Permit No. GAG300000
Issuance Date: [illegible] 11 2017

GEORGIA
DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MINING AND PROCESSING FACILITES

In compliance with the provisions of the Georgia Water Quality Control Act (Georgia Laws 1964, p. 416, as amended), hereinafter called the State Act; the Federal Water Pollution Control Act, as amended (33 U.S. C. 1251 et seq.), hereinafter called the Federal Act; new and existing mining and processing facilities within the State of Georgia, upon receipt of the Notice of Coverage (NOC) and approval of an Antidegradation Analysis (for new or expanding dischargers) from EPD, are authorized to discharge process wastewater from mining and processing facilities to the waters of the State of Georgia in accordance with effluent limitations, monitoring requirements and other conditions set forth in the permit and with the statements and supporting information submitted with the application.

This is a permit modification for a permit originally issued and effective on August 1, 2016.

This permit modification shall become effective on June 1, 2017.

This permit and the authorization to discharge shall expire at midnight July 31, 2021.

Richard E. Dunn, Director
Environmental Protection Division

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PART I Coverage Under This General Permit

A. Permit Coverage

This permit authorizes, subject to the conditions of this General Permit, discharges of process water, mine dewatering water, and stormwater associated with certain types of mining operations, concrete and asphalt production. Wastewater discharges under this General Permit will be appropriate for most facilities with activities designated by the following Standard Industrial Classification (SIC) Codes:

1. 1411 Dimension Stone;
2. 1422 Crushed and Broken Limestone;
3. 1423 Crushed and Broken Granite;
4. 1429 Crushed and Broken Stone, Not Elsewhere Classified;
5. 1459 Clay, Ceramic, and Refractory Minerals, Not Otherwise Classified;
6. 2951 Asphalt Paving Mixtures and Blocks, including recycle;
7. 3273 Ready-Mixed Concrete;
8. 3272 Concrete Pipe Manufacturing; or
9. 3272 Other Concrete Product Manufacturing

B. Eligibility

Authorized Discharges

This permit authorizes the following discharges:

1. Treated process wash water;
2. Process wastewater;
3. Mine dewatering water;
4. Process wastewater comingled with stormwater discharges associated with industrial activities defined in Part I.A of this permit;
5. Waters used to wash vehicles where detergents are not used;
6. Water used to control dust;
7. Uncontaminated ground water or spring water; and
8. Discharges from fire-fighting activities.

C. Discharge(s) To Impaired Waters

1. This permit does not authorize discharges of pollutants of concern into impaired waters. Discharges that include pollutants of concern must be consistent with an EPA-approved or EPA/EPD established Total Maximum Daily Load (TMDL) and applicable State Law. Impaired waters are those that do not meet applicable water quality standards and are identified by an EPA-approved or EPA/EPD established TMDL and/or the State of Georgia's 303(d) list. Pollutants of concern are those pollutants for which the water body is listed as impaired and which contribute to the listed impairment.

2. The facility otherwise eligible for coverage, or currently covered, under this permit must determine whether its discharge(s) contributes directly or indirectly to a water body that is included on the latest 303(d) list or otherwise designated by EPD as impaired or is included

in an EPA/EPD-approved or EPA/EPD established TMDL. If the facility has discharges meeting this criterion, it must obtain an individual permit.

D. Authorization – Notice of Intent Requirements

Any person wishing to obtain coverage under this General Permit shall submit a Notice of Intent (NOI) in accordance with the following schedule:

a. NOI For Existing Discharges Already Covered Under an Individual Permit

Facilities that currently have discharges covered under an individual NPDES or Land Application System LAS permit and seeking coverage under this General Permit shall submit a completed NOI in accordance with the requirements of this permit at least 180 days prior to their current permit's expiration date. At any time during the existing individual NPDES permit cycle, the permittee may submit a completed NOI in accordance with the requirements of this permit. Such NOI shall be on forms as provided by EPD at the following web address: www.epd.georgia.gov. Coverage under this General Permit shall be effective upon the date of the Notice of Coverage (NOC) letter as provided by EPD.

