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ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

STATE INDIRECT DISCHARGE PERMIT

PERMITTEE: MATTHEWS INDUSTRIES INC

FACILITY LOCATION: 23 2ND STREET SW
DECATUR, AL

PERMIT NUMBER: IU 08-52-00222

POTW LOCATION: DECATUR UTILITIES (DRY CREEK) (AL0048593)

SOURCE OF DISCHARGE: INDUSTRIAL WASTES RESULTING FROM METAL FINISHING OPERATIONS

In accordance with and subject to the provisions of 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 discharge limitations, monitoring requirements and other terms and conditions set forth in this permit, the Permittee is hereby authorized to discharge industrial wastes from the above-described source to waters of the State through the above-named publicly owned treatment works ("POTW").

ISSUANCE DATE: **JANUARY 4, 2005**

EFFECTIVE DATE: FEBRUARY 1, 2005

EXPIRATION DATE: JANUARY 31, 2010


Alabama Department of Environmental Management

STATE INDIRECT DISCHARGE (SID) PERMIT
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PART I

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to introduce industrial wastes into the POTW from the following outfall(s):

DSN001s: Metal finishing wastewater associated with furniture manufacturing operations.

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS 1/2/</u>	
		Daily Minimum	Daily Maximum	Monthly Average	Measurement Frequency	Sample Type
Flow	MGD	-	monitor	.007	Daily	Totalized
pH	s.u.	5.0	10.5	-	Daily	Grab
Cadmium, Total	mg/l	-	0.69	0.26	1/month	Composite
Chromium, Total	mg/l	-	2.77	1.71	1/month	Composite
Copper, Total	mg/l	-	3.38	2.07	1/month	Composite
Lead, Total	mg/l	-	0.69	0.43	1/month	Composite
Nickel, Total	mg/l	-	3.98	2.38	1/month	Composite
Silver, Total	mg/l	-	0.43	0.24	1/month	Composite
Zinc, Total	mg/l	-	2.61	1.48	1/month	Composite
Cyanide, Total	mg/l	-	1.20	0.65	1/6 months	Grab
Total Toxic Organics <u>3/</u>	mg/l	-	2.13	-	1/6 months	Grab

- 1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.
- 2/ If only one sampling event occurs during a month, the sample result shall be reported on the discharge monitoring report as both the monthly average and daily maximum value for all parameters with a monthly average limitation.
- 3/ See Part IV.

B. DISCHARGE AND MONITORING LOCATIONS

All wastewater discharged under this permit shall be discharged to the POTW at the location(s) described below and all monitoring and sampling required by this permit shall be performed at the location(s) described below.

Discharge: 001s
Location of Monitoring Point: Flume/Flow meter in waste treatment department
Location of Discharge Point: Approximately 200 feet southwest of the southwest corner of main building.

C. GENERAL PRETREATMENT STANDARDS AND PROHIBITIONS

1. The permittee shall not discharge or, in any manner, introduce into the publicly owned treatment works any pollutant(s) which, alone or in conjunction with a discharge or discharges from other sources, causes pass through or interference or in any other manner adversely impacts the operation or performance of the treatment works, to include the method of sludge disposal in use by the publicly owned treatment works.
2. The permittee shall not discharge or, in any manner, introduce any of the following pollutants into the publicly owned treatment works:
 - a. Pollutants which may create a fire or explosive hazard, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;
 - b. Pollutants which may cause corrosive structural damage to the treatment works, but in no case discharges with a pH lower than 5.0;
 - c. Solid or viscous pollutants in amounts which may cause obstruction to the flow in sewers, or other interference in the treatment works;
 - d. Any pollutant, including oxygen demanding pollutants (BOD, etc.) of such volume or strength as to cause interference in the treatment works;
 - e. Heat in amounts which may inhibit biological activity in the treatment plant resulting in interference but in no case in such quantities that the temperature of the influent, at the treatment plant, exceeds 40 degrees centigrade or 104 degrees Fahrenheit;
 - f. Pollutants which may result in the presence of toxic gases, vapors, or fumes within the treatment works in a quantity that may cause acute worker health and safety problems;
 - g. Unless specifically authorized by this permit, any pollutants not generated at the facility for which this permit was issued; or
 - h. Petroleum oil, biodegradable cutting oil, or products of mineral oil origin in amounts that will cause pass through or interference.
3. The permittee shall not discharge or introduce any pollutant into the POTW at any location other than at a discharge point described and authorized by this permit.
4. Groundwater

