The Plain English Guide to NPDES Permitting
Foreword

The Alabama Department of Environmental Management (ADEM) created this document intended solely as guidance and it should not be used as a substitute for the actual, more formal text of Alabama law, Alabama environmental statutes, or Alabama regulations.

The Alabama Department of Environmental Management does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the administration of its programs or activities, in accordance with applicable laws and regulations.
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BACKGROUND OF THE NPDES PROGRAM

Permitting decisions regarding water quality in Alabama are made by the Alabama Department of Environmental Management (ADEM). Its decision making process is based on state and federal law, and on rules adopted by the Alabama Environmental Management Commission (AEMC).

The Alabama Water Pollution Control Act (AWPCA) and Federal Clean Water Act (CWA) require that all persons discharging pollutants from a point source (such as a channel or pipe) into surface streams and lakes, or into storm sewers which are not connected to publicly or privately owned treatment works (POTWs) must have a National Pollutant Discharge Elimination System (NPDES) permit. Alabama is authorized to administer the federal NPDES program; thus, ADEM is the NPDES permit issuing authority.

SCOPE OF THE NPDES PROGRAM

Under the Alabama NPDES Program, all facilities which discharge pollutants from any point source into waters of the State are required to obtain an NPDES permit. Understanding how each of the key terms ("pollutant," "point source" and "waters of the State") have been defined and interpreted by the regulations is the key to defining the scope of the NPDES Program.

POLLUTANT

The term pollutant is defined very broadly by the NPDES regulations and includes industrial, municipal, and agricultural waste discharged into water. For regulatory purposes, pollutants have been grouped into three general categories under the NPDES Program: conventional, toxic, and non-conventional. There are five conventional pollutants (as defined in Section 304(a)(4) of the CWA): Five-day biochemical oxygen demand (BOD$_5$), Total suspended solids (TSS), pH, Fecal coliform, and Oil and grease. Toxic pollutants, or priority pollutants, are those defined in Section 307(a)(1) of the CWA and include metals and synthetic organic compounds. Non-conventional pollutants are those which do not fall under either of the above categories, and include such parameters as ammonia, nitrogen, phosphorus, chemical oxygen demand (COD), and whole effluent toxicity (WET).

POINT SOURCE

Pollutants can enter waters of the State from a variety of pathways including agricultural, municipal (domestic), and industrial sources. For regulatory purposes these sources are generally categorized as either point sources or non-point sources. Typical point source discharges include discharges from publicly owned treatment works (POTWs), discharges from industrial facilities, and discharges associated with urban runoff. While provisions of the NPDES Program do address certain specific types of agricultural activities (i.e., concentrated animal feeding operations), the majority of agricultural facilities are defined as non-point sources and are exempt from NPDES regulation. Pollutant contributions to waters of the State may come from both direct and indirect sources. Direct sources discharge wastewater directly into the receiving water body, whereas indirect sources discharge wastewater to a POTW, which in turn discharges into the receiving water body. Under the State program, NPDES permits are issued only to direct point source discharges. Industrial and commercial indirect dischargers are addressed by the State Indirect Discharge (SID) Permit Program.
Waters of the State of Alabama

The state statute (Ala. Code § 22-22-1) defines the term waters as:
All waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce.

Who receives NPDES permits?

Under both state and federal law, all facilities that intend to discharge from a "point source" are required to obtain an NPDES permit. Here are some examples of facilities that must obtain NPDES permits:

Municipal sewage treatment plants – Municipal sewage treatment plants collect and treat wastewater from both industrial and residential users. The content of the wastewater may differ dramatically depending on whether the plant accepts wastewater from industrial users or merely from residential users. Municipalities discharge treated wastewater directly to surface water or indirectly through land application. Typically, treated sludge (biosolids) is land applied or disposed in a permitted landfill or incinerator. The U.S. EPA Region 4 administers the biosolids land application program in Alabama.

Industries – The manufacturing process for most products results in a wide variety of wastewater sources that must be disposed of in some fashion. Industries typically obtain NPDES permits in order to discharge the treated wastewater directly into the waterways. One alternative method is indirect discharge. The industry may obtain a SID permit to become an industrial user, allowing it to discharge waste indirectly to a municipal or privately owned sewage treatment plant.

Construction sites/Urban areas affecting stormwater – Entities specified by the regulations that have the potential for contaminated stormwater runoff must also obtain NPDES permits. Urban storm sewers typically channel stormwater runoff from streets, rooftops, parking lots, and other surfaces to water bodies. Controlling contaminated stormwater runoff is one key factor to improving and maintaining water quality. Construction can also generate silt-laden runoff that has the potential to threaten the quality of our rivers, streams, and lakes.