EPD may delay the permittee's authorization for further review, may notify applicants that additional effluent limitations are necessary, or may deny coverage under this permit and require submission of an application for an individual or alternative General NPDES Permit. EPD will notify permittees in writing of the delay, of the need for additional effluent limits, or of the request for submission of an individual NPDES permit application or alternative General Permit NOI.

b. NOI for New or Expanding Discharges or New Sources

New or expanding dischargers or new sources seeking coverage under this General Permit must submit a completed NOI and an Antidegradation Analysis at least 30 days prior to the date of desired coverage and before commencing discharge. Coverage under this General Permit shall be effective upon the date of the NOC letter as provided by EPD.

EPD may delay the permittee's authorization for further review, may notify permittees that additional effluent limitations are necessary, or may deny coverage under this permit and require submission of an application for an individual or alternative NPDES Permit. EPD will notify permittees in writing of the delay, or the need for additional effluent limits, or of the request for submission of an individual NPDES permit application.

c. NOI for Change of Ownership

When ownership of a facility that is covered by this General Permit changes, the new owner/operator must submit a new NOI to EPD in accordance with the requirements of this permit at least thirty (30) days prior to the change of ownership. Authorization to discharge will commence immediately upon the submittal of the completed NOI (i.e., on the day the complete NOI is received by EPD). Failure to submit the new NOI may be considered a violation of this permit and an unauthorized discharge to waters of the State.

d. Termination of Coverage

a. EPD may deny coverage under this permit based on an incomplete or incorrect NOI submittal. The Director may at any time revoke coverage under this permit in accordance with the State Rules, Section 391-3-6-.15(11).

b. Notice of Termination (NOT) – A permittee that has ceased operation of the activity for which the permit coverage was obtained must submit a NOT within thirty (30) days after the activity has permanently ceased.

PART II. Effluent Limitations and Monitoring Requirements

A. Discharge Limitation and Monitoring Requirements

1. Effluent Discharge Limits

a. During the period specified on the first page of this permit, the permittee is authorized to discharge from each point source identified in the permittee's NOI. Such discharges shall be limited and monitored as follows:

Effluent Characteristics (Units)	Discharge Limitations (mg/L)		Monitoring Requirements(1)		
	Daily Avg.	Daily Max.	Measurement Frequency	Sample Type	Sample Location
Flow (MGD)	Report	Report	1/Month	Instant	Effluent
Total Suspended Solids	50	75	1/Month	Grab	Effluent
Oil & Grease	10	15	2/year	Grab	Effluent
Turbidity (NTU)	50	75	1/Month	Grab	Effluent
Rainfall (inches)[2]	Report	Report	Monthly	Calculated	See Footnote 2

b. The pH shall not be less than 6.0 standard units nor greater than 8.5 standard units and shall be monitored on the final effluent by analyzing grab samples taken once per month.

c. There shall be no discharges of floating solids or visible foam.

(1) All the parameters must be monitored, at a minimum, at the measurement frequency stated above if there is any discharge. If there is no discharge at any time during the sampling period, state such on the Discharge Monitoring Report in accordance with the reporting requirements in Part II.C of this permit.

(2) Rainfall (inches) shall be recorded either by an onsite-rain gauge at the facility or at an approved location each day of the month and reported on the OMR in accordance with Part II.C of this permit.

B. Monitoring

1. Representative Sampling

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 and monitoring schedule.

2. Monitoring Procedures

Analytical methods, sample containers, sample preservation techniques, and sample holding times must be consistent with the techniques and methods listed in 40 CFR Part 136. The analytical method used shall be sufficiently sensitive. EPA-approved methods must be applicable to the concentration ranges of the National Pollutant Discharge Elimination System (NPDES) permit samples.

3. Detection Limits

All parameters will be analyzed using the appropriate detection limits. If the results for a given sample are such that a parameter is not detected at or above the specified detection limit, a value of "NOT DETECTED" will be reported for that sample and the detection limit will also be reported.