This permit does not authorize any discharge to groundwater. Should a threat of groundwater contamination occur, the Director may require groundwater monitoring to properly assess the degree of the problem and the Director may require that the permittee undertake measures to abate any such discharge and/or contamination.
5. Discharge of Wastewater Generated by Others

The discharge of wastewater, generated by any process, facility, or by any other means not under the operational control of the permittee or not identified in the application for this permit or not identified specifically in the description of an outfall in this permit is not authorized by this permit.

D. CATEGORICAL PRETREATMENT STANDARDS

1. Regardless of whether the requirements of a categorical pretreatment standard promulgated as a federal regulation by EPA are included in the requirements of this permit, the permittee shall attain compliance with the standard no later than three years after its promulgation or no later than the date required by the standard.
2. If a categorical pretreatment standard applicable to any part of the discharge authorized by this permit has been or is in the future promulgated by EPA, the permittee shall submit to the Department a baseline report within 180 days after the effective date of the categorical standard. The report shall be prepared and shall contain the information required by 40 CFR Section 403.12.
3. If a categorical pretreatment standard applicable to any part of the discharge authorized by this permit has been or is in the future promulgated by EPA, the permittee shall submit to the Department a compliance report within 90 days after the final compliance date of the categorical standard. The report shall be prepared in accordance with 40 CFR Section 403.12 and shall contain the information required by this Act.

E. DISCHARGE MONITORING AND RECORD KEEPING REQUIREMENTS**1. Representative Sampling**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge and shall be in accordance with the provisions of this permit.

2. Test Procedures

Test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and guidelines published pursuant to Section 304(h) of the FWPCA, 33 U.S.C. Section 1314(h). If more than one method for analysis of a substance is approved for use, a method having a detection limit lower than the permit limit shall be used. If the detection limit of all methods is higher than the permit limit the method having the lowest detection limit shall be used and a report of less than detection limit shall constitute compliance, however should EPA approve a method with a lower detection limit during the term of this permit the permittee shall use the newly approved method.

When an EPA approved test procedure for analysis of a pollutant does not exist, the Director or his designee shall approve the procedure to be used.

3. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The facility name and location, point source number, date, time and exact place of sampling;
- b. The name(s) of person(s) who obtained the samples or measurements;
- c. The dates and times the analyses were performed;
- d. The name(s) of the person(s) who performed the analyses;
- e. The analytical techniques or methods used, including source of method and method number; and
- f. The results of all required analyses.

Such records shall be maintained whether the permittee or his contractor performs the sampling and/or analyses.

4. Records Retention and Production

- a. 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 the permit, and records of all data used to complete the above reports and the application for this permit, for a period of at least three years from the date of the sample measurement, report or application. This period may be extended by request of the Director at any time. If litigation or other enforcement action, under the AWPCA and/or the FWPCA, is ongoing which involves any of the above records, the records shall be kept until the litigation is resolved. Upon the written request of the Director or his designee, the permittee shall provide the Director with a copy of any record required to be retained by this paragraph. Copies of these records should not be submitted unless requested.

- b. All records required to be kept for a period of three years shall be kept at the permitted facility or an alternate location approved by the Department in writing and shall be available for inspection.

5. Reduction, Suspension, or Termination of Monitoring and/or Reporting

- a. The Director may, with respect to any point source identified in Provision I. A. of this permit, authorize the permittee to reduce, suspend or terminate the monitoring and/or reporting required by this permit upon the submission of a written request for such reduction, suspension or termination by the permittee, supported by sufficient data which demonstrates to the satisfaction of the Director that the discharge from such point source will continuously meet the discharge limitations specified in Provision I. A. of this permit.
- b. It remains the responsibility of the permittee to comply with the monitoring and reporting requirements of this permit until written authorization to reduce, suspend or terminate such monitoring and/or reporting is received by the permittee from the Director.