Concentrated Animal Feeding Operations (CAFOs or large-scale animal production facilities) – In accordance with ADEM Admin. Code chapter 335-6-7, all CAFOs are required to register with ADEM, and all Animal Feeding Operations (AFOs) and CAFOs are required to implement and maintain effective best management practices (BMPs) for animal waste production, storage, treatment, transport, and proper disposal or land application that meet or exceed U.S. Department of Agriculture - Natural Resources Conservation Service (NRCS) technical standards and guidelines. This program is regulated under the direction of the Field Operations Division.

Other Point Sources – Of course, this is not an exhaustive list of entities subject to the NPDES program. Regardless of whether they fit into one of the above categories, all point sources must obtain NPDES permits before discharging into waters of the State.
TYPES OF NPDES PERMITS

The two basic types of NPDES permits issued are individual and general permits.
"Individual" permits are those permits issued on a case-by-case, facility- (or factory-) specific, basis. Individual permits usually are most appropriate for the regulation of large or complex facilities and sources with a potential for significant environmental impact.

"General" permits (or GPs) are best suited for the regulation of numerous, very similar, and generally smaller facilities and sources that have low levels of discharges. In Alabama, they include:

1. ALG020000 Asphalt
2. ALG030000 Shipbuilding
3. ALG060000 Lumber, Wood & Paper Products
4. ALG110000 Concrete Industries
5. ALG120000 Metals
6. ALG140000 Transportation
7. ALG150000 Food and Related Substances
8. ALG160000 Landfills
9. ALG170000 Paints and Related Products
10. ALG180000 Salvage/Recycling
11. ALG200000 Plastic & Rubber
12. ALG230000 Stone, Glass, And Clay
13. ALG240000 Textile Industries
14. ALG250000 Non-contact Cooling Water and Boiler Blowdown
15. ALG280000 Offshore Permit
16. ALG340000 Petroleum Products and Groundwater Remediation
17. ALG360000 Hydroelectric
18. ALG640000 Water Treatment Plants
19. ALG670000 Hydrostatic Test Water
20. ALR040000 Phase II MS4

CONTENTS OF PERMITS

All NPDES permits, at a minimum, consist of five general sections:

Cover Page- Contains the name and location of the permittee (individual permits only), a statement authorizing the discharge, and a listing of the specific locations for which a discharge is authorized.

Effluent Limitations- The primary mechanism for controlling discharges of pollutants to receiving waters. The majority of the permit writer’s time is spent deriving appropriate effluent limitations based on applicable technology and water quality standards.

Monitoring and Reporting Requirements- Used to characterize waste streams and receiving waters, evaluate wastewater treatment efficiency, and determine compliance with permit conditions.
**Special Conditions** - Conditions developed to supplement effluent limitations guidelines. Examples include Best Management Practices (BMPs), additional monitoring activities, ambient stream surveys, toxicity reduction evaluations (TREs), etc.

**Standard Conditions** - Pre-established conditions that apply to all NPDES permits and that delineate the legal, administrative, and procedural requirements of the NPDES permit.

Although these sections compose all permits, the contents of some of these sections will vary depending on whether the permit is to be issued to a municipal or industrial facility, whether the permit will be issued to an individual facility or to multiple dischargers (i.e., a general permit). The table below shows the components of a permit and highlights some of the distinctions between the permit contents for industrial and municipal permits.

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OVERVIEW OF THE PROCESS (SEE FLOW DIAGRAM ON PAGE 9)

While the limits and conditions in an individual NPDES permit are unique to the permittee, the process used to develop the limits and conditions, and issue the permit, generally follows a common set of steps. The permitting process begins when an application is submitted by the operator of a facility. As part of the application, the permit applicant may be required to submit an antidegradation demonstration (see discussion below). After receiving the application and prior to making a decision whether to proceed with the permit development, the permit writer reviews the application for completeness and accuracy. When the application is determined to be complete, the permit writer begins to develop the draft permit and the justification for the permit conditions (referred to as the fact sheet or rationale) based in part on the application data.

The first major step in the permit development process is the derivation of technology-based effluent limits (TBELs). Following this step, the permit writer derives effluent limits that are protective of State water quality standards [i.e., water quality-based effluent limits (WQBELs)]. The permit writer then compares the TBELs with the WQBELs and applies the more stringent limits in the NPDES permit. In the absence of TBELs or WQBELs, the permit writer may apply limits based on best professional judgment (BPJ). The decision-making process for deriving limits is documented in the permit rationale or fact sheet. It is quite possible that a permit may have limitations that are technology-based or BPJ-based for some parameters and water quality-based for others. For example, a permit may contain an effluent limit for TSS based on federal effluent limitations guidelines (technology-based), a limit for ammonia based on prevention of aquatic toxicity (water quality-based), and a BOD₅ limit based for part of the year on effluent limitations guidelines (technology-based) and for the remainder of the year on water quality considerations. Following the development of effluent limits, the permit writer develops appropriate monitoring and reporting conditions, facility-specific special conditions, and includes standard conditions that are the same for all permits.