4. Laboratory Analyst Certification

The permittee shall ensure that, when required by O.C.G.A. § 43-51-6 (Ga. Rule 750-3-.01), the person in responsible charge of the laboratory performing the analyses for determining permit compliance is certified in accordance with the Georgia Certification of Water and Wastewater Treatment Plant operators and Laboratory Analysts Act, as amended, and the Rules promulgated thereunder.

5. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report. Such increased monitoring frequency shall also be indicated. EPD may require, by written notification, more frequent monitoring or the monitoring of other pollutants not required in this permit.

6. Sampling Period

a. Unless otherwise specified in this permit, quarterly samples shall be taken during the periods January-March, April-June, July-September, and October-December.

b. Unless otherwise specified in this permit, semiannual samples shall be taken during the periods January-June and July-December.

c. Unless otherwise specified in this permit, annual samples shall be taken during the period of January-December.

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 exact place, date, and time of sampling or measurements, and the person(s) performing the sampling or the measurements;

b. The dates and times the analyses were performed, and the person(s) performing the analyses;

c. The analytical techniques or methods used;

d. The results of all required analyses.

8. Records Retention

The permittee shall retain records of all monitoring information, including all records of analyses performed, calibration and maintenance of instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a minimum of three (3) years from the date of the sample, measurement, report or application, or longer if requested by EPD.

9. Availability of Reports

Except for data deemed to be confidential under O.C.G.A. § 12-5-26 or by the Regional Administrator of the EPA under the Code of Federal Regulations, Title 40, Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at an office of EPD. Effluent data, permit applications, permittee's names and addresses, and permits shall not be considered confidential.

C. Reporting Requirements

1. The permittee must electronically report the DMR, OMR and additional monitoring data using the web based electronic NetDMR reporting system, unless a waiver is granted by EPD.

   a. The permittee must comply with the Federal National Pollutant Discharge Elimination System Electronic Reporting regulations in 40 CFR §127. The permittee must electronically report the DMR, OMR, and additional monitoring data using the web based electronic NetDMR reporting system online at: https://netdmr.epa.gov/netdmr/public/home.htm

   b. Monitoring results obtained during the calendar month shall be summarized for each month and reported on the DMR. The results of each sampling event shall be reported on the OMR and submitted as an attachment to the DMR.

   c. The permittee shall submit the DMR, OMR and additional monitoring data no later than 11:59 p.m. on the 15th day of the month following the sampling period.

   d. All other reports required herein, unless otherwise stated, shall be submitted to the EPD Office listed on the permit issuance letter signed by the Director of EPD.

2. No later than December 21, 2020, the permittee must electronically report the following compliance monitoring data and reports using the online web based electronic system approved by EPD, unless a waiver is granted by EPD:

   a. Sewer Overflow/Bypass Event Reports;
   b. Noncompliance Notification;
   c. Other noncompliance; and
   d. Bypass

3. Other Reports

All other reports required in this permit not listed above in Part II.C or unless otherwise stated, shall be submitted to the EPD Office listed on the permit issuance letter signed by the Director of EPD.

4. Other Noncompliance

All instances of noncompliance not reported under Part II.A. and Part II.B. shall be reported to EPD at the time the monitoring report is submitted.

5. Signatory Requirements

All reports, certifications, data or information submitted in compliance with this permit or requested by EPD must be signed and certified as follows:

a. Any State or NPDES Permit Application form submitted to the EPD shall be signed as follows in accordance with the Federal Regulations, 40 C.F.R. 122.22:

1. For a corporation, by a responsible corporate officer. A responsible corporate officer means:

i. a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision making functions for the corporation, or

ii. the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or

3. For a municipality, State, Federal, or other public facility, by either a principal executive officer or ranking elected official.

b. All other reports or requests for information required by the permit issuing authority shall be signed by a person designated in (a) above or a duly authorized representative of such person, if:

1. The representative so authorized is responsible for the overall operation of the facility from which the discharge originates, e.g., a plant manager, superintendent or person of equivalent responsibility;

2. The authorization is made in writing by the person designated under (a) above; and

3. The written authorization is submitted to the Director.

c. Any changes in written authorization submitted to the permitting authority under (b) above which occur after the issuance of a permit shall be reported to the permitting authority by submitting a copy of a new written authorization which meets the requirements of (b) and (b.1) and (b.2) above.

d. Any person signing any document under (a) or (b) above shall make 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.

