ADEM

ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

PERMITTEE

Storm Water Management Authority Inc. (SWMA)
2121 8Th Avenue North
Suite 1101
Birmingham, Alabama 35203

FACILITY LOCATION:

Birmingham Area Municipal Separate Storm Sewer System
Jefferson County

PERMIT NUMBER:

ALS000001

RECEIVING WATERS:

Valley Creek	Mud Creek	Camp Branch
Black Creek	Halls Creek	Cane Creek
Tarrant Creek	Shoal Creek	Short Creek
Shades Creek	Ward Creek	Self Creek
Cahaba Creek	Coat Creek	Buck Creek
Village Creek	Woods Creek	Brewer Creek
Dry Creek	Coal Creek	Locust Fork
Rock Creek	Lick Creek	Prudes Creek
Blue Creek	Gurley Creek	Turkey Creek
Opossum Creek	Second Creek	Five Mile Creek
Prescott Creek	Crooked Creek	Little Shades Creek
Bayview Creek	Thomas Creek	Patton Creek
Newfound Creek	Sand Valley Creek	Little Shoal Creek
Campbell Creek	Middle Black Creek	Cunningham Branch
Big Black Creek	Red Valley Brach	Pinchgut Creek
Hogeland Creek	Little Cahaba River	Little Cahaba Creek
Little Black Creek	Tarrant Spring Branch	

In accordance with and subject to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1378 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, ***Code of Alabama 1975****, §§ 22-22-1 to 22-22-14 (the "AWPCA"), the Alabama Environmental Management Act, as amended,* ***Code of Alabama 1975****, §§22-22A-1 to 22-22A-15, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the Permittee is hereby authorized to discharge, in accordance with the approved Storm Water Management Program(s), into the above-named receiving waters.*

ISSUANCE DATE: October 12, 2001

EFFECTIVE DATE: November 1, 2001

EXPIRATION DATE: October 31, 2006

Alabama Department of Environmental Management

CO-PERMITTEES

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Pleasant Grove, Alabama 35127

City of Vestavia Hills
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Vestavia Hills, Alabama 35216

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PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT

A. **Permit Area.** This permit covers all areas within the corporate boundaries of Jefferson County, all municipalities named as permittees, and the unincorporated portion of St. Clair within the Cahaba River drainage basin served by, or otherwise contributing to discharges from municipal separate storm sewers system (MS4) owned or operated by any of the permittee(s).

B. **Authorized Discharges.**

1. Except for discharges prohibited under Part I.B.2, this permit authorizes all existing or new storm water point source discharges to waters of the State from those portions of the Municipal Separate Storm Sewer System owned or operated by the permittee(s).

2. Section (p)(3)(B)(ii) of the Clean Water Act specifically requires an effective prohibition on non-storm water in the permit. The following discharges, whether discharged separately or commingled with municipal storm water, are not authorized by this permit:

   a. Non-storm Water and Industrial Storm Water: discharges of non-storm water or any Storm Water Discharge Associated with Industrial Activity except where such discharges are:

      (1) regulated by a separate NPDES permit (or the discharger has applied for such permit); or

      (2) identified by, and in compliance with, Part II.A.6.a. of this permit.

   b. Spills: discharges of material resulting from a spill, except emergency discharges required to prevent imminent threat to human health or prevent severe property damage, provided reasonable and prudent measures have been taken to minimize the impact of the discharge.

C. **Permittees.**

1. Each permittee is individually responsible for:

   a. Compliance with permit conditions relating to discharges from portions of the Municipal Separate Storm Sewer System where the permittee is the operator;

   b. Storm water management program implementation on portions of the Municipal Separate Storm Sewer System where the permittee is the operator;

   c. Compliance with annual reporting requirements as specified in Part V.B. (Annual Report);

   d. Collection of representative wet weather monitoring data required by Part V.A.1., according to such agreements as may be established between permittees;

   e. A plan of action to assume responsibility for implementation of storm water management and monitoring programs on their portions of the Municipal Separate Storm Sewer System should interjurisdictional agreements allocating responsibility between permittees be dissolved or in default.

2. Permittees are jointly responsible for permit compliance on portions of the Municipal Separate Storm Sewer System where operational or Storm Water Management Program implementation authority over portions of the Municipal Separate Storm Sewer System is shared or has been transferred from one permittee to another in accordance with legally binding agreements.

PART II. STORM WATER POLLUTION PREVENTION & MANAGEMENT PROGRAMS

Each permittee shall contribute to the development, revision and implementation of a comprehensive Storm Water Management Program including pollution prevention measures, treatment or removal techniques, storm water monitoring, use of legal authority, and other appropriate means to control the quality of storm water discharged from the Municipal Separate Storm Sewer System. The Storm Water Management Program shall be implemented in accordance with Section 402(p)(3)(B) of the Clean Water Act, the Storm Water Regulations (40 CFR Part 122.26).

Controls and activities in the Storm Water Management Program shall identify areas of permittee jurisdiction, applicability, or specific area basis. The Storm Water Management Program shall include controls necessary to effectively prohibit the discharge of non-storm water into municipal separate storm sewers and reduce the discharge of pollutants from the Municipal Separate Storm Sewer System to the Maximum Extent Practicable (MEP).

The Storm Water Management Program shall cover the term of the permit and shall be updated as necessary, or as required by the Director, to ensure compliance with the statutory requirement of Clean Water Act § 402(p)(3)(B). Modifications to the Storm Water Management Program shall be made in accordance with Part II. A., B., and G., and Part III. of this permit. Compliance with the Storm Water Management Program and the compliance schedules in Part III shall be deemed compliance with Parts II.A. and II.B. of the permit. The Storm Water Management Program, and all approved updates, are hereby incorporated by reference.

Implementation of the Storm Water Management Program may be achieved through participation with other permittees, public agencies, or private entities in cooperative efforts to satisfy the requirements of Part II of the permit in lieu of creating duplicate program elements for each individual permittee. The Storm Water Management Program, taken as a whole, shall achieve the "effective prohibition" and "MEP" standards from Section 402(p)(3)(B) of the Clean Water Act.

A. Storm Water Management Program Requirements:

1. Structural Controls and Storm Water Collection System Operation: The Municipal Separate Storm Sewer System and any storm water structural controls shall be operated in a manner to reduce the discharge of pollutants to the Maximum Extent Practicable.

2. Areas of New Development and Significant Redevelopment: A comprehensive master planning process (or equivalent) to develop, implement, and enforce controls to minimize the discharge of pollutants from areas of new development and significant re-development after construction is completed. The goals of such controls shall be:

   New development - limiting increases in the discharge of pollutants in storm water as a result of development, and

   Re-development - reducing the discharge of pollutants in storm water.

3. Roadways: Public streets, roads, and highways shall be operated and maintained in a manner to minimize discharge of pollutants, including those pollutants related to deicing or sanding activities.

4. Flood Control Projects: Impacts on receiving water quality shall be assessed for all flood management projects. The feasibility of retro-fitting existing structural flood control devices to provide additional pollutant removal from storm water shall be evaluated.

5. Pesticide, Herbicide, and Fertilizer Application: Each permittee shall implement controls to reduce the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied, by the permittee's employees or contractors, to public right of ways, parks, and other municipal property. Permittee(s) with jurisdiction over lands not directly owned by that entity (e.g. incorporated city) shall implement programs to reduce the discharge of pollutants related to application and distribution of pesticides, herbicides, and fertilizers.