6. Monitoring Equipment and Instrumentation

All equipment and instrumentation used to determine compliance with the requirements of this permit shall be installed, maintained, and calibrated in accordance with the manufacturer's instructions or, in the absence of manufacturer's instructions, in accordance with accepted practices. The permittee shall develop and maintain quality assurance procedures to ensure proper operation and maintenance of all equipment and instrumentation. The quality assurance procedures shall include the proper use, maintenance, and installation, when appropriate, of monitoring equipment at the plant site.

F. DISCHARGE REPORTING REQUIREMENTS

1. Reporting of Monitoring Requirements

- a. The permittee shall conduct the required monitoring in accordance with the following schedule:

MONITORING REQUIRED MORE FREQUENTLY THAN MONTHLY AND MONTHLY shall be conducted during the first full month following the effective date of coverage under this permit and every month thereafter.

QUARTERLY MONITORING shall be conducted at least once during each calendar quarter. Calendar quarters are the periods of January through March, April through June, July through September, and October through December. The permittee shall conduct the quarterly monitoring during the first complete calendar quarter following the effective date of this permit and is then required to monitor once during each quarter thereafter. Quarterly monitoring may be done anytime during the quarter, unless restricted elsewhere in this permit, but it should be submitted with the last DMR due for the quarter, i.e., (March, June, September and December DMR's).

SEMIANNUAL MONITORING shall be conducted at least once during the period of January through June and at least once during the period of July through December. The permittee shall conduct the semiannual monitoring during the first complete calendar semiannual period following the effective date of this permit and is then required to monitor once during each semiannual period thereafter. Semiannual monitoring may be done anytime during the semiannual period, unless restricted elsewhere in this permit, but it should be submitted with the last DMR for the month of the semiannual period, i.e. (June and December DMR's).

ANNUAL MONITORING shall be conducted at least once during the period of January through December. The permittee shall conduct the annual monitoring during the first complete calendar annual period following the effective date of this permit and is then required to monitor once during each annual period thereafter. Annual monitoring may be done anytime during the year, unless restricted elsewhere in this permit, but it should be submitted with the December DMR.

- b. The permittee shall submit discharge monitoring reports (DMRs) on the forms provided by the Department and in accordance with the following schedule:

REPORTS OF MORE FREQUENTLY THAN MONTHLY AND MONTHLY TESTING shall be submitted on a monthly basis. The first report is due on the 28th day of February, 2005. The reports shall be submitted so that they are received by the Department no later than the 28th day of the month following the reporting period.

REPORTS OF QUARTERLY TESTING shall be submitted on a quarterly basis. The first report is due on the 28th day of April 2005. The reports shall be submitted so that they are received by the Department no later than the 28th day of the month following the reporting period.

REPORTS OF SEMIANNUAL TESTING shall be submitted on a semiannual basis. The reports are due on the 28th day of JANUARY and the 28th day of JULY. The reports shall be submitted so that they are received by the Department no later than the 28th day of the month following the reporting period.

REPORTS OF ANNUAL TESTING shall be submitted on an annual basis. The first report is due on the 28th day of JANUARY. The reports shall be submitted so that they are received by the Department no later than the 28th day of the month following the reporting period.

- c. The DMR must be legible and bear an original signature. Photo and electronic copies of the signature are not acceptable and shall not satisfy the reporting requirements of this permit. If the permittee, using approved analytical methods as specified in Provision I. E. 2. monitors any discharge from a point source for a limited substance identified in Provision I. A. of this permit more frequently than required by this permit, the results of such monitoring shall be included in the calculation and reporting of values on the DMR Form and the increased frequency shall be indicated on the DMR Form. In the event no discharge from a point source identified in Provision I. A of this permit and described more fully in the permittee's application occurs during a monitoring period, the permittee shall report "No Discharge" for such period on the appropriate DMR Form.
- d. All reports and forms required to be submitted by this permit, the AWPCA and the Department's Rules, shall be signed by a "responsible official" of the permittee as defined in ADEM Administrative Code Rule 335-6-5-.14 or a "duly authorized representative" of such official as defined in ADEM Administrative Code Rule 335-6-5-.14 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 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."

