

**LAND APPLICATION GENERAL PERMIT
for
MINE DEWATERING AND
STORMWATER ASSOCIATED
WITH NONMETAL MINERAL
MINING FACILITIES**

This Permit Authorizes the land application of mine dewatering and stormwater from mining facilities in accordance with limitations, monitoring requirements and other conditions set forth herein. This permit is issued in accordance with the provisions of the Pollution Control Act of South Carolina (S.C. Code Sections 48-1-10 *et seq.*, 1976) and Regulation 61-9.



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**S.C. Department of Health and
Environmental Control**

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PART I. Definitions

Any term not defined in this Part has the definition stated in the Pollution Control Act or in "Water Pollution Control Permits", R.61-9 or its normal meaning.

- A. The "Act", or CWA, shall refer to the Clean Water Act (Formerly referred to as the Federal Water Pollution Control Act) Public Law 92-500, as amended.
- B. "Basin" (or "Lagoon") means any in-ground or earthen structure designed to receive, treat, store, temporarily retain and/or allow for the infiltration/evaporation of wastewater.
- C. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
- D. The "Department" or "DHEC" shall refer to the South Carolina Department of Health and Environmental Control.
- E. "Groundwater" means the water below the land surface found in fractured rock or various soil strata.
- F. "Land application", for the purposes of this permit, is the discharging of stormwater or wastewater onto the land surface; or the management of stormwater or wastewater in basins to allow for infiltration or evaporation.
- G. "Runoff" is rainwater, leachate or other liquid that drains overland on any part of a land surface and runs off the land surface.
- H. "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.
- I. "Sludge" means industrial sludge. Industrial sludge is a solid, semi-solid, or liquid residue generated during the treatment of industrial wastewater in a treatment works. Industrial sludge includes, but is not limited to, industrial septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from industrial sludge. Industrial sludge does not include ash generated during the firing of industrial sludge in an industrial sludge incinerator or grit and screenings generated during preliminary treatment of industrial wastewater in a treatment works. Industrial sludge by definition does not include sludge covered under 40 CFR Part 503 or R.61-9.503.
- J. Reserved
- K. "Wastewater" means industrial wastewater. Industrial wastewater is wastewater generated from a federal facility, commercial or industrial process, including waste and wastewater from humans when generated at an industrial facility.
- L. "Mine" means an area of land or water, surface or underground, used for or resulting from the extraction of a mineral solid from natural deposits that are sold or consumed in the regular operation of a business.
- M. "Mine dewatering" means any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. For sand and gravel mines and/or industrial sand mines, this term shall also include wet pit overflows caused solely by direct rainfall and ground water seepage. However, if a mine is also used for treatment of mine process generated wastewater,

discharges of commingled water from the mine shall be deemed discharges of mine process generated wastewater.

- N. "Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage from facilities classified as Standard Industrial Classification 14 (non-metallic mineral industry) including active or inactive mining operations that discharge stormwater contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations. Inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.
- O. "Mine process generated wastewater" means any wastewater used in the slurry transport of mined material, air emissions control (excluding water used for dust suppression on roads which is evaporated or absorbed by soils such that no runoff to a receiving stream occurs), or processing exclusive of mining. The term shall also include any other water that becomes commingled with such wastewater in a pit, pond, lagoon, mine or other facility used for treatment of such wastewater. The term does not include wastewater used for the suction dredging of deposits in a body of water and returned directly to the body of water without being used for other purposes or combined with other wastewater.
- P. "Mine equipment wash water" means wastewater generated by washing mine equipment (including trucks) used in onsite mining operations.
- Q. "Suction dredge water" means wastewater generated from suction dredging in sand or gravel dredge mining operations conducted in surface waters classified as Waters of the State and subsequently processed onshore to extract the sand or gravel. Suction dredge waters generated from dredging operations conducted in a mine pit are not included in this definition.
- R. "Domestic sewage" is waste and wastewater produced from humans.
- S. "NOI" means Notice Of Intent (Form No. DHEC 3239) to be covered by this permit (see Part III of this permit.)
- T. "Reclamation" means the reasonable rehabilitation of the affected land for useful purposes and the protection of the natural resources of the surrounding area. Although both the need for and the practicability of reclamation control the type and degree of reclamation in a specific instance, the basic objective is to establish on a continuing basis the vegetative cover, soil, stability, water conditions, and safety conditions appropriate to the area. Closure activities are a part of reclamation.
- U. "Dimension stone" is rock or stone which has been specially cut or shaped for use in buildings, monuments, memorial and gravestones, curbing or other construction or special uses.
- V. "Crushed stone" means rock or stone which has been reduced in size after mining to meet various consumer requirements.

