d) of the draft permits. If ADEM is allowed to continue these exemptions, at a bare minimum ADEM should define clearly what kind of evidence the agency will require and accept when the exemptions are claimed.

While a simple definition may seem like a minor sticking point, it is not. The enforceability of all ADEM's coal mining permits could hinge on this one extremely vague phrase. Because nearly all of the monitoring requirements in these permits are discarded in the event of significant precipitation, the permittees could argue that they have "persuasive evidence" of significant precipitation every time they violate the basic limitations of the permits. Since ADEM has failed to define what constitutes "persuasive evidence," any dispute regarding the precipitation event exemptions can be appealed, ultimately leaving the decision on the issue to a judge or administrative hearing officer.

pH Exemption

EPA requires that the pH exemption be revised to clarify that permittees must ensure that the pH water quality standards (6 – 8.5 s.u.) will not be violated during low flow conditions. *EPA October 1, 2010 Comment Letter at p. 5.* Proper documentation should include results of in-stream monitoring immediately downstream of each outfall with a discharge. *Id.* The draft permits have not been revised and do not clarify this point in accordance with EPA's recommendation.

Instead, ADEM attempts to justify its pH requirements using boilerplate language in all of the permit rationales stating "[d]ue to the fact that discharges are expected only during rain events, it is the opinion of the Department that discharges with an allowable pH daily maximum of 9.0 s.u. will not adversely affect the instream pH based on the low discharge/stream flow ratio."[2] ADEM's rationale is based on "expectations" and "opinions" rather than sound scientific evidence or data. In reality, the effect of the pH of the discharges on instream pH can be measured quite easily and even

[2] Despite this "expectation," we note that Riverkeeper Nelson Brooke has witnessed discharges from coal mines on dry days with no rainfall.

instantaneously, using field equipment at very little cost to the permittee. If ADEM insists on allowing a daily maximum pH of 9.0 (which we oppose), at a minimum the permits also must require instream monitoring to ensure that the water quality standard for pH is not violated.

We note that the draft permits under certain circumstances allow a maximum daily pH of 10.5 standard units (s.u.). This maximum is well outside the range of water quality criteria deemed protective of aquatic life. Just as important, this maximum level will exacerbate the toxicity of other constituents in the discharge. The solubility of many toxic metals (for which the permit includes *no* limits) will increase. At this pH level, even extremely low concentrations of ammonia can be toxic to aquatic life. We believe the draft permits should be revised to consistently incorporate a pH maximum limit of 8.5 s.u without exception.

Integrity of Impoundments

We support EPA's recommendation that the draft permits include language to address the structural integrity of impoundments and to require annual certification that all impoundments maintain adequate storage. EPA's October 1, 2010 comment letter includes model permit language to address this issue, which should be incorporated into these (and future) permits. The importance of maintaining the structural integrity and storage capacity of the surface impoundments cannot be overstated. Maintaining adequate storage capacity is absolutely essential to ensure that surface impoundments adequately treat wastewater from these mines prior to discharge.

Currently ADEM receives no assurance that surface impoundments are properly maintained once they are certified. ADEM has already added certification checklists to most of these permits so that the Department knows which basins are certified and in operation at any given time. It would be very simple for ADEM to include an additional column in this checklist requiring a professional engineer to certify that each impoundment has the requisite storage capacity and to require that the checklist be submitted at a minimum of once per year. Given the rate at which these ponds are filled with waste, twice-a-year certifications would not be excessive. Such a certification would go a long way towards ensuring that the mines properly treat their wastewater and would constitute only a minimal expense to the permittee.

Form 2C data

The Form 2C data included in permit applications should be obtained from effluent samples rather than from the contents of treatment ponds. Moreover, the data should come from on-site ponds wherever possible. When on-site ponds are not yet available for testing, the data should be collected from another mine that discharges to the same receiving water or from the nearest active mine. Currently ADEM accepts disjointed data collected from mines across county boundaries in other major river basins. This means that ADEM is accepting "representative" data and writing permit requirements that may not represent the actual conditions at the proposed mine. It is unclear whether ADEM has corrected its forms to accommodate this requirement by EPA, but it is essential that ADEM make these changes.

Additionally, the two year time frame provided as well as the requirement for a single sample (which is not statistically valid) is not sufficiently protective of water quality standards. For example, a sample taken during low flow conditions during certain times of the year may be very different from

samples taken at times of greater flow during a different season. Additionally, any potential contaminant from coal mining that does not have a permit limit should be included as a monitored parameter.

Daily Flow Monitoring

The draft permits should be revised to require daily flow monitoring as recommended by EPA. While ADEM "expects" discharges only during rain events, the reality is that coal mines also frequently discharge during dry weather conditions. To get an accurate picture of just how often these coal mines discharge, the department must require daily flow monitoring at all active outfalls, which will also help the Department assess the true impact of mining on Alabama's streams and rivers. The surface impoundments should already be equipped with flow monitoring devices. Asking one employee to check and record the flow volumes daily can be carried out at minimal expense to the permittee, yet provide ADEM and the public with a wealth of information.

Permit Rationale Statement

ADEM concludes in the permit rationale statement for each of the proposed mines that "[f]ull compliance with permit terms and conditions is expected to be protective of instream water quality and ensure consistency with applicable State instream water quality standards for the receiving streams." However, as stated previously, with so little instream monitoring performed in Alabama's areas of concentrated coal mining, how can ADEM possibly know what instream water quality actually is, much less the permit terms and conditions which will maintain that quality? Additionally, in addressing pH ranges for each of the proposed mines, the permit rationale statement assumes without foundation or data that "discharges are only expected during rain events." Sediment ponds at surface coal mine sites can discharge continually or intermittently but frequently. Thus, in the absence of data regarding the discharge flow duration and frequency, it is simply not appropriate to assume that discharges will occur only with precipitation. To ensure that properly protective limits are included in the permit, ADEM should assume continuous discharges. This is another good reason to require daily flow monitoring: so we can stop "expecting" or guessing and have an accurate picture of just how much these mines are discharging. Many mines actively use pumps to transport water from areas being mined to sediment ponds, which potentially allow for discharges at any time of day, not just during precipitation events

Anti-degradation Analysis

For those mines requiring anti-degradation analysis under Ala. Admin. Code r. 335-6-10-.04 (Masseyline Mine and Rockcastle Mine Mine), it is not adequate for ADEM's anti-degradation rationale to merely recycle the short, self-serving statements submitted by permit applicants. In analyzing the social or economic importance of the proposed activity, ADEM also must look at the social and/or economic impact associated with the lowering of water quality that occurs when these mines are permitted. *See Detailed Guidance: Improving EPA Review of Appalachian Surface Coal Mining Operations at p. 14.* 2010 Detailed Guidance [3] *(EPA Guidance)*. Put simply, ADEM cannot

[3] Along with Tennessee and Kentucky, our watershed (and much of Alabama's coal) is contained in Eco-region 68. Although Alabama traditionally has been excluded from the defined six-state "Appalachian region," EPA has recently indicated that the same types of mining concerns identified in the Appalachian region are also at issue in Alabama. *See, e.g., December 17, 2101 EPA Letter to the U.S. Army Corps of Engineers in re: Swann's Crossing Mine* (attached). Black

adequately calculate the social benefit of the mining activity without also considering the offsetting costs to aquatic resources, habitat, drinking water, recreation and human health. Coal mining places huge demands upon local infrastructure of roads and bridges and contributes to the devaluation of adjoining homes and communities. The attendant air and noise pollution associated with coal mines and the loss of forests (which can increase stormwater pollution) are also important considerations. These costs should all be part of the calculation when the considering how mines "benefit" local communities and their citizens.

Conclusion of General Comments

In order to ensure that ADEM's NPDES permits for coal mining do not cause or contribute to a violation of water quality standards, the agency must begin a comprehensive program of instream monitoring so that all permits are premised upon sound, scientific data. Only then will we have sufficient information to even begin to understand the impact that coal mining has on water quality. We support the addition of more extensive and specific monitoring requirements for surface water, groundwater and aquatic biota during mining. We note that EPA's recent guidance sets forth specific parameters for monitoring in CWA permits of water quality and biological conditions in streams below surface mining operations. We support stricter permit limits for contaminants of concern, many of which endanger not just aquatic life but all life. As EPA rightly observes, the environmental legacy of mining operations is far-reaching; recent studies "point to new environmental and health challenges that were largely unknown even ten years ago." *EPA Guidance* at p. 3. In order to meet these new challenges, ADEM must write better, more protective permits for coal mining operations. In this comment letter, we have outlined just some of the changes in the draft permits that will result in stronger permits, which will translate into improved water quality for the state and its citizens.

Thank you for your consideration of our comments. Please do not hesitate to contact us if you have any questions or of you require any additional information. We look forward to receiving the Department's response to our comments, and to receiving notice of the Department's final permit decisions.

For the river,

Nelson Brooke
Riverkeeper

John Kinney
Enforcement Coordinator

Warrior Riverkeeper has long asserted that the harms of coal mining identified in the Appalachian region have taken an even greater toll on Alabama streams and wetlands because of the state's unjustified exclusion from the many of the policies and regulations which address surface mining in the region.

Eva L. Dillard

Eva Dillard
Staff Attorney

cc: Glenda Dean, Chief
ADEM Water Division

James D. Giattina, Director
Water Protection Division
EPA Region 4

Duncan Powell
EPA Region 4

Mark LaRue
EPA Region 4

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August 31, 2012

Mr. Nelson Brooke, Riverkeeper
Mr. John Kinney, Enforcement Coordinator
Ms. Eva Dillard, Staff Attorney
Black Warrior Riverkeeper
712 37th Street South
Birmingham, Alabama 35222

RE: Response to Comments
Draft NPDES Permit Number AL0080993
CDM Mining & Equipment, LLC – Masseyline Mine
Jefferson County

Dear Ms. Dillard and Messrs. Brooke and Kinney:

The abovementioned draft National Pollutant Discharge Elimination System (NPDES) Permit was made available for public review for a period of thirty days beginning on March 15, 2011. Comments on the proposed permit were received from Black Warrior Riverkeeper and the United States Environmental Protection Agency.

The Department reviewed all comments and has prepared a summary with the Department's responses. The summary of Black Warrior Riverkeeper's comments and the Department's responses is enclosed.

The Department appreciates your careful review of the draft permit and your participation in the public review process.

Sincerely,

Jeffery W. Kitchens, Chief
Stormwater Management Branch
Water Division

JWK/cam

Enclosure: Comments Summary and Responses

File: FPER / 40072

cc: Catherine McNeill, ADEM

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

Decatur Branch
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(256) 353-1713
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RESPONSE TO COMMENTS
August 29, 2012

CDM Mining & Equipment, LLC – Masseyline Mine
Proposed Issuance of NPDES Permit No. AL0080993
Jefferson County

The proposed draft issuance of National Pollutant Discharge Elimination System (NPDES) Permit AL0080993, CDM Mining & Equipment, LLC – Masseyline Mine (CDM or the Permittee) was placed on Public Notice March 15, 2011. Comments were received from the Environmental Protection Agency (EPA) and Black Warrior Riverkeeper (Riverkeeper). The Department reviewed all comments and lists a summary of the comments, as well as the Department's responses for Riverkeeper. A summary of the EPA comments and the Department's responses to those comments has been prepared as a separate document.

Riverkeeper Comment 1:
Comments regarding the Reasonable Potential Analysis

Riverkeeper Response 1:
The Department agrees that additional in-stream data would be useful in future permit reviews. The Department and the ASMC have made a number of efforts towards sharing more information during permit development (and the Department has developed linkage between the NPDES database and ALAWADR, ADEM's water quality database). The Department is also working with the ASMC and other government agencies through an Interagency Coal Mining Coordination Team to standardize the background data collection efforts of the facilities to meet the data needs of all the permitting agencies. The Department believes that it has addressed the pollutant level analysis concerns in Part I.C.6 of the permit. That part requires the Permittee to use an analysis method having a minimum level lower than the permit limit or to use the method having the lowest minimum level.

Riverkeeper Comment 2:
EPA requires that any permit limits and monitoring requirements based on the RPA be applicable during all phases of mining activities (active and post-mining) as well as for all precipitation events. However, ADEM has not imposed these important requirements in the draft permit.

First, the monitoring requirements for chemical-specific parameters based on the RPA (Part I.A.) are actually suspended post mining. *See* Part I.C.(4); Part IV.F. ADEM asserts in the permit rationale that exempting the mine from monitoring requirements once mining has ceased, revegetation has been established and a Phase II bond release has been obtained is an effective substitute for the monitoring requirements of Part I.A. We continue to disagree. No monitoring for post mining impacts means no protection for the receiving waters from poor erosion controls, acid mine drainage, or other possible inadequacies of reclamation. In order to be truly protective of water quality, the permits must be revised to require monitoring for a significant period after the closure of NPDES permit.

Riverkeeper Response 2:
Based on the RPA conducted by the Department, the Masseyline Mine does not have a reasonable potential to discharge metals, cyanide, and total phenols in significant concentrations and the draft permit doesn't have limitations for chemical-specific parameters based on the RPA.

Riverkeeper Comment 3:
Another exemption that should end is ADEM's precipitation event exemption, which has the demonstrated potential to "swallow the rule" of express permit limitations. *See* Part IV.C. (1) through (7). While ADEM has slightly altered the precipitation event exemption in the draft permit, we note that the

exemption still exists, much to the detriment of water quality. We have consistently maintained in prior comments and in current administrative litigation (*Black Warrior Riverkeeper, Inc. v. ADEM, EMC Docket No. 09-04*) that precipitation event exemptions have the potential to cause or contribute to violations of water quality standards under the CWA. As stated in that litigation by our expert witness, Dr. Robert Angus, a biology professor at the University of Alabama at Birmingham, ADEM's past use of these exemptions for iron, manganese and total suspended solids as well as their consistent failure to impose limits for total dissolved solids, sulfate, chlorides, aluminum and other heavy metals at all have caused a violation of Alabama's water quality standards because of the harm to fish and wildlife. In order to be truly protective of water quality ADEM must apply the generally applicable pollutant limits and monitoring to *all* mining discharges, regardless of weather conditions.

ADEM's use of these precipitation exemptions should absolutely end. The agency's current position—that discharges only occur during rain events (according to the permit rationale statements), but that permit limitations do not apply when it rains—is logically and legally unsupportable.

Riverkeeper Response 3:
Alternative limitations applicable during precipitation events are consistent with 40 CFR Part 434.63. It is the Departments belief that these limitations are protective of water quality during the applicable precipitation events. The Permittee has the responsibility to establish and maintain appropriate erosion/sediment control and pollution abatement practices to effectively treat the discharge for all precipitation events.

Riverkeeper Comment 4:
Comments regarding In-Stream Monitoring

Riverkeeper Response 4:
The Department and ASMC are making efforts to share more data and information during the permit development process. The Department has recently completed sampling as part of a study plan to assess the impacts of surface coal mining on wadeable streams in the coal-mining regions of Alabama, *Study Plan for the Assessment of Water Quality near Surface Coal Mining Facilities in the Black Warrior River Basin*. The Department believes this study is the first step in gaining a better understanding of the impacts of surface coal mining in the waters of Alabama.

Lost Creek at Browns Bridge Road (near Parrish) in Walker County was added to the Department's list of trend monitoring stations in 2010. The Department has been monitoring Hurricane Creek, North River and Sipsey River as part of the trend monitoring program for several years. The Department has one reference water quality monitoring site in Tuscaloosa County (Bear Creek at Oregonia Road) as well as numerous candidate reference streams in Tuscaloosa and Walker counties.

Riverkeeper Comment 5:
Comments regarding the Best Management Practices Plan

Riverkeeper Response 5:
Pursuant to Part II.A.1. of the draft permit, the Permittee shall at all times operate and maintain all facilities and systems of treatment and control which are installed or used by the Permittee to achieve compliance. As such, the timing of the BMP Plan submittal does not affect the requirements for the Permittee to comply with permit limitations prior to the submittal. The BMP plan as outlined in ADEM Admin. Code r. 335-6-6-.08(1)(j) is a discretionary document to be provided to the department upon request where necessary to address areas of concern and practices not otherwise addressed by the Pollution Abatement Plan (PAP) (e.g., pre-mine construction BMPs, road maintenance, etc.). The draft

permit has been modified to clarify the discrepancy of when the BMP plan should be submitted to the Department.