PART III. Operational and Management Requirements

A. Facility Operation

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and 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.

B. Operator Certification Requirements

The permittee shall ensure that, when required by O.C.G.A. § 43-51-6 (Ga. Rule 750-3-.01), a certified operator is in charge of the facility in accordance with Georgia State Board of Examiners for Certification of Water and Wastewater Treatment Plant operators And Laboratory Analysts Rule 43-51-6.(b)

C. Best Management Practices

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 and material handling, loading and unloading operations, managing plant site runoff, and sludge and waste disposal.

D. Adverse Impact

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

E. Bypassing

a. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to EPD at least ten (10) days (if possible) before the date of the bypass. The permittee shall submit notice of any unanticipated bypass with an oral report within 24 hours from the time the permittee becomes aware of the circumstances followed by a written report within five (5) days of becoming aware of such condition. The written submission shall contain the following information:

   1. A description of the discharge and cause of noncompliance; and

   2. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

b. Any diversion or bypass of facilities covered by this permit is prohibited, except (i) where unavoidable to prevent loss of life, personal injury, or severe property damage; (ii) there were 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 back-up equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance); and (iii) the permittee submitted a notice as required above. The permittee shall operate the treatment works, including the treatment plant and total sewer system, to minimize discharge of the pollutants listed in Part I of this permit from combined sewer overflows or bypasses. Upon written notification by EPD, the permittee may be required to submit a plan and schedule for reducing bypasses, overflows, and infiltration in the system.

F. Power Failures

Upon the reduction, loss, or failure of the primary source of power to said water pollution control facilities, the permittee shall use an alternative source of power if available to reduce or otherwise control production and/or all discharges in order to maintain compliance with the effluent limitations and prohibitions of this permit.

If such alternative power source is not in existence, and no date for its implementation appears in Part I or Part II, the permittee shall halt, reduce or otherwise control production and/or all discharges from wastewater control facilities upon the reduction, loss, or failure of the primary source of power to said wastewater control facilities.

G. Notification of Changes

1. The permittee shall provide EPD at least 90 days advance notice of any planned physical alterations or additions to the permitted facility that meet the following criteria:

    a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b);

    b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1); or

    c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give at least 90 days advance notice to EPD of any planned changes to the permitted facility or activity which may result in noncompliance with permit requirements.

3. Following the notice in paragraph a. or b. of this condition the permit may be modified. The permittee shall not make any changes, or conduct any activities, requiring notification in paragraph G.1.a. or G.1.b. of this condition without approval from EPD.

4. The permittee shall provide at least 30 days advance notice to EPD of:

    a. any planned expansion or increase in production capacity that could increase the quantity of pollutants discharged or result in the discharge of pollutants that were not being discharged prior to the planned change; or

    b. any planned installation of new equipment or modification of existing processes that could increase the quantity of pollutants discharged or result in the discharge of pollutants that were not being discharged prior to the planned change

    If such change was not identified in the permit application(s) upon which this permit is based and for which notice was not submitted under paragraphs G.1.a. or G.1.b. of this condition.

5. All existing manufacturing, commercial, mining, and silvicultural dischargers shall notify EPD as soon as it is known or there is reason to believe that any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant not limited in the permit, if that discharge will exceed (i) 100 μg/L, (ii) five times the maximum concentration reported for that pollutant in the permit application, or (iii) 200 μg/L for acrolein and acrylonitrile, 500 μg/L for 2,4 dinitrophenol and for 2-methyl-4-6-dinitrophenol, or 1 mg/L antimony.