PART II. PERMIT COVERAGE

A. Permit Area

The permit covers all areas of South Carolina including Catawba Indian Nation lands.

B. Eligibility

1. a. Except for discharges identified under Part II.B.2, this Permit may cover land application of the following:

stormwater (as noted below in this section; also see Part I.N)
mine dewatering (See I.M)

from the following types of mines:

sand
gravel
clay
fill dirt
kaolin
vermiculite
dimension stone quarries
crushed stone quarries
or other types of nonmetallic mineral mines or quarries as approved by the Department on a case-by-case basis.

Land application of stormwater and mine dewatering from South Carolina Department of Transportation or South Carolina Ports Authority borrow pits that are fill dirt mines may also be covered under this permit.

Allowable stormwater includes runoff from any overburden, raw material, intermediate product, finished product, byproduct or waste product located on the site and which have not undergone chemical processing unless otherwise approved by the Department. This permit covers stormwater from active, temporarily inactive, and inactive facilities including stormwater from construction of the mine, access roads, and basins associated with the land application system.

2. Limitations on Coverage

Land application of the following are not authorized by this Permit:

- a. Stormwater or mine dewatering that is mixed with stormwater or wastewater that is not eligible for coverage under this permit.
- b. Stormwater or mine dewatering that is subject to an existing land application permit or are located at a facility where a land application permit has been terminated, denied, or revoked (except as noted below); or which are issued a permit in accordance with Part VI.A. (Requirements for Individual or Alternative General Permits) of this Permit. Such discharges may be authorized under this Permit after an existing permit expires or is canceled (permittees with existing individual permits may request that the facility be covered under the general permit prior to the expiration date of the individual permit, in

such case the individual permit may be revoked and the general permit coverage issued).

- c. Stormwater or mine dewatering from a mine other than a sand, gravel, clay, fill dirt, kaolin, or vermiculite mine or dimension stone or crushed stone quarry (or other types of nonmetallic mineral mines as approved by the Department on a case-by-case basis).
- d. Mine process wastewater (See I.O).
- e. Mine equipment washwater (See I.P).
- f. Suction dredge water (See I.Q).
- g. Domestic sewage (See I.R).
- h. Stormwater runoff from areas such as chemical or fuel storage areas, vehicle maintenance shops, truck washes or similar operations located on the mine site.
- i. Stormwater or wastewater from other operations which are located on the mine site such as asphalt plants or concrete plants which would be considered to have a different Standard Industrial Classification (SIC) Code than SIC Code 14 series (Nonmetallic Minerals, except Fuels).
- j. Stormwater associated with construction activity disturbing one acre or more is not eligible for coverage under this permit, other than stormwater associated with construction of the mine, access roads, and basins associated with the land application system.

C. Authorization

1. Applicants for coverage under this Permit must submit a Notice of Intent (NOI) using the NOI form (DHEC 3239) provided by the Department as applicable in accordance with the requirements of Part III of this Permit to be authorized to land apply under this Permit. Applicants shall use the e-permitting system if available. A new permittee is authorized to land apply under the terms and conditions of this permit beginning on the date of written notice from the Department of such coverage. Expiration of this permit does not preclude the Department from granting coverage to new permittees.
2. The Department may deny coverage under this Permit and require submittal of an application for an individual No Discharge/Land Application permit, an individual NPDES permit, or an alternative NPDES general permit based on a review of the NOI or other information.

PART III. NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification

1. Except as provided in Part III.F (Transfer of Ownership or Control), individuals who intend to obtain coverage under this Permit for a new mine shall submit a Notice of Intent (NOI) in accordance with the requirements of this part at least thirty (30) days prior to proposed operation. The Department may determine that a shorter time frame is acceptable on a case-by-case basis.
2. If the time frame allowed under III.A.1 is not met, the Department may bring an enforcement action for failure to submit an NOI in a timely manner or for any unauthorized activities that have occurred.

