

**General Permit
No. GAG100000**

**STATE OF GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

**Authorization to Discharge Under the
National Pollutant Discharge Elimination System
Sediment Pond Discharges
From Sand and Gravel Dredgers**

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 Clean Water Act, amended (33 U.S.C. 1251 et seq.), hereinafter called the "Clean Water Act", and the Rules and Regulations promulgated under each of these Acts, new and existing sand and gravel dredgers with sediment ponds within the State of Georgia that are required to have a permit, upon submittal of a Notice of Intent, are authorized to discharge dredge water from sediment ponds to the waters of the State of Georgia in accordance with the limitations, monitoring requirements and other conditions set forth in Parts I-A through I-B hereof.

The permit shall become effective on September 17, 2010.

This permit and the authorization to discharge shall expire at midnight on August 31, 2015.

Signed this 17th day of September 2010.



F. Allen Barnes

Director,
Environmental Protection Division

PART I

EPD is the Environmental Protection Division of the Department of Natural Resources.

The Federal Act referred to is The Clean Water Act.

The State Act referred to is The Water Quality Control Act (Act. No. 870).

The State Rules referred to are The Rules and Regulations for Water Quality Control (Chapter 391-3-6).

A. SPECIAL CONDITIONS

1. MONITORING

The concentration of pollutants in the discharge will be limited as indicated by the table(s) labeled Effluent Limitations and Monitoring Requirements.

- a. The monthly average is the arithmetic mean of values obtained for samples collected during a calendar month.
- b. Effluent samples required by Part I.B. of this permit shall be collected after the final treatment process and before discharge to receiving waters.
- c. The permittee shall have a primary flow-measuring device that is correctly installed and operable.

2. EFFLUENT TOXICITY AND BIOMONITORING REQUIREMENTS

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) 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, the 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.

The EPD will specify the requirements and methodologies for performing any of these tests or studies. Unless other concentrations are specified by the EPD, the critical concentration used to determine toxicity in biomonitoring tests will be the

effluent instream wastewater concentration (IWC) based on the monthly average 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 the EPD with data and evidence to confirm toxicity elimination. When approved by the EPD all study plans and TRE plans will become part of the requirements of this permit.

3. GENERAL PERMIT RESTRICTIONS

This general permit does not authorize any discharge of wastewater that would cause violations of any of Georgia's Water Quality Standards under Chapter 391-3-6-.03.

B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The Discharge(s) of dredging water shall be limited & monitored by the permittee as follows:

Parameter	Discharge Limitations mg/l		Monitoring Requirements		
	*Daily Avg.	Daily Max.	Measurement Frequency	Sample Type	Sample Location
Flow, gallons/day	N/A	N/A	One/Month	Instantaneous	Effluent
Suspended Solids	55	110	One/Month	Grab	Effluent

The pH shall not be less than 6.0 standard units or greater than 8.5 standard units and shall be monitored on the final effluent by analyzing grab samples taken once per month.

*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.

The "daily maximum" concentration means the daily determination of concentration for any calendar day.

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.

The "daily maximum" mass means the total discharge by mass for any calendar day.

C. MONITORING AND REPORTING

1. REPRESENTATIVE SAMPLING

Samples and measurements of the monitored waste shall represent the volume and nature of the waste stream. The permittee shall maintain a written sampling and monitoring schedule.

2. REPORTING

All reports or information submitted in compliance with this permit or requested by EPD must be signed by a principal executive officer, elected official, or other authorized representative. Required analytical results obtained by the permittee shall be summarized on a Discharge Monitoring Report form or any EPD approved forms. Monitoring results shall not be submitted to the EPD, unless specifically required in writing by the director. However, the permittee must retain monitoring results in accordance with Part I.C.6.