6. Illicit Discharges and Improper Disposal: An ongoing program to detect and eliminate (or require the discharger to the Municipal Separate Storm Sewer System to eliminate) illicit discharges and improper disposal into the storm sewer.

   a. Non-storm water discharges to the Municipal Separate Storm Sewer System shall be effectively prohibited. However, the permittee may allow, in accordance with 40 CFR 122.26(d)(2)(iv)(B)(1), certain non-storm water discharges to the Municipal Separate Storm Sewer System. The Storm Water Management Program shall identify any non-storm water discharges allowed under this paragraph, along with any conditions placed on allowing such discharges to the Municipal Separate Storm Sewer System.

   b. Each permittee shall prevent (or require the operator of the sanitary sewer to eliminate) unpermitted discharges of dry and wet weather overflows from sanitary sewers into the Municipal Separate Storm Sewer System. Each permittee shall limit, to the MEP, the infiltration of seepage from sanitary sewers into the Municipal Separate Storm Sewer System.

   c. A program to locate and eliminate illicit discharges and improper disposal into the Municipal Separate Storm Sewer System shall be implemented. This program shall include dry weather screening activities to locate portions of the Municipal Separate Storm Sewer System with suspected illicit discharges and improper disposal. Follow-up activities to eliminate illicit discharges and improper disposal may be prioritized on the basis of magnitude and nature of the suspected discharge; sensitivity of the receiving water; and/or other relevant factors. This program shall establish priorities and schedules for screening the entire Municipal Separate Storm Sewer System at least once per five years. Facility inspections may be carried out in conjunction with other municipal programs (e.g. pretreatment inspections of industrial users, health inspections, fire inspections, etc.).

   d. Each permittee shall require the elimination of illicit discharges as expeditiously as possible and the immediate cessation of improper disposal practices upon identification of responsible parties. Where elimination of an illicit discharge within ten (10) working days is not possible, the permittee shall require an expeditious schedule for removal of the discharge. In the interim, the permittee shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the Municipal Separate Storm Sewer System.

7. Spill Prevention and Response: A program to prevent, contain, and respond to spills that may discharge into the Municipal Separate Storm Sewer System shall be implemented. The spill response program may include a combination of spill response actions by the permittee (and/or another public or private entity), and legal requirements for private entities within the permittee's municipal jurisdiction.

8. Industrial & High Risk Runoff: A program to identify and control pollutants in storm water discharges to the Municipal Separate Storm Sewer System from municipal landfills; other treatment, storage, or

   disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge the permittee determines is contributing a substantial pollutant loading to the Municipal Separate Storm Sewer System shall be implemented. The program shall include:

   a. priorities and procedures for inspections and establishing and implementing control measures for such discharges;

   b. a monitoring (or self-monitoring) program for facilities identified under this section (See Item 11 below); and

   c. a list of industrial storm water sources, organized by watershed, discharging to the Municipal Separate Storm Sewer System shall be maintained and updated as necessary.

9. Construction Site Runoff: A program to reduce the discharge of pollutants from construction sites shall be implemented. This program shall include:

   a. requirements for the use and maintenance of appropriate structural and nonstructural best management practices to reduce pollutants discharged to the Municipal Separate Storm Sewer System during the time construction is underway;

   b. inspection of construction sites and enforcement of control measures (in accordance with priorities and procedures established in the Storm Water Management Program);

   c. appropriate education and training measures for construction site operators; and

   d. notification of appropriate building permit applicants of their potential responsibilities under the NPDES permitting program for construction site runoff.

10. Public Education: A public education program with the following elements shall be implemented:

   a. a program to promote, publicize, and facilitate public reporting of the presence of illicit discharges or improper disposal of materials into the Municipal Separate Storm Sewer System;

   b. a program to promote, publicize, and facilitate the proper management and disposal of used oil and household hazardous wastes.

   c. a program to promote, publicize, and facilitate the proper use, application, and disposal of pesticides, herbicides, and fertilizers by the public and commercial and private applicators and distributors.

11. Monitoring Programs: The following monitoring programs shall be implemented in addition to the monitoring required by Part V:

   a. The Dry Weather Screening Program shall continue ongoing efforts to detect the presence of illicit connections and improper discharges to the Municipal Separate Storm Sewer System. All areas of the Municipal Separate Storm Sewer System must be screened at least once during the permit term. Screening methodology may be modified based on experience gained during actual field screening activities and need not conform to the protocol at 40 CFR 122.26(d)(1)(iv)(D). Sample collection and analysis need not conform to the requirements of 40 CFR Part 136.

   b. Wet Weather Screening Program: The permittee(s) shall identify, investigate, and address areas within their jurisdiction that may be contributing excessive levels of pollutants to the Municipal Separate Storm Sewer System. The wet weather screening program:

      (1) Shall screen the Municipal Separate Storm Sewer System in accordance with the procedures specified in the Storm Water Management Program.

      (2) Shall specify the sampling and non-sampling techniques to be used for initial screening and follow-up purposes. Sample collection and analysis need not conform to the requirements of 40 CFR Part 136.

   c. The Industrial and High Risk Runoff Monitoring Program shall include monitoring for pollutants in storm water discharges to the Municipal Separate Storm Sewer System from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge the permittee determines are contributing a substantial pollutant loading to the Municipal Separate Storm Sewer System. The monitoring program shall include the collection of quantitative data on the following constituents:

(1) any pollutants limited in an existing NPDES permit for an identified facility;
(2) oil and grease;
(3) chemical oxygen demand (COD);
(4) pH;
(5) biochemical oxygen demand, five-day (BOD_5);
(6) total suspended solids (TSS);
(7) total phosphorous;
(8) total Kjeldahl nitrogen (TKN);
(9) nitrate plus nitrite nitrogen; and
(10) any information on discharges required under 40 CFR 122.21(g)(7)(iii) and (iv).

Data collected by the industrial facility to satisfy the monitoring requirements of an NPDES or State discharge permit may be used to satisfy this requirement. Permittee(s) may require the industrial facility to conduct self-monitoring to satisfy this requirement.

B. Area-Specific Storm Water Management Program Requirements

NOT APPLICABLE

C. Deadlines For Program Compliance.

1. Except as provided in PART III and PART IX, compliance with the storm water management program shall be required on the effective date of the permit.

2. Proposed modifications and updates to the SWMP, along with proposed schedules for implementation, shall be submitted along with the Annual Report required under Part V., B.

D. Roles and Responsibilities of Permittees. The SWMP shall clearly identify the following roles and responsibilities of each permittee:

1. Operational jurisdiction over portions of the MS4;

2. Legal jurisdiction over areas contributing storm water flows to the MS4;

3. The operator of a municipal separate storm sewer shall have primary responsibility for insuring implementation of SWMP components on those portions of the MS4;

4. Where a portion of the MS4 is owned by one permittee, but operated by another, an interjurisdictional agreement shall delineate responsibilities for SWMP implementation;

5. Responsibility for SWMP implementation may be split or shared between the permittees on a ownership, operation, or other basis, provided a legally binding interjurisdictional agreement or contract clearly delineated areas of responsibility.

E. Legal Authority. Each permittee shall insure legal authority exists to control discharges to and from those portions the MS4 over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract, order or inter-jurisdictional agreements with co-permittees with existing legal authority to:

1. Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity;

2. Prohibit illicit discharges to the municipal separate storm sewer;

3. Control the discharge of spills and the dumping or disposal of materials other than storm water into the MS4;

4. Control through interagency agreements among permittees the contribution of pollutants from one portion of the MS4 to another;

5. Require compliance with conditions in ordinances, permits, contracts or orders; and

6. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with permit conditions.

F. **SWMP Resources**. Each permittee shall provide adequate finances, staff, equipment, and support capabilities to implement the storm water management program.

G. **SWMP Review and Modification**.

1. Program Review: Each permittee shall participate in an annual review of the current SWMP in conjunction with preparation of the annual report required under Part V., B.