Since the introduction of the Department's eFile system, the Department makes all new public records available on the electronic system. (Old public records are being added to the system as resources allow.) As BMP Plans would be considered a public record, they are currently available on eFile. (BMP Plans are generally found in eFile under the File Type "BMP," although occasionally they are found after the drafted permit in the File Type "DPER.")

Riverkeeper Comment 6:
While we support the absolute elimination of precipitation event exemptions, we note the continued use of the vague term "persuasive evidence" in Part IV. C.(1)(a), (b) and (d) of the draft permit. If ADEM is allowed to continue these exemptions, at a bare minimum ADEM should define clearly what kind of evidence the agency will require and accept when the exemptions are claimed.

While a simple definition may seem like a minor sticking point, it is not. The enforceability of all ADEM's coal mining permits could hinge on this one extremely vague phrase. Because nearly all of the monitoring requirements in these permits are discarded in the event of significant precipitation, the permittees could argue that they have "persuasive evidence" of significant precipitation every time they violate the basic limitations of the permits. Since ADEM has failed to define what constitutes "persuasive evidence," any dispute regarding the precipitation event exemptions can be appealed, ultimately leaving the decision on the issue to a judge or administrative hearing officer.

Riverkeeper Response 6:
Alternative limitations applicable during precipitation events are consistent with 40 CFR Part 434.63. The term "persuasive evidence" is intended to ensure the Permittee provides sufficient information to the Department that an applicable 24-hour precipitation event occurred. That information includes the total inches of rainfall, the times that the rainfall event commenced and ceased, and the type of 24-hour precipitation event that occurred.

Riverkeeper Comment 7:
EPA requires that the pH exemption be revised to clarify that permittees must ensure that the pH water quality standards (6 – 8.5 s.u.) will not be violated during low flow conditions. *EPA October 1, 2010 Comment Letter at p.5.* Proper documentation should include results of in-stream monitoring immediately downstream of each outfall with a discharge. *Id.* The draft permits have not been revised and do not clarify this point in accordance with EPA's recommendation.

Instead, ADEM attempts to justify its pH requirements using boilerplate language in the two permit rationales stating "[d]ue to the fact that discharges are expected only during rain events, it is the opinion of the Department that discharges with an allowable pH daily maximum of 9.0 s.u. will not adversely affect the instream pH based on the low discharge/stream flow ratio." ADEM's rationale is based on "expectations" and "opinions" rather than sound scientific evidence or data. In reality, the effect of the pH of the discharges on instream pH can be measured quite easily and even instantaneously, using field equipment at very little cost to the permittee. If ADEM insists on allowing a daily maximum pH of 9.0 (which we oppose), at a minimum the permits also must require instream monitoring to ensure that the water

Riverkeeper Response 7:
The Permittee has indicated in the NPDES permit application that the frequency of discharges corresponds with precipitation events. Because discharges are only expected during precipitation events,

the Department believes that a pH daily maximum of 9.0 s.u. is unlikely to adversely affect the in-stream pH, as stated in the rationale.

Please note that Part II.D.4.a. of the draft permit provides that the permit "does not relieve the Permittee from compliance with applicable State water quality standards established in ADEM Admin. Code 335-6-10." Therefore, although a discharge pH maximum of 9.0 s.u. is proposed, it would be the responsibility of the Permittee to ensure that the discharge does not cause the in-stream pH values to deviate more than 1.0 s.u. from the normal or natural pH, nor be less than 6.0 s.u., nor greater than 8.5 s.u.

Riverkeeper Comment 8:
We note that the draft permit under certain circumstances allow a maximum daily pH of 10.5 standard units (s.u.). This maximum is well outside the range of water quality criteria deemed protective of aquatic life. Just as important, this maximum level will exacerbate the toxicity of other constituents in the discharge. The solubility of many toxic metals (for which the permit includes *no* limits) will increase. At this pH level, even extremely low concentrations of ammonia can be toxic to aquatic life. We believe the draft permit should be revised to consistently incorporate a pH maximum limit of 8.5 s.u without exception.

Riverkeeper Response 8:
The US Environmental Protection Agency (EPA) promulgated effluent limitations for the coal mining industry in 40 CFR Part 434. 40 CFR Part 434.62 allows for alternate effluent limitations for pH where the application of neutralization and sedimentation treatment technology results in an inability to comply with the manganese limitations. A pH value of up to 10.5 is necessary for the chemical precipitation of manganese. EPA's rationale for developing the present effluent limitations for the coal mining industry is summarized in EPA's *Development Document for Final Effluent Limitations Guidelines and Standards for the Coal Mining Point Source Category, 1982.*

In addition, as stated in Part IV.D. of the draft permit, the discharge shall not cause the in-stream pH values to deviate more than 1.0 s.u. from the normal or natural pH, nor be less than 6.0 s.u., nor greater than 8.5 s.u.

Riverkeeper Comment 9:
Comments regarding Integrity of Impoundments

Riverkeeper Response 9:
The Department performs periodic inspections of all NPDES permitted facilities. If the Department determines that outfalls and their associated impoundments do not meet the appropriate design criteria (i.e., the criteria outlined by the Pollution Abatement Plan (PAP) for the facility) or are in any way contributing to a violation of the permit, then appropriate enforcement action will be taken to correct any deficiencies.

The ASMC is the appropriate agency to address recurring certification of impoundments. ASMC Admin. Code 880-X-10C-.20 contains the design and inspection criteria for temporary and permanent impoundments. The ASMC regulations require the impoundments to be inspected at least annually until removal of the structure or release of the performance bond. The ASMC regulations also require that a certified report be submitted to them after each inspection is conducted.

Riverkeeper Comment 10:
The Form 2C data included in permit applications should be obtained from effluent samples rather than from the contents of treatment ponds. Moreover, the data should come from on-site ponds wherever possible. When on-site ponds are not yet available for testing, the data should be collected from another

mine that discharges to the same receiving water or from the nearest active mine. Currently ADEM accepts disjointed data collected from mines across county boundaries in other major river basins. This means that ADEM is accepting "representative" data and writing permit requirements that may not represent the actual conditions at the proposed mine. It is unclear whether ADEM has corrected its forms to accommodate this requirement by EPA, but it is essential that ADEM make these changes.

Additionally, the requirement for a single sample (which is not statistically valid) is not sufficiently protective of water quality standards. For example, a sample taken during low flow conditions during certain times of the year may be very different from samples taken at times of greater flow during a different season. Additionally, any potential contaminant from coal mining that does not have a permit limit should be included as a monitored parameter.

Riverkeeper Response 10:
Masseyline Mine is a proposed facility that used a representative sample from Outfall 004E at the Sloan Mountain Mine (AL0073067). As a result of using an in-pond sample from representative mine, Part II.C.3 of the aforementioned permit requires the Permittee to collect a sample of the discharge for all outfalls no later than six months following the effective date of the permit, if applicable. If no discharge occurs within the first six months following the effective date of the permit, a sample must be collected no later than six months following the date of the first discharge. This data shall be submitted on EPA Form 2C and received by the Department no later than 28 days following six months after the effective date of the permit or initial discharge, whichever applies. The Department may re-evaluate the reasonable potential for metal parameters from actual discharges from this facility when that data is received.

The sampling instructions for EPA Form 2C require that the results of at least one representative analysis are provided for each pollutant. The Permittee met the EPA Form 2C requirements for metals, cyanide, and phenols.

Riverkeeper Comment 11:
The draft permit should be revised to require daily flow monitoring as recommended by EPA. While ADEM "expects" discharges only during rain events, the reality is that coal mines also frequently discharge during dry weather conditions. To get an accurate picture of just how often these coal mines discharge, the department must require daily flow monitoring at all active outfalls, which will also help the Department assess the true impact of mining on Alabama's streams and rivers. The surface impoundments should already be equipped with flow monitoring devices. Asking one employee to check and record the flow volumes daily can be carried out at minimal expense to the permittee, yet provide ADEM and the public with a wealth of information.

Riverkeeper Response 11:
The Department is in the data analysis and compilation phase of its study to assess the impacts of surface coal mining on wadeable streams in the coal-mining regions of Alabama, *Study Plan for the Assessment of Water Quality near Surface Coal Mining Facilities in the Black Warrior River Basin*. As part of this analysis, the Department will evaluate the duration of flow for the outfalls sampled. This information may be used to provide a better understanding of the flow regimes for coal mining discharges and whether or not a daily flow requirement is necessary.

Riverkeeper Comment 12:
ADEM concludes in the permit rationale statement for the mine that "[f]ull compliance with permit terms and conditions is expected to be protective of instream water quality and ensure consistency with applicable State instream water quality standards for the receiving streams." However, as stated previously, with so little instream monitoring performed in Alabama's areas of concentrated coal mining, how can ADEM possibly know what instream water quality actually is, much less the permit terms and

conditions which will maintain that quality? Additionally, in addressing pH ranges for each of the proposed mines, the permit rationale statement assumes without foundation or data that "discharges are only expected during rain events." Sediment ponds at surface coal mine sites can discharge continually or intermittently but frequently. Thus, in the absence of data regarding the discharge flow duration and frequency, it is simply not appropriate to assume that discharges will occur only with precipitation. To ensure that properly protective limits are included in the permit, ADEM should assume continuous discharges. This is another good reason to require daily flow monitoring: so we can stop "expecting" or guessing and have an accurate picture of just how much these mines are discharging. Many mines actively use pumps to transport water from areas being mined to sediment ponds, which potentially allow for discharges at any time of day, not just during precipitation events.

Riverkeeper Response 12:
See Riverkeeper Responses 4 and 11 above. In addition, Part I.B.1.b. of the draft permit requires the Permittee to collect and analyze a quarterly sample from each permitted, constructed, and certified point source if a discharge is a result of pumping.

Riverkeeper Comment 13:
Comments regarding the Anti-degradation Analysis

Riverkeeper Response 13:
ADEM Admin. Code r. 335-6-10-.12 sets forth the requirements to implement the Department's Antidegradation Policy (ADEM Admin. Code r. 335-6-10-.04). The Department has determined, based on the applicant's demonstration, that the requirements of the Antidegradation Policy have been met. Although issues such as the socio-economic impacts and noise pollution are legitimate concerns for the public, they are not within the Department's statutory authority to consider when making permitting decisions.

Riverkeeper Comment 14:
In order to ensure that ADEM's NPDES permits for coal mining do not cause or contribute to a violation of water quality standards, the agency must begin a comprehensive program of instream monitoring so that all permits are premised upon sound, scientific data. Only then will we have sufficient information to even begin to understand the impact that coal mining has on water quality. We support the addition of more extensive and specific monitoring requirements for surface water, groundwater and aquatic biota during mining. We note that EPA's recent guidance sets forth specific parameters for monitoring in CWA permits of water quality and biological conditions in streams below surface mining operations. We support stricter permit limits for contaminants of concern, many of which endanger not just aquatic life but all life. As EPA rightly observes, the environmental legacy of mining operations is far-reaching; recent studies "point to new environmental and health challenges that were largely unknown even ten years ago." *EPA Guidance* at p. 3. In order to meet these new challenges, ADEM must write better, more protective permits for coal mining operations. In this comment letter, we have outlined just some of the changes in the draft permits that will result in stronger permits, which will translate into improved water quality for the state and its citizens.

Riverkeeper Response 14:
See Riverkeeper Response 1 and 4 above.

Alabama Department of Environmental Management

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM INDIVIDUAL PERMIT

PERMITTEE: CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266

FACILITY LOCATION: Masseyline Mine
3679 Bethel Road
Pinson, Alabama 35126
T14S, R2W, S24, 25, & 36
Jefferson County

PERMIT NUMBER: AL0080993

DSN & RECEIVING STREAM:

001-1	Unnamed Tributary to Gurley Creek	007-1	Unnamed Tributary to Gurley Creek
002-1	Gurley Creek	008-1	Unnamed Tributary to Gurley Creek
003-1	Gurley Creek	009-1	Unnamed Tributary to Gurley Creek
004-1	Gurley Creek	010-1	Unnamed Tributary to Gurley Creek
005-1	Unnamed Tributary to Gurley Creek	011-1	Unnamed Tributary to Gurley Creek
006-1	Unnamed Tributary to Gurley Creek	012-1	Unnamed Tributary to Gurley Creek

In accordance with and subject to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1378 (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-16, 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: August 31, 2012

EFFECTIVE DATE: September 1, 2012

EXPIRATION DATE: August 31, 2017

Glenna L. Dean

Alabama Department of Environmental Management

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

TABLE OF CONTENTS

PART I DISCHARGE LIMITATIONS, CONDITIONS, AND REQUIREMENTS

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. Active Mining 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. Except as provided in Parts I.A.2. and 3., 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]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	8.5 s.u.	Grab	2/Month
pH[2] 00400	6.0 s.u.	-------	10.5 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	35.0 mg/L	70.0 mg/L	Grab	2/Month
Iron, Total (As Fe) 01045	-------	3.0 mg/L	6.0 mg/L	Grab	2/Month
Manganese, Total (As Mn)[3] 01055	-------	2.0 mg/L	4.0 mg/L	Grab	2/Month
Flow, In Conduit or Thru Treatment Plant[4] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Toxicity, Ceriodaphnia Acute[5] 61425	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Toxicity, Pimephales Acute[3] 61427	-------	-------	0 pass(0)/fail(1)	Grab	1/Quarter
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

[1] See Part I.C.2. for further measurement frequency requirements.
[2] See Part IV.E. for pH Exemption Discharge Limitations.
[3] See Part IV.F. for Manganese Exemption Discharge Limitations.
[4] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.
[5] See Part IV.G. for Effluent Toxicity Limitations and Biomonitoring Requirements for Acute Toxicity.

2. Precipitation Exemption Limitations and Monitoring Requirements[6]

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. During periods of applicable 24-hour precipitation events for which the Permittee claims an exemption of standard mining limits as provided by Part IV.C., such discharge 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[7]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	2/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	2/Month
pH 00400	6.0 s.u.	-------	8.5 s.u.	Grab	2/Month
Solids, Settleable[8] 00545	-------	-------	0.5 mL/L	Grab	2/Month
Iron, Total (As Fe)[9] 01045	-------	-------	7.0 mg/L	Grab	2/Month
Flow, In Conduit or Thru Treatment Plant[10] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

6 See Part IV.C. for Precipitation Event Discharge Limitations.
7 See Part I.C.2. for further measurement frequency requirements.
8 The discharge limitation for Settable Solids is not applicable for precipitation events greater than a 10-year, 24-hour precipitation event.
9 The discharge limitation for Total Iron (As Fe) is only applicable for precipitation events less than or equal to a 2-year, 24-hour precipitation event.
10 Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

3. Post Mining Limitations and Monitoring Requirements[11]

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. For those outfalls which the Department has granted written approval pursuant to Part IV.D., such discharge 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[12]
Specific Conductance 00095	-------	Report µS/cm	Report µS/cm	Grab	1/Month
Sulfate (As S) 00154	-------	Report mg/L	Report mg/L	Grab	1/Month
pH 00400	6.0 s.u.	-------	8.5 s.u.	Grab	1/Month
Solids, Settleable 00545	-------	-------	0.5 mL/L	Grab	1/Month
Flow, In Conduit or Thru Treatment Plant[13] 50050	-------	Report MGD	Report MGD	Instantaneous	1/Month
Solids, Total Dissolved (TDS) 70296	-------	Report mg/L	Report mg/L	Grab	1/Quarter

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 in accordance with plans and specifications approved by the ASMC, if applicable. This requirement shall not apply to pumped discharges from the underground works of underground coal mines where no surface structure is required by the ASMC, 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. 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.

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[11] See Part IV.C. for Post-Mining Discharge Limitations.
[12] See Part I.C.2. for further measurement frequency requirements.
[13] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

C. DISCHARGE MONITORING AND RECORD KEEPING REQUIREMENTS

1. Sampling Schedule and Frequency

a. Except as provided in Parts IV.B. and C., the Permittee shall collect samples of the discharge from each constructed and certified point source identified on Page 1 of this Permit and described more fully in the Permittee's application, at the frequency specified in Part I.A. Analysis of the samples shall be conducted for the parameters specified in Part I.A.

b. For each permitted, constructed, and certified point source which results from direct pumped drainage from the underground works of an underground coal mine or from surface drainage, if the final effluent is pumped in order to discharge (e.g. incised ponds, old highwall cuts, old pit areas or depressions), at least one grab sample from the permitted point source shall be obtained and analyzed each quarterly (three month) monitoring period if a discharge occurs at any time during the quarterly monitoring period.