- e. All reports and forms required to be submitted by this permit, the AWPCA and the Department's Rules, shall be addressed to:

**Alabama Department of Environmental Management
Industrial Section, Water Division
Post Office Box 301463
Montgomery, Alabama 36130**

- f. If this permit is a re-issuance, then the permittee shall continue to submit DMRs in accordance with the requirements of their previous permit until such time as DMRs are due as discussed in Part I.F.1.b. above.

2. Noncompliance Re-sampling and Notification

- a. If for any reason, (1) the permittee's discharge causes interference or pass through at the POTW or (2) an unpermitted direct or indirect discharge of pollutants occurs as a result of the permittee's actions or from the permittee's property or facility the permittee shall orally report the occurrence and circumstances of such discharge to the Director within 24-hours after the permittee becomes aware of the occurrence of such discharge. In addition to the oral report, the permittee shall submit to the Director a written report as provided in c. below, no later than five (5) days after becoming aware of the occurrence of such discharge (unpermitted discharges properly reported to the Department under any other requirement are not required to be reported under this provision).
- b. If for any reason, the permittee's discharge does not comply with any limitation of this permit, the permittee shall submit to the Director a written report as provided in c. below, such report shall be submitted with the next Discharge Monitoring Report required to be submitted by Provision I. F. 1. of this permit after becoming aware of the occurrence of such noncompliance.
- c. Any written report required to be submitted to the Director by Provision I. F. shall be submitted using a copy of the Noncompliance Notification Form provided with this permit and shall include the following information:
- (1) A description of the discharge and cause of noncompliance;
 - (2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated period of time that the noncompliance is expected to continue; and
 - (3) A description of the steps taken and/or being taken to reduce or eliminate the noncomplying discharge and to prevent its recurrence.

- d. Within 30 days after becoming aware of the exceedance of a permit limit for any parameter, the permittee shall resample and test for this parameter and shall submit the results of the testing to the Department with the next discharge monitoring report submittal. If this permit requires the monitoring of the parameter more often than once every 30 days this requirement is satisfied and additional sampling is not required.

3. Hazardous Waste Discharge Notification

- a. The permittee shall notify the publicly owned treatment works, the Department, and the Director of the EPA Region IV Waste Management Division of any discharge under this permit of a substance which is a listed or characteristic waste under Section 3001 of RCRA.
- b. The notification shall include a description of the hazardous waste(s) discharged, specifying the volume and concentration of the waste(s) and the type of discharge (continuous, batch, or other), identifying the hazardous constituents contained in the listed waste(s) and estimating the volume of hazardous waste(s) expected to be discharged during the following twelve months. The notification shall be made within 30 days after the effective date of this permit or within 30 days of the first discharge of the hazardous waste(s).
- c. The permittee shall be exempt from these reporting requirements during a calendar month in which no more than 100 kilograms of a hazardous waste are discharged, unless the waste is an acute hazardous waste as specified in 40 CFR 261.5(e), (f), (g) and (j). Discharge of more than 100 kilograms of a hazardous waste in any given month requires a one-time notification. Subsequent months during which the industrial user discharges more than 100 kilograms of a hazardous waste do not require additional notification, except for an acute hazardous waste.
- d. In the case of new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous wastes or listing any additional hazardous waste, the permittee shall make notification as required in Provision I. F. 3. a. and b. of the discharge of such substance within 90 days of the effective date of such regulations.
- e. In the case of any notification, the permittee shall certify that it has a program in place to reduce the volume and toxicity of the wastes to the degree it has determined to be economically practicable and that it has selected the method of treatment, storage, or disposal currently available which minimizes the present and future threat to human health and the environment.

4. Slug Discharges

The permittee shall notify the publicly owned treatment works and the Department of any slug type discharge that may cause pass through or interference with the treatment works. Such notification shall be made to the treatment works immediately after the permittee becomes aware of the event and to the Department during the first normal business day after becoming aware of the event. The permittee shall coordinate with the operator of the treatment works and shall develop a notification procedure that is acceptable to the operator. The permittee may be required to establish a formal slug load control program if such is determined by the Director or his designee to be required to prevent pass through or interference.

