GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

The Georgia Environmental Protection Division proposes to reissue the General NPDES Permit GAG300000, which authorizes point source discharges associated with nonmetallic mining operations and concrete production. This permit will provide coverage for discharges of process water, mine dewatering water, stormwater associated with certain types of mining operations, and concrete production.

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Draft permit:

- ☐ First issuance
- ☒ Reissuance with no or minor modifications from previous permit
- ☐ Reissuance with substantial modifications from previous permit
- ☐ Modification of existing permit
- ☒ Requires EPA review

1. GENERAL INFORMATION

1.1 NPDES Permit No.: GAG300000

1.2 Permit Coverage

To obtain authorization under this permit, the facility discharging or proposing to discharge wastewater must be classified under one of the following Standard Industrial Classification 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. 3273 Ready-Mixed Concrete;
7. 3272 Concrete Pipe Manufacturing; or
8. 3272 Other Concrete Product Manufacturing

1.3 Limitations on Coverage

1. This permit does not authorize coverage to any other facilities other than the facilities that have the SIC codes mentioned above.

    a. Several of the Major Group 14 SIC codes or specific mining activities are excluded from this General Permit coverage because the mining activities are subject to more stringent effluent limits under EPA Effluent Limit Guidelines in 40 CFR Part 436.

    b. The facilities associated with the excluded SIC codes must obtain an individual NPDES permit to discharge to waters of the State.

2. This General Permit does not cover coal mining, metal mining, oil and gas extraction, and kaolin mining.

3. Coverage under this permit will not be granted for facilities discharging into 303(d) listed waters for parameters of concern for this category of discharges. If the facility's receiving waters become listed on the 303(d) list during the current General Permit cycle, the EPD will reach out to the facility on a case by case basis.

1.4 Eligibility

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.

1.5 Type of Wastewater Discharge

☒ process wastewater ☒ stormwater

☐ domestic wastewater ☒ combined

☒ other (process generated wastewater commingled, mine dewatering, commingled stormwater, and allowable discharges in Section 1.3 of this fact sheet)

2.0 APPLICABLE REGULATIONS

2.1 State Regulations

Chapter 391-3-6 of the Georgia Rules and Regulations for Water Quality Control

2.2 Federal Regulations

Source	Activity	Applicable Regulation
Industrial (Non POTW)	Non-Process Water Discharges	40 CFR 122 40 CFR 125 40 CFR 127 40 CFR 136
	Process Water Discharges	40 CFR 122 40 CFR 125 40 CFR 127 40 CFR 136 40 CFR 411 40 CFR 436

2.3 Industrial Effluent Limit Guideline(s)

40 CFR 436 – Mineral Mining and Processing Point Source Category
Subpart B – Crushed Stone Subcategory

40 CFR 411 – Cement Manufacturing Point Source Subcategory
Subpart C – Materials Storage Piles Runoff Subcategory

3.0 WATER QUALITY STANDARDS & RECEIVING WATERBODY INFORMATION

3.1 Specific Water Quality Criteria for Classified Water Usage [391-3-6-.03(6)]:

In addition to the general criteria, the following criteria are deemed necessary and shall be required for the specific water usage as shown:

(a) ***Drinking Water Supplies*:** Those waters approved as a source for public drinking water systems permitted or to be permitted by the Environmental Protection Division. Waters classified for drinking water supplies will also support the fishing use and any other use requiring water of a lower quality.

(i) Bacteria: For the months of May through October, when water contact recreation activities are expected to occur, fecal coliform not to exceed a geometric mean of 200 counts per 100 mL based on at least four samples collected from a given sampling site over a 30-day period at intervals not less than 24 hours. Should water quality and sanitary studies show fecal coliform levels from non-human sources exceed 200 counts per 100 mL (geometric mean) occasionally, then the allowable

geometric mean fecal coliform shall not exceed 300 counts per 100 mL in lakes and reservoirs and 500 counts per 100 mL in free flowing freshwater streams. For the months of November through April, fecal coliform not to exceed a geometric mean of 1,000 counts per 100 mL based on at least four samples collected from a given sampling site over a 30-day period at intervals not less than 24 hours and not to exceed a maximum of 4,000 counts per 100 mL for any sample. The State does not encourage swimming in these surface waters since a number of factors which are beyond the control of any State regulatory agency contribute to elevated levels of bacteria.