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. If required by the Director, 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). 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 described 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. 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.

b. The Permittee shall report "No Discharge During Quarterly Monitoring Period" on the appropriate DMR Form for each point source receiving pumped discharges pursuant to Part I.C.1.b. provided that no discharge has occurred at any time during the entire quarterly (three month) monitoring period.

c. Each DMR Form submitted by the Permittee to the Department in accordance with Part I.D.1.a. 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.

d. 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."

e. All DMRs, reports and forms required to be submitted by this Permit, the AWPCA and the Department's rules and regulations, 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

f. 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.

g. 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.a.

2. Requirements for Outfall Certification Summary Submittal

The Permittee shall submit a summary of outfalls identified on Page 1 of this Permit so that it is received by the Director with the required DMRs 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). This Outfall Certification Summary shall indicate whether each outfall identified on Page 1 of this Permit has been certified and, if so, it shall include the date for each certification as well as the latitude and longitude of the certified outfall. If any outfall identified on Page 1 of this Permit has received written approval from the Department pursuant to Part IV.C. of this Permit stating that the Permittee may utilize the Post-Mining Discharge Limitations specified in Part I.A.3., then the list of outfalls shall include the date of the Post-Mining Discharge Limitations approval. If any outfall identified on Page 1 of this Permit has been released from monitoring requirements as provided in Part I.D.4. of this Permit, then the list of outfalls shall include the date of the monitoring requirement release. The Outfall Certification Summary shall be submitted in a format approved or developed by the Department. This submittal is only required when DMR submittal is required by Part I.B.4.

3. 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.3.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.3.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. Form 401 or Form 421 must be submitted to the Director in accordance with Parts I.D.3.a. and b. The completed form must document the following information:

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

(2) The period of noncompliance, including exact dates, times, and duration of the noncompliance. If not corrected by the due date of the written report, then the Permittee is to state the anticipated timeframe that is expected to transpire before the noncompliance is resolved; and

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

4. Reduction, Suspension, or Termination of Monitoring and/or Reporting Requirements

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

(3) The Permittee has certified to the Director that the 100% Bond Release has been granted by the Alabama Surface Mining Commission for all areas disturbed in the drainage basin(s) associated with the discharge;

(4) 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;

(5) 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;

(6) 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;

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

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

(9) The Permittee has certified to the Director in writing as part of the request, its compliance with (1) through (8) 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. 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 required by applicable state (ADEM Admin. Code r. 335-6-6-.12 (r)) and federal (40 C.F.R. §§112.1-.7) regulations. The Permittee shall implement appropriate structural and/or non-structural spill prevention, control, and/or management 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. Careful consideration should be applied for tanks or containers located near treatment ponds, water bodies, or high traffic areas. In most situations this would require construction of a containment system if the cumulative storage capacity of petroleum products or other pollutants at the facility is greater than 1320 gallons. 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 applicant shall maintain onsite or have readily available flotation booms to contain, and sufficient material to 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 an approved manner.

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.

3. 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:

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

(2) 96-hour median tolerance limit data for organisms representative of the biota of the water(s) which the discharge(s) enter(s);

(3) Quantities to be used;

(4) Frequencies of use;

(5) Proposed discharge concentrations; and

(6) 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.

4. 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(s).

5. 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.

6. 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.

7. 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. Except as provided in Parts II.B.2.b. and c., a discharge which results from an upset need not meet the applicable discharge limitations specified in Part I.A. of this Permit if:

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

(2) No later than five (5) days after becoming aware of the occurrence of the upset, the Permittee furnishes the Director with evidence, including properly signed, contemporaneous operating logs, 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.

b. Notwithstanding the provisions of Part II.B.2.a., 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 exempted from the discharge limitations specified in Part I.A. of this Permit 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.

c. The Permittee has the burden of establishing that each of the conditions of Parts II.B.2.a. and b. have been met to qualify for an exemption from the discharge limitations specified in Part I.A. of this Permit.

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. Requirements for Metals, Cyanide, and Phenols Monitoring and Reporting

a. For all outfalls, the Permittee shall collect a sample of the discharge to be analyzed for antimony, arsenic, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, zinc, cyanide, and phenols no later six months following the effective date of the Permit. The analyses shall be submitted on EPA Form 2C and received by the Department no later than 28 days following six months after the effective date of the Permit.

b. For all outfalls, should a discharge not occur within the first six months following the effective date of this Permit, the Permittee shall collect a sample of the discharge to be analyzed for antimony, arsenic, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, zinc, cyanide, and phenols no later than six months following the date of the first discharge. The analyses shall be submitted on EPA Form 2C and received by the Department no later than 28 days following six months after the first discharge.

c. Parts II.C.3.a. and b. do not apply for any outfall that is represented by analyses conducted at a substantially similar outfall as indicated on EPA Form 2C or 2D.

d. The Permit shall be reopened, if required, to address any new information resulting from the completion and submittal of the data referenced in Parts II.C.3.a. and b.

4. Automatic Expiration of Permits for New or Increased Discharges

a. Except as provided by ADEM Admin. Code r. 335-6-6-.02(g) 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(g) 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.

5. 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.

6. 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.

7. 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.

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 as 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 subject to penalties and/or imprisonment as provided by the AWPCA and/or the AEMA.

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. Acid or ferruginous mine drainage - means mine drainage which, before any treatment, either has a pH of less than 6 or a total iron concentration equal to or greater than 10 mg/l.

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

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

4. Alkaline mine drainage - means mine drainage which, before any treatment, has a pH equal to or greater than 6.0 and total iron concentration of less than 10 mg/l.

5. 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).

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

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

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

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

10. Coal Mine - means an area, on or beneath land, used or disturbed in activities related to the extraction, removal, or recovery of coal from natural or artificial deposits, including active mining and reclamation.

11. Coal Preparation Plant - means a facility where coal is subjected to cleaning, concentrating, or other processing or preparation in order to separate coal from its impurities and then is loaded for transit to a consuming facility.

12. Coal Preparation Plant Associated Areas - means the coal preparation plant yards, immediate access roads, coal refuse piles and coal storage piles and facilities.

13. Coal Preparation Plant Water Circuit - means all pipes, channels, basins, tanks, and all other structures and equipment that convey, contain, treat, or process any water that is used in coal preparation processes within a coal preparation plant.

14. Coal Refuse Disposal Pile - means any coal refuse deposited on the earth and intended as permanent disposal or long-term storage (greater than 180 days) of such material, but does not include coal refuse deposited within the active mining area or coal refuse never removed from the active mining area.

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

16. 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.

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

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

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

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

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

22. 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).

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

24. DO - means dissolved oxygen.

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

26. 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.

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

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

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

30. 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).

31. 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.

32. 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.

33. 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.

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

35. MGD - means million gallons per day.

36. 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.)

37. 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.

38. 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.

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

40. 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.

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

42. 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).

43. 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.

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

45. 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.

46. 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.

47. 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".

48. 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.

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

50. 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.

51. 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.

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

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

54. TRC - means Total Residual Chlorine.

55. TSS – means the pollutant parameter Total Suspended Solids

56. Total Year-to-Date discharge limitation - means the sum of the discharge mass flow rates of a pollutant on all previous days within a calendar year. For days when data has not been collected, the mass flow rates shall be assumed to be equal to the most recent calculated daily mass flow rate.

57. 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.

58. 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.

59. 24-hour precipitation event - means that amount of precipitation which occurs within any 24-hour period.

60. 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.

61. 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.

62. 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.

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

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

E. SEVERABILITY

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

F. PROHIBITIONS AND ACTIVIES NOT AUTHORIZED

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

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

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

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

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

PART IV SPECIAL REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

A. 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. 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.

B. PRECIPITATION EVENT DISCHARGE LIMITATIONS

1. Monitoring for Claims of Precipitation Event Discharge Limitation Exemption

Any sample of discharge collected in accordance with Parts I.C.1.a. and b. for which the Permittee submits a claim of exemption pursuant to Part IV.B.2., shall be collected within 48 hours after the commencement of the 24-hour precipitation event and prior to the cessation of the discharge or increased discharge. The sample shall be analyzed for each effluent characteristic as specified in Part I.A.2. Within 24 to 36 hours after the cessation of the 24-hour precipitation event, the Permittee shall collect an additional sample of the discharge and shall analyze such sample for each effluent characteristic specified in Part I.A.1. of this Permit.

2. Precipitation Event Discharge Limitation Exemption Submittal

Excluding discharges of drainage from the underground workings of an underground coal mine which are not commingled with other drainage eligible for precipitation event discharge limitations, any discharge or increase in the volume of a discharge which is caused by an applicable 24-hour precipitation event as described in Part IV.B.3. and which occurs during or within 24-hours after such event, may be exempt from the discharge limitations specified in Part I.A. provided that the discharge is addressed in Parts IV.B.4. through 8. and the Permittee submits a written claim of exemption to the Director with the DMR required to be submitted by Part I.D. of this Permit, which shall contain:

a. Persuasive evidence that the discharge or increase in the volume of a discharge was caused by an applicable 24-hour precipitation event;

b. Persuasive evidence of the amount of precipitation occurring during the applicable 24-hour precipitation event;

c. Persuasive evidence demonstrating the origin of the drainage causing a discharge;

d. The day and time at which the 24-hour precipitation event commenced and ceased;

e. The volume or amount in inches of the applicable 24-hour precipitation event; and

f. The results of monitoring conducted pursuant to Part I.A. of this Permit, if required thereby.

3. Applicable 24-Hour Precipitation Events

Applicable 24-hour precipitation events include those that are greater than 1-year, 24-hour precipitation events or less than, equal to, or greater than 2-year, 24-hour precipitation events, and 10-year, 24-hour precipitation events.

4. 24-Hour Precipitation Event Greater Than a 1-Year, 24-Hour Precipitation Event, but Less Than a 10-Year, 24-Hour Precipitation Events

Discharge limitations listed in Part I.A.2. may apply to discharges of acid or ferruginous drainage from coal refuse disposal piles, provided that the Permittee has met the submittal requirements of Part IV.B.2., for any discharge or increase in the volume of a discharge caused by a 24-hour precipitation event greater than a 1-year, 24-hour precipitation event, but less than or equal to a 10-year, 24-hour precipitation event.

5. 24-Hour Precipitation Event Less Than or Equal to a 2-Year, 24-Hour Precipitation Event

Discharge limitations listed in Part I.A.2. may apply to discharges of drainage from acid or ferruginous mining areas (excluding discharges from steep slope mining areas, discharges from mountaintop removal operations, discharges from controlled surface mine, and discharges from underground workings of underground mines), provided that the Permittee has met the submittal requirements of Part IV.B.2., for any discharge or increase in the volume of a discharge caused by a 24-hour precipitation event less than or equal to a 2-year, 24-hour precipitation event.

6. 24-Hour Precipitation Event Greater Than a 2-Year, 24-Hour Precipitation Event, but Less Than a 10-Year, 24-Hour Precipitation Events

Discharge limitations listed in Part I.A.2. may apply to discharges of drainage from acid or ferruginous mining areas (excluding discharges from steep slope mining areas, discharges from mountaintop removal operations, discharges from controlled surface mine, and discharges from underground workings of underground mines), provided that the Permittee has met the submittal requirements of Part IV.B.2., for any discharge or increase in the volume of a discharge caused by a 24-hour precipitation event greater than a 2-year, 24-hour precipitation event, but less than or equal to a 10-year, 24-hour precipitation event.

7. 24-Hour Precipitation Event Less Than or Equal to a 10-Year, 24-Hour Precipitation Event

Discharge limitations listed in Part I.A.2. may apply to discharges of drainage from steep slope mining areas, discharges of drainage from mountaintop removal areas, discharges of alkaline drainage (excluding discharges from underground workings of underground mines and that are not

commingled with other discharges), and discharges from coal preparation plant associated areas (excluding acid or ferruginous mine drainage from coal refuse disposal piles), provided that the Permittee has met the submittal requirements of Part IV.B.2., for any discharge or increase in the volume of a discharge caused by a 24-hour precipitation event less than or equal to a 10-year, 24-hour precipitation event.

8. 24-Hour Precipitation Event Greater Than a 10-Year, 24-Hour Precipitation Event

Discharge limitations listed in Part I.A.2. may apply to discharges of drainage from alkaline, acid, or ferruginous mining areas, discharges of steep slope mining areas, discharges of drainage from mountaintop removal operations, discharges of drainage from coal preparation plants and associated areas, discharges of drainage from coal refuse piles, the underground workings of an underground coal mine which are commingled with other discharges eligible for precipitation event discharge limitations, and discharges from reclamation areas, provided that the Permittee has met the submittal requirements of Part IV.B.2., for any discharge or increase in the volume of a discharge caused by a 24-hour precipitation event greater than a 10-year, 24-hour precipitation event.

C. POST-MINING DISCHARGE LIMITATIONS

1. Excluding discharges from the underground workings of an underground coal mine, any discharge shall be exempt from the discharge limitations specified in Part I.A.1., provided that:

   a. All mining in the drainage basin(s) associated with the discharge has ceased;

   b. Revegetation has been established on all areas mined in the drainage basin(s) associated with the discharge;

   c. The Permittee has been granted, in writing, a Phase II Bond Release, if applicable, by the ASMC for all areas mined in the drainage basin(s) associated with the discharge;

   d. The Permittee has certified to the Director, in writing, its compliance with Parts IV.C.1.a. through c.; and

   e. The Permittee's request for post-mining discharge limitations has been approved by the Department in writing.

2. Any discharge, which pursuant to Part IV.C.1. is exempt from the discharge limitations specified in Part I.A.1., shall be limited and monitored by the Permittee as specified in Part I.A.3.

D. pH EXEMPTION DISCHARGE LIMITATIONS

Where the application of neutralization and sedimentation treatment technology results in the Permittee's inability to comply with applicable total manganese discharge limitations, the daily maximum discharge limitation for pH shall be 10.5 s.u. However, the discharge shall not cause the in-stream pH values to deviate more than 1.0 s.u. from the normal or natural pH, nor be less than 6.0 s.u., nor greater than 8.5 s.u. Use of this exemption must be noted on the DMR Form when submitted for each eligible outfall. Documentation justifying the necessity for the exemption must be also be submitted at the time of the associated DMR submittal.

E. MANGANESE EXEMPTION DISCHARGE LIMITATIONS

Limitations and monitoring requirements for total manganese do not apply if the drainage, before any treatment, has a pH equal to or more than 6.0 s.u. and a total iron concentration of less than 10.0 mg/l. Use of this exemption must be noted on the Discharge Monitoring Report (DMR) form when submitted for each eligible outfall. Documentation of alkaline mine drainage before treatment must also be submitted at the time of the associated DMR submittal.

F. EFFLUENT TOXICITY LIMITATIONS AND BIOMONITORING REQUIREMENTS FOR ACUTE TOXICITY

Except as provided below, the Permittee shall perform 48-hour acute toxicity screening tests on the discharges required to be tested for acute toxicity in Part I.A. of this Permit.

The Permittee may certify, in writing, that the activities at the site at the time of sample collection will result in representative discharges, and therefore perform the toxicity tests on only the samples collected from the representative outfalls. The certification must be signed by a responsible official of the Permittee as defined in ADEM Admin Code r. 335-6-6-.09 and include the following statement:

> "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."

1. Test Requirements

a. The tests shall be performed using undiluted effluent.

b. Any test where survival in the effluent concentration is less than 90% and statistically lower than the control indicates acute toxicity and constitutes noncompliance with this Permit.

2. General Test Requirements

a. A grab sample shall be obtained for use in above biomonitoring tests. The holding time for each sample shall not exceed 36 hours. The control water shall be a water prepared in the laboratory in accordance with the EPA procedure described in EPA 821-R-02-012 or most current edition or another control water selected by the Permittee and approved by the Department.

b. Effluent toxicity tests in which the control survival is less than 90% or in which the other requirements of the EPA Test Procedure are not met shall be unacceptable and the Permittee shall rerun the tests as soon as practical within the monitoring period.

c. In the event of an invalid test, upon subsequent completion of a valid test, the results of all tests, valid and invalid, are reported with an explanation of the tests performed and results.

d. Should results from five consecutive testing periods indicate that the effluent does not exhibit acute toxicity, the Permittee may request, in writing, that the Toxicity monitoring

and reporting requirements be suspended. It remains the responsibility of the Permittee to comply with the Toxicity monitoring and reporting requirements until written authorization to suspend the monitoring and reporting is received by the Permittee from the Director.