Requested reports shall be submitted to:

Environmental Protection Division
Permitting, Compliance and Enforcement Program
4220 International Parkway
Suite 101
Atlanta, Georgia 30354

3. MONITORING PROCEDURES

Analytical procedures, sample containers, sample preservation techniques, and sample holding times must be consistent with the techniques and procedures listed in 40 CFR Part 136 for monitoring specified in Part I.B. EPA approved methods used must be applicable to the concentration ranges of the NPDES samples.

4. RECORDING OF RESULTS

For each required parameter analyzed, the permittee shall record:

- a. The exact place, date, and time of sampling, and the person(s) collecting the sample. For flow proportioned composite samples, this shall include the instantaneous flow and the corresponding volume of each sample aliquot, and other information relevant to document flow proportioning of composite samples;
- b. The dates and times the analyses were performed;
- c. The person(s) who performed the analyses;
- d. The analytical procedures or methods used;
- e. The results of all required analyses.

5. ADDITIONAL MONITORING BY PERMITTEE

If the permittee monitors required parameters at the locations designated in Part I.B. more frequently than required, the permittee shall analyze all samples using approved analytical methods specified in Part I.C.3. The results of this additional monitoring shall be included in calculating and/or reporting monitoring results as specified in Part I.C.2. The permittee shall indicate the monitoring frequency on the report. The EPD may require in writing more frequent monitoring or monitoring of other pollutants not specified in this permit.

6. RECORDS RETENTION

The permittee shall retain records of:

- a. All laboratory analyses performed including sample data, quality control data, and standard curves;
- b. Calibration and maintenance records of laboratory instruments;
- c. Calibration and maintenance records and recordings from continuous recording instruments;
- d. Process control monitoring records;
- e. Facility operation and maintenance records;
- f. Copies of all reports required by this permit; and
- g. All data and information used to complete the permit application.

7. PENALTIES

Both the Federal and State Acts provide that any person who falsifies or tampers with any monitoring device or method required under this permit, or who makes any false statement, representation, or certification in any record submitted or required by this permit shall, if convicted, be punished by a fine or by imprisonment or by both. The Acts include procedures for imposing civil penalties for violations or for negligent or intentional failure or refusal to comply with any final or emergency order of the Director of the EPD.

PART II

A. MANAGEMENT REQUIREMENTS

1. FACILITY OPERATION

The permittee shall maintain and operate efficiently all treatment or control facilities and related equipment installed or used by the permittee to achieve compliance with this permit. Efficient operation and maintenance include effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. Back-up or auxiliary facilities or similar system shall be operated only when necessary to achieve permit compliance.

2. CHANGE IN DISCHARGE

Any anticipated facility expansions, or process modifications which will result in new, different, or increased discharges of pollutants requires the submission of a new Notice of Intent or NPDES permit application. If the changes will not violate the permit effluent limitations, the permittee may notify EPD without submitting an application.

3. NONCOMPLIANCE NOTIFICATION

A permittee who does not comply with any permit effluent limit shall provide the EPD with an oral report within 24 hours from the time the permittee becomes aware of the circumstances, followed by a written report within 5 days. The written report shall contain:

- a. A description of the non-compliance and its cause;
- b. The exact dates and times of noncompliance or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- c. The steps taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

4. ANTICIPATED NONCOMPLIANCE NOTIFICATION

The permittee shall give written notice to the EPD at least 10 days before:

- a. Any planned changes in the permitted facility; or
- b. Any activity, which may result in noncompliance with the permit.

5. LABORATORY ANALYST CERTIFICATION REQUIREMENTS

Laboratory Analysts must be certified in compliance with the Georgia State Board of Examiners for Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts Act, as amended.

6. BYPASSING

Any diversion of wastewater from or bypassing of wastewater around the permitted treatment works is prohibited, except if:

- a. Bypassing is unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There are no feasible alternatives to bypassing; and
- c. The permittee notifies the EPD at least 10 days before the date of the bypass.

Feasible alternatives to bypassing include use of auxiliary treatment facilities and retention of untreated waste. The permittee must take all possible measure to prevent bypassing during routine preventative maintenance by installing adequate

back-up equipment.

