



**ENVIRONMENTAL PROTECTION DIVISION**

**Richard E. Dunn, Director**

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**EPD Director's Office**

2 Martin Luther King, Jr. Drive  
Suite 1456, East Tower  
Atlanta, Georgia 30334  
404-656-4713

August 25, 2017

Mr. Len Etheridge, Safety, Health & Environmental Manager  
Imerys Clays Inc.  
618 Kaolin Road  
Sandersville, Georgia 31082

RE: Permit Issuance  
Imerys Clays Inc., Gibraltar Operations  
NPDES Permit GA0050245  
Toombsboro, Wilkinson County

Dear Mr. Etheridge:

Pursuant to the Georgia Water Quality Control Act, as amended, the Federal Clean Water Act, as amended, and the Rules and Regulations promulgated thereunder, we have issued the attached permit for the above-referenced facility.

Your facility has been assigned to the following EPD office for reporting and compliance. Signed copies of all required reports shall be submitted to the following address:

Environmental Protection Division  
Watershed Protection Branch  
Watershed Compliance Program  
2 Martin Luther King Jr. Drive, Suite 1152  
Atlanta, Georgia 30334

Please be advised that on and after the effective date indicated in the permit, the permittee must comply with all terms, conditions, and limitations of the permit. If you have questions concerning this correspondence, please contact Katie Pupkiewicz at 404.656.6159 or [katherine.pupkiewicz@dnr.ga.gov](mailto:katherine.pupkiewicz@dnr.ga.gov).

Sincerely,

Richard E. Dunn  
Director

RED:kp

Enclosure(s)

cc: EPD Watershed Compliance Office -- Mr. Shea Buettner (E-mail)

Permit No. GA0050245  
Issuance Date: August 25, 2017



**National Pollutant Discharge Elimination System Permit**

In accordance 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; and the Rules and Regulations promulgated pursuant to each of these Acts,

**Imerys Clays Inc., Gibraltar Operations  
618 Kaolin Road  
Sandersville, Georgia 31082**

is issued a permit to discharge from a facility located at

**Imerys Clays Inc., Gibraltar Operations  
32350 Highway 112  
Toombsboro, Georgia 31090  
Wilkinson County**

to receiving waters

**Unnamed tributary to Buck Creek in the Oconee River Basin.**

in accordance with effluent limitations, monitoring requirements and other conditions set forth in the permit.

This permit is issued in reliance upon the permit application signed on January 7, 2016, any other applications upon which this permit is based, supporting data entered therein or attached thereto, and any subsequent submittal of supporting data.

This permit shall become effective on September 1, 2017.

This permit and the authorization to discharge shall expire at midnight August 31, 2022.



  
Richard E. Dunn, Director  
Environmental Protection Division

**PART I**

**A.1.a Effluent Limitations and Monitoring Requirements**

Upon the effective date of the permit and continuing for 24 months, the permittee is authorized to discharge from outfall number 011<sup>1</sup> – Kaolin Blunging Operations.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristics (Units)	Discharge Limitations				Monitoring Requirements <sup>2</sup>		
	Mass Based (lbs/day)		Concentration Based (mg/L)		Measurement Frequency	Sample Type	Sample Location
	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.			
Flow (MGD)	Report	Report	--	--	2/Month	Instant	Final Effluent
Total Suspended Solids	--	--	Report	Report	2/Month	Grab	Final Effluent
Turbidity	--	--	Report	Report	2/Month	Grab	Final Effluent
Oil & Grease	--	--	10	15	2/Month	Grab	Final Effluent
Copper, Total	Report <sup>3</sup>	Report <sup>3</sup>	Report <sup>3</sup>	Report <sup>3</sup>	2/Month	Grab	Final Effluent
Selenium, Total	Report <sup>4</sup>	Report <sup>4</sup>	Report <sup>4</sup>	Report <sup>4</sup>	2/Month	Grab	Final Effluent
Total Phosphorus	--	--	Report	Report	2/Month	Grab	Final Effluent
Whole Effluent Toxicity Testing <sup>5</sup>	--	--	Report	Report	Quarterly	24- Hour Composite	Final Effluent

The pH shall not be less than 6.0 standard units nor greater than 8.5 standard units and shall be monitored twice per month by grab sample.

- <sup>1</sup> There shall be no discharge of floating solids or visible foam other than trace amounts.
- <sup>2</sup> 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, state such in the discharge monitoring report in accordance with the reporting requirements in Part 1.D of this permit.
- <sup>3</sup> See Schedule of Compliance Part III.B.1.b. (i) & (ii) of this permit.
- <sup>4</sup> See Schedule of Compliance Part III.B.1.b. (iii) & (iv) of this permit.
- <sup>5</sup> See Whole Effluent Toxicity Part III.D.3. of this permit.