2. Program Modification: The permittee(s) may modify the Storm Water Management Program during the life of the permit in accordance with the following procedures:

   a. The approved Storm Water Management Program shall not be modified by the permittee(s) without the prior approval of the Director, unless in accordance with items b. or c. below.

   b. Modifications adding (but not subtracting or replacing) components, controls, or requirements to the approved Storm Water Management Program may be made by the permittee(s) at any time upon written notification to the Director.

   c. Modifications replacing an ineffective or infeasible BMP specifically identified in the Storm Water Management Program with an alternate BMP may be requested at any time. Unless denied by the Director, the modification shall be deemed approved and may be implemented by the permittee(s) 60 days from submittal of a written request to the Department. Such requests shall include the following:

      (1) an analysis of why the BMP is ineffective or infeasible (may include cost prohibitive),

      (2) expectations on the effectiveness of the replacement BMP, and

      (3) an analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

   Modification requests and/or notifications shall be signed in accordance with Part VI., H. and shall include a certification that all permittees were given an opportunity to comment on proposed changes.

3. Modifications Required by the Department: The Department may require any or all permittees to modify the SWMP as needed to:

   a. Address contributions by the MS4 discharges to impacts on receiving water water quality;

   b. Include more stringent requirements necessary to comply with new State or Federal statutory or regulatory requirements; or

   c. Include such other conditions deemed necessary by the Department to comply with the goals and requirements of the AWPCA.

   Modifications requested by the Department shall be made in writing, set forth the time schedule for the permittee(s) to develop the modification(s), and offer the permittee(s) the opportunity to propose alternative program modifications to meet the objective of the requested modification.

4. Transfer of Ownership, Operational Authority, or Responsibility for Storm Water Management Program Implementation: The permittee(s) shall implement the Storm Water Management Program on all new areas added to their portion of the municipal separate storm sewer system (or for which they become responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than three years from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

   Prior to land annexation, the permittee shall include a schedule for extending the Storm Water Management Program to the annexed areas in the Storm Water Management Program. At least 30 days prior to transfer of operational authority or responsibility for Storm Water Management Program implementation, all parties shall prepare a schedule for transfer of responsibility for Storm Water Management Program implementation on the affected portions of the Municipal Separate Storm Sewer System.

PART III. SCHEDULES FOR COMPLIANCE

All components of the Stormwater Management Programs and Monitoring Plans shall be evaluated annually. A summary of this evaluation is to be included in each year's Annual Report.

PART IV. NUMERIC EFFLUENT LIMITATIONS

NOT APPLICABLE

PART V. MONITORING AND REPORTING REQUIREMENTS

A. **Storm Event Monitoring.** The permittee(s) shall conduct a wet-weather monitoring program for the Municipal Separate Storm Sewer System to provide data necessary to assess the effectiveness and adequacy of control measures implemented under the Storm Water Management Program; estimate annual cumulative pollutant loadings from the Municipal Separate Storm Sewer System; estimate event mean concentrations and seasonal pollutants in discharges from major outfalls; identify and prioritize portions of the Municipal Separate Storm Sewer System requiring additional controls, and identify water quality improvements or degradation. The permittee(s) is responsible for conducting any additional monitoring necessary to accurately characterize the quality and quantity of pollutants discharged from the municipal separate storm sewer system.

   Improvement in the quality of discharges from the municipal separate storm sewer system will be assessed based on the monitoring information required by this section, plus any additional monitoring conducted by the permittee(s).

   1. Representative Monitoring: Monitoring shall be conducted on representative outfalls, internal sampling stations, and/or instream monitoring locations to characterize the quality of storm water discharges from the Municipal Separate Storm Sewer System.

      a. Monitoring Requirements: (See Attachments (II) and (III))

      b. Outfall Descriptions: (See Attachment (IV))

      c. Alternate representative monitoring locations may be substituted for just cause during the term of the permit. Requests for approval of alternate monitoring locations shall be made to the Director in writing and include the rationale for the requested monitoring station relocation. Unless disapproved by the Director, use of an alternate monitoring location (except for outfalls with numeric effluent limitations) may commence thirty days from the date of the request. For outfalls where numeric effluent limitations have been established, the permit must be modified prior to substitution of alternate monitoring locations.

2. Storm Event Data: For Part V.A.1 and any additional sampling conducted for Part V.A.5, quantitative data shall be collected to estimate pollutant loadings and event mean concentrations for each parameter sampled. Records shall be maintained of all analytical results, the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration (in hours) between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.

3. Sample Type, Collection, and Analysis: The following requirements apply only to samples collected for Part V.A.1 and any additional sampling conducted for Part V.A.5.

   a. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the detention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected) a minimum of one grab sample may be taken.

   b. Grab samples taken within the first two hours of discharge shall be used for the analysis (if required) of pH, temperature, cyanide, oil & grease, fecal coliform, fecal streptococcus, total phenols, residual chlorine, and (at the permittee's option) volatile organics. For all other parameters, data shall be reported for flow weighted composite samples of the entire event or, at a minimum, the first three hours of discharge.

   c. Samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes.

   d. Analysis and collection of samples shall be done in accordance with the methods specified at 40 CFR Part 136. Where an approved Part 136 method does not exist, any available method may be used.

4. Sampling Waiver. When a discharger is unable to collect samples required by Part V.A.1. due to adverse climatic conditions, the discharger must submit in lieu of sampling data a description of why samples could not be collected, including available documentation of the event. Adverse climatic conditions which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

5. Seasonal Loadings and Event Mean Concentrations. All necessary sampling data shall be collected to provide estimates for each major outfall of seasonal pollutant loadings and event mean concentrations for a representative storm event for the parameters listed in **Attachment (II) - Representative Monitoring Requirements**. This information may be estimated from the representative monitoring locations and shall take into consideration land uses and drainage areas for the outfall. The estimates of seasonal loadings and event mean concentrations shall be included in the Annual Report for year1 and year four of the permit.

B. <u>Annual Report</u> Each permittee shall contribute to the preparation of an annual system-wide report to be submitted by no later than **December 28**. The report shall cover the previous fiscal year from **October 1** to **September 30**.

The preparation and submittal of a system-wide Annual Report shall be coordinated by the <u>**Storm Water Management Authority, (SWMA) Inc.**</u> The report shall indicate if a permittee has failed to provide the required information to the core permittee prior to the Annual Report due date. Each permittee shall provide information on the portions of the Municipal Separate Storm Sewer System for which they are responsible. Joint responsibility for report submission shall be limited to the following: participation in preparation of the overview

for the entire system; and inclusion of the identity of any permittee who failed to provide input to the annual report. Each permittee shall be individually responsible for the content of the report relating to the portions of the Municipal Separate Storm Sewer System for which they are responsible and for failure to provide information for the system-wide Annual Report in a timely manner. Each permittee shall sign and certify the annual report in accordance with Part VI.H and include a statement or resolution that the permittee's governing body or agency (or delegated representative) has reviewed or been appraised of the content of the Annual Report.

The Annual Report shall include the following sections: Contacts List; Program Evaluation; Summary Table; Narrative Report; Summary of Proposed Program Modifications; Fiscal Analysis; and Appendices. The following paragraphs describe in more detail the specific requirements for the Annual Report.

1. Provide a list of Contacts and Responsible Parties (e.g.: agency, name, phone number) who had input to and are responsible for the preparation of the Annual Report.

2. Provide an overall evaluation of the Storm Water Management Program including: Objective of Program; Major Findings (water quality improvements or degradation); Major Accomplishment; Overall Program strengths/weaknesses; Future Direction of Program.