3. Reporting Requirements

a. The Permittee shall notify the Department in writing within 48 hours after toxicity has been demonstrated by the scheduled test(s).

b. Biomonitoring test results obtained during each monitoring period shall be summarized and reported using the appropriate Discharge Monitoring Report (DMR) form approved by the Department. In accordance with Section 6. of this part, an effluent toxicity report containing the information in Section 6. shall be included with the DMR. Two copies of the test results must be submitted to the Department no later than 28 days after the month in which the tests were performed.

4. Additional Testing Requirements

a. If acute toxicity is indicated (noncompliance with permit limit), the Permittee shall perform two additional valid acute toxicity tests in accordance with these procedures. The toxicity tests shall be performed on new samples collected during the first discharge event after becoming aware of the acute toxicity. The additional samples shall be collected a minimum of 12 hours apart, or sooner if the discharge is not expected to continue for 12 hours. In the event that the discharge ceases prior to collection of the second additional sample, the sample shall be collected during the beginning of the next discharge event. The results of these tests shall be submitted no later than 28 days following the month in which the tests were performed. Additional testing sample collection and analysis timeframes may be extended, as necessary, to obtain the samples during discharges.

b. After evaluation of the results of the additional tests, the Department will determine if additional action is appropriate and may require additional testing and/or toxicity reduction measures. The Permittee may be required to perform a Toxicity Identification Evaluation (TIE) and/or a Toxicity Reduction Evaluation (TRE). The TIE/TRE shall be performed in accordance with the most recent protocols/guidance outlined by EPA (e.g., EPA/600/2-88/062, EPA/600/R-92/080, EPA/600/R-92/081, EPA/833/B-99/022 and/or EPA/600/6-91/005F, etc.).

5. Test Methods

The tests shall be performed in accordance with the latest edition of the "EPA Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms" and shall be performed using the fathead minnow (*Pimephales promelas*) and the cladoceran (*Ceriodaphnia dubia*).

6. Effluent Toxicity Testing Reports

The following information shall be submitted with each discharge monitoring report unless otherwise directed by the Department. The Department may at any time suspend or reinstate this requirement or may increase or decrease the frequency of submittals.

a. Introduction

(1) Facility Name, location and county

(2) Permit number

(3) Toxicity testing requirements of permit

(4) Name of receiving water body

(5) Contract laboratory information (if tests are performed under contract)

(i) Name of firm

(ii) Telephone number

(iii) Address

(6) Objective of test

b. Plant Operations

(1) Discharge operating schedule (if other than continuous)

(2) Volume of discharge during sample collection to include Mean daily discharge on sample collection date (MGD, CFS, GPM)

c. Source of Effluent Water and Dilution Water

(1) Effluent samples

(i) Sample point

(ii) Sample collection dates and times

(iii) Sample collection method

(iv) Physical and chemical data of undiluted effluent samples (water temperature, pH, alkalinity, hardness, specific conductance, total residual chlorine (if applicable), etc.)

(v) Sample temperature when received at the laboratory

(vi) Lapsed time from sample collection to delivery

(vii) Lapsed time from sample collection to test initiation

(2) Dilution Water samples

(i) Source

(ii) Collection date(s) and time(s) (where applicable)

(iii) Pretreatment (if applicable)

(iv) Physical and chemical characteristics (pH, hardness, water temperature, alkalinity, specific conductivity, etc.)

d. Test Conditions

(1) Toxicity test method utilized

(2) End point(s) of test

(3) Deviations from referenced method, if any, and reason(s)

(4) Date and time test started

(5) Date and time test terminated

(6) Type and volume of test chambers

(7) Volume of solution per chamber

(8) Number of organisms per test chamber

(9) Number of replicate test chambers per treatment

(10) Test temperature, pH and dissolved oxygen as recommended by the method (to include ranges)

(11) Feeding frequency, and amount and type of food

(12) Light intensity (mean)

e. Test Organisms

(1) Scientific name

(2) Life stage and age

(3) Source

(4) Disease treatment (if applicable)

f. Quality Assurance

(1) Reference toxicant utilized and source

(2) Date and time of most recent acute reference toxicant test(s), raw data, and current cusum chart(s)

(3) Results of reference toxicant test(s) (LC50, etc.), report concentration-response relationship and evaluate test sensitivity. The most recent reference toxicant test shall be conducted within 30-days of the routine.

(4) Physical and chemical methods utilized

g. Results

(1) Provide raw toxicity data in tabular form, including daily records of affected organisms in each concentration (including controls) and replicate

(2) Provide table of endpoints: LC50, NOAEC, Pass/Fail (as required in the applicable NPDES permit)

(3) Indicate statistical methods used to calculate endpoints

(4) Provide all physical and chemical data required by method

(5) Results of test(s) (LC50, NOAEC, Pass/Fail, etc.), report concentration-response relationship (definitive test only), report percent minimum significant difference (PMSD)

h. Conclusions and Recommendations

(1) Relationship between test endpoints and permit limits

(2) Action to be taken

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANGEMENT (ADEM)
OUTFALL CERTIFICATION SUMMARY

PERMITTEE NAME: CDM Mining & Equipment, LLC
FACILITY NAME: Masseyline Mine
NPDES PERMIT NO: AL0080993
ASMC PERMIT NO: _____
COUNTY: Jefferson County

Outfall Number	Is Outfall Certified?	Date of Certification	Outfall Latitude and Longitude	Post-Mining Limit Approval Date	Date of ADEM Monitoring Release
001-1	☐ YES ☐ NO				
002-1	☐ YES ☐ NO				
003-1	☐ YES ☐ NO				
004-1	☐ YES ☐ NO				
005-1	☐ YES ☐ NO				
006-1	☐ YES ☐ NO				
007-1	☐ YES ☐ NO				
008-1	☐ YES ☐ NO				
009-1	☐ YES ☐ NO				
010-1	☐ YES ☐ NO				
011-1	☐ YES ☐ NO				
012-1	☐ YES ☐ NO				

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.

_____ _____ _____
Name and Title (Print) Signature Date

☐ Responsible Official ☐ Duly Authorized Representative

ADEM Form 351 m/y m1

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)

MINING AND NATURAL RESOURCE SECTION

DISCHARGE MONITORING REPORT (DMR)

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 001-1
Jefferson County

Permit Type 1

ASMC Permit Number

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

= Data Not Required

Year | 1st Qtr (Jan-Feb-Mar) | 2nd Qtr (Apr-May-Jun) | 3rd Qtr (Jul-Aug-Sep) | 4th Qtr (Oct-Nov-Dec)

	STANDARD LIMITS							FLOW*	TOXICITY LIMITS**	
Parameter	pH	TSS	Fe	Mn	Specific Conductance	Sulfate	TDS		Ceriodaphnia Acute	Pimephales Acute
Daily Minimum	6.0									
Monthly Average		35.0	3.0	2.0	Report	Report	Report	Report		
Daily Maximum	8.5	70.0	6.0	4.0	Report	Report	Report	Report	0	0
Unit	s.u.	mg/L	mg/L	mg/L	µS/cm	mg/L	mg/L	MGD	pass(0)/fail(1)	pass(0)/fail(1)
Frequency	2/mth	2/mth	2/mth	2/mth	2/mth	2/mth	1/qtr	2/mth	1/qtr	1/qtr
DATES										
Monthly Average										
DATES										
Monthly Average										
DATES										
Monthly Average										

Pump Discharge Point (Y/N) | pH Exemption Claimed (Y/N)

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

In accordance with Part IV.E of the referenced NPDES permit, if the Permittee claims the Mn exemption, detailed documentation sufficient to prove eligibility must be submitted as an attachment to this DMR. For each claim of the Mn exemption, the Permittee shall report "NODI=9" as the reported Mn value on this DMR.

Name of Permittee and/or Company(s) Collecting Samples and Performing Analyses

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.

Name and Title of Responsible Official | Signature | Date

* Instantaneous measure. Flow must be monitored in MGD each time a sample is collected.

** Refer to permit for Toxicity requirements.

Refer to Part I C. of the permit. At least one sample must be obtained and analyzed for pumped or mechanical discharges if a discharge occurred at any time during the quarterly (three month) monitoring period. If applicable, list minimum of two required inspection dates for each month and report "No Discharge During Entire Quarter."

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

ADEM Form 351 m/y m1

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 001-1
Jefferson County

Permit Type 1

ASMC Permit Number

CDM Mining & Equipment, LLC
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(205) 978-5070

= Data Not Required

Year | 1st Qtr (Jan-Feb-Mar) | 2nd Qtr (Apr-May-Jun) | 3rd Qtr (Jul-Aug-Sep) | 4th Qtr (Oct-Nov-Dec)

	PRECIPITATION EVENT DISCHARGE LIMITS*							FLOW ***	POST-MINING LIMITS**					FLOW ***
Parameter	pH	SS	Fe	Rainfall	Specific Conductance	Sulfate	TDS		pH	SS	Specific Conductance	Sulfate	TDS	
Daily Minimum	6.0			Report Duration and Inches per Hour					6.0					
Monthly Average					Report	Report	Report	Report			Report	Report	Report	Report
Daily Maximum	8.5	0.5	7.0		Report	Report	Report	Report	8.5	0.5	Report	Report	Report	Report
Unit	s.u.	mL/L	mg/L		µS/cm	mg/L	mg/L	MGD	s.u.	mL/L	µS/cm	mg/L	mg/L	MGD
Frequency									1/mth	1/mth	1/mth	1/mth	1/qtr	1/mth
DATES														
Monthly Average														
DATES														
Monthly Average														
DATES														
Monthly Average														

Pump Discharge Point (Y/N) | pH Exemption Claimed (Y/N)

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Name and Title of Responsible Official | Signature | Date

* Refer to permit. A written claim of exemption must be submitted in a form acceptable to the Department.
** Refer to permit. Written approval must be obtained in advance from the Department.
*** Instantaneous measure. Flow must be monitored in MGD each time a sample is collected.

Refer to Part I C. of the permit. At least one sample must be obtained and analyzed for pumped or mechanical discharges if a discharge occurred at any time during the quarterly (three month) monitoring period. If applicable, list minimum of two required inspection dates for each month and report "No Discharge During Entire Quarter."

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

ADEM Form 351 m/y m1

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 002-1
Jefferson County

Permit Type 1

ASMC Permit Number

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

= Data Not Required

Year | 1st Qtr (Jan-Feb-Mar) | 2nd Qtr (Apr-May-Jun) | 3rd Qtr (Jul-Aug-Sep) | 4th Qtr (Oct-Nov-Dec)

	STANDARD LIMITS							FLOW*	TOXICITY LIMITS**	
Parameter	pH	TSS	Fe	Mn	Specific Conductance	Sulfate	TDS		Ceriodaphnia Acute	Pimephales Acute
Daily Minimum	6.0									
Monthly Average		35.0	3.0	2.0	Report	Report	Report	Report		
Daily Maximum	8.5	70.0	6.0	4.0	Report	Report	Report	Report	0	0
Unit	s.u.	mg/L	mg/L	mg/L	µS/cm	mg/L	mg/L	MGD	pass(0)/fail(1)	pass(0)/fail(1)
Frequency	2/mth	2/mth	2/mth	2/mth	2/mth	2/mth	1/qtr	2/mth	1/qtr	1/qtr
DATES										
Monthly Average										
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Monthly Average										
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Monthly Average										

Pump Discharge Point (Y/N) | pH Exemption Claimed (Y/N)

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Name and Title of Responsible Official | Signature | Date

* Instantaneous measure. Flow must be monitored in MGD each time a sample is collected.

** Refer to permit for Toxicity requirements.

Refer to Part I C. of the permit. At least one sample must be obtained and analyzed for pumped or mechanical discharges if a discharge occurred at any time during the quarterly (three month) monitoring period. If applicable, list minimum of two required inspection dates for each month and report "No Discharge During Entire Quarter."

ADEM Form 351 m/y ml

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 002-1
Jefferson County

Permit Type 1

ASMC Permit Number ☐

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

▨ = Data Not Required

Year ☐
1st Qtr ☐ Jan-Feb-Mar
2nd Qtr ☐ Apr-May-Jun
3rd Qtr ☐ Jul-Aug-Sep
4th Qtr ☐ Oct-Nov-Dec

		PRECIPITATION EVENT DISCHARGE LIMITS*							FLOW ***
	Parameter	pH	SS	Fe	Rainfall	Specific Conductance	Sulfate	TDS	
	Daily Minimum	6.0	▨	▨	Report Duration and Inches per Hour	▨	▨	▨	▨
	Monthly Average	▨	▨	▨		Report	Report	Report	Report
	Daily Maximum	8.5	0.5	7.0		Report	Report	Report	Report
	Unit	s.u.	mL/L	mg/L		µS/cm	mg/L	mg/L	MGD
	Frequency	▨	▨	▨		▨	▨	▨	▨
D									
A									
T									
E									
S									
	Monthly Average	▨	▨	▨	▨				
D									
A									
T									
E									
S									
	Monthly Average	▨	▨	▨	▨				
D									
A									
T									
E									
S									
	Monthly Average	▨	▨	▨	▨				

	POST-MINING LIMITS**					FLOW ***
Parameter	pH	SS	Specific Conductance	Sulfate	TDS	
Daily Minimum	6.0	▨	▨	▨	▨	▨
Monthly Average	▨	▨	Report	Report	Report	Report
Daily Maximum	8.5	0.5	Report	Report	Report	Report
Unit	s.u.	mL/L	µS/cm	mg/L	mg/L	MGD
Frequency	1/mth	1/mth	1/mth	1/mth	1/qtr	1/mth
Monthly Average	▨	▨				
Monthly Average	▨	▨				
Monthly Average	▨	▨				

Pump Discharge Point (Y/N) ☐ pH Exemption Claimed (Y/N) ☐

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

Name of Permittee and/or Company(s) Collecting Samples and Performing Analyses

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.

Name and Title of Responsible Official

Signature

Date

* Refer to permit. A written claim of exemption must be submitted in a form acceptable to the Department.
** Refer to permit. Written approval must be obtained in advance from the Department.
*** Instantaneous measure. Flow must be monitored in MGD each time a sample is collected.

Refer to Part I C. of the permit. At least one sample must be obtained and analyzed for pumped or mechanical discharges if a discharge occurred at any time during the quarterly (three month) monitoring period. If applicable, list minimum of two required inspection dates for each month and report "No Discharge During Entire Quarter."

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

ADEM Form 351 m/y ml

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 003-1
Jefferson County

Permit Type 1

ASMC Permit Number

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

= Data Not Required

Year | 1st Qtr (Jan-Feb-Mar) | 2nd Qtr (Apr-May-Jun) | 3rd Qtr (Jul-Aug-Sep) | 4th Qtr (Oct-Nov-Dec)

	STANDARD LIMITS							FLOW*	TOXICITY LIMITS**	
Parameter	pH	TSS	Fe	Mn	Specific Conductance	Sulfate	TDS		Ceriodaphnia Acute	Pimephales Acute
Daily Minimum	6.0									
Monthly Average		35.0	3.0	2.0	Report	Report	Report	Report		
Daily Maximum	8.5	70.0	6.0	4.0	Report	Report	Report	Report	0	0
Unit	s.u.	mg/L	mg/L	mg/L	µS/cm	mg/L	mg/L	MGD	pass(0)/fail(1)	pass(0)/fail(1)
Frequency	2/mth	2/mth	2/mth	2/mth	2/mth	2/mth	1/qtr	2/mth	1/qtr	1/qtr
DATES										
Monthly Average										
DATES										
Monthly Average										
DATES										
Monthly Average										

Pump Discharge Point (Y/N) | pH Exemption Claimed (Y/N)

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

In accordance with Part IV.E of the referenced NPDES permit, if the Permittee claims the Mn exemption, detailed documentation sufficient to prove eligibility must be submitted as an attachment to this DMR. For each claim of the Mn exemption, the Permittee shall report "NODI=9" as the reported Mn value on this DMR.