(ii) Dissolved oxygen: A daily average of 6.0 mg/L and no less than 5.0 mg/L at all times for waters designated as trout streams by the Wildlife Resources Division. A daily average of 5.0 mg/L and no less than 4.0 mg/L at all times for water supporting warm water species of fish.

(iii) pH: Within the range of 6.0 - 8.5.

(iv) No material or substance in such concentration that, after treatment by the public water treatment system, exceeds the maximum contaminant level established for that substance by the Environmental Protection Division pursuant to the Georgia Rules for Safe Drinking Water.

(v) Temperature: Not to exceed 90°F. At no time is the temperature of the receiving waters to be increased more than 5°F above intake temperature except that in estuarine waters the increase will not be more than 1.5°F. In streams designated as primary trout or smallmouth bass waters by the Wildlife Resources Division, there shall be no elevation of natural stream temperatures. In streams designated as secondary trout waters, there shall be no elevation exceeding 2°F of natural stream temperatures.

(b) ***Recreation***: General recreational activities such as water skiing, boating, and swimming, or for any other use requiring water of a lower quality, such as recreational fishing. These criteria are not to be interpreted as encouraging water contact sports in proximity to sewage or industrial waste discharges regardless of treatment requirements:

(i) Bacteria:

1. Coastal and estuarine waters: Culturable enterococci not to exceed a geometric mean of 35 counts per 100 mL. The geometric mean duration shall not be greater than 30 days. There shall be no greater than a ten percent excursion frequency of an enterococci statistical threshold value (STV) of 130 counts per 100 mL in the same 30-day interval.

2. All other recreational waters: Culturable E. coli not to exceed a geometric mean of 126 counts per 100 mL. The geometric mean duration shall not be greater than 30 days. There shall be no greater than a ten percent excursion frequency of an E.

coli statistical threshold value (STV) of 410 counts per 100 mL in the same 30-day interval.

(ii) Dissolved Oxygen: A daily average of 6.0 mg/L and no less than 5.0 mg/L at all times for waters designated as trout streams by the Wildlife Resources Division. A daily average of 5.0 mg/L and no less than 4.0 mg/L at all times for waters supporting warm water species of fish.

(iii) pH: Within the range of 6.0 - 8.5.

(iv) Temperature: Not to exceed 90°F. At no time is the temperature of the receiving waters to be increased more than 5°F above intake temperature except that in estuarine waters the increase will not be more than 1.5°F. In streams designated as primary trout or smallmouth bass waters by the Wildlife Resources Division, there shall be no elevation of natural stream temperatures. In streams designated as secondary trout waters, there shall be no elevation exceeding 2°F natural stream temperatures.

(c) ***Fishing***: Propagation of Fish, Shellfish, Game and Other Aquatic Life; secondary contact recreation in and on the water; or for any other use requiring water of a lower quality.

(i) Dissolved Oxygen: A daily average of 6.0 mg/L and no less than 5.0 mg/L at all times for water designated as trout streams by the Wildlife Resources Division. A daily average of 5.0 mg/L and no less than 4.0 mg/L at all times for waters supporting warm water species of fish.

(ii) pH: Within the range of 6.0 - 8.5.

(iii) Bacteria:

1. For the months of May through October, when water contact recreation activities are expected to occur, fecal coliform not to exceed a geometric mean of 200 counts per 100 mL based on at least four samples collected from a given sampling site over a 30-day period at intervals not less than 24 hours. Should water quality and sanitary studies show fecal coliform levels from non-human sources exceed 200 counts per 100 mL (geometric mean) occasionally, then the allowable geometric mean fecal coliform shall not exceed 300 counts per 100 mL in lakes and reservoirs and 500 counts per 100 mL in free flowing freshwater streams. For the months of November through April, fecal coliform not to exceed a geometric mean of 1,000 counts per 100 mL based on at least four samples collected from a given sampling site over a 30-day period at intervals not less than 24 hours and not to exceed a maximum of 4,000 counts per 100 mL for any sample. The State does not encourage swimming in these surface waters since a number of factors which are beyond the control of any State regulatory agency contribute to elevated levels of bacteria.

