

**Public Comments and EPD Responses on Draft NPDES Permit  
Imerys Clays, Inc. – GA0046540**

COMMENTS RECEIVED	EPD RESPONSE
<p><b><u>RPA</u></b></p> <p>EPA recommends that this permit be issued with a term that is two years or less. This recommendation is based on the fact that more water quality information may become available for this facility through the comprehensive study being conducted by the Georgia Mining Association. EPA expects that if more water quality data becomes available for this facility it will be used to determine if there is reasonable potential for the discharge to cause or contribute to an exceedance of Georgia's WQSS.</p>	<p>This permit has been issued for a two year term. If data from this facility becomes available that demonstrates the effluent would cause or contribute to a Georgia Water Quality Standard violation, EPD may modify this permit to address the concerns.</p>
<p><b><u>Sampling Location</u></b></p> <p>Some of the effluent data submitted by the permittee was taken from inside the pond even though the permittee noted that the facility's outfall discharged 411 times during the last two years and discharges an average 7 months per year. Effluent data, not in-pond data must be used to characterize the discharge from existing mining activities in accordance with 40 CFR § 122.44(d)(1)(ii) and 40 CFR § 122.21(g)(7).</p>	<p>EPD agrees that effluent data, not in-pond data, best characterizes the discharge from existing mining activities in accordance with 40 CFR § 122.44(d)(1)(ii) and 40 CFR § 122.21(g)(7). However, EPA and EPD do realize that not all mining operations have ponds that discharge on a regular basis and reserve this situation to be used on a case-by-case basis. As agreed upon with EPA, in-pond and effluent data was submitted along with this application.</p>