The next step is to provide an opportunity for public participation in the permit process. A public notice is issued announcing the permit and interested parties may submit comments regarding the draft permit. Based on the comments, the Department then makes a final permit determination, with careful attention to documenting the process and decisions for the administrative record.

The process for developing and issuing general NPDES permits is similar to the process for individual permits; however, there are certain differences. In the general permit development/issuance process, the Department first identifies the need for a general permit, and collects data that demonstrate that a group or category of dischargers have similarities that warrant a general permit. The remaining steps of the permit process are the same as the individual permits. A draft permit and fact sheet/rationale are developed, a public notice is issued and public comments are addressed, the issues are documented for the administrative record, and the final permit decision is made.

After the general permit has been issued, facilities that wish to be covered under the general permit submit a Notice of Intent (NOI) to the Department. The Department may then either request additional information describing the facility, notify the facility that it is covered by the general permit, deny coverage under the general permit and/or require the facility to apply for an individual permit.

The process regarding the construction stormwater program differs from NPDES coverage obtained under individual or general permits. The applicant submits a Notice of Registration (NOR), topographic map (illustrating site boundary and disturbed area boundary, etc.), applicable registration processing fee, and if required, Construction Best Management Practices Plan (CBMPP) and a Spill Prevention Control and Countermeasures Plan (SPCC). The Department reviews the NOR for completeness and accuracy. When the NOR is determined to be complete, the operator receives a registration letter from ADEM. Annual re-registration is required or multi-year registration is available. The permitting process of the NPDES stormwater program is addressed on page 7 of this document.
ANTIDEGRADATION

There are specific antidegradation implementation procedures which have been developed for facilities located in Alabama. Any facility with a proposed new or increased discharge of a pollutant either to a high quality water or to an outstanding state resource water is subject to the Antidegradation procedures. Antidegradation is addressed in two rules in Alabama's water quality standards:

- the antidegradation policy at 335-6-10-.04, and
- antidegradation implementation procedures at 335-6-10-.12.

The antidegradation policy applies to all waters of the state. Waters are categorized as Tier 1, Tier 2, or Tier 3 waters:

- Tier 1 maintains and protects existing uses and water quality conditions necessary to support such uses.
- Tier 2 maintains and protects "high quality" waters -- water bodies where existing conditions are better than necessary to support CWA § 101(a)(2) "fishable/swimmable" uses. Water quality may be lowered in such waters after a demonstration that the lower water quality is necessary for important economic or social development.
- Tier 3 maintains and protects water quality in outstanding national resource waters (ONRWs).

Affected Discharges

The antidegradation policy applies to all waters of the state. The implementation procedures apply primarily to Tier 2 waters; all new or expanded discharges to Tier 2 waters (except discharges eligible for coverage under general permits) covered by the NPDES permitting program are potentially subject to the provisions of rule 335-6-10-.04(3).

Antidegradation and the Permitting Process

For a proposed discharge to a Tier 2 water, the basic framework of the permitting process is unchanged, but is enhanced to document:

- The Department's determination that the application is for a new or expanded discharge;
- The Department's determination that the receiving stream is considered to be a Tier 2 water; and
- The Department's determination, based on the applicant's demonstration, that the proposed discharge is necessary for important economic or social development in the area in which the waters are located.

Documentation in the permit application submitted by the applicant must include:

- An evaluation of discharge alternatives completed by an Alabama Professional Engineer. The applicant must document the discharge alternatives evaluation by completing and submitting ADEM Form 311 (Alternatives Analysis); and, as applicable ADEM Form 312 (Calculation of Total Annualized Costs for Public-Sector Projects), or ADEM Form 313 (Calculation of Total Annualized Costs for Private-Sector Projects). Alternatives with total annualized project costs that are less than 110% of the total annualized project costs for the Tier 2 discharge proposal are considered viable alternatives.
- A demonstration that the proposed discharge will support important economic or social development in the area in which the waters are located, documented by the applicant’s response, with supporting information, to the following questions:
  1. What environmental or public health problem will the discharger be correcting?
  2. How much will the discharger be increasing employment (at its existing facility or as a result of locating a new facility)?
  3. How much reduction in employment will the discharger be avoiding?
  4. How much additional state or local taxes will the discharger be paying?
  5. What public service to the community will the discharger be providing?
  6. What economic or social benefit will the discharger be providing to the community?