B. Contents of Notice of Intent

1. The Notice of Intent (see Part II.C.1. for required form) shall be signed in accordance with Part IV.K. (Signatory Requirements) of this Permit and shall include the following information:
 - a. Name of facility, facility contact, mailing address, and location of the facility for which the notification is submitted including tax map numbers;
 - b. Up to four 4-digit Standard Industrial Classification (SIC) codes that best represent the principal products or activities provided by the facility along with a description of the material mined;
 - c. The operator's name, address, telephone number, and status as Federal, State, private, public or other entity;
 - d. The permit number of additional Land Application/ND permits that currently or previously authorized land application activities on the site or NPDES permits that currently or previously authorized any discharges (including other wastewater discharges) from the site;
 - e. A US Geological Survey (USGS) Topographical 7.5' or 15' Quadrant map (or 8.5" x 11" section of either map along with the name of the quadrant) showing the proposed land application locations;
 - f. The permit number of any existing or pending mining permits at the site;
 - g. The total number of acres affected by the mining activity;
 - h. Description of all operations contributing stormwater runoff and wastewater to the land application system and any treatment provided. For a new facility, an indication of whether the owner or operator has existing quantitative data describing the concentration of pollutants in mine discharges - this data or estimates should be provided. Existing facilities are required to submit at a minimum, quantitative data for pH, total suspended solids, oil and grease (for quarries) and any other constituents of concern;
 - i. Description of the discharge flow path from the mine to the land application system;
 - j. A map of the site that shows the following: the property boundary and all areas that will be affected by mining activities; the location of planned access and haul roads on the area to be affected; the location of land application areas; the location and name of streams, lakes, wetlands, and existing drainage ditches within the area to be permitted; 100-year floodplain; buffer areas; and a legend that shows the

name of the applicant, the name of the proposed mine, north arrow, county, scale, date of preparation, and name and title of the person who prepared the map;

- k. An attachment, prepared by a Professional Engineer registered in South Carolina, that shows through engineering calculations that the land application system has the capacity to land apply stormwater and mine dewatering resulting from the 24-hour 25-year storm event without discharging to surface waters;
- l. Other pertinent information or clarifications concerning the mining facility which the permittee wishes to be considered.

C. Where to Submit

Facilities which land apply must use the appropriate NOI form provided by the Department. Forms are available by calling (803) 898-4300 or on the Department's web page <http://www.scdhec.gov/Library/d-3239.pdf>. NOI's must be signed in accordance with Part IV.K. (Signatory Requirements) of this Permit. NOI's are to be submitted to the Department at the following address:

SC Department of Health and Environmental Control
NPDES/ND Permit Administration
2600 Bull Street
Columbia, SC 29201

Facilities shall use the e-permitting system if available.

D. Renotification

1. Existing facilities with coverage under this permit and who wish to continue an activity regulated by this permit after the permit expiration date are required to apply for and obtain a new permit coverage. A permittee with coverage under this permit shall renotify by submitting a new NOI (or using the e-permitting system if available) at least 180 days prior to the expiration date of this permit, unless permission for a later date has been granted by this Department. This NOI will be used to determine coverage under the new permit when reissued.
2. An NOI submitted less than 9 months prior to the permit expiration date will be used to determine coverage under the new general permit when reissued.

E. Individual Applications

1. Any applicant eligible to apply for coverage under a general permit that has previously filed an individual application and has not received a Land Application/No Discharge permit can receive coverage under this general permit. To do so a letter and a completed NOI must be sent to the Department requesting coverage in lieu of an individual permit. Permittees with existing individual permits may request to be covered under the general permit prior to the expiration date of the individual permit, in such case the individual permit may be revoked and the general permit coverage issued.
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 Land Application/No Discharge permit. The owner or operator shall submit an individual application (No Discharge (or ND) permit application, sludge disposal supplement, location supplement, Form 1, Form 2C if needed for characterization, and other relevant documents) with

reasons supporting the request to the Department. Individual permit applications shall be submitted to the address in Part III.C. of this Permit. The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request. The owner or operator shall continue to comply with this Permit until an individual permit or an alternative general permit coverage is issued.

F. Transfer of Ownership or Control

1. Coverage under a general permit may be transferred to another party under the following conditions:
 - a. The permittee notifies the Department of the proposed transfer at least thirty (30) days in advance of the proposed transfer date;
 - b. A written agreement is submitted to the Department between the existing and new permittee containing a specific date for the transfer of permit responsibility, coverage, and liability between them; and
 - c. An NOI is filed by the new owner.
2. Transfers are not effective if, within thirty (30) days of receipt of proposal, the Department disagrees and notifies the current permittee and the new permittee of the intent to modify, revoke and reissue, or terminate the permit coverage and to require that a new application be filed.

G. Modification

The permittee shall submit a new Notice of Intent, if the land application location is to be moved, or a new land application location is added or the mine site is to be modified in any way that would affect the characteristics of the effluent to the land application system covered by this Permit. For a land application system that is being terminated, a letter stating such will be needed. The Department will determine if the modification is acceptable and notify the permittee in writing as to continuing coverage under this Permit or that an individual permit will be necessary.