6. All existing manufacturing, commercial, mining, and silvicultural dischargers shall notify EPD as soon as it is known or there is reason to believe that any activity has occurred or will occur which would result in any discharge on a nonroutine or infrequent basis, of any toxic pollutant not limited in the permit, if that discharge will exceed (i) 500 μg/L, (ii) ten times the maximum concentration reported for that pollutant in the permit application, or (iii) 1 mg/L antimony.

7. Upon the effective date of this permit, the permittee shall submit to EPD an annual certification in June of each year certifying whether or not there has been any change in processes or wastewater characteristics as described in the submitted NPDES permit application that required notification in paragraph G.1.a, G.1.b, or G.1.c. of this condition. The permittee shall also certify annually in June whether the facility has received offsite wastes or wastewater and detail any such occurrences.

H. Transfer of Ownership or Control

A permit may be transferred to another person by a permittee if:

1. The permittee notifies the Director of EPD in writing of the proposed transfer at least thirty (30) days in advance of the proposed transfer;

2. A written agreement containing a specific date for transfer of permit responsibility and coverage between the current and new permittee (including acknowledgement that the existing permittee is liable for violations up to that date, and that the new permittee is liable for violations from that date on) is submitted to the Director at least thirty (30) days in advance of the proposed transfer; and

3. The Director, within thirty (30) days, does not notify the current permittee and the new permittee of EPD's intent to modify, revoke and reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

Part IV. Standard and General Permit Conditions

A. Special Conditions

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. The permittee shall maintain records onsite to document these actions.

2. When applicable, the permittee shall implement and adhere to industry recognized Best Management Practices (BMPs). Document(s) describing industry recognized BMPs can be found on EPD's website at the following web address: http://epd.georgia.gov/wastewater-npdes-las-forms

3. When applicable, the permittee shall implement and adhere to the most recent edition of the Georgia Manual for Sediment and Erosion Control.

4. When applicable, the permittee shall implement and adhere to the erosion and sediment control measures described in its Surface Mine Land Use Plan in order to ensure that there will be no point source discharge of pollutants from the permittee's mining activities into waters of the state, except as allowed in this permit.

5. If the permittee does not have coverage under Georgia's General Permit for Storm Water Discharges Associated with Industrial Activities and has an approved Surface Mine Land Use Plan, the permittee shall have a written Storm Water Pollution Prevention Plan onsite.

B. Schedule of Compliance

1. The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule: N/A

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

C. Biomonitoring and Toxicity Reduction Requirements

1. The permittee shall comply with effluent standards or prohibitions established by section 307(a) of the Federal Act and with chapter 391-3-6-.03(5)(e) of the State Rules and may not discharge toxic pollutants in concentrations or combinations that are harmful to humans, animals, or aquatic life.

   If toxicity is suspected in the effluent, EPD may require the permittee to perform any of the following actions:

a. Acute biomonitoring tests;

b. Chronic biomonitoring tests;

c. Stream studies;

d. Priority pollutant analyses;

e. Toxicity reduction evaluations (TRE); or

f. Any other appropriate study.

2. EPD will specify the requirements and methodologies for performing any of these tests or studies. Unless other concentrations are specified by EPD, the critical concentration used to determine toxicity in biomonitoring tests will be the effluent in-stream wastewater concentration (IWC) based on the representative plant flow of the facility and the critical low flow of the receiving stream (7Q10). The endpoints that will be reported are the effluent concentration that is lethal to 50% of the test organisms (LC50) if the test is for acute toxicity and the no observed effect concentration (NOEC) of effluent if the test is for chronic toxicity. The permittee must eliminate effluent toxicity and supply EPD with data and evidence to confirm toxicity elimination.

D. Permit Modification

After written notice and opportunity for a hearing, this permit may be modified, suspended, revoked or reissued in whole or in part during its term for cause including, but not limited to, the following:

1. Violation of any conditions of this permit;

2. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;

3. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; or

4. To comply with any applicable effluent limitation issued pursuant to the order of the United States District Court for the District of Columbia issued on June 8, 1976, in Natural Resources Defense Council, Inc. et.al. v. Russell E. Train, 8 ERC 2120 (D.D.C. 1976), if the effluent limitation so issued:

   a. is different in conditions or more stringent than any effluent limitation in the permit; or

   b. controls any pollutant not limited in the permit.