The public notice process is used to announce a preliminary Department decision to deny or to allow a covered discharge to a Tier 2 water. The final determination is made concurrently with the final Department decision regarding the permit application for a covered discharge.

STORMWATER PROGRAM

Prior to 1987, the NPDES program primarily addressed point sources of pollution. Recognizing that the nation’s waterways were also impacted by pollutants in stormwater, Congress amended the Clean Water Act (CWA) in 1987 to require EPA to establish a phased-in approach to regulating the sources of stormwater pollution.

In 1990, Phase I of the NPDES stormwater program was established. The Phase I program addressed sources of stormwater runoff that had the greatest potential to negatively impact water quality. It required NPDES permit coverage for large or medium municipalities that had populations of 100,000 or more. Nine years later (1999), Phase II of the NPDES Stormwater program regulations were promulgated. This Phase II regulation builds upon the existing Phase I program by requiring smaller communities, also known as small municipal separate storm sewer systems (MS4s), to be permitted, and develop and implement a comprehensive stormwater management program that includes six minimum measures.

Phase I - Who is Affected?

- Construction sites disturbing greater than five acres
- Companies that fall into one of the eleven categories of industrial sites
- Large and medium municipalities (MS4s) with populations 100,000 or greater

Requirements for Phase I - Industrial Facility Operators

- Obtain a National Pollutant Discharge Elimination System (NPDES) permit, and,
- Develop Best Management Practices (BMPs) designed to prevent or minimize harmful pollutants from being washed by stormwater runoff into receiving water bodies or from being discharged directly into the MS4.

Requirements for Phase I - Large & Medium MS4 Permits

Operators of MS4s regulated under the Phase I NPDES Stormwater Program must obtain permit coverage for stormwater discharges under their control. The most significant portion of the permit is the implementation of a stormwater management program (SWMP) that meets the standard of "reducing pollutants to the maximum extent practicable (MEP)." Stormwater management programs for medium and large MS4s include measures to:

- Obtain an NPDES Permit,
• Identify major outfalls and pollutant loadings; and,
• Develop a SWMP that addresses the six minimum control measures: public education & outreach; public participation/involvement; illicit discharge detection & elimination; construction site run-off control; post construction run-off and pollution prevention/good housekeeping. In the SWMP, the MS4 operator should identify its selection of BMPs and measurable goals for each minimum measure. The evaluation and assessment of those chosen BMPs and measurable goals should be included in the annual reports submitted to the Department.

Phase II - Who is Affected?

• Construction sites disturbing one to five acres
• Municipalities in urbanized areas not covered by Phase I, otherwise known as small MS4s.

Requirements for Phase II - Small MS4s

• Obtain an NPDES Permit; and,
• Develop a stormwater management program which includes the following six minimum control measures: public education & outreach; public participation/involvement; illicit discharge detection & elimination; construction site run-off control; post construction run-off and pollution prevention/good housekeeping. In the SWMP, the MS4 operator must identify its selection of BMPs and measurable goals for each minimum measure. The evaluation and assessment of those chosen BMPs and measurable goals should be included in the annual reports submitted to the Department.

Requirements for Phase I and II Construction Stormwater (CSW) Registration

In Alabama, discharges of stormwater require operators/owners to apply for and obtain NPDES permit coverage prior to conducting regulated construction disturbance and/or initial operation of small non-coal, nonmetallic mining sites, and associated land disturbance activities. These rules require that a Construction Best Management Practices Plan (CBMPP), prepared by a qualified credentialed professional (QCP), that is designed to minimize pollutant discharges in stormwater runoff to the maximum extent practicable (MEP) during land disturbance activities, be fully implemented and effectively maintained. A CBMPP is required to be submitted with the request for registration for certain proposed discharges containing the pollutant of concern. NPDES registration coverage must be retained until all disturbed areas have been reclaimed and/or effective stormwater quality remediation has been achieved.

CSW Requirements:

• Construction sites one acre and greater, or construction sites that will disturb less than one acre but are part of a larger common plan of development or sale whose total land disturbing activities total one acre or greater, are required to register.
• CBMPP compliant-construction sites less than one acre in size are considered automatically registered by rule unless determined by ADEM to have significant potential to cause or contribute to water quality impairment.
• Non-coal, nonmetallic mine sites less than five acres are required to register or obtain individual NPDES permits. Non-coal or nonmetallic mining sites and dry processing sites equal to or greater than five acres in size must obtain individual NPDES permit coverage (ADEM Admin. Code chapter 335-6-9). Coal or metallic mining sites and wet preparation plant sites regardless of size must also obtain individual NPDES permit coverage.
The Permit Decision Process