Name of Permittee and/or Company(s) Collecting Samples and Performing Analyses

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.

Name and Title of Responsible Official | Signature | Date

* Instantaneous measure. Flow must be monitored in MGD each time a sample is collected.

** Refer to permit for Toxicity requirements.

Refer to Part I C. of the permit. At least one sample must be obtained and analyzed for pumped or mechanical discharges if a discharge occurred at any time during the quarterly (three month) monitoring period. If applicable, list minimum of two required inspection dates for each month and report "No Discharge During Entire Quarter."

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

ADEM Form 351 m/y m1

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 003-1
Jefferson County

Permit Type 1

ASMC Permit Number

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

▨ = Data Not Required

Year

1st Qtr Jan-Feb-Mar

2nd Qtr Apr-May-Jun

3rd Qtr Jul-Aug-Sep

4th Qtr Oct-Nov-Dec

	PRECIPITATION EVENT DISCHARGE LIMITS*							FLOW ***
Parameter	pH	SS	Fe	Rainfall	Specific Conductance	Sulfate	TDS	
Daily Minimum	6.0	▨	▨	Report Duration and Inches per Hour	▨	▨	▨	▨
Monthly Average	▨	▨	▨		Report	Report	Report	Report
Daily Maximum	8.5	0.5	7.0		Report	Report	Report	Report
Unit	s.u.	mL/L	mg/L		µS/cm	mg/L	mg/L	MGD
Frequency	▨	▨	▨		▨	▨	▨	▨
DATES								
Monthly Average	▨	▨	▨	▨				
DATES								
Monthly Average	▨	▨	▨	▨				
DATES								
Monthly Average	▨	▨	▨	▨				

POST-MINING LIMITS**					FLOW ***
pH	SS	Specific Conductance	Sulfate	TDS	
6.0	▨	▨	▨	▨	▨
▨	▨	Report	Report	Report	Report
8.5	0.5	Report	Report	Report	Report
s.u.	mL/L	µS/cm	mg/L	mg/L	MGD
1/mth	1/mth	1/mth	1/mth	1/qtr	1/mth
▨	▨				
▨	▨				
▨	▨				

Pump Discharge Point (Y/N) ☐ pH Exemption Claimed (Y/N) ☐

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

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Name and Title of Responsible Official

Signature

Date

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** Refer to permit. Written approval must be obtained in advance from the Department.
*** Instantaneous measure. Flow must be monitored in MGD each time a sample is collected.

Refer to Part I C. of the permit. At least one sample must be obtained and analyzed for pumped or mechanical discharges if a discharge occurred at any time during the quarterly (three month) monitoring period. If applicable, list minimum of two required inspection dates for each month and report "No Discharge During Entire Quarter."

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

ADEM Form 351 m/y m1

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 004-1
Jefferson County

Permit Type 1

ASMC Permit Number

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

= Data Not Required

Year ____ 1st Qtr ____ (Jan-Feb-Mar) 2nd Qtr ____ (Apr-May-Jun) 3rd Qtr ____ (Jul-Aug-Sep) 4th Qtr ____ (Oct-Nov-Dec)

		STANDARD LIMITS						FLOW*	TOXICITY LIMITS**	
	Parameter	pH	TSS	Fe	Mn	Specific Conductance	Sulfate	TDS	Ceriodaphnia Acute	Pimephales Acute
	Daily Minimum	6.0								
	Monthly Average		35.0	3.0	2.0	Report	Report	Report	Report	
	Daily Maximum	8.5	70.0	6.0	4.0	Report	Report	Report	Report	0	0
	Unit	s.u.	mg/L	mg/L	mg/L	µS/cm	mg/L	mg/L	MGD	pass(0)/fail(1)	pass(0)/fail(1)
	Frequency	2/mth	2/mth	2/mth	2/mth	2/mth	2/mth	1/qtr	2/mth	1/qtr	1/qtr
DATES											
	Monthly Average										
DATES											
	Monthly Average										
DATES											
	Monthly Average										

Pump Discharge Point (Y/N) ____ pH Exemption Claimed (Y/N) ____

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

In accordance with Part IV.E of the referenced NPDES permit, if the Permittee claims the Mn exemption, detailed documentation sufficient to prove eligibility must be submitted as an attachment to this DMR. For each claim of the Mn exemption, the Permittee shall report "NODI=9" as the reported Mn value on this DMR.

Name of Permittee and/or Company(s) Collecting Samples and Performing Analyses

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.

Name and Title of Responsible Official | Signature | Date

* Instantaneous measure. Flow must be monitored in MGD each time a sample is collected.
** Refer to permit for Toxicity requirements.

Refer to Part I C. of the permit. At least one sample must be obtained and analyzed for pumped or mechanical discharges if a discharge occurred at any time during the quarterly (three month) monitoring period. If applicable, list minimum of two required inspection dates for each month and report "No Discharge During Entire Quarter."

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

ADEM Form 351 m/y ml

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 004-1
Jefferson County

Permit Type 1

ASMC Permit Number

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

= Data Not Required

Year | 1st Qtr (Jan-Feb-Mar) | 2nd Qtr (Apr-May-Jun) | 3rd Qtr (Jul-Aug-Sep) | 4th Qtr (Oct-Nov-Dec)

	PRECIPITATION EVENT DISCHARGE LIMITS*							FLOW ***	POST-MINING LIMITS**					FLOW ***
Parameter	pH	SS	Fe	Rainfall	Specific Conductance	Sulfate	TDS		pH	SS	Specific Conductance	Sulfate	TDS	
Daily Minimum	6.0			Report Duration and Inches per Hour					6.0					
Monthly Average					Report	Report	Report	Report			Report	Report	Report	Report
Daily Maximum	8.5	0.5	7.0		Report	Report	Report	Report	8.5	0.5	Report	Report	Report	Report
Unit	s.u.	mL/L	mg/L		µS/cm	mg/L	mg/L	MGD	s.u.	mL/L	µS/cm	mg/L	mg/L	MGD
Frequency									1/mth	1/mth	1/mth	1/mth	1/qtr	1/mth
DATES														
Monthly Average														
DATES														
Monthly Average														
DATES														
Monthly Average														

Pump Discharge Point (Y/N) | pH Exemption Claimed (Y/N)

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

Name of Permittee and/or Company(s) Collecting Samples and Performing Analyses

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Name and Title of Responsible Official | Signature | Date

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** Refer to permit. Written approval must be obtained in advance from the Department.
*** Instantaneous measure. Flow must be monitored in MGD each time a sample is collected.

Refer to Part I C. of the permit. At least one sample must be obtained and analyzed for pumped or mechanical discharges if a discharge occurred at any time during the quarterly (three month) monitoring period. If applicable, list minimum of two required inspection dates for each month and report "No Discharge During Entire Quarter."

ADEM Form 351 m/y ml

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)

MINING AND NATURAL RESOURCE SECTION

DISCHARGE MONITORING REPORT (DMR)

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 005-1
Jefferson County

Permit Type 1

ASMC Permit Number

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

= Data Not Required

Year | 1st Qtr (Jan-Feb-Mar) | 2nd Qtr (Apr-May-Jun) | 3rd Qtr (Jul-Aug-Sep) | 4th Qtr (Oct-Nov-Dec)

	STANDARD LIMITS							FLOW*	TOXICITY LIMITS**	
Parameter	pH	TSS	Fe	Mn	Specific Conductance	Sulfate	TDS		Ceriodaphnia Acute	Pimephales Acute
Daily Minimum	6.0									
Monthly Average		35.0	3.0	2.0	Report	Report	Report	Report		
Daily Maximum	8.5	70.0	6.0	4.0	Report	Report	Report	Report	0	0
Unit	s.u.	mg/L	mg/L	mg/L	µS/cm	mg/L	mg/L	MGD	pass(0)/fail(1)	pass(0)/fail(1)
Frequency	2/mth	2/mth	2/mth	2/mth	2/mth	2/mth	1/qtr	2/mth	1/qtr	1/qtr
DATES										
Monthly Average										
DATES										
Monthly Average										
DATES										
Monthly Average										

Pump Discharge Point (Y/N) | pH Exemption Claimed (Y/N)

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

In accordance with Part IV.E of the referenced NPDES permit, if the Permittee claims the Mn exemption, detailed documentation sufficient to prove eligibility must be submitted as an attachment to this DMR. For each claim of the Mn exemption, the Permittee shall report "NODI=9" as the reported Mn value on this DMR.

Name of Permittee and/or Company(s) Collecting Samples and Performing Analyses

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Name and Title of Responsible Official | Signature | Date

* Instantaneous measure. Flow must be monitored in MGD each time a sample is collected.

** Refer to permit for Toxicity requirements.

Refer to Part I C. of the permit. At least one sample must be obtained and analyzed for pumped or mechanical discharges if a discharge occurred at any time during the quarterly (three month) monitoring period. If applicable, list minimum of two required inspection dates for each month and report "No Discharge During Entire Quarter."

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

ADEM Form 351 m/y m1

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 005-1
Jefferson County

Permit Type I

ASMC Permit Number

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

= Data Not Required

Year | 1st Qtr (Jan-Feb-Mar) | 2nd Qtr (Apr-May-Jun) | 3rd Qtr (Jul-Aug-Sep) | 4th Qtr (Oct-Nov-Dec)

	PRECIPITATION EVENT DISCHARGE LIMITS*							FLOW ***	POST-MINING LIMITS**					FLOW ***
Parameter	pH	SS	Fe	Rainfall	Specific Conductance	Sulfate	TDS		pH	SS	Specific Conductance	Sulfate	TDS	
Daily Minimum	6.0			Report Duration and Inches per Hour					6.0					
Monthly Average					Report	Report	Report	Report			Report	Report	Report	Report
Daily Maximum	8.5	0.5	7.0		Report	Report	Report	Report	8.5	0.5	Report	Report	Report	Report
Unit	s.u.	mL/L	mg/L		µS/cm	mg/L	mg/L	MGD	s.u.	mL/L	µS/cm	mg/L	mg/L	MGD
Frequency									1/mth	1/mth	1/mth	1/mth	1/qtr	1/mth
DATES														
Monthly Average														
DATES														
Monthly Average														
DATES														
Monthly Average														

Pump Discharge Point (Y/N) | pH Exemption Claimed (Y/N)

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

Name of Permittee and/or Company(s) Collecting Samples and Performing Analyses

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Name and Title of Responsible Official | Signature | Date

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ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

ADEM Form 351 m/y m1

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 006-1
Jefferson County

Permit Type 1

ASMC Permit Number

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

= Data Not Required

Year | 1st Qtr (Jan-Feb-Mar) | 2nd Qtr (Apr-May-Jun) | 3rd Qtr (Jul-Aug-Sep) | 4th Qtr (Oct-Nov-Dec)

	STANDARD LIMITS							FLOW*	TOXICITY LIMITS**	
Parameter	pH	TSS	Fe	Mn	Specific Conductance	Sulfate	TDS		Ceriodaphnia Acute	Pimephales Acute
Daily Minimum	6.0									
Monthly Average		35.0	3.0	2.0	Report	Report	Report	Report		
Daily Maximum	8.5	70.0	6.0	4.0	Report	Report	Report	Report	0	0
Unit	s.u.	mg/L	mg/L	mg/L	µS/cm	mg/L	mg/L	MGD	pass(0)/fail(1)	pass(0)/fail(1)
Frequency	2/mth	2/mth	2/mth	2/mth	2/mth	2/mth	1/qtr	2/mth	1/qtr	1/qtr
DATES										
Monthly Average										
DATES										
Monthly Average										
DATES										
Monthly Average										

Pump Discharge Point (Y/N) | pH Exemption Claimed (Y/N)

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

In accordance with Part IV.E of the referenced NPDES permit, if the Permittee claims the Mn exemption, detailed documentation sufficient to prove eligibility must be submitted as an attachment to this DMR. For each claim of the Mn exemption, the Permittee shall report "NODI=9" as the reported Mn value on this DMR.

Name of Permittee and/or Company(s) Collecting Samples and Performing Analyses

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Name and Title of Responsible Official | Signature | Date

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** Refer to permit for Toxicity requirements.

Refer to Part I C. of the permit. At least one sample must be obtained and analyzed for pumped or mechanical discharges if a discharge occurred at any time during the quarterly (three month) monitoring period. If applicable, list minimum of two required inspection dates for each month and report "No Discharge During Entire Quarter."

ADEM Form 351 m/y ml

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 006-1
Jefferson County

Permit Type 1

ASMC Permit Number ☐

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

▨ = Data Not Required

Year ☐ 1st Qtr ☐ Jan-Feb-Mar 2nd Qtr ☐ Apr-May-Jun 3rd Qtr ☐ Jul-Aug-Sep 4th Qtr ☐ Oct-Nov-Dec

		PRECIPITATION EVENT DISCHARGE LIMITS*							FLOW ***
	Parameter	pH	SS	Fe	Rainfall	Specific Conductance	Sulfate	TDS	
	Daily Minimum	6.0	▨	▨	Report Duration and Inches per Hour	▨	▨	▨	▨
	Monthly Average	▨	▨	▨		Report	Report	Report	Report
	Daily Maximum	8.5	0.5	7.0		Report	Report	Report	Report
	Unit	s.u.	mL/L	mg/L		µS/cm	mg/L	mg/L	MGD
	Frequency	▨	▨	▨		▨	▨	▨	▨
DATES									
	Monthly Average	▨	▨	▨	▨				
DATES									
	Monthly Average	▨	▨	▨	▨				
DATES									
	Monthly Average	▨	▨	▨	▨				

		POST-MINING LIMITS**					FLOW ***
	Parameter	pH	SS	Specific Conductance	Sulfate	TDS	
	Daily Minimum	6.0	▨	▨	▨	▨	▨
	Monthly Average	▨	▨	Report	Report	Report	Report
	Daily Maximum	8.5	0.5	Report	Report	Report	Report
	Unit	s.u.	mL/L	µS/cm	mg/L	mg/L	MGD
	Frequency	1/mth	1/mth	1/mth	1/mth	1/qtr	1/mth
DATES							
	Monthly Average	▨	▨				
DATES							
	Monthly Average	▨	▨				
DATES							
	Monthly Average	▨	▨				

Pump Discharge Point (Y/N) ☐ pH Exemption Claimed (Y/N) ☐

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

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Name and Title of Responsible Official

Signature

Date

* Refer to permit. A written claim of exemption must be submitted in a form acceptable to the Department.
** Refer to permit. Written approval must be obtained in advance from the Department.
*** Instantaneous measure. Flow must be monitored in MGD each time a sample is collected.

Refer to Part I C. of the permit. At least one sample must be obtained and analyzed for pumped or mechanical discharges if a discharge occurred at any time during the quarterly (three month) monitoring period. If applicable, list minimum of two required inspection dates for each month and report "No Discharge During Entire Quarter."

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

ADEM Form 351 m/y ml

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 007-1
Jefferson County

Permit Type 1

ASMC Permit Number

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

= Data Not Required

Year | 1st Qtr (Jan-Feb-Mar) | 2nd Qtr (Apr-May-Jun) | 3rd Qtr (Jul-Aug-Sep) | 4th Qtr (Oct-Nov-Dec)

	STANDARD LIMITS							FLOW*	TOXICITY LIMITS**	
Parameter	pH	TSS	Fe	Mn	Specific Conductance	Sulfate	TDS		Ceriodaphnia Acute	Pimephales Acute
Daily Minimum	6.0									
Monthly Average		35.0	3.0	2.0	Report	Report	Report	Report		
Daily Maximum	8.5	70.0	6.0	4.0	Report	Report	Report	Report	0	0
Unit	s.u.	mg/L	mg/L	mg/L	µS/cm	mg/L	mg/L	MGD	pass(0)/fail(1)	pass(0)/fail(1)
Frequency	2/mth	2/mth	2/mth	2/mth	2/mth	2/mth	1/qtr	2/mth	1/qtr	1/qtr
DATES										
Monthly Average										
DATES										
Monthly Average										
DATES										
Monthly Average										

Pump Discharge Point (Y/N) | pH Exemption Claimed (Y/N)

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

In accordance with Part IV.E of the referenced NPDES permit, if the Permittee claims the Mn exemption, detailed documentation sufficient to prove eligibility must be submitted as an attachment to this DMR. For each claim of the Mn exemption, the Permittee shall report "NODI=9" as the reported Mn value on this DMR.