G. OTHER REPORTING AND NOTIFICATION REQUIREMENTS

1. Submittals to Publicly Owned Treatment Works

The Department may require the permittee at any time to submit copies of any or all reports, notifications, applications, or other documents, that are submitted by the permittee to the Department, to the POTW receiving the discharge(s) authorized by this permit. Upon notification by the Department, the permittee shall submit copies of the required documents to the POTW no later than the required date of submittal to the Department.

2. Anticipated Noncompliance

The permittee shall give the Director written advance notice of any planned changes or other circumstances regarding a facility which may result in noncompliance with permit requirements.

3. Termination of Discharge

The permittee shall notify the Director, in writing, when all discharges from any point source(s) identified in Provision I. A. of this permit have permanently ceased. This notification shall serve as sufficient cause for instituting procedures for modification or termination of this permit.

4. Updating Information

- a. The permittee shall inform the Director of any change in the permittee's mailing address or telephone number or in the permittee's designation of a facility contact or office(s) having the authority and responsibility to prevent and abate violations of the AWPCA, the Department's Rules and the terms and conditions of this permit, in writing, no later than

ten (10) days after such change. Upon request of the Director or his designee, the permittee shall furnish the Director with an update of any information provided in the permit application.

- b. 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.

5. **Duty to Provide Information**

The permittee shall furnish to the Director, within a reasonable time, any information which the Director or his designee 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.

6. **Cooling Water and Boiler Water Additives**

- a. The permittee shall notify the Director in writing not later than sixty (60) days prior to instituting the use of any biocide corrosion inhibitor or chemical additive in a cooling or boiler system, not identified in the application for this permit, from which discharge is allowed by this permit. Notification is not required for additives that do not contain a heavy metal(s) as an active ingredient and that pass through a wastewater treatment system prior to discharge nor is notification required for additives that should not reasonably be expected to cause the cooling water or boiler water to exhibit toxicity as determined by analysis of manufacturer's data or testing by the permittee. Such notification shall include:

- (1) Name and general composition of biocide or chemical,
- (2) 96-hour median tolerance limit data for organisms representative of the biota of the waterway into which the discharge will ultimately reach,
- (3) Quantities to be used,
- (4) Frequencies of use,
- (5) Proposed discharge concentrations, and
- (6) EPA registration number, if applicable.

- b. The use of a biocide or additive containing tributyl tin, tributyl tin oxide, zinc, chromium or related compounds in a cooling or boiler system(s), from which a discharge regulated by this permit occurs, is prohibited. Zinc and chromium may be used in special circumstances if the permit contains limits for these substances. The use of any additive, not identified in this permit or in the application for this permit or not exempted from notification under this permit is prohibited, prior to a determination by the Department that permit modification to control discharge of the additive is not required or prior to issuance of a permit modification controlling discharge of the additive.

H. SCHEDULE OF COMPLIANCE

- 1. The permittee shall achieve compliance with the discharge limitations specified in Provision I. A. in accordance with the following schedule:

COMPLIANCE SHALL BE ATTAINED ON THE EFFECTIVE DATE OF THIS PERMIT

- 2. No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

PART II

A. OPERATIONAL AND MANAGEMENT REQUIREMENTS

- 1. **Facilities 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 the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and

adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities only when necessary to achieve compliance with the conditions of the permit.

2. Best Management Practices

- a. Except where expressly authorized to do so by an applicable categorical pretreatment standard, the permittee shall not increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a categorical pretreatment standard or any requirement of this permit.
- b. The permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112 if required thereby.
- c. The permittee shall prepare, submit for approval and implement a Best Management Practices (BMP) Plan for containment of any or all process liquids or solids, in a manner such that these materials do not present a significant potential for discharge, if so required by the Director or his designee. When submitted and approved, the BMP Plan shall become a part of this permit and all requirements of the BMP Plan shall become requirements of this permit.

3. Spill Prevention, Control and Management

The permittee shall provide spill prevention, control, and/or management sufficient to prevent any spills of stored pollutants from entering a water of the state or a publicly or privately owned treatment works. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) stored and which shall prevent the contamination of groundwater and such containment system shall be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided.