1. Permit Application Received
2. Is application complete?
   - Yes: Continue through permitting process
   - No: Permit Writer will contact permittee for additional information
3. Develop technology-based effluent limits (TBEL) and/or Best Professional Judgment (BPJ)-based effluent limits
4. Develop water-quality based effluent limits (WQBEL)
5. Compare TBELs with WQBELs and choose most stringent. If no TBEL or WQBEL, then BPJ may be applied
6. Develop monitoring requirements and special conditions
7. Draft Permit is posted for Public Notice & Comment
8. Review Administrative Record
9. Issue Final Permit Decision

General Timeframes:
- 0–30 days
- 105 days
- 180 days

*Processing Times May Vary*
COMMON ISSUES IN THE NPDES PERMITTING PROCESS

1. What are the common mistakes found in application forms?

- Omission of correct fee amount. Fees that are usually not submitted but should be are:
  1. Biomonitoring (if you have biomonitoring requirements in your permit, you need to include this fee.)
  2. Greenfield (if you are a new facility or obtaining a permit for the first time, you need to include this fee.)
  3. Water Quality Modeling (In-stream Waste Concentration (IWC) for diffusers, seasonal wasteloads, etc.)
  4. Major modifications. A major modification applies to most permit modifications (e.g. revisions to effluent limitations/monitoring requirements, etc.)

If you have questions about the appropriate fees; please refer to ADEM Admin. Code Chapter 335-6-1 Schedule D or contact your permit engineer.

- Incomplete sampling data provided on application forms (e.g., omission of required analytical data on forms, insufficient detection level utilized, or not providing detection level if reporting less than detection.)

- Antidegradation demonstration not completed (when applicable).

- Pollution Abatement Plan (PAP) not included with application (applies only to non-coal mining). For mining facilities, the PAP is included with the application submittal to the Alabama Surface Mining Commission (ASMC).

- Facility and site drainage (if applicable) map(s) are not provided or do not include all the required information. Site drainage maps for stormwater/mining applications must delineate the drainage areas for each outfall and indicate the materials stored/processed in each drainage area. If you ensure this portion (and the flow diagram) are up to date and accurate, it will reduce the omission of wastewater sources and help determine the description for each outfall.

- Applicant does not attach a flow diagram with application or omits pertinent information (e.g., flow values, flow patterns, wastewater descriptions, etc.).

- Applicant does not provide descriptive information in the application narrative of the changes/ revisions that are requested due to process changes and/or treatment modifications/additions. (e.g., an outfall needs to be deleted because it is now re-routed through another outfall; wastewater disinfection method has changed from chlorine to ultraviolet radiation or vice versa; reduction in monitoring frequencies due to compliance history; addition of a new wastewater to an outfall, etc.)

- Not including all wastewater sources in application (e.g., hydrostatic test water, fire protection water, boiler blow down, containment drains, etc.)

- Not providing both a grab and composite sample for all parameters except those for which grab only applies. All parameters except pH, temperature, cyanide, total phenols, total residual chlorine (TRC), oil and grease, and fecal coliform are composite samples. See instructions for exceptions in circumstances where the holding time is greater than 24 hours.

- Major municipal WWTP applicants fail to include Form 2F.

- Applicant (Responsible Official) fails to sign the application.

2. How can the applicant correct/find solutions to the common mistakes?

- Our fee schedule is located on our website at adem.alabama.gov (“Regulations” link – Chapter 1 – General Information, Fee Schedule D; See Fee Schedule F regarding CSW.)

- For non-coal mining facilities, sampling data is required to complete Section XVIII of ADEM Form 315. Coal facilities are required to complete Section XVIII and submit a partial EPA Form 2C analysis.

- Antidegradation rules are found in ADEM Administrative Code rs. 335-6-10-.04 and 335-6-10-.12. This code can be found on the ADEM website under the “Regulations” link.

- The minimum PAP requirements for non-coal mining are found in ADEM Administrative Code r. 335-6-9-.03.
3. What are the common questions (and answers) received during the permitting process?

- Where do we send the application? The application should be sent to: Alabama Department of Environmental Management, Water Division, P.O. Box 301463, Montgomery, AL 36130-1463 or 1400 Coliseum Boulevard, Montgomery, AL 36110-2608.

- Does the draft permit go out for public comment? All initial issuances, re-issuances, and major NPDES permit modifications must go out on a 30-day public notice where comments can be submitted to the Department by both the public and the applicant.

- How does a TMDL /receiving stream impairment affect the requirements of my permit?
  1. For Existing Sources: Permits issued to existing sources for the discharge of a pollutant causing a water quality impairment will either include a limit for the pollutant based on an EPA-approved TMDL or a limit that prevents an increased loading of the pollutant or exceedance of an applicable water quality criterion, in the absence of an approved TMDL.
  2. For New Sources: Generally, if the discharge contains the pollutant causing the impairment, then the permit will contain a limit that is either based on an EPA-approved TMDL or, in the absence of a TMDL, is protective of water quality.