2. For waters designated as shellfish growing areas by the Georgia DNR Coastal Resources Division, the requirements will be consistent with those established by the State and Federal agencies responsible for the National Shellfish Sanitation Program. The requirements are found in National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, 2007 Revision (or most recent version), Interstate Shellfish Sanitation Conference, U.S. Food and Drug Administration. (iv) Temperature: Not to exceed 90°F. At no time is the temperature of the receiving waters to be increased more than 5°F above intake temperature except that in estuarine waters the increase will not be more than 1.5°F. In streams designated as primary trout or smallmouth bass waters by the Wildlife Resources Division, there shall be no elevation of natural stream temperatures. In streams designated as secondary trout waters, there shall be no elevation exceeding 2°F natural stream temperatures.

(d) ***Wild River***: For all waters designated in 391-3-6-.03(13) as "Wild River," there shall be no alteration of natural water quality from any source.

(e) ***Scenic River***: For all waters designated in 391-3-6-.03(13) as "Scenic River," there shall be no alteration of natural water quality from any source.

(f) ***Coastal Fishing***: This classification will be applicable to specific sites when so designated by the Environmental Protection Division. For waters designated as “Coastal Fishing”, site specific criteria for dissolved oxygen will be assigned. All other criteria and uses for the fishing use classification will apply for coastal fishing.

(i) Dissolved Oxygen: A daily average of 5.0 mg/L and no less than 4.0 mg/L at all times. If it is determined that the “natural condition” in the waterbody is less than the values stated above, then the criteria will revert to the “natural condition” and the water quality standard will allow for a 0.1 mg/L deficit from the “natural” dissolved oxygen value. Up to a 10% deficit will be allowed if it is demonstrated that resident aquatic species shall not be adversely affected.

3.2 Georgia 305(b)/303(d) List Documents

Coverage under this permit will not be granted for facilities discharging into 303(d) listed waters for parameters of concern for this category of discharges. If the facility’s receiving waters become listed on the 303(d) list during the current General Permit cycle, the EPD will reach out to the facility on a case by case basis.

4. PERMIT CONDITIONS AND EFFLUENT LIMITATIONS

4.1 Water Quality Based Effluent Limitations (WQBELs) & Technology Based Effluent Limits (TBELS)

When drafting a National Pollutant Discharge Elimination System (NPDES) permit, a permit writer must consider the impact of the proposed pollutants in a discharge on the quality of the receiving water. Water quality goals for a waterbody are defined by state water quality criteria or standards. By analyzing the effect of a pollutant in the discharge on the receiving water, a permit writer could find that technology-based effluent limitations (TBELs) alone will not achieve the applicable water quality standards or protect downstream users. In such cases, the Clean Water Act (CWA) and its implementing regulations require development of water quality-based effluent limitations (WQBELs). WQBELs help meet the CWA objective of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters and the goal of water quality that provides for the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water (fishable/swimmable).

WQBELs are designed to protect water quality by ensuring water quality standards are met in the receiving water and the designated use and downstream uses are protected. On the basis of the requirements of 40 C.F.R §125.3(a), additional or more stringent effluent limitations and conditions, such as WQBELs, are imposed when TBELs are not sufficient to protect water quality.

TBELs aim to prevent pollution by requiring a minimum level of effluent quality that is attainable using demonstrated technologies for reducing discharges of pollutants or pollution into the waters of the State. TBELs are developed independently of the potential impact of a discharge on the receiving water, which is addressed through water quality standards and WQBELs. The NPDES regulations at 40 C.F.R. §125.3(a) require NPDES permit writers to develop technology-based treatment requirements, consistent with CWA section 301(b), that represent the minimum level of control that must be imposed in a permit. The regulation also requires permit writers to include in permits additional or more stringent effluent limitations and conditions, including those necessary to protect water quality.

For pollutants not specifically regulated by Federal Effluent Limit Guidelines (ELGS), the permit writer must identify any needed TBELS and utilize best professional judgment to establish TBELS or determine other appropriate means to control its discharge if there is a reasonable potential to cause or contribute to a violation of the water quality standards.

