Public Comments and EPD Responses on Draft NPDES Permit
General NPDES Permit for Mining and Processing Facilities – Permit No. GAG300000

COMMENTS RECEIVED	EPD RESPONSE
The draft general permit includes asphalt paving mixtures and blocks (SIC Code 2951) within the list of facilities that are eligible for coverage in Permit Part I.A.6. This industry is covered under the ELGs for the paving and roofing materials (tars and asphalt) point source category within 40 CFR Part 443; however, the draft permit does not include the appropriate effluent limits and conditions for this industry. EPA recommends that the final permit include the appropriate effluent limitations required by 40 CFR Part 443. Alternatively, GAEPD could consider removing asphalt paving mixtures and blocks from the list of coverage eligibility.	EPD agrees and has removed asphalt paving mixtures and blocks (SIC Code 2951) from the list of SIC codes that may obtain coverage under this general permit. Based upon a review of active facilities who have coverage or who have applied for coverage, no facilities have included SIC code 2951 as a primary or secondary SIC code on their Notice of Intent (NOI). Therefore, EPD does not believe this will have an impact on current permittees, or any facilities which have submitted NOIs that are currently under EPD review.
The draft permit includes monthly monitoring for flow rate, total suspended solids, and turbidity. The draft permit also includes monitoring for oil and grease semi-annually. Given the highly variable nature of mining effluents in terms of discharge frequency, discharge duration, and pollutant concentrations, EPA believes that monthly monitoring may not be sufficient to adequately account for the monitored activity (mining wastewater discharges) in accordance with 40 CFR § 122.48(b) and 40 CFR § 122.41(j)(1). Increased monitoring frequencies allows for a more accurate characterization of the effluent and protects water quality. EPA suggests increasing the monitoring frequency to 2/month for all continuous wastewater discharges. EPA's recommendation is especially applicable	40 CFR § 122.48(b) and 40 CFR § 122.41(j)(1) states, "Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring;" and "Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity;" respectively. Based on the current permit requirements and data reviewed during this past 5-year permit term (as discussed further below), EPD believes that the proposed monitoring frequencies for flow, total suspended solids, turbidity, and oil and grease are sufficient to characterize the effluent and protect water quality standards. Discharges from these types of industrial activities are frequently driven by rain events and can be variable in

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in circumstances where the outfall discharges to high quality waters or receiving waters with Endangered Species Act (ESA)-listed species or critical habitat.	frequency and duration, hence the general permit issued in 2017 required the facilities to collect and report daily rainfall data ensuring representative samples were taken. In addition to the required rainfall monitoring, Part II.B.1. of the draft permit also requires the facilities to take representative samples, "Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. The permittee shall maintain a written sampling plan and monitoring schedule." Finally, during permit development, EPD reviewed the effluent discharge data for facilities currently covered under the permit representing discharges from 69 outfalls and determined for total suspended solids, out of 1326 data points there was an average concentration of 10.08 mg/L, with a standard deviation of 9.7 and an upper one-sided tolerance interval based on a 95th percentile of 27.02 mg/L. For turbidity, out of 1501 available data points there was an average concentration of 13.18 NTU with a standard deviation of 14.5 and an upper one-sided tolerance interval based on a 95th percentile of 37.8 NTU. For oil and grease, out of 162 available data points there was an average concentration of 4.37 mg/L with a standard deviation of 1.58 and an upper one-sided tolerance interval based on a 95th percentile of 7.46 mg/L. EPD also reviewed 693 Discharge Monitoring Reports (DMRs) for the facilities currently covered under the general permit and noted only 3 exceedances for TSS and 5 for turbidity. There

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	were no exceedances of the effluent limitations for pH or oil and grease at any facility during the previous permit term. Based on our review of discharge data, EPD believes the current monitoring frequencies are sufficient to characterize the effluent and does not believe it would be reasonable to increase the monitoring frequency at this time; hence no changes have been made in the final permit.
The draft permit requires the permittee to implement best management practices (BMPs) to control the discharge of hazardous and/or toxic materials from ancillary manufacturing activities. The fact sheet did not contain a justification for the requirement to develop BMPs. EPA suggests that the fact sheet include an explanation that BMPs are required as non-numeric effluent limitations pursuant to 40 CFR § 122.44(k).	The following language has been added to Section 5.1 of the permit fact sheet providing justification for the BMP permit conditions. "Special conditions regarding the implementation of best management practices have been included to supplement the numeric effluent limitations by implementing practices which are reasonably necessary to achieve the effluent limitations. These best management practices, designed primarily for erosion and sedimentation control have been included in order to achieve the numeric effluent limitations for total suspended solids and turbidity."
EPA recommends the final permit require the development and implementation of a BMP plan to increase the clarity of site-specific BMPs that are being employed and increase the enforceability of the BMPs used at the facility.	The final permit requires the implementation of BMPs in two different locations. The first is in Part III.A.13., requiring "The permittee will implement best management practices to control the discharge of hazardous and/or toxic materials from ancillary manufacturing activities. Such activities include, but are not limited to, materials storage, in-plant transfer, process