- Does a mining site require a permit if it is less than five acres? A less than five acre mining site is required to obtain coverage under the construction stormwater rules or may receive an individual permit. This program is different from the individual program which regulates all sites greater than five acres.

- What if my site is for storage and no active mining is occurring – do I need a permit? Stormwater from the storage of raw material is considered exposure and therefore requires the same permit as an active mining site.

4. What are things the applicant can do to facilitate the process?

- Do not submit an incomplete application (i.e., include all fees, sampling data, required attachments, signature of responsible official, etc.)

- If there is a request to modify the permit during a re-issuance, notify the permit writer before or upon submittal of the application.

- Apply on time (i.e., 180 days before the existing individual permit expires or, for an initial issuance, 180 days before discharges from the facility begin. For general permits, the application is due at least 90 days prior to expiration or, for an initial issuance, 30 days prior to desired coverage. For CSW, submit NOR prior to initial activity and re-register prior to expiration of current coverage).

- For existing discharges, use actual analytical data to complete the sampling portion of the application whenever possible.

- Submit any requested revisions with the permit application.

- Submit timely comments (within the 30-day comment period) on the draft permit.

- For proposed new facilities or major changes to existing facilities, the applicant should perform diligence early in the permit process to learn what new requirements may be expected and seek assistance from ADEM’s permit staff.

- Knowledge of 303(d) or TMDL-listed waters and whether your facility has the potential to impact these waters.
PERMIT/REGISTRATION BRIEF FACTs—INDIVIDUAL PERMIT

Description: Covers process, storm water, and non-process water discharges to a Water of the State. Also covers facilities that land apply treated process or sanitary waste water. [ADEM Admin. Code chapter 335-6-6]

Issuing Division: Water Branch: NPDES Permit

When is a permit required? Any person who discharges or proposes to discharge pollutants to a Water of the State.

Permit is required □ before construction □ before operation ☑ before discharge

Approximate # Days from complete application to issuance: 90 days (minimum) 180 days (maximum)

Notes on approval timeline: An application is required to be submitted at least 180 days before initial discharge and 180 days prior to permit expiration. Facilities proposing a new discharge of storm water associated with industrial activity shall submit an application 180 days before the facility commences industrial activity which may result in a discharge of storm water associated with that industrial activity.

Local approval required? No

Application Procedure: Submit application form(s) with appropriate fee.

Base permit fee: Typically ranges from $2,620 (minor industrial) to $8,400 (major industrial); or, $2,005 (minor municipal) to $3,300 (major municipal)

Additive fees: Greenfield fee $750; toxicity testing $475; Modeling $3,400 to $42,290; Cooling Water Intake $2,365

Term of permit: 5 years

Public notice required? ☑ Yes □ No Length of notice: 30 days

Public hearing required? □ Yes □ No ☑ Departmental discretion/based on comments

ADEM Contact Person: Eric Sanderson (Industrial) Phone: 334-271-7838
Daphne Smart (Municipal) Phone: 334-271-7801

Additional Information: Discharge Information Zone (DIZ) Study is required for facilities located within the coastal zone with discharges more than 1.0 MGD, or which are otherwise classified as a major discharger by the Department. MS4 Phase I facilities which require monitoring should submit a permit request letter and monitoring information. MS4 Phase I facilities should also include recommended changes in their fourth annual report. Antidegradation analysis is required for any new or expanded discharge after April 3, 1991 to Tier 2 waters.

§ 316(b) cooling water intake structure (CWIS) requirements apply to facilities which have surface intake withdrawal for cooling water purposes.

- Federal CWIS Phase I rules apply to new facilities > 2 MGD.
- Federal CWIS Phase II rules apply to existing power plants > 50 MGD.
- Federal CWIS Phase III rules apply to new offshore oil & gas facilities > 2 MGD.
- Facilities not in Phase I, II, or III are subject to best professional judgment (BPJ) requirements.