E. Noncompliance Notification

If, for any reason, the permittee does not comply with, or will be unable to comply with any effluent limitation specified in this permit, the permittee shall provide EPD with an oral report within 24 hours from the time the permittee becomes aware of the circumstances followed by a written report within five (5) days of becoming aware of such condition. The written submission shall contain the following information:

1. A description of the discharge and cause of noncompliance; and

2. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

F. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

G. Duty to Comply

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Georgia Water Quality Control Act (O.C.G.A. § 12-5-20 et. seq.) and is grounds for enforcement action; for permit termination; revocation and reissuance, or modification; or for denial of a permit renewal application. Any instances of noncompliance must be reported to EPD as specified in Part IV.D of this permit.

2. Penalties for violations of permit conditions. The Federal Clean Water Act and the Georgia Water Quality Control Act (O.C.G.A. § 12-5-20 et. seq.) provide that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this permit, makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine or by imprisonment, or by both. The Georgia Water Quality Control Act (Act) also provides procedures for imposing civil penalties which may be levied for violations of the Act, any permit condition or limitation established pursuant to the Act, or negligently or intentionally failing or refusing to comply with any final or emergency order of the Director.

H. Penalties

The Federal Clean Water Act and the Georgia Water Quality Control Act provide that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine or by imprisonment, or by both. The Federal Clean Water Act

and the Georgia Water Quality Control Act also provide procedures for imposing civil penalties which may be levied for violations of the Act, any permit condition or limitation established pursuant to the Act, or negligently or intentionally failing or refusing to comply with any final or emergency order of the Director of EPD.

I. Expiration of Permit and Duty to Reapply

The permittee shall not discharge after the expiration date. Permittees wishing to continue operation after the permit expiration date must submit a completed Notice of Intent (NOI) 180 days prior to expiration of the existing permit. Such NOI shall be on forms as provided by EPD.

J. Duty to Provide Information

1. The permittee shall furnish to the EPD Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish upon request copies of records required to be kept by this permit.

2. When 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 any report to the Director, it shall promptly submit such facts and information.

K. Previous Permits

All previous State wastewater permits issued to this facility, whether for construction or operation, are hereby revoked by the issuance of this permit. This action is taken to assure compliance with the Georgia Water Quality Control Act, as amended, and the Federal Clean Water Act, as amended. Receipt of the permit constitutes notice of such action. The conditions, requirements, terms and provisions of this permit authorizing discharge under the National Pollutant Discharge Elimination System govern discharges from this facility.

L. Right of Entry

The permittee shall allow the Director of EPD, the Regional Administrator of EPA, and/or their authorized representatives, agents, or employees, upon the presentation of credentials:

1. To enter upon the permittee's premises where a discharge source is located or in which any records are required to be kept under the terms and conditions of this permit; and

2. At reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and to sample any substance or parameters in any location.

M. Property Rights

The issuance of 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 private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

N. Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions established pursuant to Section 307(a) of the Federal Clean Water Act for toxic pollutants, which are present in the discharge within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

O. Water Quality Standards

Nothing in this permit shall be construed to preclude the modification of any condition of this permit when it is determined that the effluent limitations specified herein fail to achieve the applicable State water quality standards.

P. Upset Provisions

Provisions of 40 CFR 122.41(n)(1)-(4), regarding "Upset" shall be applicable to any civil, criminal, or administrative proceeding brought to enforce this permit.

Q. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

R. State Laws

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 established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Federal Clean Water Act.

S. Contested Hearings

Any person who is aggrieved or adversely affected by an action of the Director of EPD shall petition the Director for a hearing within thirty (30) days of notice of such action.

T. Severability

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

PART V. Definitions

A. **"Adverse Weather"** means adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling impractical.

B. **"Bypass"** means the intentional diversion of waste streams from any portion of a treatment facility.

C. **"CWA"** means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

D. **"Daily average"** concentration means the arithmetic average of all the daily determinations of concentrations made during a calendar month. Daily determinations of concentration made using a composite sample shall be the concentration of the composite sample.