Name of Permittee and/or Company(s) Collecting Samples and Performing Analyses

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.

Name and Title of Responsible Official | Signature | Date

* Instantaneous measure. Flow must be monitored in MGD each time a sample is collected.

** Refer to permit for Toxicity requirements.

Refer to Part I C. of the permit. At least one sample must be obtained and analyzed for pumped or mechanical discharges if a discharge occurred at any time during the quarterly (three month) monitoring period. If applicable, list minimum of two required inspection dates for each month and report "No Discharge During Entire Quarter."

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

ADEM Form 351 m/y ml

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 007-1
Jefferson County

Permit Type 1

ASMC Permit Number

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

= Data Not Required

Year ____ 1st Qtr ____ (Jan-Feb-Mar) 2nd Qtr ____ (Apr-May-Jun) 3rd Qtr ____ (Jul-Aug-Sep) 4th Qtr ____ (Oct-Nov-Dec)

	PRECIPITATION EVENT DISCHARGE LIMITS*							FLOW ***
Parameter	pH	SS	Fe	Rainfall	Specific Conductance	Sulfate	TDS	
Daily Minimum	6.0			Report Duration and Inches per Hour				
Monthly Average					Report	Report	Report	Report
Daily Maximum	8.5	0.5	7.0		Report	Report	Report	Report
Unit	s.u.	mL/L	mg/L		µS/cm	mg/L	mg/L	MGD
Frequency								
DATES								
Monthly Average								
DATES								
Monthly Average								
DATES								
Monthly Average								

	POST-MINING LIMITS**					FLOW ***
pH	SS	Specific Conductance	Sulfate	TDS	
6.0					
		Report	Report	Report	Report
8.5	0.5	Report	Report	Report	Report
s.u.	mL/L	µS/cm	mg/L	mg/L	MGD
1/mth	1/mth	1/mth	1/mth	1/qtr	1/mth

Pump Discharge Point (Y/N) ____ pH Exemption Claimed (Y/N) ____

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

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Name and Title of Responsible Official | Signature | Date

* Refer to permit. A written claim of exemption must be submitted in a form acceptable to the Department.
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ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

ADEM Form 351 m/y ml

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 008-1
Jefferson County

Permit Type 1

ASMC Permit Number

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

= Data Not Required

Year | 1st Qtr (Jan-Feb-Mar) | 2nd Qtr (Apr-May-Jun) | 3rd Qtr (Jul-Aug-Sep) | 4th Qtr (Oct-Nov-Dec)

		STANDARD LIMITS						FLOW*	TOXICITY LIMITS**	
	Parameter	pH	TSS	Fe	Mn	Specific Conductance	Sulfate	TDS		Ceriodaphnia Acute	Pimephales Acute
	Daily Minimum	6.0									
	Monthly Average		35.0	3.0	2.0	Report	Report	Report	Report		
	Daily Maximum	8.5	70.0	6.0	4.0	Report	Report	Report	Report	0	0
	Unit	s.u.	mg/L	mg/L	mg/L	µS/cm	mg/L	mg/L	MGD	pass(0)/fail(1)	pass(0)/fail(1)
	Frequency	2/mth	2/mth	2/mth	2/mth	2/mth	2/mth	1/qtr	2/mth	1/qtr	1/qtr
D A T E S											
	Monthly Average										
D A T E S											
	Monthly Average										
D A T E S											
	Monthly Average										

Pump Discharge Point (Y/N) | pH Exemption Claimed (Y/N)

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

In accordance with Part IV.E of the referenced NPDES permit, if the Permittee claims the Mn exemption, detailed documentation sufficient to prove eligibility must be submitted as an attachment to this DMR. For each claim of the Mn exemption, the Permittee shall report "NODI=9" as the reported Mn value on this DMR.

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Name and Title of Responsible Official | Signature | Date

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** Refer to permit for Toxicity requirements.

Refer to Part I C. of the permit. At least one sample must be obtained and analyzed for pumped or mechanical discharges if a discharge occurred at any time during the quarterly (three month) monitoring period. If applicable, list minimum of two required inspection dates for each month and report "No Discharge During Entire Quarter."

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 008-1
Jefferson County

Permit Type 1

ASMC Permit Number [ ]

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

[shaded] = Data Not Required

Year [ ]   1st Qtr [ ] Jan-Feb-Mar   2nd Qtr [ ] Apr-May-Jun   3rd Qtr [ ] Jul-Aug-Sep   4th Qtr [ ] Oct-Nov-Dec

	PRECIPITATION EVENT DISCHARGE LIMITS*							FLOW ***
Parameter	pH	SS	Fe	Rainfall	Specific Conductance	Sulfate	TDS	
Daily Minimum	6.0			Report Duration and Inches per Hour				
Monthly Average					Report	Report	Report	Report
Daily Maximum	8.5	0.5	7.0		Report	Report	Report	Report
Unit	s.u.	mL/L	mg/L		µS/cm	mg/L	mg/L	MGD
Frequency								
DATES								
Monthly Average								
DATES								
Monthly Average								
DATES								
Monthly Average								

POST-MINING LIMITS**					FLOW ***
pH	SS	Specific Conductance	Sulfate	TDS	
6.0					
		Report	Report	Report	Report
8.5	0.5	Report	Report	Report	Report
s.u.	mL/L	µS/cm	mg/L	mg/L	MGD
1/mth	1/mth	1/mth	1/mth	1/qtr	1/mth

Pump Discharge Point (Y/N) [ ]   pH Exemption Claimed (Y/N) [ ]

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

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Name and Title of Responsible Official   Signature   Date

* Refer to permit. A written claim of exemption must be submitted in a form acceptable to the Department.
** Refer to permit. Written approval must be obtained in advance from the Department.
*** Instantaneous measure. Flow must be monitored in MGD each time a sample is collected.

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ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

ADEM Form 351 m/y m1

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 009-1
Jefferson County

Permit Type 1

ASMC Permit Number

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

= Data Not Required

Year | 1st Qtr Jan-Feb-Mar | 2nd Qtr Apr-May-Jun | 3rd Qtr Jul-Aug-Sep | 4th Qtr Oct-Nov-Dec

		STANDARD LIMITS						FLOW*	TOXICITY LIMITS**	
	Parameter	pH	TSS	Fe	Mn	Specific Conductance	Sulfate	TDS	Ceriodaphnia Acute	Pimephales Acute
	Daily Minimum	6.0								
	Monthly Average		35.0	3.0	2.0	Report	Report	Report	Report	
	Daily Maximum	8.5	70.0	6.0	4.0	Report	Report	Report	Report	0	0
	Unit	s.u.	mg/L	mg/L	mg/L	µS/cm	mg/L	mg/L	MGD	pass(0)/fail(1)	pass(0)/fail(1)
	Frequency	2/mth	2/mth	2/mth	2/mth	2/mth	2/mth	1/qtr	2/mth	1/qtr	1/qtr
DATES											
	Monthly Average										
DATES											
	Monthly Average										
DATES											
	Monthly Average										

Pump Discharge Point (Y/N) | pH Exemption Claimed (Y/N)

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

In accordance with Part IV.E of the referenced NPDES permit, if the Permittee claims the Mn exemption, detailed documentation sufficient to prove eligibility must be submitted as an attachment to this DMR. For each claim of the Mn exemption, the Permittee shall report "NODI=9" as the reported Mn value on this DMR.

Name of Permittee and/or Company(s) Collecting Samples and Performing Analyses

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Name and Title of Responsible Official | Signature | Date

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** Refer to permit for Toxicity requirements.

Refer to Part I C. of the permit. At least one sample must be obtained and analyzed for pumped or mechanical discharges if a discharge occurred at any time during the quarterly (three month) monitoring period. If applicable, list minimum of two required inspection dates for each month and report "No Discharge During Entire Quarter."

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

ADEM Form 351 m/y m1

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 009-1
Jefferson County

Permit Type 1

ASMC Permit Number

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

= Data Not Required

Year | 1st Qtr (Jan-Feb-Mar) | 2nd Qtr (Apr-May-Jun) | 3rd Qtr (Jul-Aug-Sep) | 4th Qtr (Oct-Nov-Dec)

	PRECIPITATION EVENT DISCHARGE LIMITS*							FLOW ***	POST-MINING LIMITS**					FLOW ***
Parameter	pH	SS	Fe	Rainfall	Specific Conductance	Sulfate	TDS		pH	SS	Specific Conductance	Sulfate	TDS	
Daily Minimum	6.0			Report Duration and Inches per Hour					6.0					
Monthly Average					Report	Report	Report	Report			Report	Report	Report	Report
Daily Maximum	8.5	0.5	7.0		Report	Report	Report	Report	8.5	0.5	Report	Report	Report	Report
Unit	s.u.	mL/L	mg/L		µS/cm	mg/L	mg/L	MGD	s.u.	mL/L	µS/cm	mg/L	mg/L	MGD
Frequency									1/mth	1/mth	1/mth	1/mth	1/qtr	1/mth
DATES														
Monthly Average														
DATES														
Monthly Average														
DATES														
Monthly Average														

Pump Discharge Point (Y/N) | pH Exemption Claimed (Y/N)

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

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Name and Title of Responsible Official | Signature | Date

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ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

ADEM Form 351 m/y m1

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 010-1
Jefferson County

Permit Type 1

ASMC Permit Number

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

= Data Not Required

Year | 1st Qtr (Jan-Feb-Mar) | 2nd Qtr (Apr-May-Jun) | 3rd Qtr (Jul-Aug-Sep) | 4th Qtr (Oct-Nov-Dec)

		STANDARD LIMITS						FLOW*	TOXICITY LIMITS**	
	Parameter	pH	TSS	Fe	Mn	Specific Conductance	Sulfate	TDS	Ceriodaphnia Acute	Pimephales Acute
	Daily Minimum	6.0								
	Monthly Average		35.0	3.0	2.0	Report	Report	Report	Report	
	Daily Maximum	8.5	70.0	6.0	4.0	Report	Report	Report	Report	0	0
	Unit	s.u.	mg/L	mg/L	mg/L	µS/cm	mg/L	mg/L	MGD	pass(0)/fail(1)	pass(0)/fail(1)
	Frequency	2/mth	2/mth	2/mth	2/mth	2/mth	2/mth	1/qtr	2/mth	1/qtr	1/qtr
DATES											
	Monthly Average										
DATES											
	Monthly Average										
DATES											
	Monthly Average										

Pump Discharge Point (Y/N) | pH Exemption Claimed (Y/N)

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

In accordance with Part IV.E of the referenced NPDES permit, if the Permittee claims the Mn exemption, detailed documentation sufficient to prove eligibility must be submitted as an attachment to this DMR. For each claim of the Mn exemption, the Permittee shall report "NODI=9" as the reported Mn value on this DMR.

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Name and Title of Responsible Official | Signature | Date

* Instantaneous measure. Flow must be monitored in MGD each time a sample is collected.
** Refer to permit for Toxicity requirements.

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ADEM Form 351 m/y ml

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 010-1
Jefferson County

Permit Type 1

ASMC Permit Number

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

▨ = Data Not Required

Year

1st Qtr Jan-Feb-Mar

2nd Qtr Apr-May-Jun

3rd Qtr Jul-Aug-Sep

4th Qtr Oct-Nov-Dec

		PRECIPITATION EVENT DISCHARGE LIMITS*							FLOW ***
	Parameter	pH	SS	Fe	Rainfall	Specific Conductance	Sulfate	TDS	
	Daily Minimum	6.0	▨	▨	Report Duration and Inches per Hour	▨	▨	▨	▨
	Monthly Average	▨	▨	▨		Report	Report	Report	Report
	Daily Maximum	8.5	0.5	7.0		Report	Report	Report	Report
	Unit	s.u.	mL/L	mg/L		µS/cm	mg/L	mg/L	MGD
	Frequency	▨	▨	▨		▨	▨	▨	▨
D									
A									
T									
E									
S									
	Monthly Average	▨	▨	▨	▨				
D									
A									
T									
E									
S									
	Monthly Average	▨	▨	▨	▨				
D									
A									
T									
E									
S									
	Monthly Average	▨	▨	▨	▨				

	POST-MINING LIMITS**					FLOW ***
Parameter	pH	SS	Specific Conductance	Sulfate	TDS	
Daily Minimum	6.0	▨	▨	▨	▨	▨
Monthly Average	▨	▨	Report	Report	Report	Report
Daily Maximum	8.5	0.5	Report	Report	Report	Report
Unit	s.u.	mL/L	µS/cm	mg/L	mg/L	MGD
Frequency	1/mth	1/mth	1/mth	1/mth	1/qtr	1/mth
Monthly Average	▨	▨				
Monthly Average	▨	▨				
Monthly Average	▨	▨				

Pump Discharge Point (Y/N) ☐ pH Exemption Claimed (Y/N) ☐

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

Name of Permittee and/or Company(s) Collecting Samples and Performing Analyses

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Name and Title of Responsible Official

Signature

Date

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ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

ADEM Form 351 m/y m1

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 011-1
Jefferson County

Permit Type 1

ASMC Permit Number

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

= Data Not Required

Year | 1st Qtr (Jan-Feb-Mar) | 2nd Qtr (Apr-May-Jun) | 3rd Qtr (Jul-Aug-Sep) | 4th Qtr (Oct-Nov-Dec)

	STANDARD LIMITS							FLOW*	TOXICITY LIMITS**	
Parameter	pH	TSS	Fe	Mn	Specific Conductance	Sulfate	TDS		Ceriodaphnia Acute	Pimephales Acute
Daily Minimum	6.0									
Monthly Average		35.0	3.0	2.0	Report	Report	Report	Report		
Daily Maximum	8.5	70.0	6.0	4.0	Report	Report	Report	Report	0	0
Unit	s.u.	mg/L	mg/L	mg/L	µS/cm	mg/L	mg/L	MGD	pass(0)/fail(1)	pass(0)/fail(1)
Frequency	2/mth	2/mth	2/mth	2/mth	2/mth	2/mth	1/qtr	2/mth	1/qtr	1/qtr
DATES										
Monthly Average										
DATES										
Monthly Average										
DATES										
Monthly Average										

Pump Discharge Point (Y/N) | pH Exemption Claimed (Y/N)

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

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Name and Title of Responsible Official | Signature | Date

* Instantaneous measure. Flow must be monitored in MGD each time a sample is collected.
** Refer to permit for Toxicity requirements.

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ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

ADEM Form 351 m/y ml

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 011-1
Jefferson County

Permit Type 1

ASMC Permit Number

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Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

= Data Not Required

Year ____ 1st Qtr ____ (Jan-Feb-Mar) 2nd Qtr ____ (Apr-May-Jun) 3rd Qtr ____ (Jul-Aug-Sep) 4th Qtr ____ (Oct-Nov-Dec)

	PRECIPITATION EVENT DISCHARGE LIMITS*							FLOW ***
Parameter	pH	SS	Fe	Rainfall	Specific Conductance	Sulfate	TDS	
Daily Minimum	6.0			Report Duration and Inches per Hour				
Monthly Average					Report	Report	Report	Report
Daily Maximum	8.5	0.5	7.0		Report	Report	Report	Report
Unit	s.u.	mL/L	mg/L		µS/cm	mg/L	mg/L	MGD
Frequency								
DATES								
Monthly Average								
DATES								
Monthly Average								
DATES								
Monthly Average								

	POST-MINING LIMITS**					FLOW ***
	pH	SS	Specific Conductance	Sulfate	TDS	
	6.0					
			Report	Report	Report	Report
	8.5	0.5	Report	Report	Report	Report
	s.u.	mL/L	µS/cm	mg/L	mg/L	MGD
	1/mth	1/mth	1/mth	1/mth	1/qtr	1/mth

Pump Discharge Point (Y/N) ____ pH Exemption Claimed (Y/N) ____

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

Name of Permittee and/or Company(s) Collecting Samples and Performing Analyses

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.

Name and Title of Responsible Official | Signature | Date

* Refer to permit. A written claim of exemption must be submitted in a form acceptable to the Department.
** Refer to permit. Written approval must be obtained in advance from the Department.
*** Instantaneous measure. Flow must be monitored in MGD each time a sample is collected.

Refer to Part I C. of the permit. At least one sample must be obtained and analyzed for pumped or mechanical discharges if a discharge occurred at any time during the quarterly (three month) monitoring period. If applicable, list minimum of two required inspection dates for each month and report "No Discharge During Entire Quarter."