PART IV. Standard Conditions

A. Duty to comply

The permittee shall comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the Pollution Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. The Department's approval of wastewater facility plans and specifications does not relieve the permittee of responsibility to meet permit limits.

1. Failure to comply with permit conditions or the provisions of this permit may subject the permittee to civil penalties under S.C. Code Section 48-1-330 or criminal sanctions under S.C. Code Section 48-1-320. Sanctions for violations of the Federal Clean Water Act may be imposed in accordance with the provisions of 40 CFR Part 122.41(a)(2) and (3).
2. A person who violates any provision of this permit, a term, condition or schedule of compliance contained within a valid land application permit or State permit is subject to the actions defined in the State law and Regulation 61-9.

B. Continuation of the Expired Permit

This Permit expires on the date specified on the cover page of this Permit. However, coverage under an expired permit continues in force and effect until a new permit becomes effective.

C. Need to halt or reduce activity not a defense

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

D. Duty to mitigate

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

E. Proper operation and maintenance

1. The permittee shall at all times properly operate and maintain in good working order and operate as efficiently as possible all land application sites and facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes effective performance based on design facility removals, adequate funding, adequate operator staffing and training, adequate laboratory controls, and appropriate quality assurance procedures and groundwater monitoring wells, if required. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
2. Power Failures. In order to maintain compliance with effluent limitations and prohibitions of this permit, the permittee shall either:

- a. provide an alternative power source sufficient to operate the wastewater control facilities;
 - b. or have a plan of operation which will halt, reduce, or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.
3. The permittee shall develop and maintain at the facility a complete Operations and Maintenance Manual for the waste treatment facilities and/or the land application system. The manual shall be made available for on-site review during normal working hours. The manual shall contain operation and maintenance instructions for all equipment and appurtenances associated with the waste treatment facilities and land application system. The manual shall contain a general description of the treatment process(es), the operational procedures to meet the requirements of IV.E.1 above, and the corrective action to be taken should operating difficulties be encountered.
4. The permittee shall provide for the performance of daily treatment facility inspections, including the land application system, when mining is occurring or water is being discharged to the land application system. The inspections shall include, but should not necessarily be limited to, areas which require visual observation to determine efficient operation and for which immediate corrective measures can be taken using the O & M manual as a guide. All inspections shall be recorded and shall include the date, time, and name of the person making the inspection, corrective measures taken, and routine equipment maintenance, repair, or replacement performed. The permittee shall maintain all records of inspections at the permitted facility as required by the permit, and the records shall be made available for on-site review during normal working hours.
5. Wastewater Sewer Systems
- a. Purpose. This section establishes rules for governing the operation and maintenance of wastewater sewer systems, including gravity or pressure interceptor sewers. It is the purpose of this section to establish standards for the management of sewer systems to prevent and/or minimize system failures that would lead to public health or environmental impacts.
 - b. Applicability. This section applies to all sewer systems that have been or would be subject to a DHEC construction permit under Regulation 61-67 and whose owner owns or operates the wastewater treatment system to which the sewer discharges.
 - c. General requirements. The permittee must:
 - (1) Properly manage, operate, and maintain at all times all parts of its sewer system(s), to include maintaining contractual operation agreements to provide services, if appropriate;
 - (2) Provide adequate capacity to convey base flows and peak flows for all parts of the sewer system or, if capital improvements are necessary to meet this standard, develop a schedule of short and long term improvements;
 - (3) Take all reasonable steps to stop and mitigate the impact of releases of wastewater to the environment; and
 - (4) Notify the Department within 30 days of a proposed change in ownership of a sewer system.

F. Permit actions.

A Land Application or State permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

G. Property rights

The issuance of coverage under this permit does not convey any property rights of any sort, or any exclusive privilege nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

H. Duty to provide information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

I. Inspection and entry

The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the Department), upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity including all land disposal sites is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), including all land application sites, practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Pollution Control Act, any substances or parameters at any location including all land disposal sites.

J. Monitoring and records.

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

(2) Samples shall be reasonably distributed in time, while maintaining representative sampling.

(3) No sampling or analysis, which is otherwise valid, shall be terminated for the purpose of preventing the analysis from showing a permit or water quality violation.

b. Flow Measurements.