3. Provide a Summary Table of Storm Water Management Program Elements.

   a. A Summary Table of <u>appropriate</u> Storm Water Management Program yearly activities for <u>each</u> permittee shall be provided. The purpose of the Table is to document in a concise form the program activities, and permittees' compliance status with quantifiable permit requirements. Program elements that are administrative (e.g.: planning procedures, program development and pilot studies) are inappropriate for the Summary Table and shall be reported in the Narrative section of the Annual Report. The following are <u>examples</u> of activities to be included in the Summary Table:

      (1) Monitoring - municipal/industrial facilities and representative monitoring; wet weather screening; illicit (dry weather) screening; and floatables.
      (2) Structural Controls - maintenance and/or inspection activities of existing controls.
      (3) Roadway Maintenance - street sweeping, deicing cleanup activities, and litter control activities.
      (4) Floodway Projects - existing floodway structure retrofitting evaluations.
      (5) Illicits - facility inspections, investigations, enforcement actions, and spill response activities.
      (6) Industrial Facilities - inspections activities.
      (7) Construction - inspections and enforcement actions.
      (8) Education Activities - Litter Campaign; Pesticides, Herbicides, and Fertilizers training; Illicit Public Reporting; Oil/Household Hazardous Wastes; Construction operators.

   b. The Summary Table shall indicate <u>each</u> permittee's Program activities and accomplishments. The format for this information shall adhere to the <u>example</u> shown in Attachment 5. Items to be reported include:

      (1) Activity Description.

      (2) Number of activities (with frequency) that were <u>scheduled</u> for implementation and/or accomplishment in Program Element discussion (e.g.: once/6 months, 100%/5 years, 6 sites monitored once/year, 33 miles 4 times/year, all sites inspected/permit life). Enter "not applicable" if no specific schedule was presented in the Program.

      (3) Status of schedule for year (yes-schedule was adhered to, or no-schedule was not adhered to).

      (4) Number of activities that <u>were</u> accomplished.

(5) Comments, or Report's appendix location for copies of data results or documentation (e.g.: inspection reports) of activity.

4. The Annual Report for the fourth year only shall include a Narrative Report of all Storm Water Management Program Elements:

a. Program Elements to be discussed include:

(1) Structural Controls Maintenance.
(2) Development Planning Procedures.
(3) Roadway Maintenance.
(4) Flood Management.
(5) Municipal Facilities.
(6) Pesticides, Herbicides, and Fertilizers.
(7) Illicits Inspection/Investigation/Enforcement.
(8) Spills.
(9) Oil and Household Hazardous Waste.
(10) Sanitary Sewer Seepage.
(11) Industrial Inspection.
(12) Construction Planing Procedures.
(13) Construction Inspections.
(14) Education Activities.
(15) Monitoring and Screening.
(16) Any additional elements of Storm Water Management Program.

b. The format for the narrative section of the Annual Report shall be a complete discussion of the following Program element details, by element (as listed above). The details of each permittee's activities concerning a Program element shall be discussed in the one section of the Narrative Report dedicated to that element.

(1) Objective of Program element.

(2) Program element activities completed and in progress.

(3) General discussion of element. Explanation for all element activities deficiencies (e.g.: activities described in the Program that have not been fully implemented or completed). Results of activities shall be summarized and discussed (e.g.:maintenance caused by inspection, pollutants detected by monitoring, investigations as a result of dry and wet weather screening, number and nature of enforcement items, education activities participation).

(4) Status of Program element with compliance, implementation, and augmentation schedules Part III of the permit.

(5) Program Element Strength and Weaknesses.

(6) Assessment of Controls.

(7) Discussion of Proposed Element Revisions that are summarized elsewhere in the Annual Report.

c. Estimates of seasonal pollutant loadings and event mean concentrations (EMC) for each major outfall required by Part V.A.5.

5. Provide a summary of Proposed Storm Water Management Program Modifications.

6. Provide a complete fiscal analysis for each permittees' Program implementation, both for the past calendar year and the next. The analysis shall indicate budgets, and funding sources.

7. Provide a summary of data, including monitoring data, that is accumulated throughout the reporting year period.

8. Provide a summary describing the number and nature of enforcement actions, inspections, and public education programs.

C. Certification and Signature of Reports

1. All reports required by the permit and other information requested by the Director shall be signed and certified in accordance with Part VI. H. of the permit.

D. Reporting: Where to Submit.

1. Monitoring results obtained during the reporting period running from **October 1** to **September 30** shall be submitted, where applicable, on Discharge Monitoring Report Form(s) postmarked no later than the 28th day of the following month.

2. Signed copies of discharge monitoring reports,where applicable, under Part V., the Annual Report required by Part V. B., all other reports required herein, and requests for changes in monitoring outfalls shall be submitted to:

Alabama Department of Environmental Management
Permits & Compliance Section
Municipal Branch, Water Division
Post Office Box 301463
Montgomery, Alabama 36130-1463

E. Additional Notification.

NOT APPLICABLE

F. Retention of Records.

1. The permittee shall retain the storm water management program developed in accordance with Part II of this permit until at least five years after coverage under this permit terminates. The permittee shall retain all records of all monitoring information, copies of all reports required by this permit, and records of all other data required by or used to demonstrate compliance with this permit, until at least three years after coverage under this permit terminates. This period may be explicitly modified by alternative provisions of this permit or extended by request of the Director at any time.

PART VI. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

1. The permittee(s) must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of AWPCA and FWPCA and is grounds for enforcement action, for permit termination, revocation and reissuance, suspension, modification, or denial of a permit renewal application.

B. Civil and Criminal Liability.

1. Tampering

Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained or performed under the permit shall, upon conviction, be subject to penalties as provided by AWPCA.

2. False Statements

Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, shall, upon conviction, be punished as provided by AWPCA.

3. Permit Enforcement

a. Any NPDES permit issued or reissued by the Department is a permit for the purpose of AWPCA and FWPCA and, as such, any terms, conditions, or limitations of the permit are enforceable under State and Federal law.

b. Any person required to have an NPDES permit pursuant to ADEM Administrative Code, Rule 335-6-6, and who discharges pollutants without said permit, who violates the conditions of said permit, who discharges pollutants in a manner not authorized by the permit, or who violates rules or regulations or applicable orders of the Department is subject to any one or combination of the following enforcement actions under AWPCA:

(1) An administrative order requiring abatement, compliance, mitigation, cessation, clean-up, and/or penalties;

(2) An action for damages;

(3) An action for injunctive relief; or

(4) An action for penalties.

c. If the permittee(s) are not in compliance with the conditions of an expiring or expired permit the Director may choose to do any or all of the following provided the permittee(s) have made a timely and complete application for reissuance of the permit.

(1) initiate enforcement action based upon the permit which has been continued;

(2) issue a notice of intent to deny the permit reissuance. If the permit is denied, the owner(s) or operator(s) would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(3) reissue the new permit with appropriate conditions; or

(4) take other actions authorized by these rules and AWPCA.

4. Relief From Liability

Nothing in this permit shall be construed to relieve the permittee(s) of civil or criminal liability under AWPCA or FWPCA for noncompliance with any term or condition of this permit.

C. **Duty to Reapply.**

1. If the permittee(s) intend to continue an activity regulated by this permit beyond the expiration date of this permit, the permittee(s) must apply for and obtain a new permit. The application shall be submitted at least 180 days prior to expiration of this permit.

2. Failure of the permittee to apply for reissuance at least 180 days prior to permit expiration will void the automatic continuation of the expiring permit provided by ADEM Administrative Code, Rule 335-6-6-.06, and should the permit not be reissued for any reason any discharge after expiration of this permit will be an unpermitted discharge.

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

E. **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

F. **Duty to Provide Information.** The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, suspending, or revoking this permit in whole or in part, or to determine compliance with this permit. The permittee shall also furnish to the Director upon request copies of records required to be kept by this permit.

G. **Other Information.** If the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information with a written explanation for the mistake and/or omission.

H. **Signatory Requirements.** All reports and forms required to be submitted by this permit, AWPCA and the Department's rules and regulations, shall be signed by a "responsible official" of the permittee, as defined in ADEM Administrative Code, Rule 335-6-6-.09, or a "duly authorized representative" of such official, as defined in ADEM Administrative Code, Rule 335-6-6-.09, and shall bear the following certification:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

I. **Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of FWPCA.

J. **Property and Other Rights.** This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of Federal, State, or local laws or regulations, nor does it authorize or approve the construction of any physical structures or facilities or the undertaking of any work in any waters of the State or of the United States.