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

ADEM Form 351 m/y m1

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 012-1
Jefferson County

Permit Type I

ASMC Permit Number

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

= Data Not Required

Year | 1st Qtr Jan-Feb-Mar | 2nd Qtr Apr-May-Jun | 3rd Qtr Jul-Aug-Sep | 4th Qtr Oct-Nov-Dec

		STANDARD LIMITS						FLOW*	TOXICITY LIMITS**	
	Parameter	pH	TSS	Fe	Mn	Specific Conductance	Sulfate	TDS	Ceriodaphnia Acute	Pimephales Acute
	Daily Minimum	6.0								
	Monthly Average		35.0	3.0	2.0	Report	Report	Report	Report	
	Daily Maximum	8.5	70.0	6.0	4.0	Report	Report	Report	0	0
	Unit	s.u.	mg/L	mg/L	mg/L	µS/cm	mg/L	mg/L	MGD	pass(0)/fail(1)	pass(0)/fail(1)
	Frequency	2/mth	2/mth	2/mth	2/mth	2/mth	2/mth	1/qtr	2/mth	1/qtr	1/qtr
DATES											
	Monthly Average										
DATES											
	Monthly Average										
DATES											
	Monthly Average										

Pump Discharge Point (Y/N) | pH Exemption Claimed (Y/N)

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

In accordance with Part IV.E of the referenced NPDES permit, if the Permittee claims the Mn exemption, detailed documentation sufficient to prove eligibility must be submitted as an attachment to this DMR. For each claim of the Mn exemption, the Permittee shall report "NODI=9" as the reported Mn value on this DMR.

Name of Permittee and/or Company(s) Collecting Samples and Performing Analyses

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.

Name and Title of Responsible Official | Signature | Date

* Instantaneous measure. Flow must be monitored in MGD each time a sample is collected.

** Refer to permit for Toxicity requirements.

Refer to Part I C. of the permit. At least one sample must be obtained and analyzed for pumped or mechanical discharges if a discharge occurred at any time during the quarterly (three month) monitoring period. If applicable, list minimum of two required inspection dates for each month and report "No Discharge During Entire Quarter."

ADEM Form 351 m/y m1

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
MINING AND NATURAL RESOURCE SECTION
DISCHARGE MONITORING REPORT (DMR)

NPDES Permit Number AL0080993
Masseyline Mine
Outfall Number 012-1
Jefferson County

Permit Type 1

ASMC Permit Number ☐

CDM Mining & Equipment, LLC
Post Office Box 660548
Birmingham, Alabama 35266
(205) 978-5070

▨ = Data Not Required

Year ☐ 1st Qtr ☐ Jan-Feb-Mar 2nd Qtr ☐ Apr-May-Jun 3rd Qtr ☐ Jul-Aug-Sep 4th Qtr ☐ Oct-Nov-Dec

		PRECIPITATION EVENT DISCHARGE LIMITS*							FLOW ***	POST-MINING LIMITS**					FLOW ***
	Parameter	pH	SS	Fe	Rainfall	Specific Conductance	Sulfate	TDS		pH	SS	Specific Conductance	Sulfate	TDS	
	Daily Minimum	6.0	▨	▨	Report Duration and Inches per Hour	▨	▨	▨	▨	6.0	▨	▨	▨	▨	▨
	Monthly Average	▨	▨	▨		Report	Report	Report	Report	▨	▨	Report	Report	Report	Report
	Daily Maximum	8.5	0.5	7.0		Report	Report	Report	Report	8.5	0.5	Report	Report	Report	Report
	Unit	s.u.	mL/L	mg/L		µS/cm	mg/L	mg/L	MGD	s.u.	mL/L	µS/cm	mg/L	mg/L	MGD
	Frequency	▨	▨	▨		▨	▨	▨	▨	1/mth	1/mth	1/mth	1/mth	1/qtr	1/mth
D															
A															
T															
E															
S															
	Monthly Average	▨	▨	▨	▨					▨	▨				
D															
A															
T															
E															
S															
	Monthly Average	▨	▨	▨	▨					▨	▨				
D															
A															
T															
E															
S															
	Monthly Average	▨	▨	▨	▨					▨	▨				

Pump Discharge Point (Y/N) ☐ pH Exemption Claimed (Y/N) ☐

In accordance with Part IV.D of the referenced NPDES permit, if the Permittee claims the pH exemption, detailed documentation sufficient to prove eligibility must be retained on file and be available for review by ADEM until the permit is properly terminated.

Name of Permittee and/or Company(s) Collecting Samples and Performing Analyses

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.

Name and Title of Responsible Official Signature Date

* Refer to permit. A written claim of exemption must be submitted in a form acceptable to the Department.
** Refer to permit. Written approval must be obtained in advance from the Department.
*** Instantaneous measure. Flow must be monitored in MGD each time a sample is collected.

Refer to Part I C. of the permit. At least one sample must be obtained and analyzed for pumped or mechanical discharges if a discharge occurred at any time during the quarterly (three month) monitoring period. If applicable, list minimum of two required inspection dates for each month and report "No Discharge During Entire Quarter."

WATER DIVISION
MINING AND NATURAL RESOURCES SECTION
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Please Type or Print In Ink

COAL PERMIT PRECIPITATION EVENT ALTERNATIVE DISCHARGE LIMITATIONS REPORT

Instructions: Your NPDES permit requires that certain information be provided in writing to the Alabama Department of Environmental Management (ADEM) to claim eligibility for precipitation event discharge limitations. Completion of this form and submission thereof to the ADEM at P. O. Box 301463, Montgomery, AL 36130-1463 with your DMRs and within the prescribed time period will satisfy this permit requirement. A detailed explanation **must be** attached for any "No" or blank responses or as necessary to explain any unusual circumstances.

1. Name of Permittee: _____

2. Postal Address of Permittee: _____

3. Facility Name: _____

4. NPDES Permit Number: _____

5. ASMC Permit Number(s): _____

6. Phone:(____) _____ Fax:(____) _____ Email Address: _____

7. Point Source (Outfall) Number: _____

8. Location of Outfall:

   County: _____ Township: _____ Range: _____ Section: _____

9. List and explain persuasive evidence that the discharge or increase in the volume of the discharge was caused by an applicable precipitation event.

   _____

10. List and explain persuasive evidence of the amount of precipitation occurring during the applicable 24-hour event.

    _____

11. Origin of Drainage Eligible for Precipitation Event Limits – Please check the appropriate box

	Alkaline mine drainage
	Steep slope areas as defined in 515(d)(4) of SMCRA
	Mountaintop removal operations conducted pursuant to 515(c) of SMCRA
	Coal preparation plant and associated areas excluding acid and/or ferruginous drainage from coal refuse piles
	Acid and/or ferruginous drainage from coal refuse piles
	Acid and/or ferruginous mine drainage excluding drainage from mountaintop removal operations, steep slope areas, controlled surface mine drainage, and discharges from underground workings of underground mines
	* Acid and/or ferruginous mine drainage from underground workings of underground mines which commingle with other discharges eligible for precipitation event limits
	Controlled acid and/or ferruginous surface mine drainage
	Reclamation Areas
	Other – Explain in detail: _____

* Discharges of drainage from underground workings of underground mines that do not commingle with other discharges eligible for precipitation event limits are not eligible for precipitation event limits.

COAL PERMIT PRECIPITATION EVENT ALTERNATIVE DISCHARGE LIMITATIONS REPORT, continued

12. Precipitation Event Description - Please check the appropriate event

	▶ 10-Year, 24-Hour Event
	> 1-Year, 24-Hour Event, but ▶ 10-Year, 24-Hour Event
	▶ 2-Year, 24 Hour Event
	> 2-Year, 24-Hour Event, but ▶ 10-Year, 24-Hour Event
	> 10-Year, 24-Hour Event

13. List the day and time at which the 24-hour precipitation event commenced and ceased.

_____

14. Volume, or amount in inches of the applicable precipitation event _____

15. List the date and time that the discharge was sampled in accordance to the effluent limitations described in Part I.A.,3. The sample must be taken within 48 hours after the commencement of the applicable 24-hour precipitation event and prior to the cessation of the discharge or increased discharge.

Date: _____ Time: _____

16. List the date and time that the Permittee collected a sample for the purposes of analyzing the sample for the effluent limitations described in Part I.A.,1. or Part I.A.,2., whichever is applicable. This sample of the discharge must be taken within 24 to 36 hours after that cessation of the applicable 24-hour event and prior to the cessation of discharge. However, this sample is only required after the first time each calendar month that the Permittee submits a written claim of exemption from the effluent limits.

Date: _____ Time: _____

17. Did the discharge(s) for which you are claiming this exemption fail to meet the precipitation event discharge limitations pursuant to applicable permit conditions?

NO _____ YES _____

If "yes", you **must** also submit a 5-Day Notice of Noncompliance Report if the discharge(s) for which you are claiming this exemption fails to meet the precipitation event discharge limitations.

18. Print or type the name and title of the principal executive officer or authorized agent whose signature appears below:

"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 understand that it is the Permittee's responsibility to ensure and verify receipt of this report by the Department, submit any additional information or explanation requested by the Department, and that the Permittee is required to immediately notify the Department in writing should conditions or information provided in this report, change."

_____

Name and Title of Responsible Corporate Official or Authorized Agent

_____

Signature Date

FIELD OPERATIONS DIVISION
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

INDIVIDUAL NPDES PERMIT NONCOMPLIANCE NOTIFICATION (5-DAY REPORT)

Please Type or Print In Ink

Instructions: Your NPDES permit requires that certain information be provided in writing to the Alabama Department of Environmental Management (ADEM) within five (5) days after learning or being advised that you failed to comply with or will be unable to comply with any daily maximum or minimum effluent limitation specified in your permit. Completion of this form and submission thereof to the ADEM at PO Box 301463, Montgomery, AL 36130-1463 within the prescribed time period will satisfy this permit requirement. A detailed explanation **must be** attached for any "No" or blank responses or as necessary to explain any unusual circumstances.

1. Name of Permittee: _____

2. Postal Address of Permittee: _____

3. Facility Name: _____

4. NPDES/SID Permit Number: _____

5. Phone: ( ) _____ Fax: ( ) _____ Email Address: _____

6. Point Source (Outfall) Number: _____

7. If the discharge was to a water of the State through a location not permitted as a point source identified on page 1 of the NPDES permit, provide a detailed description of circumstances and location of the discharge (i.e., pipeline break, breached berm, ruptured containment, etc.).

_____
_____
_____
_____

8. Location of Facility (use same description as in your permit):

County _____ Township _____ Range _____ Section _____

9. For each pollutant discharged in excess of a daily maximum or minimum effluent limitation specified in your permit, describe the pollutant (i.e., identify the effluent characteristic) and the amount discharged (express in the same units as utilized for that characteristic in your permit):

_____
_____
_____
_____
_____

10. Describe who obtained the sample(s) (e.g., permittee, consultant, ASMC, etc.) and state the exact date and time the discharge of the pollutant(s) which exceeded the daily maximum or minimum effluent limitation commenced:

_____
_____
_____
_____
_____

INDIVIDUAL NPDES PERMIT NONCOMPLIANCE NOTIFICATION (5-DAY REPORT). Continued

11. State the duration (in hours) of the discharge of the pollutant(s) which exceeded the daily maximum or minimum effluent limitation:

12. If the discharge of the pollutant(s) which exceeded the daily maximum or minimum effluent limitation is expected to continue, state the time you anticipate it to continue:

13. State the name of the water receiving the discharge of the pollutant(s) which exceeded the daily maximum or minimum effluent limitation (if unnamed, so state and state the name of the water into which it flows) **and** describe any violations of applicable State water quality standards that the non-compliant discharge(s) caused or may have contributed to the water quality violation:

14. Identify all causes contributing to the discharge of the pollutant(s) which exceeded the daily maximum or minimum effluent limitation:

15. Describe the steps being taken to reduce, eliminate and prevent the discharge of the pollutant(s) which exceeded the daily maximum or minimum effluent limitation and state when you anticipate that those steps will be fully implemented:

16. Print or type the name and title of the principal executive officer or authorized agent whose signature appears below:

"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 understand that it is the permittee's responsibility to ensure and verify receipt of this report by the Department, submit any additional information or explanation requested by the Department, and that the permittee is required to immediately notify the Department in writing should conditions or information provided in this report, change."

Date	Name and Title of principal executive officer or authorized agent	Signature

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION – INDUSTRIAL AND MUNICIPAL SECTIONS
NONCOMPLIANCE NOTIFICATION FORM

PERMITTEE NAME: _____ PERMIT NO: _____

FACILITY LOCATION: _____

DMR REPORTING PERIOD: _____

1. DESCRIPTION OF DISCHARGE: (Include outfall number (s))

2. DESCRIPTION OF NON-COMPLIANCE: (Attach additional pages if necessary):

LIST EFFLUENT VIOLATIONS (If applicable)			
Outfall Number (s)	NONCOMPLIANCE PARAMETER(S)	Result Reported (Include units)	Permit Limit (Include units)

LIST MONITORING / REPORTING VIOLATIONS (If applicable)		
Outfall Number (s)	NONCOMPLIANCE PARAMETER(S)	Monitoring / Reporting Violation (Provide description)

3. CAUSE OF NON-COMPLIANCE (Attach additional pages if necessary):

4. PERIOD OF NONCOMPLIANCE: (Include exact date(s) and time(s) or, if not corrected, the anticipated time the noncompliance is expected to continue):

5. DESCRIPTION OF STEPS TAKEN AND/OR BEING TAKEN TO REDUCE OR ELIMINATE THE NONCOMPLYING DISCHARGE AND TO PREVENT ITS RECURRENCE (attach additional pages if necessary):

"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."

_____
NAME AND TITLE OF RESPONSIBLE OFFICIAL (type or print)

_____/_____
SIGNATURE OF RESPONSIBLE OFFICIAL / DATE SIGNED

WATER DIVISION
MINING AND NATURAL RESOURCES SECTION
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NPDES INDIVIDUAL PERMIT POLLUTION ABATEMENT/TREATMENT MEASURES AND SEDIMENT CONTROL STRUCTURES CERTIFICATION REPORT

Please type or print in ink. Use one form per outfall. Please complete all questions. Use "N/A" where appropriate. Incorrect/Incomplete Forms will be returned and may delay approval.

Name of Permittee:_____

Postal Address of Permittee:_____

Facility Name:_____

NPDES Permit Number:_____

Point Source (Outfall) Number:_____

Location of Outfall:

County: _____ Township:_____ Range:_____ Section:_____

Latitude:_____ Longitude: _____ (In degrees, minutes, & seconds)

Consulting Firm Name & Address:_____

_____

Consulting Firm Phone:(____)_____ Fax:(____)_____ Email Address:_____

Based upon the post-construction inspection of the above-referenced facility on (date)_____

which I or personnel under my supervision (Print name: _____) conducted, I certify that all pollution abatement/treatment structures/measures, including each basin and its associated structures, have been designed and properly constructed according to good engineering practices, and in accordance with the requirements of the above-referenced NPDES permit and: (check one)

ASMC PERMITTED OR BONDED FACILITIES

☐ In accordance with ASMC Administrative Code 880-X-8F and 880-X-10C and/or the detailed design plans approved by ASMC.

NON-ASMC PERMITTED OR BONDED FACILITIES

ADEM Administrative Code r. 335-6-9, including Appendix A and B, and applicable sections of Chapters 335-6-3, 335-6-6, and are built:

☐ In accordance with good engineering practices, and in strict agreement with the above-referenced NPDES permit, ADEM regulations, and the construction plans or revision accepted for the above-referenced NPDES permit application.

☐ In accordance with good engineering practices, and in strict agreement with the above-referenced NPDES permit, ADEM regulations, and substantial agreement with the construction plans or revision accepted for the above-referenced NPDES permit application with minor exceptions. **Detail these minor exceptions below or on back of form and submit revised construction plans if necessary. Document all reasons for exceptions.**

_____ _____ _____

PE Name (Please Type or Print) Signature Date

_____

PE Registration # and Affix Seal

WATER DIVISION
MINING AND NATURAL RESOURCES SECTION
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

REQUEST FOR COAL PERMIT POST-MINING DISCHARGE LIMITATIONS

Please type or print in ink. Use one form per outfall. Please complete all questions. Use "N/A" where appropriate. Incorrect/Incomplete forms will be returned and may delay approval. Please attach a detailed explanation for any "No" responses or as necessary to explain any unusual circumstances.