**A.1.b Effluent Limitations and Monitoring Requirements**

Effective 24 months from the effective date of the permit and continuing until the expiration date of the permit, the permittee is authorized to discharge from outfall number 011<sup>1</sup> – Kaolin Blunging Operations.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristics (Units)	Discharge Limitations				Monitoring Requirements <sup>2</sup>		
	Mass Based (lbs/day)		Concentration Based (mg/L)		Measurement Frequency	Sample Type	Sample Location
	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.			
Flow (MGD)	Report	Report	--	--	2/Month	Instant	Final Effluent
Total Suspended Solids	--	--	Report	Report	2/Month	Grab	Final Effluent
Turbidity	--	--	Report	Report	2/Month	Grab	Final Effluent
Oil & Grease	--	--	10	15	2/Month	Grab	Final Effluent
Copper, Total	0.3340	0.4982	0.0261	0.0378	2/Month	Grab	Final Effluent
Selenium, Total	Report <sup>3</sup>	Report <sup>3</sup>	Report <sup>3</sup>	Report <sup>3</sup>	2/Month	Grab	Final Effluent
Total Phosphorus	--	--	Report	Report	2/Month	Grab	Final Effluent
Whole Effluent Toxicity Testing <sup>4</sup>	--	--	Report	Report	Quarterly	24- Hour Composite	Final Effluent

The pH shall not be less than 6.0 standard units nor greater than 8.5 standard units and shall be monitored twice per month by grab sample.

- <sup>1</sup> There shall be no discharge of floating solids or visible foam other than trace amounts.
- <sup>2</sup> 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, state such in the discharge monitoring report in accordance with the reporting requirements in Part 1.D of this permit.
- <sup>3</sup> See Schedule of Compliance Part III.B.1.b. (iii) & (iv) of this permit.
- <sup>4</sup> See Whole Effluent Toxicity Part III.D.3. of this permit.

**A.1.c Effluent Limitations and Monitoring Requirements**

Effective 48 months from the effective date of the permit and continuing until the expiration date of the permit, the permittee is authorized to discharge from outfall number 011<sup>1</sup> – Kaolin Blunging Operations.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristics (Units)	Discharge Limitations				Monitoring Requirements <sup>2</sup>		
	Mass Based (lbs/day)		Concentration Based (mg/L)		Measurement Frequency	Sample Type	Sample Location
	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.			
Flow (MGD)	Report	Report	--	--	2/Month	Instant	Final Effluent
Total Suspended Solids	--	--	Report	Report	2/Month	Grab	Final Effluent
Turbidity	--	--	Report	Report	2/Month	Grab	Final Effluent
Oil & Grease	--	--	10	15	2/Month	Grab	Final Effluent
Copper, Total	0.3340	0.4982	0.0261	0.0378	2/Month	Grab	Final Effluent
Selenium, Total	0.0661	0.0992	0.0050	0.0075	2/Month	Grab	Final Effluent
Total Phosphorus	--	--	Report	Report	2/Month	Grab	Final Effluent
Whole Effluent Toxicity Testing <sup>3</sup>	--	--	Report	Report	Quarterly	24- Hour Composite	Final Effluent

The pH shall not be less than 6.0 standard units nor greater than 8.5 standard units and shall be monitored twice per month by grab sample.

- <sup>1</sup> There shall be no discharge of floating solids or visible foam other than trace amounts.
- <sup>2</sup> 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, state such in the discharge monitoring report in accordance with the reporting requirements in Part 1.D of this permit.
- <sup>3</sup> See Whole Effluent Toxicity Part III.D.3. 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 plan and schedule onsite.

**2. 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.

**3. 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 NPDES permit samples.

**4. 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.

**5. 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.

**6. 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.

**7. 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.

**8. 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

**C. Definitions**

1. The "daily average" mass means the total discharge by mass during a calendar month divided by the number of days in the month that the production or commercial facility was operating. Where less than daily sampling is required by this permit, the daily average discharge shall be determined by the summation of all the measured daily discharges by weight divided by the number of days sampled during the calendar month when the measurements were made.
2. The "daily maximum" mass means the total discharge by mass during any calendar day.
3. The "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.
4. The "daily maximum" concentration means the daily determination of concentration for any calendar day.
5. A "calendar day" is defined as any consecutive 24-hour period.
6. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
7. "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.
8. "EPD" as used herein means the Environmental Protection Division of the Department of Natural Resources.
9. "State Act" as used herein means the Georgia Water Quality Control Act (Official Code of Georgia Annotated; Title 12, Chapter 5, Article 2).
10. "Rules" as used herein means the Georgia Rules and Regulations for Water Quality Control.



**D. 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 I.D.2 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 I.B. and Part II. A. 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 II**

### **A. Management Requirements**

#### **1. Notification of Changes**

- a. 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:
  1. 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);
  2. 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
  3. 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.
- b. 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.
- c. 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 a. or b. of this condition without approval from EPD.
- d. The permittee shall provide at least 30 days advance notice to EPD of:
  1. any planned expansion or increase in production capacity; or
  2. 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 a. or b. of this condition.

- e. 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.
- f. 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.
- g. 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 a., b., or d. 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.