- (1) Where primary flow meters are required, appropriate flow measurement devices and methods consistent with accepted scientific practices shall be present and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of not greater than 10 percent from the true discharge rates throughout the range of expected discharge volumes. The primary flow device, where required, must be accessible to the use of a continuous flow recorder.
 - (2) Where permits require an estimate of flow, the permittee shall maintain at the permitted facility a record of the method(s) used in "estimating" the discharge flow (e.g., pump curves, production charts, water use records) for the outfall(s) designated on limits pages to monitor flow by an estimate.
 - (3) Records of any necessary calibrations must also be kept.
- c. The Department may designate a single, particular day of the month on which any group of parameters listed in the permit must be sampled. When this requirement is imposed in a permit, the Department may waive or alter compliance with the permit requirement for a specific sampling event for extenuating circumstances.
2. Except for records of monitoring information required by a permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503, R.61-9.503, or R.61-9.504), 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 all reports required by its permit, and records of all data used to complete the application for its 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 Department at any time.
3. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
4. Analyses for required monitoring must be conducted according to test procedures approved under 40 CFR Part 136 unless other test procedures have been specified in the permit or, in the case of sludge use or disposal, unless otherwise specified in R.61-9.503 or R.61-9.504.

5. The PCA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under its permit shall be subject to civil and criminal penalties as provided for in the act, law or other appropriate regulations.

K. Signatory requirement.

1. All applications, reports, or information submitted to the Department shall be signed and certified.

- a. Applications. All permit applications shall be signed as follows:

- (1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

- (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

- (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

- (3) For a municipality, State, Federal, or other public agency or public facility: By either a principal executive officer, mayor, or other duly authorized employee or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

- (a) The chief executive officer of the agency, or

- (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator, Region IV, EPA).

- b. All reports required by permits, and other information requested by the Department, shall be signed by a person described in Part IV.K.1.a of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in Part IV.K.1.a of this section;

- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized

representative may thus be either a named individual or any individual occupying a named position.) and,

(3) The written authorization is submitted to the Department.

c. Changes to authorization. If an authorization under Part IV.K.1.b of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part IV.K.1.b of this section must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing a document under Part IV.K.1.a or b of this section shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

2. The PCA provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall be subject to civil or criminal provisions as provided for in the act, law, or other appropriate regulations.

L. Reporting requirements

1. Planned changes.

The permittee shall give written notice to DHEC/Bureau of Water/Water Facilities Permitting Division as soon as possible of any planned physical alterations or additions to the permitted facility (and obtain a Construction Permit if required under Regulation 61-67). Prior notice is required only when:

a. The alteration or addition could significantly increase the quantity of water or pollutants land applied. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Regulation 61-9.122.42(a)(1).

b. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

2. Anticipated noncompliance.

The permittee shall give advance notice to the DHEC/Bureau of Water/Water Pollution Control Division of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Reports

All reports required by this permit shall be submitted to:

S.C. Department of Health and Environmental Control
Bureau of Water/Water Pollution Control Division
Data and Records Management Section
2600 Bull Street
Columbia, South Carolina 29201

4. Monitoring reports. Monitoring results shall be reported at the intervals specified in the permit.

- a. Monitoring results (with the exception of any Annual Reporting requirements under section 503.18, section 503.28, section 503.48 or section 504.18) must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices. Until final approval of DHEC's designated electronic DMR system, effluent monitoring results obtained at the required frequency shall be reported on a Discharge Monitoring Report Form (EPA Form 3320-1). The DMR is due postmarked no later than the 28th day of the month following the end of the monitoring period. One original and one copy of the Discharge Monitoring Reports (DMRs) shall be submitted to the address in Part IV.L.3.

Once DHEC notifies the permittee that the electronic DMR system is operational, the permittee will be required to use the electronic DMR system beginning the monitoring period following the notification. Completed electronic DMRs must be received no later than 11:59 PM on the 28th day of the month following the end of the monitoring period.

- b. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in R.61-9.503, R.61-9.504, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.
- c. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

5. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of its permit shall be submitted no later than 14 days following each schedule date.