B. OTHER RESPONSIBILITIES

1. Right of Entry and Inspection

The permittee shall allow the Director, or an authorized representative, upon the presentation of proper identification to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the AWPCA, any substances or parameters at any location.

2. Duty to Mitigate Adverse Impacts

The permittee shall promptly take all reasonable steps to mitigate and minimize any adverse impact to waters resulting from noncompliance with any discharge limitation specified in Provision I. A. of this permit, including such accelerated or additional monitoring of the discharge, influent and effluent at the POTW, and/or the waterbody receiving the POTW discharge as necessary to determine the nature and impact of the noncomplying discharge.

C. BYPASS AND UPSET

1. Bypass

- a. Any bypass is prohibited except as provided in b. and c. below:
- b. A bypass is not prohibited if:
 - (1) It does not cause any discharge limitation specified in Provision I., A. of this permit to be exceeded; and
 - (2) It is necessary for essential maintenance of a treatment or control facility or system to assure efficient operation of such facility or system.
- c. A bypass is not prohibited and need not meet the discharge limitations specified in Provision I., A. of this permit if:

- (1) It is unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There are 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; and
 - (3) The permittee submits a written request for authorization to bypass to the Director at least ten (10) days prior to the anticipated bypass (if possible), the permittee is granted such authorization, and the permittee complies with any conditions imposed by the Director to minimize any adverse impact to waters resulting from the bypass.
- d. The permittee has the burden of establishing that each of the conditions of Provisions II. C. 1 b. or c. have been met to qualify for an exception to the general prohibition against bypassing contained in Provision II. C. 1 a. and an exemption, where applicable, from the discharge limitations specified in Provision I. A. of this permit.

2. Upset

- a. A discharge which results from an upset need not meet the discharge limitations specified in Provision I. A., of this permit if:
- (1) No later than 24-hours after becoming aware of the occurrence of the upset, the permittee orally reports the occurrence and circumstances of the upset to the Director or his designee; and
 - (2) No later than five (5) days after becoming aware of the occurrence of the upset, the permittee furnishes the Director with evidence, including properly signed, contemporaneous operating logs, or other relevant evidence, demonstrating that (i) an upset occurred; (ii) the permittee can identify the specific cause(s) of the upset; (iii) the permittee's facility was being properly operated at the time of the upset; and (iv) the permittee promptly took all reasonable steps to minimize any adverse impact to waters resulting from the upset.
- b. The permittee has the burden of establishing that each of the conditions of Provision II C. 2. a. of this permit have been met to qualify for an exemption from the discharge limitations specified in Provision I. A. of this permit.

D. DUTY TO COMPLY WITH PERMIT, RULES, AND STATUTES

1. Duty to Comply

- a. The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the AWPCA and the FWPCA and is grounds for enforcement action, for permit termination, revocation and reissuance, suspension, modification; or denial of a permit renewal application.
- b. The necessity to halt or reduce production or other activities in order to maintain compliance with the conditions of the permit shall not be a defense for a permittee in an enforcement action.
- c. The discharge of wastewater to the POTW from a source not specifically identified in the permit application for this permit and not specifically included in the description of an outfall in this permit is not authorized and shall constitute noncompliance with this permit.
- d. The permittee shall take all reasonable steps, including cessation of production or other activities, to minimize or prevent any violation of the permit or to minimize or prevent any adverse impact of any permit violation.

2. Removed Substances

Solids, sludges, filter backwash, or any other pollutant or other waste removed in the course of treatment or control of wastewaters shall be disposed of in a manner that complies with all applicable Department Rules.

3. Loss or Failure of Treatment Facilities

Upon the loss or failure of any treatment facility, including but not limited to the loss or failure of the primary source of power of the treatment facility, the permittee shall, where necessary to maintain compliance with the discharge limitations specified in Provision I. A. of this permit, or any other terms or conditions of this permit, cease, reduce, or otherwise control production and/or all discharges until treatment is restored.