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

L. Requiring an individual permit.

1. The Director may require any permittee authorized by this permit to obtain an individual NPDES permit. Any interested person may petition the Director to take action under this paragraph. The Director may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form (as necessary), a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit, coverage under this permit shall automatically terminate. Individual permit applications shall be submitted to the address shown in Part V., D. of this permit. The Director may grant additional time to submit the application upon the request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application as required by the Director, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.

2. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application of the type specified by 40 CFR 122.26(d) with reasons supporting the request to the Director. Individual permit applications shall be submitted to the address shown in Part V., D. of this permit. The request may be granted by the issuance of a individual permit if the reasons cited by the owner or operator are adequate to support the request.

M. Compliance with Statutes and Rules.

1. This permit is issued under ADEM Administrative Code, Chapter 335-6-6. All provisions of this chapter that are applicable to this permit are hereby made a part of this permit.

2. This permit does not authorize the noncompliance with or violation of any laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws.

N. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

O. Monitoring and records.

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

2. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

3. Records of monitoring information shall include:

   a. The date, exact place, and time of sampling or measurements;

   b. The initials or name(s) of the individual(s) who performed the sampling or measurements;

   c. The date(s) analyses were performed;

   d. The time(s) analyses were initiated;

e. The initials or name(s) of the individual(s) who performed the analyses;

f. References and written procedures, when available, for the analytical techniques or methods used; and

g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

P. **Monitoring Methods** Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

Q. **Right of Entry and Inspection.** The permittee shall allow the Director or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. enter upon any of the permittee's premises where a regulated facility or activity or point source is located or in which any records must be maintained under conditions of this permit;

2. have access to and copy, at reasonable times, any records required to be maintained by the terms and conditions of this permit;

3. inspect, at reasonable times, any point source, any monitoring equipment or practices being maintained to comply with this permit, or any treatment or control facilities or systems being maintained to comply with this permit; and

4. sample or monitor, at reasonable times, for the purposes of determining permit compliance or as otherwise authorized by AWPCA, any substances or parameters at any location.

R. **Additional Monitoring by the Permittee(s).** If the permittees monitor more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR). Such increased monitoring frequency shall also be indicated on the DMR.

PART VII. PERMIT ACTION

A. Permit Modification and Revocation:

1. This permit may be modified or revoked or reissued, in whole or in part, during its term for cause, including but not limited to, the following:

   a. if cause for termination under Part VII.,A.,3., of this permit exists, the Director may choose to revoke or reissue this permit instead of terminating the permit;

   b. if a request to transfer this permit has been received, the Director may decide to revoke and reissue or to modify the permit; or

   c. if modification or revocation and reissuance is requested by the permittee and cause exists, the Director may grant the request.

2. This permit may be modified during its term for cause, including but not limited to:

   a. if cause for termination under Part VII.,A.,3., of this permit exists, the Director may choose to modify this permit instead of terminating this permit;

   b. the Director has received new information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance;

c. errors in calculation of discharge limitations or typographical or clerical errors were made;

d. to the extent allowed by ADEM Administrative Code, Rule 335-6-6-.17, when the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or judicial decision after the permit was issued;

e. to the extent allowed by ADEM Administrative Code, Rule 335-6-6-.17, permits may be modified to change compliance schedules;

f. to incorporate an applicable Section 307(a) of FWPCA toxic effluent standard or prohibition;

g. when required by the reopener conditions in this permit;

h. upon failure of the state to notify, as required by Section 402(b)(3) of FWPCA, another state whose waters may be affected by a discharge permitted by this permit;

i. when required to correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions;

j. when requested by the permittee and the Director determines that the modification has cause and will not result in a violation of federal or state law, rules, or regulations;

k. to add a new permittee who is the owner or operator of a portion of the Municipal Separate Storm Sewer System; or,

l. to change portions of the Storm Water Management Program that are considered permit conditions.

3. This permit may be terminated during its term for cause, including but not limited to, the following:

a. violation of any term or condition of this permit;

b. the permittee's misrepresentation or failure to disclose fully all relevant facts in the permit application or during the permit issuance process or the permittee's misrepresentation of any relevant facts at any time;

c. materially false or inaccurate statements or information in the permit application or the permit;

d. the permittee's discharge threatens human life or welfare or the maintenance of water quality standards; or

e. any other cause allowed by ADEM Administrative Code, Rule 335-6-6.

4. This permit may be suspended during its term for cause, including but not limited to, the reasons for termination listed above.

5. The filing of a request by the permittee for modification, suspension or revocation of this permit, in whole or in part, does not stay any permit term or condition.

B. Termination of Coverage for a Single Permittee

Permit coverage may be terminated, in accordance with the provisions of 40 CFR 122.64 and 124.5, for a single permittee without terminating coverage for other permittees.

C. **Modification of Storm Water Management Program(s)**

Only those portions of the Storm Water Management Programs specifically required as permit conditions shall be subject to the modification requirements of 40 CFR 124.5. Replacement of an ineffective or infeasible BMP implementing a required component of the Storm Water Management Program with an alternate BMP expected to achieve the goals of the ineffective or infeasible BMP shall be considered minor modifications to the Storm Water Management Program and not modifications to the permit. (See also Part II.G.)

D. **Changes in Monitoring Outfalls**

This permit is issued on a system-wide basis in accordance with CWA § 402(p)(3)(i) and authorizes discharges from all portions of the MS4. Since all outfalls are authorized, changes in monitoring outfalls, other than those with specific numeric effluent limitations, shall be considered minor modifications to the permit and will be made in accordance with the procedures at 40 CFR 122.63. (See also Part V. A. 1. c.)

PART VIII. DEFINITIONS

"Arithmetic Mean" means the summation of the individual values of any set of values divided by the number of individual values.

"AWPCA" means Code of Alabama 1975, Title 22, the Alabama Water Pollution Control Act, as amended.

"Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

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

"CWA" means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. (6-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

"Co-permittee" means a permittee to a NPDES permit that is only responsible for permit conditions relating to the discharge for which it is operator.

"Core Municipality" means, for the purpose of this permit, the municipality responsible for compiling the Annual Report required by Part V., B.

"Department" means the Alabama Department of Environmental Management.

"Director" means the Director of the Department or an authorized representative of the Director.

"Discharge" for the purpose of this permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (MS4).

"Discharge Monitoring Report (DMR)" means the form approved by the Director to accomplish reporting requirements of an NPDES permit.

"Flow-weighted composite sample" means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

"FWPCA" means 33 U.S.C.A. 1251 to 1387, The Federal Water Pollution Control Act, as amended.

"Illicit connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

"Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

"Individual Residence" refers, for the purpose of this permit, to single or multi-family residences. (e.g., single family homes and duplexes, townhomes, apartments, etc.)

"Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

"Land application unit" means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

"Large or Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:
(i) located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR Part 122); or
(ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR Part 122); or
(iii) owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

"MEP" is an acronym for "Maximum Extent Practicable", the technology-based discharge standard for Municipal Separate Storm Sewer Systems established by CWA §402(p).

"MS4" is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a Large or Medium Municipal Separate Storm Sewer System (e.g. "the Springfield MS4").

"Municipal Separate Storm Sewer" means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches,man-made channels, or storm drains): (i) owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian Tribe or an authorized indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States.

"Permittee/copermittee" refers to any "person", as defined at 40 CFR 122.2, authorized by this NPDES permit to discharge to Waters of the State.

"Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharges. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

"Pollutant" includes for purposes of this permit, but is not limited to, those pollutants specified in Code of Alabama 1975, Section 22-22-1(b)(3) and any other effluent characteristics specified in this permit.

"Receiving Stream" means the "waters" receiving a "discharge" from a "point source".

"Section 313 water priority chemical" means a chemical or chemical categories which are: 1) are listed at 40 CFR 372.65 pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986; 2) are present at or above threshold levels at a facility subject to SARA Title III, Section 313 reporting requirements; and 3) that meet at least one of the following criteria: (i) are listed in Appendix D of 40 CFR 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) are listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria.