4.2 Reasonable Potential Analysis (RPA)

EPA regulations at 40 C.F.R. §122.44(d)(1)(i) state, "Limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the Director determines are or may be discharged at a level that will *cause*, have the *reasonable potential to cause*, or *contribute* to an excursion above any [s]tate water quality standard, including [s]tate narrative criteria for water quality." [emphasis added]

EPA regulations at 40 C.F.R. §122.44(d)(1)(ii) require States to develop procedures for determining whether a discharge causes, has the reasonable potential to cause, or contributes to an instream excursion above a narrative or numeric criterion within a state water. If such reasonable potential is determined to exist, the NPDES permit must contain pollutant effluent limits and/or effluent limits for whole effluent toxicity. Georgia has reasonable potential procedures, based upon the specific category of pollutants and/or specific pollutant of concern. Chemical specific and biomonitoring data and other pertinent information in EPD's files will be considered in accordance with the review procedures specified in the GA Rules and Regulations for Water Quality Control, Chapter 391-3-6 in the evaluation of a permit application and in the evaluation of the reasonable potential for a discharge to cause an exceedance in the numeric or narrative criteria.

The term "pollutant" is defined in CWA section 502(6) and 40 C.F.R. §122.2. Pollutants are grouped into three categories under the NPDES program: conventional, toxic, and nonconventional. Conventional pollutants are those defined in CWA section 304(a)(4) and 40 C.F.R.§401.16 (five day-biochemical oxygen demand (BOD_5), total suspended solids (TSS), fecal coliform, pH, and oil and grease). Toxic (priority) pollutants are those defined in CWA section 307(a)(1) and include 126 metals and manmade organic compounds. Nonconventional pollutants are those that do not fall under either of the above categories (conventional or toxic pollutants) and include parameters such as, but not limited to, chlorine, ammonia, nitrogen, phosphorus, chemical oxygen demand (COD), and whole effluent toxicity (WET).

EPD evaluates the data provided in the application and supporting documents. If a pollutant is listed in the following sections of this fact sheet below, the permit writer determined the pollutant is a pollutant of concern and there may be a reasonable potential to cause or contribute to an instream violation of the Georgia water quality standards. If a pollutant is not listed below, EPD determined the pollutant is not a pollutant of concern or has determined, based on the data provided in the application, there is no reasonable potential to cause or contribute to an instream violation of the Georgia water quality standards. An example may be if the applicant reported "not detect" or "below detection limit".

Upon identification of a pollutant of concern by the permit writer, in accordance with 40 C.F.R. §122.44(d)(1)(ii), the permit writer must then perform a reasonable potential analysis using a procedure which has accounted for any combination of the following criteria: existing controls on point and nonpoint sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity), and where appropriate, the dilution of the effluent in the receiving water to determine if the pollutant and its discharge has the reasonable potential to cause, or contribute to an in-stream excursion above the allowable ambient concentration of a state narrative or numeric criteria within the state's water quality standard for an individual pollutant.

In accordance with 40 C.F.R. §122.44(d)(1)(iii), if the permit writer has determined, using a reasonable potential procedure the pollutant of concern in the discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above the allowable ambient concentration of a state numeric or narrative criteria within a state water quality

standard for an individual pollutant, the permit must contain effluent limits for that pollutant. If the permit writer has determined there is insufficient data, the permit writer might also consider monitoring requirements to collect the additional data related to the presence or absence of a specific pollutant to provide information for further analyses for the development of appropriate numeric or narrative standard .

The conventional, nonconventional, and toxic pollutants listed in the following sections have been identified by the permit writer as pollutants of concern and the permit writer has determined through current practices and procedures one of the following: no additional monitoring or numeric and/or narrative effluent limits are needed; additional monitoring is required; or numeric and/or narrative effluent limits are necessary to protect the receiving water body and its downstream users and those limits have been included in the permit.

The monitoring and sampling locations are prescribed in the permit and determined by the permit writer after considering, at a minimum, the following: type of discharge, specific pollutant, discharge frequency, location of the discharge, receiving waterbody, downstream users, etc.