Instructions: Your NPDES permit requires that certain information be provided in writing to the Alabama Department of Environmental Management (ADEM) in order to obtain approval for post-mining discharge limitations for a permitted outfall and its associated drainage area. You are advised that you must continue monitoring and reporting using standard limitations until the Department grants approval of your request in writing. Complete this form and send to ADEM at PO Box 301463, Montgomery, AL 36130-1463.

1. Name of Permittee:_____

2. Postal Address of Permittee:_____

3. Facility Name:_____

4. NPDES Permit Number:_____

5. ASMC Permit Number(s):_____

6. Phone:(____)_____ Fax:(____)_____ Email Address:_____

7. Point Source (Outfall) Number:_____

8. Location of Outfall:

   County:_____ Township:_____ Range:_____ Section:_____

	Yes	No	
9.	☐	☐	The Permittee has received an 85% Phase II bond release from the Alabama Surface Mining Commission (ASMC) for all areas disturbed in the drainage area(s), including the treatment basin, associated with the discharge from the permitted outfall. Please ensure that a copy(s) of the applicable ASMC release(s) is attached.
10.	☐	☐	All mining, processing, or disturbance in the drainage basin(s) associated with the discharge has ceased and site access is adequately restricted, controlled, or regularly monitored to prevent unpermitted and unauthorized mining, processing, transportation, or associated operations/activity.
11.	☐	☐	All surface effects of the mining activity such as fuel or chemical tanks/containers, wet preparation equipment (washers), old tools or equipment, junk, garbage, debris, fuel/chemical spills, contaminated soils, etc. have been removed/remediated and disposed of according to applicable State and federal regulations.
12.	☐	☐	Additional information is attached to 1) further support this request, 2) provide pertinent additional information, as required by the permit, that is not requested on this form that may impact the Department's determination regarding this request, or 3) explain a "no" response on this form, or 4) provide an explanation for circumstances which may potentially result in delay or non-approval of this request.

REQUEST FOR COAL PERMIT POST-MINING DISCHARGE LIMITATIONS, Continued

13. Print or type the name and title of the principal executive officer or authorized agent whose signature appears below:

"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 understand that it is the Permittee's responsibility to ensure and verify receipt of this request by the Department and that the Permittee is required to immediately notify the Department in writing should conditions or information provided in this request, upon which approval may be granted, change."

_____

Name and Title of Responsible Corporate Official or Authorized Agent

_____

Signature Date

WATER DIVISION
MINING AND NATURAL RESOURCES SECTION
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

REQUEST FOR RELEASE FROM MONITORING AND REPORTING REQUIREMENTS

Please type or print in ink. Use one form for each outfall. Please complete all questions. Use "N/A" where appropriate. Incorrect/Incomplete forms will be returned and may delay approval. Please attach a detailed explanation for any "No" responses or as necessary to explain any unusual circumstances.

Instructions: Your NPDES permit requires that certain information be provided in writing to the Alabama Department of Environmental Management (ADEM) in order to obtain approval to terminate monitoring and reporting requirements for a permitted outfall and its associated drainage area. You are advised that you must continue monitoring and reporting until the Department grants approval of your request in writing. Complete this form and submit to ADEM at PO Box 301463, Montgomery, AL 36130-1463.

1. Name of Permittee: _____

2. Postal Address of Permittee: _____

3. Facility Name: _____

4. NPDES/SID Permit Number: _____

5. ASMC/ADIR Permit Number(s): _____ (if applicable)

6. Phone:(____) _____ Fax:(____) _____ Email Address: _____

7. Point Source (Outfall) Number: _____

8. Location of Outfall:

County: _____ Township: _____ Range: _____ Section: _____

ASMC PERMITTED OR BONDED FACILITIES

9. Yes ☐ No ☐ The Permittee has received a 100% Phase III bond release from the Alabama Surface Mining Commission (ASMC) for all areas disturbed in the drainage area(s), including the treatment basin, associated with the discharge from the permitted outfall. Please ensure that a copy(s) of the applicable ASMC bond release(s) is attached.

10. Yes ☐ No ☐ The Permittee has received approval from ASMC to remove and mine through the outfall(s), and the drainage previously treated by the mined-through outfall(s) is routed and properly controlled/treated by another permitted and properly certified existing outfall. List approved/certified outfall receiving drainage: _____

NON-ASMC PERMITTED OR BONDED FACILITIES

11. Yes ☐ No ☐ The Permittee has received a 100% bond release from the Alabama Department of Industrial Relations (DIR) for all areas disturbed in the drainage area(s), including the treatment basin, associated with the discharge from the permitted outfall. Please ensure that a copy(s) of the applicable DIR reclamation release(s) is attached.

12. Yes ☐ No ☐ Unless waived by the Department, the Permittee, in order to expedite review/approval of this request, has attached inspection reports prepared and certified by 1) a Professional Engineer (PE) registered in the State of Alabama or a qualified professional under the PE's direction, or 2) a Certified Professional in Sediment And Erosion Control (CPESC), which certify that the facility has been fully reclaimed or that water quality remediation has been achieved. The first inspection should be conducted approximately one year prior to and the second inspection should be conducted within thirty days of the Permittee's request for termination of monitoring and reporting requirements. 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 any surface discharges. Responding "No" may significantly delay approval until an inspection can be performed by Department personnel.

REQUEST FOR RELEASE FROM MONITORING AND REPORTING REQUIREMENTS, Continued

ALL FACILITIES

13. Yes ☐ No ☐ All mining, processing, or disturbance in the drainage basin(s) associated with the discharge has ceased and site access is adequately restricted, controlled, or regularly monitored to prevent unpermitted and unauthorized mining, processing, transportation, or associated operations/activity.

14. Yes ☐ No ☐ The outfall is a pumped discharge and, (1) the pump has been removed and piping has been removed or effectively closed/sealed to prevent future discharge, or (2) the pump has been removed and the pumped drainage previously treated by the outfall(s) is routed and properly controlled/treated by another permitted and properly certified existing outfall. List approved/certified outfall receiving drainage:_____

15. Yes ☐ No ☐ All surface effects of the mining activity such as fuel or chemical tanks/containers, wet preparation equipment (washers), old tools or equipment, junk, garbage, debris, fuel/chemical spills, contaminated soils, etc. have been removed/remediated and disposed of according to applicable State and federal regulations.

16. Yes ☐ No ☐ The Permittee's request for termination of monitoring and reporting requirements contained in this permit is 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 climatological conditions. Please attach copies of the last twelve (12) months of DMRs previously submitted to the Department to expedite the review/approval process.

17. Yes ☐ No ☐ The Permittee hereby certifies 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.

18 Yes ☐ No ☐ The Permittee hereby certifies that during at least the previous twelve (12) months prior to this request, there was no chemical treatment in the drainage area(s), including the treatment basin, associated with the discharge from the permitted outfall.

19. Yes ☐ No ☐ Additional information is attached to 1) further support this request, 2) provide pertinent additional information, as required by the permit, that is not requested on this form that may impact the Department's determination regarding this request, or 3) explain a "no" response on this form, or 4) provide an explanation for circumstances which may potentially result in delay or non-approval of this request.

20. Print or type the name and title of the principal executive officer or authorized agent whose signature appears below:

"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 understand that it is the Permittee's responsibility to ensure and verify receipt of this request by the Department and that the Permittee is required to immediately notify the Department in writing should conditions or information provided in this request, upon which approval may be granted, change."

_____

Name and Title of Responsible Corporate Official or Authorized Agent

_____

Signature Date

WATER DIVISION
MINING AND NATURAL RESOURCES SECTION
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

REQUEST TO REMOVE SUBSURFACE WITHDRAWAL FROM DISCHARGE STRUCTURE

Please type or print in ink. Use one form per outfall. Please complete all questions. Use "N/A" where appropriate. Incorrect/Incomplete Forms will be returned and may delay approval. Please attach a detailed explanation for any "No" responses or as necessary to explain any unusual circumstances.

Instructions: Part II.A..2. of the permit requires an existing outfall to be constructed with effective subsurface withdrawal. Certain information must be provided in writing to the Alabama Department of Environmental Management (ADEM) in order to obtain approval to remove subsurface withdrawal from an existing treatment basin/pond or other approved discharge structure for a permitted outfall and its associated drainage area. Complete this form and submit to ADEM at PO Box 301463, Montgomery, AL 36130-1463.

1. Name of Permittee:_____

2. Postal Address of Permittee:_____

3. Facility Name:_____

4. NPDES/SID Permit Number:_____

5. ASMC/ADIR Permit Number(s):_____ (if applicable)

6. Phone:(____)_____ Fax:(____)_____ Email Address:_____

7. Point Source (Outfall) Number:_____

8. Location of Outfall:

   County:_____ Township:_____ Range:_____ Section:_____

ASMC PERMITTED OR BONDED FACILITIES

9. Yes ☐ No ☐ The Permittee has received a 60% Phase III bond release from the Alabama Surface Mining Commission (ASMC) for all areas disturbed in the drainage area(s), including the treatment basin, associated with the discharge from the permitted outfall. Please ensure that a copy(s) of the applicable ASMC bond release(s) is attached.

10. Yes ☐ No ☐ Vegetative cover has been established and/or disturbed areas have been otherwise stabilized, and potential sources of floating solids have been covered or removed, and there are no active mining areas as defined by 40 CFR 434.11(b) draining to the outfall.

NON-ASMC PERMITTED OR BONDED FACILITIES

11. Yes ☐ No ☐ The Permittee, in order to expedite review/approval of this request, has attached inspection report(s) prepared and certified by 1) a Professional Engineer (PE) registered in the State of Alabama or a qualified professional under the PE's direction, or 2) a Certified Professional in Sediment And Erosion Control (CPESC), which certifies that the facility has been fully regraded and vegetative cover has been established.

REQUEST TO REMOVE SUBSURFACE WITHDRAWAL FROM DISCHARGE STRUCTURE, Continued

ALL FACILITIES

	Yes	No	
12.	☐	☐	All mining, processing, or disturbance in the drainage basin(s) associated with the discharge has ceased and site access is adequately restricted, controlled, or regularly monitored to prevent unpermitted and unauthorized mining, processing, transportation, or associated operations/activity.
13.	☐	☐	All surface effects of the mining activity such as fuel or chemical tanks/containers, wet preparation equipment (washers), old tools or equipment, junk, garbage, debris, fuel/chemical spills, contaminated soils, etc. have been removed/remediated and disposed of according to applicable State and federal regulations.
14.	☐	☐	Additional information is attached to 1) further support this request, 2) provide pertinent additional information, as required by the permit, that is not requested on this form that may impact the Department's determination regarding this request, or 3) explain a "no" response on this form, or 4) provide an explanation for circumstances which may potentially result in delay or non-approval of this request.

15. Print or type the name and title of the principal executive officer or authorized agent whose signature appears below:

"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 understand that subsurface withdrawal can not be removed from the treatment structure until the Department grants approval of this request in writing.

I understand that if after removal of subsurface withdrawal from the treatment structure, effluent quality can not be maintained within permit limits or significant levels of floating pollutants that could be prevented by subsurface withdrawal still occur, reconstruction of subsurface withdrawal may be required.

I understand that it is the Permittee's responsibility to ensure and verify receipt of this request by the Department and that the Permittee is required to immediately notify the Department in writing should conditions or information provided in this request, upon which approval may be granted, change."

_____

Name and Title of Responsible Corporate Official or Authorized Agent

_____

Signature Date

WATER DIVISION
MINING AND NATURAL RESOURCES SECTION
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

REQUEST TO REMOVE TREATMENT BASIN/POND OR OTHER DISCHARGE STRUCTURE

In lieu of this form, ASMC permitted facilities may submit written approval from ASMC to remove the treatment structure.

Please type or print in ink. Use one form per outfall. Please complete all questions. Use "N/A" where appropriate. Incorrect/Incomplete forms will be returned and may delay approval. Please attach a detailed explanation for any "No" responses or as necessary to explain any unusual circumstances.

Instructions: Certain information must be provided in writing to the Alabama Department of Environmental Management (ADEM) in order to obtain approval to remove an existing treatment basin/pond or other approved discharge structure for a permitted outfall and its associated drainage area. Submit written approval from ASMC (if applicable) or complete this form and submit to ADEM at PO Box 301463, Montgomery, AL 36130-1463.

1. Name of Permittee: _____

2. Postal Address of Permittee: _____

3. Facility Name: _____

4. NPDES/SID Permit Number: _____

5. ASMC/ADIR Permit Number(s): _____ (if applicable)

6. Phone:(____)_____ Fax:(____)_____ Email Address: _____

7. Point Source (Outfall) Number: _____

8. Location of Outfall:

   County: _____ Township: _____ Range: _____ Section: _____

ASMC PERMITTED OR BONDED FACILITIES

	Yes	No	
9.	☐	☐	The Permittee has received a 85% Phase II bond release from the Alabama Surface Mining Commission (ASMC) for all areas disturbed in the drainage area(s), including the treatment basin (if a Phase II release from ASMC for the treatment pond(s) cannot be obtained prior to removal of the treatment pond(s), the Permittee must attach a copy of their pond removal/reclamation plan to this request), associated with the discharge from the permitted outfall. Please ensure that a copy(s) of the applicable ASMC release(s) is attached.

NON-ASMC PERMITTED OR BONDED FACILITIES

	Yes	No	
10.	☐	☐	The Permittee, in order to expedite review/approval of this request, has attached inspection report(s) prepared and certified by 1) a Professional Engineer (PE) registered in the State of Alabama or a qualified professional under the PE's direction, or 2) a Certified Professional in Sediment And Erosion Control (CPESC), which certifies that the facility has been fully regraded and perennial vegetative cover has been planted and established.

REQUEST TO REMOVE TREATMENT BASIN/POND OR OTHER DISCHARGE STRUCTURE, Continued

ALL FACILITIES

	Yes	No	
11.	☐	☐	All mining, processing, or disturbance in the drainage basin(s) associated with the discharge has ceased and site access is adequately restricted, controlled, or regularly monitored to prevent unpermitted and unauthorized mining, processing, transportation, or associated operations/activity.
12.	☐	☐	All surface effects of the mining activity such as fuel or chemical tanks/containers, wet preparation equipment (washers), old tools or equipment, junk, garbage, debris, fuel/chemical spills, contaminated soils, etc. have been removed/remediated and disposed of according to applicable State and federal regulations.
13.	☐	☐	The Permittee's request for removal of the treatment structure is 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 climatological conditions. Please attach copies of the last twelve (12) months of DMRs previously submitted to the Department to expedite the review/approval process.
14.	☐	☐	The Permittee hereby certifies that the samples collected and reported in the monitoring data submitted in support of the Permittee's request for treatment structure removal 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.
15	☐	☐	The Permittee hereby certifies that during at least the previous twelve (12) months prior to this request, there was no chemical treatment in the drainage area(s), including the treatment basin, associated with the discharge from the permitted outfall.
16.	☐	☐	Additional information is attached to 1) further support this request, 2) provide pertinent additional information, as required by the permit, that is not requested on this form that may impact the Department's determination regarding this request, or 3) explain a "no" response on this form, or 4) provide an explanation for circumstances which may potentially result in delay or non-approval of this request.

17. Attach a copy of the pond removal plan which details the procedures and Best Management Practices (BMPs) that will be implemented and maintained during and after removal to ensure protection of water quality.

18. Print or type the name and title of the principal executive officer or authorized agent whose signature appears below:

"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 understand that the treatment structure can not be removed until the Department grants approval of this request in writing. I understand that pursuant to requirements of the permit, monitoring and reporting of discharges must continue after the structure is removed. Representative samples will be taken at the end of the ditch, channel, swale, etc. or other acceptable discharge conveyance which remains after removal of the treatment structure.

I understand that if effluent quality can not be maintained within permit limits after removal of the treatment structure, reconstruction of the treatment structure may be required.

I understand that it is the Permittee's responsibility to ensure and verify receipt of this request by the Department and that the Permittee is required to immediately notify the Department in writing should conditions or information provided in this request, upon which approval may be granted, change."

_____

Name and Title of Responsible Corporate Official or Authorized Agent

_____

Signature Date