"Severe Property Damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

"Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4).

"Storm sewer", unless otherwise indicated, refers to a municipal separate storm sewer.

"Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm Water Discharge Associated with Industrial Activity" is defined at 40 CFR 122.26(b)(14).

"Storm Water Management Program" refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system. For the purposes of this permit, the Storm Water Management Program is considered a single document, but may actually consist of separate programs (e.g. "chapters") for each permittee.

"SWMP" is an acronym for "Storm Water Management Program."

"Time-weighted composite" means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

"Upset" means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit discharge limitations because of factors beyond the control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate facilities, lack of preventive maintenance, or careless or improper operation.

"Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.

"Waters of the State" means "[a]ll 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.", Code of Alabama 1975, Section 22-22-1(b)(2). "Waters of the State" include all "navigable waters" as defined in 502(7) of FWPCA, which are within the State of Alabama.

"Waters of the United States" means:

(a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
(b) All interstate waters, including interstate "wetlands";
(c) All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
    (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
    (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
    (3) Which are used or could be used for industrial purposes by industries in interstate commerce;
(d) All impoundments of waters otherwise defined as waters of the United States under this definition;
(e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;

(f) The territorial sea; and
(g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.
Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal areas in wetlands) nor resulted from the impoundment of waters of the United States.

PART IX. OTHER REQUIREMENTS

1. The Alabama Department of Transportation is not required to comply with the following portions of the permit:

   Part II., A., 2.
   Part II., A., 6.
   Part II., A., 8.
   Part II., A., 10.
   Part II., A., 11., a.
   Part II., A., 11., c.

ATTACHMENT 1. Required Components of Management Program

All components of the Stormwater Management Programs and Monitoring Plans shall be evaluated anually. A summary of this evaluation is to be included in each year's Annual Report.

PERMIT/REGULATORY REQUIREMENT	ACTIVITY
I. Adequate Legal Authority (ref. 40 CFR 122.26(d)(2)(i)(A))	1. to control discharges
	2. to prohibit illicit discharges
	3. to control spills
	4. to have interagency agreements
	5. to require compliance
	6. to inspect
II. Source Identification (ref. 40 CFR 122.26(d)(2)(ii))	1. list of outfalls not reported in Part 1
	2. inventory of industrial dischargers by watershed
III. Characterization Data (ref. 40 CFR 122.26(d)(2)(iii))	1. wet weather monitoring data for regulation's pollutant list
	2. narrative description of all storm events sampled
	3. estimate of total system annual loadings for regulation's pollutant list, with a description of the estimating procedure used
	4. estimate of event mean concentrations for regulation's pollutant list, with a description of the estimating procedure used
	5. schedule to provide by permit's 4th year annual report: seasonal loadings and event mean concentrations for pollutants detected in wet weather monitoring, during typical storm
	6. proposed wet weather monitoring program for duration of permit
IV. Management Programs (ref. 40 CFR 122.26(d)(2)(iv)(A)(2)) (A) Description of Structural Controls	1. implementation schedule for new structural controls
	2. priorities for maintenance and repairs of the MS4's structural controls to reduce pollutants
	3. maintenance schedule for controls
	4. inspection schedule for controls
(B) Description of Planning Development Procedures	1. criteria to limit development impacts on water quality
	2. criteria to limit redevelopment impacts on water quality
	3. guidance criteria document for use in review/approval process
(C) Description of Practices for Street Maintenance	1. litter control program
	2. deicing clean-up program
	3. street sweeping program
	4. practices to minimize pollutants from street repair and maintenance program

ATTACHMENT 1. Required Components of Management Program

PERMIT/REGULATORY REQUIREMENT	ACTIVITY
(D) Description of Flood Control Projects and Retrofitting of Existing Controls for Pollutant Removal	1. for new and existing flood control devices
(E) Description of Runoff Monitoring Program	1. schedule to monitor runoff from municipal landfills
	2. schedule to monitor other municipal waste TSDs
(F) Description of Program to Reduce Pesticides, Herbicides, and Fertilizers	1. education program targeting all citizens
	2. proper training and/or certification for employee applicators
	3. internal policies to minimize use and application rates
(G) Description of Program to Detect and Remove Illicit Discharges	1. list of allowable non-storm water discharges
	2. schedule of facility inspections to enforce prohibition on illicit discharges
	3. description of enforcement procedures
(H) Description of Field Screening Program	1. schedule to screen during permit life
	2. description of screening procedures
(I) Description of Investigative Procedures	1. description of procedures for illicit connections and improper disposal
(J) Description of Spill Response Program	1. description of spill response clean-up and procedures
(K) Description of Program to Involve Reporting of Illicit Discharges by Public	1. provide "hotline" for public reporting of suspected illicit discharges and improper disposal
	2. program to inform public of what/how to report
	3. education program to inform public of need for management and recycling of oil/toxics
(L) Description of Program to Limit Seepage	1. program to limit sanitary sewer seepage into storm sewers
(M) Description of Program to Control Pollutants from Hazardous Waste, Landfills, Section 313 Title III SARA, and other Industrial Contributors	1. schedule for inspections for facilities listed
	2. description of procedures during inspections to include appropriate aspects of storm water program
(N) Description of Monitoring Program for Dischargers Listed in (M) above	1. schedule of monitoring pollutant list in regulations
	2. method of achieving compliance if industry elects to self monitor
(O) Description of Program to Implement Structural and Nonstructural BMPs from Construction	1. procedures for site planning
	2. requirements for structural and nonstructural controls on sites

ATTACHMENT 1. Required Components of Management Program

PERMIT/REGULATORY REQUIREMENT	ACTIVITY
(P) Description of Program for Inspection and Enforcement Criteria	1. procedures to identify inspection priorities and enforcement
(Q) Description of Education and Training Program for Construction Site Operators	1. schedule of activities including frequency
V. Assessment of Controls (ref. 40 CFR 122.26 (d)(2)(v))	1. direct and indirect measures
VI. Fiscal Analysis (ref. 40 CFR 122.26(d)(2)(vi))	1. list of budget and funding source required to implement SWMP for permit duration
VII. Relationship Between Co-applicants (ref. 40 CFR 122.26(d)(2)(vii))	1. description of relationships and responsibilities in interagency agreement

(1) This requirement has been satisfied by the Part 1 or Part 2 application.
(2) This requirement has been described by the Part 1 or Part 2 application and is hereby incorporated by reference. The permittee must comply with the program item deadlines in the application.

ATTACHMENT II. Representative Monitoring Requirements for Outfalls Sampled for Part 2 of Application

PARAMETER	MONITORING FREQUENCY				
	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
Biochemical Oxygen Demand (BOD5) (mg/l)	four times/year	once/year	once/year	once/year	once/year
Chemical Oxygen Demand (COD) (mg/l)	four times/year	once/year	once/year	once/year	once/year
Total Suspended Solids (TSS) (mg/l)	four times/year	once/year	once/year	once/year	once/year
Total Dissolved Solids (TDS) (mg/l)	four times/year	once/year	once/year	once/year	once/year
Turbidity (NTU)	four times/year	once/year	once/year	once/year	once/year
Ammonia Nitrogen (mg/l)	four times/year	once/year	once/year	once/year	once/year
Total Nitrogen (mg/l)	four times/year	once/year	once/year	once/year	once/year
Total Kjeldahl Nitrogen (TKN) (mg/l)	four times/year	once/year	once/year	once/year	once/year
Total Phosphorus (mg/l)	four times/year	once/year	once/year	once/year	once/year
Dissolved Phosphorus (mg/l)	four times/year	once/year	once/year	once/year	once/year
Oil and Grease (mg/l)	four times/year	once/year	once/year	once/year	once/year
pH (s.u.)	four times/year	once/year	once/year	once/year	once/year
Hardness as CaCO3 (mg/l)	four times/year	once/year	once/year	once/year	once/year
Temperature (Celsius)	four times/year	once/year	once/year	once/year	once/year
Fecal Coliform	four times/year	once/year	once/year	once/year	once/year
E. Coli	four times/year	once/year	once/year	once/year	once/year
Arsenic (ug/l)	four times/year	once/year	once/year	once/year	once/year
Cynanide (ug/l)	four times/year	once/year	once/year	once/year	once/year
Chromium (trivalent) (ug/l)	four times/year	once/year	once/year	once/year	once/year
chromium (hexavalent) (ug/l)	four times/year	once/year	once/year	once/year	once/year
Mercury (ug/l)	four times/year	once/year	once/year	once/year	once/year
Nickel (ug/l)	four times/year	once/year	once/year	once/year	once/year
Silver (ug/l)	four times/year	once/year	once/year	once/year	once/year