6. Twenty-four hour reporting

- a. The permittee shall report any non-compliance, which may endanger health or the environment. Any information shall be provided orally to local DHEC office within 24 hours from the time the permittee becomes aware of the circumstances. During normal working hours call:

County	DHEC Region	Phone No.
Anderson, Oconee	Upstate Region BEHS Anderson	864-260-5585
Abbeville, Greenwood, Laurens, McCormick	Upstate Region BEHS Greenwood	864-227-5915
Greenville, Pickens	Upstate Region BEHS Greenville	864-372-3273
Cherokee, Spartanburg, Union	Upstate Region BEHS Spartanburg	864-596-3327
Fairfield, Lexington, Newberry, Richland	Midlands Region BEHS Columbia	803-896-0620
Chester, Lancaster, York	Midlands Region BEHS Lancaster	803-285-7461
Aiken, Barnwell, Edgefield, Saluda	Midlands Region BEHS Aiken	803-642-1637
Chesterfield, Darlington, Dillon, Florence, Marion, Marlboro	Pee Dee Region BEHS Florence	843-661-4825
Clarendon, Kershaw, Lee, Sumter	Pee Dee Region BEHS Sumter	803-778-6548
Georgetown, Horry, Williamsburg	Pee Dee Region BEHS Myrtle Beach	843-238-4378
Berkeley, Charleston, Dorchester	Low Country Region BEHS Charleston	843-953-0150
Beaufort, Colleton, Hampton, Jasper	Low Country Region BEHS Beaufort	843-846-1030
Allendale, Bamberg, Calhoun, Orangeburg	Low Country Region BEHS Orangeburg	803-533-5490

* After-hour reporting should be made to the 24-Hour Emergency Response telephone number 1-888-481-0125.

A written submission shall also be provided to the address in Part IV.L.3 within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- b. The following shall be included as information which must be reported within 24 hours under this paragraph.
 - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See R.61-9.505.44)
 - (2) Any upset which exceeds any effluent limitation in the permit.
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours. (See R.61-9.505.44).
- c. The Department may waive the written report on a case-by-case basis for reports under Part IV.L.6.b of this section if the oral report has been received within 24 hours.

7. Other noncompliance.

The permittee shall report all instances of noncompliance not reported under Part IV.L.6 of this section as soon as feasible or no later than seven days. The reports shall contain the information listed in Part IV.L.6.a of this section.

8. Other information.

Where 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 Department, it shall promptly submit such facts or information to the Water Facilities Permitting Division. This information may result in permit modification, revocation and reissuance, or termination in accordance with Regulation 61-9.

M. Bypass

1. Reserved.

2. Notice.

- a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass to the DHEC/Bureau of Water/ Water Facilities Permitting Division.
- b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part IV.L.6 of this section.

3. Prohibition of bypass

- a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under Part IV.M.2 of this section.
- b. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in Part IV.M.3.a of this section.

N. Upset

1. Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation including the land disposal sites.
2. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph IV.N.3 of this section are met. No determination made during administrative review of claims that noncompliance was caused by

upset, and before an action for noncompliance, is final administrative action subject to judicial review.

3. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, daily operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility including the land disposal sites were at the time being properly operated; and
 - c. The permittee submitted notice of the upset as required in paragraph IV.L.6.b(2) of this section (24 hour reporting).
 - d. The permittee complied with any remedial measures required under paragraph IV.D of this section.
4. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

O. Misrepresentation of Information

1. Any person making application for a land application permit or state permit or filing any record, report, or other document pursuant to a regulation of the Department, shall certify that all information contained in such document is true. All application facts certified to by the applicant shall be considered valid conditions of the permit issued pursuant to the application.
2. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, or other documents filed with the Department pursuant to the State law, and the rules and regulations pursuant to that law, shall be deemed to have violated a permit condition and shall be subject to the penalties provided for pursuant to 48-1-320 or 48-1-330.

P. Other Requirements

- (1) No portion of a new or expanding application site for effluent application shall be located in the 100 year flood plain unless there is a permitted secondary year round disposal option (e.g. an NPDES permit).
- (2) The intent of this permit is cover the management of mine dewatering and stormwater in ponds or other infiltration areas such that there is no discharge to surface waters. Effluent application, other than application to ponds or other areas used for the purpose of holding water prior to infiltration, shall not occur during periods when the ground is frozen, ponded, there is standing water on the application site, or the ground is flooded.
- (3) New or expanding facilities with basins, storage ponds or other constructed impoundments (except for systems designed to operate in this manner, e.g. infiltration basins) must be appropriately lined as determined by the Department. The Department may consider the level of treatment and, if the basin or structure is existing, the scope of the modifications that may be required in the determination of whether a basin, storage pond or other constructed impoundments must be lined. Storage facilities for Reclaimed water (as described in section 505.45) will not require a liner unless specifically required by the Department.
- (4) Reserved