The rules require that adverse environmental impacts from the CWIS be minimized by use of best technology available (or BTA).
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<tr>
<th>Form #</th>
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<tbody>
<tr>
<td>EPA Form 1</td>
<td>General Information Form</td>
<td>All Facilities must fill out this form</td>
</tr>
<tr>
<td>EPA Form 2A</td>
<td>Application for Permit to Discharge Wastewater - Publicly or Privately Owned Treatment Works</td>
<td>All WWTP discharges (including land application facilities) For Land application permits, provide number and location of wells and streams near the proposed application site. Must enter the total population served in Part A.4. For facilities receiving industrial wastewater, the expanded analytical data is required in Part D.</td>
</tr>
<tr>
<td>EPA Form 2C</td>
<td>Wastewater Discharge Information — non-municipal</td>
<td>Facilities that Discharge Process Wastewater. Table V.A.—Must be complete. Indicate the temperature value, not just 'ambient'. Table V.B. - List any pollutant (Table 2c-3) you know or have reason to believe is discharged from any outfall. Table V.C.— See instructions, p.9. It lists what samples are required based on your industry type.</td>
</tr>
<tr>
<td>EPA Form 2D</td>
<td>New Sources and New Discharges — non-municipal</td>
<td>Used for initial applications for new facilities that will be discharging to a Water of the State. Also to be used for an existing facility that will introduce a new discharge different from any existing discharges.</td>
</tr>
<tr>
<td>EPA Form 2E</td>
<td>Facilities Which Do Not Discharge Process Wastewaters</td>
<td>Facilities that do not discharge process wastewater but discharge non-contact cooling water. In Part IV., see p. 5 of the instructions. Waivers may be granted but the applicant must apply in writing prior to application submittal. Include biocide/corrosion inhibitor information.</td>
</tr>
<tr>
<td>EPA Form 2F</td>
<td>Application for Permit to Discharge Storm Water Associated with Industrial Activity (including Major POTWs)</td>
<td>For all facilities that discharge storm water associated with an industrial activity (Majors must complete this form). Part VII.— Must be complete. Indicate the temperature value, not just 'ambient'.</td>
</tr>
<tr>
<td>EPA Forms 2A, 2C, 2E, and 2F</td>
<td>See Above</td>
<td>Note that it is important to use EPA-approved methods with a sufficient minimum detection level for the pollutant of concern to demonstrate compliance with instream water quality standards.</td>
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### PERMIT/REGISTRATION BRIEF FACTS—INDIVIDUAL PERMIT

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| ADEM Form 187 | NPDES Permit Application Supplementary Information — industrial  | All Industrial Facilities must fill out this form.  
Section B, question 3—Ensure that production values correspond to effluent guidelines (EGLs).  
Section C, question 1—Delineate all effluent flows per their process description.  
Section C, question 2A—Provide appropriate category classification.  
Section C, question 5—Include biocide/corrosion inhibitor information.  
Section G—Antidegradation narratives must be complete. |
| ADEM Form 188 | Supplementary Information - Municipal, Semi-Public & Private Facilities | All WTP and WWTP discharges (including land application facilities)                                                                                   |
| ADEM Form 311 | Alternatives Analysis                                                      | New or expanded discharge to a Tier 2 water                                                                                                           |
| ADEM Form 312 (or 313) | Calculation of Total Annualized Project Costs for Public-Sector (or Private-Sector) Projects | New or expanded discharge to a Tier 2 water                                                                                                           |
| ADEM Form 466 | Transfer Agreement                                                         | Transfer of any permit to a new Permittee                                                                                                              |
| ADEM Form 455 | Required Information for Mixing Zone Modeling                              | Facilities requesting application of effluent limitations based on a diffuser.                                                                          |
## PERMIT/REGISTRATION BRIEF FACTS — INDIVIDUAL NPDES MINING

### Description:
Covers Process and Storm Water Discharges from Mining Activities
[ADEM Admin. Code chapters 335-6-6 and 335-6-9]

### Issuing Division: Water
### Branch: NPDES Permit

### When is a permit required?
Any entity that discharges or proposes to discharge pollutants to a Water of the State from a mining operation that is greater than or equal to five acres

### Permit is required
- ☑ before construction
- □ before operation
- □ before discharge

### Approximate # Days from complete application to issuance:
- 90 days (minimum)
- 180 days (maximum)

### Notes on approval timeline:
An application is required to be submitted at least 180 days before initial operation and 180 days prior to permit expiration. Facilities proposing a new discharge of storm water associated with industrial activity shall submit an application 180 days before the facility commences industrial activity which may result in a discharge of storm water associated with that industrial activity.