4. Compliance with Statutes and Rules

- a. This permit has been issued under ADEM Administrative Code, Chapter 335-6-5. All provisions of this chapter, that are applicable to this permit, are hereby made a part of this permit. A copy of this chapter may be obtained for a small

charge from the Office of General Counsel, Alabama Department of Environmental Management, Post Office Box 301463, Montgomery, AL 36130-1463.

- b. 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. FWPCA, 33 U.S.C. Section 1319, and Code of Alabama 1975, Section 22-22-14.

E. PERMIT TRANSFER, MODIFICATION, SUSPENSION, REVOCATION, AND REISSUANCE

1. Duty to Reapply or Notify of Intent to Cease Discharge

- a. If the permittee intends to continue to discharge beyond the expiration date of this permit, the permittee shall file a complete permit application for reissuance of this permit at least 180 days prior to its expiration. If the permittee does not intend to continue discharge beyond the expiration of this permit, the permittee shall submit written notification of this intent which shall be signed by an individual meeting the signatory requirements for a permit application as set forth in ADEM Administrative Code Rule 335-6-5-.14.
- b. 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 335-6-5-.11 and should the permit not be reissued for any reason any discharge after expiration of this permit will be an unpermitted discharge.

2. Change in Discharge

The permittee shall apply for a permit modification at least 180 days in advance of any facility expansion, production increase, process change, or other action that could result in the discharge of additional pollutants or increase the quantity of a discharged pollutant such that existing permit limitations would be exceeded or that could result in an additional discharge point. This requirement applies to pollutants that are or that are not subject to discharge limitations in this permit. No new or increased discharge may begin until the Director has authorized it by issuance of a permit modification or a reissued permit.

3. Transfer of Permit

This permit may not be transferred or the name of the permittee changed without notice to the Director and subsequent modification or revocation and reissuance of the permit. In the case of a change in name, ownership or control of the permittee's premises only, a request for permit modification in a format acceptable to the Director is required at least 30 days prior to the change. In the case of a change in name, ownership or control of the permittee's premises accompanied by a change or proposed change in effluent characteristics, a complete permit application is required to be submitted to the Director at least 180 days prior to the change. Whenever the Director is notified of a change in name, ownership or control, he may decide not to modify the existing permit and require the submission of a new permit application.

4. Permit Modification and Revocation

- a. This permit may be modified or revoked and reissued, in whole or in part, during its term for cause, including but not limited to, the following:
- (1) If cause for termination under Provision II E.4.a.(1) of this permit exists, the Director may choose to revoke and reissue this permit instead of terminating the permit;
 - (2) If a request to transfer this permit has been received, the Director may decide to revoke and reissue or to modify the permit; or
 - (3) If modification or revocation and reissuance is requested by the permittee, the Director may grant the request.
- b. This permit may be modified during its term for cause, including but not limited to, the following:
- (1) If cause for termination under Provision II E. 5. of this permit exists, the Director may choose to modify this permit instead of terminating this permit;
 - (2) There are material and substantial alterations or additions to the facility or activity generating wastewater which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;
 - (3) 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;
 - (4) A new or revised categorical pretreatment standard applicable to the discharge(s) authorized by this permit is promulgated;

- (5) Errors in calculation of discharge limitations or typographical or clerical errors were made;
 - (6) When the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued;
 - (7) To the extent allowed by ADEM Administrative Code, Rule 335-6-5-.18, permits may be modified to change compliance schedules;
 - (8) When required by the reopener conditions in this permit;
 - (9) When required to correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions;
 - (10) When requested by the permittee and when the Director determines that the modification will not result in a violation of federal or state law, regulations or rules; or
 - (11) When more stringent or additional permit requirements are required to prevent pass through or interference.
5. 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. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
 - e. The permittee's discharge causes pass through or interference or threatens human health or welfare or the maintenance of water quality standards;
 - f. Permanent closure of the facility generating the wastewater permitted to be discharged by this permit or permanent cessation of wastewater discharge;
 - g. The Director determines that the permittee cannot comply with new or revised requirements of any applicable standard or limitation; or
 - h. Any other cause allowed by the ADEM Administrative Code, Chapter 335-6-5.
6. This permit may be suspended during its term for cause, including but not limited to, the reasons for termination listed in Provision I E. 5. of this permit.
7. 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.