E. **"Daily maximum"** concentration means the daily determination of maximum concentration for any calendar day.

F. **"Department"** means the Georgia Department of Natural Resources.

G. **"Director"** means the Director of the Environmental Protection Division of the Department of Natural Resources, State of Georgia.

H. **"Discharge Monitoring Report"** means DMR.

I. For the purposes of this permit **"Discharge of a Pollutant"** means any addition of any "pollutant" or combination of pollutants to "waters of the States" from any "point source." This definition includes additions of pollutants into waters of the (United) States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any "indirect discharger."

J. **"EPA"** means the U.S. Environmental Protection Agency.

K. **"EPD"** means the Environmental Protection Division of the Department of Natural Resources.

L. **"Federal Act"** means The Clean Water Act.

M. **"Grab Sample"** an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes.

N. **"General Permit"** means an NPDES permit issued under Title 40 of the Code of Federal Regulations (40 CFR), Part 122.28 authorizing a category of discharges under the Federal Clean Water Act (Federal Act) within a geographical area.

O. "Indirect Discharger" means a nondomestic discharger introducing "pollutants" to a "publicly owned treatment works."

P. "Industrial Wastes" means any liquid, solid, or gaseous substance, or combination thereof, resulting from a process of industry, manufacture, or business or from the development of any natural resources.

Q. "Instantaneous" means a single reading, observation, or measurement.

R. "MGD" means million gallons per day.

S. "Mine" means an area of land, surface or underground, actively mined for the production of crushed and broken stone from natural deposits and sand and gravel from natural deposits

T. "Mine Dewatering" means any water that is impounded or that collects in the mine and is pumped, drained, or otherwise removed from the mine through the efforts of the mine operator. However, if a mine is also used for treatment of process generated waste water, discharges of commingled water from the facilities shall be deemed discharges of process generated waste water.

U. "NOC" means Notice of Coverage.

V. "NOI" means Notice of Intent.

W. "NOT" means Notice of Termination.

X. "OMR" means Operational Monitoring Report.

Y. "Point Source" means any discernible, confined, or discrete conveyance, including, but not limited to, any pipe, ditch, channel, 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. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Z. "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial wastes, municipal waste, and agricultural waste discharged into the waters of the state.

AA. "Process Generated Waste Water" means any waste water used in the slurry transport of mined material, air emissions control, or processing exclusive of mining. The term shall also include any other water which becomes commingled with such waste water in a pit, pond, lagoon, mine or other facility used for treatment of such waste water. The terms does not include waste water used for the suction dredging of deposits in a body of water and returned directly to the body of water without being used for other purposes or combined with other waste water.

BB. "Process wastewater" is any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

CC. "Rules" as used herein means the Georgia Rules and Regulations for Water Quality Control.

DD. "Severe property damage" means substantial physical damage to property, damage to treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that 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.

EE. "State Act" as used herein means the Georgia Water Quality Control Act (Official Code of Georgia Annotated; Title 12, Chapter 5, Article 2).

FF. "Surface water(s) of the State" or "surface water(s)" shall mean - any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands, and all other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not confined and retained completely upon the property of a single individual, partnership, or corporation.

GG. "Sewage Sludge" means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage or a combination of domestic sewage and industrial wastewater in a treatment works. Sewage sludge includes, but is not limited to scum or solids removed in primary, secondary, or advanced wastewater treatment processes. Sewage sludge does not include ash generated during the firing of sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, treated effluent, or materials excluded from definition of "sewage sludge" by O.C.G.A. § 12-5-30-.3(a)(1).

HH. "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply.

II. "Stormwater Discharges Associated with Industrial Activity" means the discharge from any conveyance which is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. The term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas. Industrial facilities include those facilities designated under 40 CFR 122.26(b)(14)(i)–(ix) and (xi).

JJ. "Waters of Georgia or **Waters of the State"** - any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands, and all other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not confined and retained completely upon the property of a single individual, partnership, or corporation.