### Local approval required?
No

### Application Procedure:
Submit application form(s) with appropriate fee.

### Base permit fee:
$2,720 to $3,200

### Additive fees:
Greenfield fee $750, modeling fee $3,400 to $42,290

### Term of permit:
5 years

### Public notice required?
- ☑ Yes
- □ No
- Length of notice: 30 days

### Public hearing required?
- □ Yes
- □ No
- ☑ Departmental discretion/based on comments

### ADEM Contact Person:
Eric Sanderson
Phone: (334) 271-7838

### Additional Information:
Antidegradation analysis is required for any new or expanded discharge to a Tier 2 water after April 3, 1991. PAP plan is required for non-coal mining. For coal mining, the PAP is required with the application package submitted to the ASMC.
## NPDES Permitting Guide

### PERMIT/REGISTRATION BRIEF FACTs — INDIVIDUAL NPDES MINING

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<td>ADEM Form 315</td>
<td>ADEM Field Operation Division NPDES Individual Permit Application</td>
<td>Facilities that discharge process and/or storm water from mining operations.</td>
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<td>EPA Form 2C</td>
<td>Wastewater Discharge Information</td>
<td>Facilities that Discharge Process Wastewater</td>
</tr>
<tr>
<td>EPA Form 2D</td>
<td>New Sources and New Discharges</td>
<td>Used for initial applications for new facilities that will be discharging to a Water of the State. Also to be used for an existing facility that will introduce a new discharge different from any existing discharges.</td>
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<tr>
<td>ADEM Form 311</td>
<td>Alternatives Analysis</td>
<td>New or expanded discharge to a Tier 2 water</td>
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<tr>
<td>ADEM Form 312 (or 313)</td>
<td>Calculation of Total Annualized Project Costs for Public-Sector (or Private-Sector) Projects</td>
<td>New or expanded discharge to a Tier 2 water</td>
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<td>Required Information for Mixing Zone Modeling</td>
<td>Facilities requesting application of effluent limitations based on a diffuser.</td>
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**PERMIT/REGISTRATION BRIEF FACTs—GENERAL PERMIT NOTICE of INTENT (NOI)**

**Description:** Covers stormwater from Industrial/Small Municipal activities

[ADEM Admin. Code chapter 335-6-6]

**Issuing Division:** Water  
**Branch:** NPDES Permit

**When is a permit required?**  
see below

**Permit is required**  
☐ before construction  
☑ before operation  
☐ before discharge

**Approximate # Days from complete application to permit coverage:**  
15 days (average)

**Notes on approval timeline:**  
Application required at least 30 days prior to discharge. To reapply, at least 90 days prior to expiration.

**Local approval required?**  
No

**Application Procedure:**  
Submit NOI application form with appropriate fee.

**Base permit fee:**  
$645

**Additive fees:**  
NA

**Term of permit:**  
5 or fewer years depending on when a request for coverage is submitted

**Public notice required?**  
☐ Yes  
☑ No  
Length of notice: NA

**Public hearing required?**  
☐ Yes  
☐ No  
☐ Departmental discretion/based on comments

**ADEM Contact Person:**  
Dale P. Mapp  
Phone: (334) 271-7847  
Marla Smith (MS4s)  
Phone: (334) 270-5616

**Additional Information:**  
Monitoring plan may be required if the MS4 has the potential to impact 303(d) or TMDL-listed waters.
### PERMIT/REGISTRATION BRIEF FACTs—GENERAL PERMIT NOTICE of INTENT (NOI)

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## PERMIT/REGISTRATION BRIEF FACTs — CSW NOTICE of REGISTRATION

### Description:
Covers construction stormwater (CSW) discharges from non-coal mining less than five acres and construction activities one acre or more, or less than one acre if it is part of a common plan of development greater than one acre.

ADEM Admin. Code 335-6-12

### Issuing Division:
Water

### Branch:
NPDES Permit

### When is a permit required?
see below

### Permit is required:
- **☑ before construction**
- **☐ before operation**
- **☐ before discharge**

### Approximate # Days from complete application to registration/authorization:
15 days (average)

### Notes on approval timeline:
Submittal of NOR required prior to initial activity. Re-registration required prior to expiration of current coverage.

### Local approval required?
No

### Application Procedure:
Submit NOR, Inspection Reports (re-registrations only) and Construction Best Management Practices Plan (if applicable).

### Base permit fee:
Non-coal nonmetallic mining fee — $375; Construction fee ranges from $240 (less than five acres) to $1,400 (greater than 100 acres).

### Additive fees:
Tier 1 Additive Increment Fee - $170. If a registrant does not perform the required monthly inspection(s), an additive Greenfield fee of $750 is required.

### Term of permit:
Varies from 1-5 years, depending on the applicant’s requests

### Public notice required?
- **☐ Yes**
- **☑ No**
Length of notice: NA

### Public hearing required?
- **☐ Yes**
- **☑ No**
- **☐ Departmental discretion/based on comments**

### ADEM Contact Person:
Dale Mapp
Phone: 334-394-4399

### Additional Information:
CBMPP Plan is required for discharges to impaired waters.
## PERMIT/REGISTRATION BRIEF FACTS — CSW NOTICE of REGISTRATION

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<tr>
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<td>NPDES Construction and Non-coal mining less than 5 acres stormwater inspection report and BMP certification form</td>
<td>Required for registrations.</td>
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