Note: The above parameters should be monitored four times in Year 1 of the permit, and the rest duration of the permit once/year as shown

ATTACHMENT III. Representative Monitoring Requirements for New Monitoring Locations

PARAMETER	MONITORING FREQUENCY				
	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
Biochemical Oxygen Demand (BOD5) (mg/l)	twice/year	twice/year	once/year	once/year	once/year
Chemical Oxygen Demand (COD) (mg/l)	twice/year	twice/year	once/year	once/year	once/year
Total Suspended Solids (TSS) (mg/l)	twice/year	twice/year	once/year	once/year	once/year
Total Dissolved Solids (TDS) (mg/l)	twice/year	twice/year	once/year	once/year	once/year
Turbidity (NTU)	twice/year	twice/year	once/year	once/year	once/year
Ammonia Nitrogen (mg/l)	twice/year	twice/year	once/year	once/year	once/year
Total Nitrogen (mg/l)	twice/year	twice/year	once/year	once/year	once/year
Total Kjeldahl Nitrogen (TKN) (mg/l)	twice/year	twice/year	once/year	once/year	once/year
Total Phosphorus (mg/l)	twice/year	twice/year	once/year	once/year	once/year
Dissolved Phosphorus (mg/l)	twice/year	twice/year	once/year	once/year	once/year
Oil and Grease (mg/l)	twice/year	twice/year	once/year	once/year	once/year
pH (s.u.)	twice/year	twice/year	once/year	once/year	once/year

ATTACHMENT IV. Representative Monitoring Outfall Descriptions

OUTFALL	LOCATION	DESCRIPTION	RESPONSIBLE PERMITTEE
001	Sec 30, T17S, R2W; Village Creek Basin	Light industrial	City of Birmingham
002	Sec 27, T17S, R3W; Village Creek Basin	Heavy industrial	City of Birmingham
003	Sec 26, T17S, R2W; Shades Creek Basin	Light commercial	City of Birmingham
004	Sec 35, T17S, R2W; Valley Creek Basin	Heavy commercial	City of Birmingham
005	Sec 22, T17S, R2W; Village Creek Basin	HD Residential	City of Birmingham
006	Sec 34, T17S, R2W; Shades Creek Basin	LD Residential	City of Birmingham
007	Sec 35, T17S, R3W; Valley Creek Basin	Major highway	Alabama Department of Transportation
008	Sec 18, T19S, R2W; Cahaba River Basin	Dense residential	Jefferson County Commission
009	Sec 13, T18S, R3W; Shades Creek Basin	HD Residential	Jefferson County Commission
010	Sec 29, T18S, R2W; Cahaba River Basin	LD Residential	Jefferson County Commission
011	Sec 4, T19S, R4W; Valley Creek Basin	Downtown commercial	Jefferson County Commission
012	Sec 13, T19S, R3W; Cahaba River Basin	Commercial mall	Jefferson County Commission
013	Sec 25, T18S, R4W; Valley Creek Basin	Light industrial	Jefferson County Commission
014	Sec 4, T19S, R4W; Valley Creek Basin	Heavy industrial	Jefferson County Commission

ATTACHMENT V. Example Summary for Storm Water Management Program Element Status/Compliance

PROGRAM ELEMENT	PERMITTEE	REQUIREMENT	ACTIVITY SCHEDULE			COMMENTS
			Activities Required by Storm Water Management Program	Complied with	Activities Accomplished During Calendar Year	
Structural Controls	Permittee 1	Major Channels Inspections	15 Channels, once/6 mos.	YES	15 Channels, once/6 mos.	Copies of Inspection Report Forms - Appendix X.
		Major Channels Maintenance	As needed	N/A	7 Channels maintained	
		Grate Inlets Inspected	1500 Inlets, once/year	NO	1000 Inlets	
	Permittee 2	Detention Ponds Maintained	1 Pond, once/month	YES	1 Pond, once/month	Sediment removed after spring rains.
		Storm Drain Inlets Inspected	35 Inlets, once/6 mos.	YES	35 Inlets, once/6 mos.	Copies of Inspection Report Forms - Appendix Z.
Monitoring	Permittee 1	Municipal - Landfills	2 Facilities, once/6 mos.	YES	2 Facilities, once/6 mos.	Copies of Monitoring Data - Appendix V.
		POTW	3 Facilities, once/6 mos.	NO	2 Facilities	Copies of Monitoring Data - Appendix V.
		Industrial - Hazardous	5 Facilities, once/6 mos.	YES	5 Facilities, once/6 mos.	Copies of Monitoring Data - Appendix V.
		Title III	3 Facilities, once/6 mos.	YES	3 Facilities, once/6 mos.	Copies of Monitoring Data - Appendix V.
		Others	2 Facilities, once/year	YES	2 Facilities	Copies of Monitoring Data - Appendix V.
		Representative	5 Locations, once/3 mos.	YES	5 Locations, once/3 mos.	Copies of Monitoring Data - Appendix W.
		Wet Weather Screening	100% System once/5 yrs.	NO	10% System	Copies of Screening Field Reports - Appendix R.

ATTACHMENT V. Example Summary for Storm Water Management Program Element Status/Compliance

		Dry Weather Screening	100% System once/5 yrs.	YES	20% System	Copies of Screening Field Reports - Appendix R.
		Floatable Assessment	100 Sections surveyed/yr.	YES	140 Sections surveyed	Copies of Field Survey - Appendix P.
	Permittee 3	Dry Weather Screening	5 Outfalls, once/year	YES	5 Outfalls	Copies of Screening Field Reports - Appendix M.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059

FACT SHEET

APPLICATION FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT TO DISCHARGE STORM WATER TO ALABAMA WATERS

Permit Number: ALS000001 Date: July 6, 2001

I. NOTICE OF PERMIT REISSUANCE

The Alabama Department of Environmental Management is reissuing a permit for the discharge of storm water from the Municipal Separate Storm Water System (MS4) described in the application. Permit requirements are based on the Clean Water Act ((33 U.S.C. 1251 et seq.), known as the Act, and NPDES regulations (40 CFR Parts 122 and 124).

II. PERMITTING AUTHORITY

The National Pollutant Discharge Elimination System (NPDES) permitting authority is:

Alabama Department of Environmental Management

Permits and Compliance Section
Municipal Branch
1400 Coliseum Boulevard

Mailing Address:
Post Office Box 301463
Montgomery, Alabama 36130-1463

III. NAME AND ADDRESS OF PERMITTEE

Storm Water Management Authority (SWMA) Inc.
2121 8 th Avenue North, 1101
Birmingham Alabama 35203

IV NAME AND ADDRESS OF COPERMITTEES

On a separate sheet of paper

V. DESCRIPTION OF THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

This permit covers all areas within the corporate boundaries of Jefferson County, and all municipals named as copermittees and unincorporated portion of St. Clair County within the Cahaba River drainage basin served by, or otherwise contributing to discharges from the Municipal Separate Storm Sewers (MS4) owned or operated by any of the permittee/copermittee(s).