## **2. 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:

- a. A description of the discharge and cause of noncompliance; and
- b. 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.

## **3. 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. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

**4. 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.

**5. Bypassing**

- a. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to EPD at least 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.

**6. Sludge Disposal Requirements**

Sludge shall be disposed of in accordance with the regulations and guidelines established by EPD, the Federal Clean Water Act, and the Resource Conservation and Recovery Act (RCRA). Prior to disposal of sludge by any method other than co-disposal in a permitted sanitary landfill, the permittee shall submit a sludge management plan to the Watershed Protection Branch of EPD for written approval. For land application of nonhazardous sludge, the permittee shall comply with the applicable criteria outlined in the most current version of EPD's "Guidelines for Land Application of Sewage Sludge (Biosolids) at Agronomic Rates" and with the State Rules, Chapter 391-3-6-.17. EPD may require more stringent control of this activity. Prior to land applying nonhazardous sludge, the permittee shall submit a sludge management plan to EPD for review and approval. Upon approval, the plan for land application will become a part of the NPDES permit upon modification of the permit.

**7. Sludge Monitoring Requirements**

The permittee shall develop and implement procedures to ensure adequate year-round sludge disposal. The permittee shall monitor the volume and concentration of solids removed from the plant. Records shall be maintained which document the quantity of solids removed from the plant. The ultimate disposal of solids shall be reported (in the unit of lbs) as specified in Part I.D of this permit.

**8. 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, 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.

**9. Operator Certification Requirements**

The permittee shall ensure that, when required, 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)

**10. Laboratory Analyst Certification Requirements**

The permittee shall ensure that, when required, 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.

**B. Responsibilities**

**1. 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:

- a. 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
- b. 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.

**2. Transfer of Ownership or Control**

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

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

**3. 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.



**4. 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:

- a. Violation of any conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; or
- d. 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:
  1. is different in conditions or more stringent than any effluent limitation in the permit; or
  2. controls any pollutant not limited in the permit.

**5. 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.

**6. Civil and Criminal Liability**

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

**7. 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.

**8. 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.

**9. 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.

**10. Expiration of Permit**

The permittee shall not discharge after the expiration date. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit such information, forms, and fees as are required by EPD at least 180 days prior to the expiration date.

**11. 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.

**12. 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.

**13. 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, plant site runoff, and sludge and waste disposal.

**14. 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.

**15. Duty to Provide Information**

- a. 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.

- b. 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.

**16. Duty to Comply**

- a. 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 I. D and Part II.A. of this permit.
- b. 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.

**17. 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.

### **PART III**

#### **A. Previous Permits**

1. 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.

#### **B. Schedule of Compliance**

1. The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:
  - a. The effluent limitations and monitoring specified in Part I A.1.a are effective on the effective date of this permit, except as specified below.
  - b. The permittee shall achieve compliance with the copper and selenium limitations specified in Part I A.1.b and Part I A.1.c of this permit in accordance with the following schedule:
    - (i) Beginning on the effective date of this permit and continuing for 24 months, the permittee shall start monitoring and reporting for copper in accordance with Part I A.1.a of this permit.
    - (ii) Within 24 months of the effective date of this permit, the permittee shall achieve compliance with the copper limits specified in Part I A.1.b of this permit.
    - (iii) Beginning on the effective date of this permit and continuing for 48 months, the permittee shall start monitoring and reporting for selenium in accordance with Part I A.1.a of this permit.
    - (iv) Within 48 months of the effective date of this permit, the permittee shall achieve compliance with the selenium limits specified in Part I A.1.c of this permit.
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. Special Conditions**

1. Process wastewater and plant runoff shall be treated and recycled to the maximum extent possible for use in processing and dust suppression. The permittee shall maintain records on site to document these activities.
2. The permittee shall follow the erosion and sediment control measures described in its Surface Mine Land Use Plan in order to insure 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.
3. 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>.

**D. 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 instream 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.

3. Whole Effluent Toxicity

The permittee shall conduct quarterly chronic whole effluent toxicity (WET) testing. This will become effective immediately upon the startup of the operations of the facility. The testing must include the most current U.S. Environmental Protection Agency (EPA) chronic aquatic toxicity testing manuals. The referenced document is entitled Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, 4<sup>th</sup> Edition, U.S. EPA, 821-R-02-013, October 2002. Definitive tests must be run on the same samples concurrently using both an invertebrate species (i.e., *Ceriodaphnia dubia*) and a vertebrate species (i.e., Fathead Minnow, *Pimephales promelas*) and should include a dilution equal to the facility's instream wastewater concentration (IWC) of 100 %.

EPD will evaluate the WET tests submitted to determine whether toxicity has been demonstrated. An effluent discharge will not be considered toxic if the No Observed Effect Concentration (NOEC) is greater than or equal to the Instream Wastewater Concentration (IWC) of 100 %. If substances are measured at levels of concern, then the permittee may be required to perform additional WET tests or the permit may be modified to include chronic WET effluent limitations.