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	and material handling, loading and unloading operations, plant site runoff, and sludge and waste disposal." Additionally, in the Special Conditions at Part V.C. the permit requires, where applicable, the following best management practices: 1. Process wastewater shall be treated and recycled to the maximum extent practicable, consistent with demonstrated industry standard technology, for use in processing and dust suppression. 2. Implementation and adherence to industry recognized Best Management Practices (BMPs), which in this case refers to the document "Water Quality Best Management Practices for the Aggregate Mining Industry" (2009). This document was prepared by Highland Engineering, Inc. for the Georgia Construction Aggregate Association. 3. Implementation and adherence to the Georgia Manual for Sediment and Erosion Control. 4. Implementation and adherence to the erosion and sediment control measures described in its Surface Mine Land Use Plan, and 5. A written Storm Water Pollution Prevention Plan (SWPPP) for facilities which do not already have coverage under Georgia's General Permit for Storm Water Discharges Associated with Industrial Activities.

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	The general permit already requires the implementation of BMPs, hence the requirement of a site-specific BMP plan for each facility in addition to the existing permit conditions would be redundant and EPD does not believe it is necessary at this time for the facilities to achieve the effluent limitations and standards or to carry out the purposes and intent of the Clean Water Act. If a facility failed to implement an applicable BMP, as required in the permit, EPD may determine the facility is violating the permit and take appropriate enforcement actions. EPD recognizes the BMP document "Water Quality Best Management Practices for the Aggregate Mining Industry" is dated, as it was completed in 2009 and should be reviewed to determine if updates are necessary. We intend to continue working with the regulated community to update the document and confirm current BMPs are employed at all applicable facilities.
The draft permit requires the permittee to use "sufficiently sensitive" analytical methods as part of the monitoring procedures; however, the permit does not include a specific definition of sufficiently sensitive test procedures. The EPA suggests that the permits be clearer about using the lowest applicable levels when analyzing pollutants in the effluent. Rather than referencing the regulatory requirement that contains "sufficiently sensitive" test methods, GAEPD could consider specifically expressing the requirement to use the lowest applicable levels for the analysis of pollutants or pollutant parameters to ensure that the permittees comply with 40 CFR § 122.44(i)(1)(iv).	Pursuant to the federal regulations, EPD requires all point source NPDES permittees to use "sufficiently sensitive" analytical methods. EPD agrees the inclusion of the proposed additional language will provide clarity to the permittee. EPD believes that to better serve our regulated NPDES community and ensure consistency amongst all permittees, we would request that NPDES programmatic comments, similar in nature to this comment be provided during EPA's Permit Quality Review.

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	EPD has added a definition to the permit for "sufficiently sensitive" in Part V.JJ. of the permit. The language added to the permit comes from 40 CFR § 122.44(i)(1)(iv) and reads: *"Sufficiently sensitive" means: (1) The method minimum level (ML) is at or below the level of the effluent limit established in the permit for the measured pollutant or pollutant parameter; or (2) The method has the lowest ML of the analytical methods approved under 40 CFR part 136 or required under 40 CFR chapter I, subchapter N or O for the measured pollutant or pollutant parameter.*
The title of the draft permit is "mining and processing facilities." The general permit grants coverage to the "mining and processing facilities" under 40 CFR § 436. Eligible facilities for coverage under the permit also includes entirely different industries such as cement manufacturing covered by 40 CFR § 411 (ready-mixed concrete, concrete pipe manufacturing, and other concrete products) and "paving and roofing materials" covered by 40 CFR § 443. Given that "mining and processing activities" is a common term that does not include separate industries (cement manufacturing; paving and roofing materials), EPA suggests revising the title of the permit to more accurately reflect that industries not associated with processing of mineral mine activities are eligible for coverage.	Comment noted and EPD appreciates the concerns and feedback regarding the title of the permit. EPD is not aware of any confusion amongst the regulated community or general public due to the title of the general permit. As mentioned above in our responses, EPD has removed paving and roofing materials from the list of facilities eligible for coverage under this permit. Ready-mixed concrete, concrete pipe manufacturing and other concrete products has been retained within the permit, as ready-mixed concrete plants are frequently co-located at mining sites, and some locations have commingled discharges of wastewater from mining, mineral processing, and ready-mixed concrete. Since this is the second iteration of this general permit, EPD believes changing the name now could generate unnecessary confusion. No changes have been made and EPD has retained the current name of the permit.