7. POWER FAILURES

If the primary source of power to this water pollution control facility is reduced or lost, the permittee shall use an alternative source of power if available, to reduce or control all discharges to maintain permit compliance.

8. ADVERSE IMPACT

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge disposal, which might adversely affect human health or the environment.

B. RESPONSIBILITIES

1. COMPLIANCE

The permittee must comply with this permit. Any permit noncompliance is a violation of the Federal Act, State Act, and the State Rules, and is grounds for:

- a. Enforcement action;
- b. Permit termination, revocation and reissuance, or modification; or
- c. Denial of a permit renewal application.

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

2. RIGHT OF ENTRY

The permittee shall allow the Director of the EPD, the Regional Administrator of EPA, and their authorized representatives, agents, or employees after they present credentials to:

- a. Enter the permittee's premises where a regulated activity or facility is located, or where any records required by this permit are kept;
- b. Review and copy any records required by this permit;
- c. Inspect any facilities, equipment, practices, or operations regulated or required by this permit; and
- d. Sample any substance or parameter at any location.

3. SUBMITTAL OF INFORMATION

The permittee shall furnish any information required by the EPD to determine whether cause exists to modify, revoke and reissue, or terminate this permit or to determine compliance with this permit. The permittee shall also furnish the EPD with requested copies of records required by this permit. If the permittee determines that any relevant facts were not included in a permit application or that incorrect

information was submitted in a permit application or in any report to the EPD, the permittee shall promptly submit the additional or corrected information.

4. TRANSFER OF OWNERSHIP OR CONTROL

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

- a. The permittee notifies the Director in writing at least 30 days in advance of the proposed transfer;
- b. An agreement is written containing a specific date for transfer of permit responsibility 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. This agreement must be submitted to the Director at least 30 days in advance of the proposed transfer; and
- c. The Director does not notify the current permittee and the new permittee within 30 days of EPD intent to modify, revoke and reissue, or terminate the permit. The Director may require that a new application be filed instead of agreeing to the transfer of the permit.

5. AVAILABILITY OF REPORTS

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

6. PERMIT MODIFICATION

This permit may be modified, terminated, or revoked and reissued in whole or in part during its term for causes including, but not limited to:

- a. Permit violations;
- b. Obtaining this permit by misrepresentation or by failure to disclose all relevant facts;
- c. Changing any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
- d. Changes in effluent characteristics; and
- e. Violations of water quality standards.

The filing of a request by the permittee for permit modification, termination, revocation and reissuance, or notification of planned changes or anticipated noncompliance does not negate any permit condition.

7. CIVIL AND CRIMINAL LIABILITY

The permittee is liable for civil or criminal penalties for noncompliance with this

permit and must comply with applicable State and Federal laws including promulgated water quality standards. The permit cannot be interpreted to relieve the permittee of this liability even if it has not been modified to incorporate new requirements.

8. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights of either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, or any infringement of Federal, State or local laws or regulations.

9. EXPIRATION OF PERMIT

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 the agency authorized to issue permits no later than 180 days prior to the expiration date.

10. CONTESTED HEARINGS

Any person aggrieved or adversely affected by any action of the Director of the EPD shall petition the Director for a hearing within 30 days of notice of the action.

11. SEVERABILITY

The provisions of this permit are severable. If any permit provision or the application of any permit provision to any circumstance is held invalid, the provision does not affect other circumstances or the remainder of this permit.

12. PREVIOUS PERMITS

All previous State water quality permits issued to this facility for construction or operation are revoked by the issuance of this permit. The permit governs discharges from this facility under the National Pollutant Discharge elimination System (NPDES).

13. 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.

14. 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 areas, in-plant transfer, process and material handling areas; loading and unloading operations; plant site runoff; and sludge and waste disposal areas.

15. SPECIAL REQUIREMENTS

Dilution shall not be used as a substitute for treatment.