The sample type, grab vs. composite, is prescribed in the permit and determined by the permit writer after considering, at a minimum, the analytical method required in 40 C.F.R. §136, the type of pollutant, retention time, etc. Grab samples are required for the analysis of pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, fecal coliform (including *E. coli*), or volatile organics.

4.3 Conventional Pollutants

Pollutants of Concern	Basis
pH	40 CFR 436, Subpart B establishes Technology Based Effluent Limitations for Mineral Mining and Processing point sources (Crushed Stone Subcategory). An effluent limit 6.0 – 9.0 s.u. has been established for pH. However, to be protective of all water of the State of Georgia, a Water Quality Based Effluent Limit for pH is based on Georgia's water quality standard of 6.0 – 8.5 s.u.
Total Suspended Solids	The Technology Based Effluent Limits for total suspended solids are based on the ELG at 40 CFR 411, Subpart C. The ELG allows for a daily average of 50 mg/L and 75 mg/L for the daily maximum. The daily maximum is calculated by multiplying the daily average by 1.5, in accordance with the EPA NPDES Permit Writer's Manual.
Oil and Grease	Oil and grease has been identified as a pollutant of concern for mining and processing facilities due to the amount of truck washing that occurs at these facilities. Georgia has a narrative water quality standard for oil and grease at 391-3-6-.03(5)(b) that states that all waters shall be free from oil, scum and floating debris associated with municipal or domestic sewage, industrial waste or other discharges in amounts sufficient to be unsightly or to interfere with legitimate water uses. The long standing technology based effluent limits of 10 mg/L, daily average and 15 mg/L, daily maximum is representative of the concentration at which a visible oil sheen is likely to occur and may have the reasonable potential to cause or contribute to a violation of the WQS.

4.4 Nonconventional Pollutants

Pollutants of Concern	Basis
Turbidity	Turbidity limits are based on Best Professional Judgement, since there is reasonable potential for discharges to cause or contribute to narrative Water Quality Criteria violations, stated in 391-3-6-.03(5) (c-d) of the Rules. The Rules state that all waters should be free of turbidity which may interfere with the legitimate water use and which results in a substantial visual contrast in a water body due to a man-made activity. The turbidity limits of 50 NTU daily average, 75 NTU daily maximum are derived from the narrative water quality criteria.

4.5 Comparison & Summary of Water Quality vs. Technology Based Effluent Limits

After preparing and evaluating applicable technology-based effluent limitations and water quality-based effluent limitations, the most stringent limits are applied in the permit. Pollutants of concern with an effluent limit of monitor and report are not included in the below table.

Parameter	WQBELs	TBELs	Explanation
pH (s.u.)	6.0 – 8.5	None	WQBEL – WQS
Total Suspended Solids (mg/L)	Narrative	50/75	TBEL
Oil and Grease (mg/L)	10/15	None	WQBEL – BPJ
Turbidity (NTU)	50/75	None	WQBEL – BPJ

5. OTHER PERMIT REQUIREMENTS AND CONSIDERATIONS

5.1 Special Conditions

Special conditions regarding the implementation of best management practices have been included to supplement the numeric effluent limitations by implementing practices which are reasonably necessary to achieve the effluent limitations. These best management practices, designed primarily for erosion and sedimentation control have been included in order to achieve the numeric effluent limitations for total suspended solids and turbidity.

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: https://epd.georgia.gov/forms-permits/watershed-protection-branch-forms-permits/wastewater-permitting/reporting-and-special

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 discharges 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.

5.2 Compliance Schedules

The permittee shall attain compliance with all limits on the effective date of the permit.

5.3 Anti-Backsliding

The limits in this permit are in compliance with the 40 C.F.R. 122.44(l), which requires a reissued permit to be as stringent as the previous permit.

5.4 Sludge Disposal Requirements

The permit authorizes several beneficial uses for sludge which exist both on- and off-site. At the site, dewatered sludge may be used to create berms or used for reclamation purposes. The solids may also remain in the pond as long as the permit conditions and effluent limitations are met. Off-site, it may be sold for road construction or other purposes. The material has multiple uses that will prevent the need for its landfill.