- (5) Basins, storage ponds or constructed impoundments (except for systems designed to operate in this manner, e.g. infiltration basins) which are in use may be required to be monitored with groundwater monitoring wells as approved by the Department. The basin, storage pond or constructed impoundment may be considered unlined if the leakage rate is greater than 500 gallons per day per acre, or information available would indicate to the Department that specific hydrological conditions would require groundwater monitoring. The Department may consider the level of treatment, or the type of wastewater (e.g. influent characteristics) in the determination of whether an unlined basin, storage pond or other constructed impoundments must have groundwater monitoring. Storage facilities for reclaimed water (as described in section 505.45) will not require groundwater monitoring unless specifically required by the Department.
- (6) There shall be no runoff of any effluent, sludge, treated waste or mixture of pollutants outside the permitted area.
- (7) Lined basins, storage ponds, or constructed impoundments may be required by the Department to have groundwater monitoring wells to assure compliance with State Water Quality Standards R.61-68.

Part V. Special Conditions

A. Other Conditions

1. All mine dewatering water and stormwater shall be contained within the land application area. Other than discharge by infiltration to groundwater, there shall be no discharge of mine dewatering water or stormwater from the land application area. Such discharges are not allowed and are violations under this permit, the S.C. Pollution Control Act, and the Clean Water Act.
2. The permittee shall cease mining operations if necessary to prevent an unlawful discharge from the land application area.
3. No wastewater, other than mine dewatering or stormwater, shall be discharged to, or otherwise managed within, the land application area.
4. No pollutants, other than naturally occurring pollutants in mine dewatering and stormwater at the site, shall be discharged to, or otherwise managed within, the land application area.
5. All necessary erosion and sediment control practices must be maintained to keep sediment onsite and until the entire site is stabilized.
6. Approval from the Department must be obtained prior to chemical addition or other types of treatment to maintain compliance with the NPDES permit. A construction permit, per R.61-67, may be required for treatment systems, but for systems only involving the addition of coagulants/flocculants, Department approval rather than a construction permit will be required.
7. For mines that are exempt from the S.C. Mining Act pursuant to Section 48-20-280(1) of the S.C. Code of Laws, this permit also requires compliance with the minimum standards and criteria found in R.72-307 to satisfy compliance with R.72.302.A(5).
8. The permittee must comply with the following conditions if the site is located in one of the eight coastal counties (Horry, Georgetown, Charleston, Berkeley, Dorchester, Colleton, Beaufort, Jasper).
 - a. In the event that any historic or cultural resources and/or archaeological materials are found during the course of work, the applicant must notify the State Historic Preservation Office (SHPO) and the South Carolina Institute of Archaeology and Anthropology. Historic or cultural resources consist of those sites listed in the National Register of Historic Places and those sites that are eligible for the National Register. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include, but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal materials.
 - b. The project must be fully consistent with all local zoning, ordinances, comprehensive plans and other specific local authorizations prior to land disturbance.
9. The permittee shall follow the twenty-four hour reporting requirements in Part IV.L.6 for a discharge to surface waters that may cause an excursion of water quality criteria.

Part VI. REVOCATION OF COVERAGE

A. Requirements for an Individual Permit or an Alternative General Permit

1. This Permit may be revoked at the request of any interested person (including the permittee) or upon the Department's initiative. However, this Permit may only be revoked after notice and for the reasons specified in R.61-9.122.62. All requests shall be in writing and shall contain facts or reasons supporting the request.
2. If the Department decides the request is not justified, it shall send the requester a brief written response giving a reason for the decision. Denials of request for revocation are not subject to public notice, public comment, or public hearings.
3. If the Department tentatively decides to revoke this Permit, it may require any owner or operator authorized to land apply under this Permit to apply for an individual Land Application/No Discharge permit, an individual NPDES permit, or an alternative NPDES general permit. In such case, the owner or operator will be 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, 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 permit or the alternative general permit as it applies to the individual permittee, coverage under this Permit shall automatically terminate. Permit applications shall be submitted to the address shown in Part III.C. (Where to Submit) of this Permit. The Department may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual permit application or an alternative NPDES general permit application as required by the Department, then the applicability of this Permit to the individual Land Application/No Discharge or NPDES permittee is automatically terminated at the end of the day specified for application submittal.
4. When an individual Land Application/No Discharge or NPDES permit is issued to an owner or operator otherwise subject to this Permit, or the owner or operator is authorized for coverage under an alternative NPDES general permit, the applicability of this Permit to the individual permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual permit is denied to an owner or operator otherwise subject to this Permit, or the owner or operator is denied for coverage under an alternative NPDES general permit, the applicability of this Permit to the individual permittee is automatically terminated on the date of such denial, unless otherwise specified by the Department.
5. If there is evidence indicating potential or realized impacts on water quality due to any land application activities covered by this Permit, the owner or operator of such activities may be required to obtain an individual permit or an alternative general permit.
6. Permit revocation of coverage will be conducted according to S.C. Pollution Control Act and S.C. Regulation 61-9.