VI. DISCHARGES AUTHORIZED BY THIS PERMIT

Except for discharges listed below, this permit authorizes all existing or new storm water point sources discharges to waters of the State from those portions of the MS4 owned or operated by the permittee(s).

The following discharges, whether discharged separately or commingled with municipal storm water, are not authorized by this permit:

1. Non-storm Water and Industrial Storm Water: discharges of non-storm water or any Storm Water Discharge associated with Industrial Activity except where such discharges are:
   a. regulated by a separate NPDES permit (or the discharger has applied for such permit); or

   b. identified by, and in compliance with, Part II., A., 6., a. of this permit which states, in accordance with 40 CFR 122.26(d)(2)(iv)(B)(1), the permittee may allow non-storm water discharges to the MS4. The Storm Water Management Program (SWMP) shall identify any non-storm water

CO-PERMITTEES

Jefferson County Commission
716 North 21st Street
Birmingham, Alabama 35263

City of Adamsville
Post Office Box 309
Adamsville, Alabama 35005

City of Bessemer
1800 3rd Avenue North
Bessemer, Alabama 35020

City of Birmingham
710 North 20th Street
Birmingham, Alabama 35203

Town of Brighton
3700 Main Street
Brighton, Alabama 35020

City of Brookside
Post Office Box 142
Brookside, Alabama 35036

City of Fairfield
Post Office Box 437
Fairfield, Alabama 35064

City of Fultondale
Post Office Box 699
Fultondale, Alabama 35068

City of Gardendale
Post Office Box 889
Gardendale, Alabama 35071

City of Graysville
Post Office Box 130
Graysville, Alabama 35073

City of Homewood
Post Office Box 59666
Homewood, Alabama 35259

City of Hoover
100 Municipal Drive
Hoover, Alabama 35216

City of Hueytown
Post Office Box C
Hueytown, Alabama 35023

City of Irondale
101 South 20th Street
Irondale, Alabama 35210

City of Leeds
Post Office Box 126
Leeds, Alabama 35094

City of Lipscomb
5512 Avenue H
Lipscomb, Alabama 35020

Town of Maytown
Post Office Box 124
Mulga, Alabama 35118

City of Midfield
725 Bessemer Highway
Midfield, Alabama 35228

City of Mountain Brook
Post Office Box 130009
Mountain Brook, Alabama 35213

Town of Mulga
Post Office Box 549
Mulga, Alabama 35118

City of Pleasant Grove
501 Park Road
Pleasant Grove, Alabama 35127

City of Tarrant
Post Office Box 170220
Tarrant, Alabama 35127

City of Trussville
Post Office Box 159
Trussville, Alabama 35173

City of Vestavia Hills
513 Montgomery Highway
Vestavia Hills, Alabama 35216

Alabama Department of Transportation
1409 Coliseum Boulevard
Montgomery, Alabama 36130

discharges allowed under this section, along with any conditions placed on allowing such discharges to the MS4.

2. Spills: discharges of material resulting from a spill, except emergency discharges required to prevent imminent threat to human health or prevent severe property damage, provided reasonable and prudent measures have been taken to minimize the impact of the discharge.

VII. RECEIVING WATERS

All waters of the State within the corporate boundaries of Jefferson County and unincorporated portion of St. Clair County within the Cahaba River drainage basin.

VIII. EFFECTIVE DATE

Compliance with permit conditions is required 90 days from the effective date of the permit, except as specified in Attachment I, Implementation and Augmentation of Management Program.

IX. PUBLIC NOTICE

A public comment period will begin July 17, 2001, and last 30 days thereafter. Any interested persons may comment on the draft permit during this period.

X. PERMITTEES AND PERMIT CONDITIONS

Each permittee is individually responsible for:

1. Compliance with permit conditions relating to discharges from portions of the MS4 where the permittee is the operator;
2. SWMP implementation on portions of the MS4 where the permittee is the operator;
3. Compliance with annual reporting requirements as specified in Part V., B. (Annual Report);
4. Collection of representatives wet weather monitoring date required by Part V., A., I., according to such agreements as may be established allocating responsibility between permittee; and
5. A plan of action to assume responsibility for implementation of SWMP's on their portions of the MS4 should interjurisdictional agreements allocating responsibility between permittees be dissolved or in default.

Permittees are jointly responsible for permit compliance on portions of the MS4 where operational or SWMP implementation authority over portions of the MS4 is shared or has been transferred from one permittee to another in accordance with legally binding agreements. A copy of Montgomery County's Storm Water Management Plan is attached (Appendix A).

XI. PROCEDURES FOR FORMULATION OF FINAL DETERMINATIONS

A. Comment Period

The Alabama Department of Environmental Management proposes to issue a NPDES permit to the applicant subject to effluent limits and special conditions outlined above. These determinations are tentative. Interested persons are invited to submit written comments on the permit application or on proposed determinations to the following address:

Permits and Services
Alabama Department of Environmental Management
Post Office Box 301463
Montgomery, Alabama 36130

A public comment period will begin on **July 17, 2001** and continue for 30 days. All comments received prior to **August 17, 2001** or within 30 days of receiving a copy of the draft permit, whichever is later, will be considered in formulation of final determinations with regard to this application.

B. Public Hearing

The Director will hold a public hearing if there is a significant degree of public interest in a proposed permit or group of permits. The Director may hold a public hearing if he determines that useful information and data may be obtained thereby. Public notice of such a hearing will be circulated at least thirty (30) days prior to the hearing, in newspapers in the geographical area of the discharge and to those on the EPA mailing list.

C. Issuance of the Permit

After consideration of all written comments and requirements and policies in the Alabama Water Pollution Control Act Code of Alabama 1975, §§22-22-1 through 22-22-14 (1984 and 1987 Cum. Supp.) and the Alabama Environmental Management Act Code of Alabama 1975, §§22-22A-1 through 22-22A-16 (1984 and 1987 Cum. Supp.) and applicable Administrative Rules promulgated thereunder, and, if a public hearing is held, after consideration of all comments, statements and data presented at the hearing, the Director will make determinations regarding permit issuance. If the determinations are substantially changed, the Director will issue a public notice indicating the revised determinations.

Unless a request for an adjudicatory hearing is granted, the proposed permit contained in the Director's determination shall become issued and effective and will be the final action of the Alabama Department of Environmental Management.

D. Adjudicatory Hearing

Any interested person adversely affected may submit a request for an adjudicatory hearing on the permit and its conditions within 15 days after notice to the aggrieved person by the Department of such action, or if no notice to the aggrieved person is given or required by the Alabama Environmental Management Act, Code of Alabama 1975, §§22-22A-1 through 22-22A-16, within 30 days of such action. A request for a hearing to contest an administrative action of the Department shall be made in accordance with ADEM Administrative Code Chapter 2-1, in writing and shall contain:

1. the name, mailing address and telephone number of the person making the request;
2. a short and plain statement identifying the administrative action of the Department being contested;
3. a short and plain statement of the threatened or actual injury suffered by the requester as a result of the administrative action of the Department;
4. a short statement of the terms and conditions which the requester proposes that the Commission should include in an order modifying or disapproving the Department's administrative action;
5. the name, mailing address, and telephone number of the requester's attorney, if represented by an attorney.

A request for a hearing to contest an administrative action of the Department shall be filed with the Commission by delivering the same, either personally or by United States mail as certified mail, return receipt requested with instruction to the delivering postal employee to show to whom delivered, date of delivery, and address where delivered to, to:

Chairman (or his designee)
Environmental Management Commission
% Alabama Department of Environmental Management
Post Office Box 301463
Montgomery, Alabama 36130-1463

The granting of a request will stay only the contested portions of the permit. Uncontested provisions of the permit shall be considered issued and effective and the permittee must comply with such provisions. The final Commission decision on the permit provisions contested at an adjudictory hearing will be made in accordance with Commission Adjudicatory Hearing Regulations.