6. REPORTING

6.1 Compliance Office

The compliance office will be identified in the Notice of Coverage letter.

6.2 E-Reporting

The permittee is required to electronically submit documents in accordance with 40 CFR Part 127.

7. REQUESTED VARIANCES OR ALTERNATIVES TO REQUIRED STANDARDS

Not applicable

8. PERMIT EXPIRATION

The permit will expire five years from the effective date.

9. PROCEDURES FOR THE FORMULATION OF FINAL DETERMINATIONS

9.1 Comment Period

The Georgia Environmental Protection Division (EPD) proposes to issue General NPDES permit GAG300000 subject to the effluent limitations and special conditions outlined above. These determinations are tentative.

The Notice of Intent, draft permit, and other information are available for review at 2 Martin Luther King Jr. Drive, Suite 1152 East, Atlanta, Georgia 30334, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. For additional information, you can contact Aliya Carlo at 404-656-6159, or aliya.carlo@*dnr.ga.gov*.

9.2 Public Comments

Persons wishing to comment upon or object to the proposed determinations are invited to submit same in writing to the EPD address above, or via e-mail at *EPDcomments@dnr.ga.gov* within 30 days of the initiation of the public comment period. All comments received prior to that date will be considered in the formulation of final determinations regarding the application. The permit number should be placed on the top of the first page of comments to ensure that your comments will be forwarded to the appropriate staff.

9.3 Public Hearing

Any applicant, affected state or interstate agency, the Regional Administrator of the U.S. Environmental Protection Agency (EPA) or any other interested agency, person or group of persons may request a public hearing with respect to an NPDES permit application if such request is filed within thirty (30) days following the date of the public notice for such application. Such request must indicate the interest of the party filing the request, the reasons why a hearing is requested, and those specific portions of the application or other NPDES form or information to be considered at the public hearing.

The Director shall hold a hearing if he determines that there is sufficient public interest in holding such a hearing. If a public hearing is held, notice of same shall be provided at least thirty (30) days in advance of the hearing date.

In the event that a public hearing is held, both oral and written comments will be accepted; however, for the accuracy of the record, written comments are encouraged. The Director or a designee reserves the right to fix reasonable limits on the time allowed for oral statements and such other procedural requirements, as deemed appropriate.

Following a public hearing, the Director, unless it is decided to deny the permit, may make such modifications in the terms and conditions of the proposed permit as may be appropriate and shall issue the permit.

If no public hearing is held, and, after review of the written comments received, the Director determines that a permit should be issued and that the determinations as set forth in the proposed permit are substantially unchanged, the permit will be issued and will become final in the absence of a request for a contested hearing. Notice of issuance or denial will be made available to all interested persons and those persons that submitted written comments to the Director on the proposed permit.

If no public hearing is held, but the Director determines, after a review of the written comments received, that a permit should be issued but that substantial changes in the

proposed permit are warranted, public notice of the revised determinations will be given and written comments accepted in the same manner as the initial notice of application was given and written comments accepted pursuant to EPD Rules, Water Quality Control, subparagraph 391-3-6-.06(7)(b). The Director shall provide an opportunity for public hearing on the revised determinations. Such opportunity for public hearing and the issuance or denial of a permit thereafter shall be in accordance with the procedures as are set forth above.

9.4 Final Determination

At the time that any final permit decision is made, the Director shall issue a response to comments. The issued permit and responses to comments can be found at the following address:

http://epd.georgia.gov/watershed-protection-branch-permit-and-public-comments-clearinghouse-0

9.5 Contested Hearings

Any person who is aggrieved or adversely affected by the issuance or denial of a permit by the Director of EPD may petition the Director for a hearing if such petition is filed in the office of the Director within thirty (30) days from the date of notice of such permit issuance or denial. Such hearing shall be held in accordance with the EPD Rules, Water Quality Control, subparagraph 391-3-6-.01.

Petitions for a contested hearing must include the following:

1. The name and address of the petitioner;
2. The grounds under which petitioner alleges to be aggrieved or adversely affected by the issuance or denial of a permit;
3. The reason or reasons why petitioner takes issue with the action of the Director;
4. All other matters asserted by petitioner which are relevant to the action in question.