Part VII. TERMINATION OF COVERAGE

A. Notice of Termination

A site or a portion of a site that has been released from applicable state reclamation requirements is no longer required to maintain coverage under this permit.

Where the mine has met the minimum reclamation standards under the S.C. Mining Act and regulations and all land application activities have ceased, the operator of the facility may submit a Notice of Termination that is signed in accordance with Part IV.K. (Signatory Requirements) of this Permit. (Instead of the reclamation standards under the S.C. Mining Act and regulations, S.C. Department of Transportation projects that are exempt from mine operating permit requirements, must meet the standards in the Memorandum of Agreement concerning reclamation between the Department and the S.C. Department of Transportation. S.C. Ports Authority projects that are exempt from mine operating permit requirements, must meet the standards in Appendix A of this Permit.)

The Notice of Termination shall include the following information:

1. Name, mailing address, and location of the facility for which the notification is submitted. Where a mailing address for the site is not available, the location can be described in terms of the latitude and longitude of the facility to the nearest 15 seconds that the facility is located in;
2. Up to four 4-digit SIC codes that best represent the principal products or activities provided by the facility;
3. The operator's name, address, telephone number, ownership status and status as Federal, State, private, public or other entity;
4. The Land Application/No Discharge permit number for the mine identified by the Notice of Termination; and
5. The following certification signed in accordance with Part IV.K. (Signatory Requirements) of this Permit:

"I certify under penalty of law that all land application activities have ceased. The mine has met the minimum reclamation standards under the SC Mining Act and regulations (or Memorandum of Agreement concerning reclamation between the Department and the S.C. Department of Transportation, or Appendix A of the NPDES General Permit for Discharges Associated with Nonmetal Mineral Mining Facilities). I understand that by submitting this notice of termination, that I am no longer authorized to land apply under this Permit, and that discharging pollutants from mine discharges to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit."

B. All Notices of Termination are to be sent to the following address:

SC Department of Health and Environmental Control
NPDES/ND Permit Administration
2600 Bull Street
Columbia, SC 29201

C. Cancellation of the Land Application/No Discharge Permit Number

Upon completing Department approved reclamation of the site, the assigned Land Application/No Discharge permit number will be cancelled. The Department will provide written notification of this cancellation to the permittee.

APPENDIX A

Reclamation Requirements for S.C. Ports Authority Mines

Section 48-20-280(1) of the S.C. Code of Laws exempts from the S.C. Mining Act certain activities of the S.C. Ports Authority and persons acting under contract with the S.C. Ports Authority. These reclamation requirements apply to mines that meet the exemption of 48-20-280(1).

Reclamation plans as stated herein shall include all areas disturbed in excavations of borrow and material pits, except planned inundated areas.

The final side slopes of areas excavated for borrow and material pits shall be left at such an angle so as to minimize erosion and the possibility of slides. The minimum slope in every case shall be not less than 3:1.

Small pools of water should not be allowed that are, or are likely to become noxious, odious, or foul to collect or remain on the borrow pit. Suitable drainage ditches, conduits, or surface gradient shall be constructed to avoid collection of noxious, odious, or foul pools of water unless the borrow pit is to be reclaimed into a lake or pond.

Borrow pits reclaimed to a lake or pond must have an adequate supply of water to maintain a water sufficient level to maintain a minimum water depth of four (4) feet on at least fifty (50) percent of the surface area of the lake or pond.

Excavated areas will be drained where feasible unless otherwise requested by the property owner where, in such instances, the property owner may wish to develop the excavated area for recreational purposes or for the raising of fish, or for other uses.

Where material is stripped from the ground surface in relatively thin layers, the area, after excavation has been completed, will be thoroughly scarified and terraced and planted to establish satisfactory vegetation necessary to control erosion. Vegetative cover should be established on a continuing basis to ensure soil stability appropriate to the area. Conservation practices essential for controlling both on-site and off-site erosion and siltation must be established. A minimum of seventy-five (75) percent vegetative ground cover, with no substantial bare spots, must be established and maintained into the second growing season.

Excavated areas that are drained will be seeded to obtain a satisfactory vegetative cover. The side slopes of excavated area will be planted to vegetation.

All applicable regulations of agencies and statutes relating to the prevention and abatement of pollution shall be complied with by the contractor in the performance of the contract.