PART III

A. 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 the 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 subject to penalties as provided by the AWPCA.

3. Permit Enforcement

- a. This permit is a permit for the purpose of the AWPCA and the FWPCA and as such any terms, conditions, or limitations of this permit are enforceable under state and federal law. The necessity to halt or reduce production or other activities in order to comply with this permit shall not be a defense for the permittee in an enforcement action.

- b. Any person required to have a SID permit pursuant to ADEM Administrative Code Chapter 335-6-5 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 applicable orders of the Department or any applicable rule or standard of the Department, is subject to any one or combination of the following enforcement actions under applicable statutes.

- (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.

4. Relief From Liability

Except as provided in Provision II. C. 1. (Bypass) and Provision II. C. 2. (Upset), nothing in this permit shall be construed to relieve the permittee of civil or criminal liability under the AWPCA or FWPCA for noncompliance with any term or condition of this permit.

B. 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 the FWPCA, 33 U.S.C. Section 1321.

C. 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 or 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.

D. AVAILABILITY OF REPORTS

Except for data determined to be confidential under Code of Alabama 1975, Section 22-22-9(c), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential.

E. EXPIRATION OF PERMITS FOR NEW OR INCREASED DISCHARGES

1. If this permit was issued for a new discharger or new source, this permit shall expire eighteen months after the issuance date if construction of the facility has not begun during the eighteen-month period.
2. If this permit was issued or modified to allow the discharge of increased quantities of pollutants to accommodate the modification of an existing facility and if construction of this modification has not begun during the eighteen month period after issuance of this permit or permit modification, this permit shall be modified to reduce the quantities of pollutants allowed to be discharged to those levels that would have been allowed if the modification of the facility had not been planned.
3. Construction has begun when the owner or operator has:
 - a. Begun, or caused to begin as part of a continuous on-site construction program:
 - (1) Any placement, assembly, or installation of facilities or equipment; or
 - (2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purpose of placement, assembly, or installation of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under the paragraph. The entering into a lease with the State of Alabama for exploration and production of hydrocarbons shall also be considered beginning construction.

F. DEFINITIONS

1. Average monthly discharge limitation - means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).
2. Average weekly discharge limitation - means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).
3. AWPCA - means the Alabama Water Pollution Control Act.
4. Bypass - means the intentional diversion of waste streams from any portion of a treatment facility.
5. Categorical pretreatment standard - means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the FWPCA, which applies to industrial users.
6. Daily discharge - means the discharge of a pollutant measured during any consecutive 24-hour period in accordance with the sample type and analytical methodology specified by the discharge permit.
7. Daily maximum - means the highest value of any individual sample result obtained during a day.
8. Daily minimum - means the lowest value of any individual sample result obtained during a day.
9. Day - means any consecutive 24-hour period.
10. Department - means the Alabama Department of Environmental Management.
11. Director - means the Director of the Department.
12. Discharge - means the introduction of any sewage, industrial waste, pollutant, or other waste into a publicly owned treatment works.
13. Discharge monitoring report (DMR) - means the form approved by the Director to accomplish the reporting requirements of a SID permit.
14. EPA - means the United States Environmental Protection Agency.
15. FWPCA - means the Federal Water Pollution Control Act.
16. Indirect discharger or industrial user - means a nondomestic discharger who discharges pollutants to a publicly owned treatment works.
17. Permit application - means forms and additional information that is required by ADEM Administrative Code Rule 335-6-5-.13 and applicable permit fees.
18. Point source - means "any discernible, confined and discrete conveyance, including but not limited to any pipe, channel, ditch, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, . . . from which pollutants are or may be discharged." Section 502(14) of the FWPCA, 33 U.S.C. Section 1362(14).
19. 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 those effluent characteristics specified in Provision I. A. of this permit.
20. Publicly owned treatment works (POTW) - means a treatment works as defined by Section 212 of the FWPCA, which is owned by the state, a municipality, a regional entity composed of two or more municipalities, or another entity created by state or local authority for the purpose of collecting and treating municipal wastewater. This definition does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term also means the municipality as defined in Section 502(4) of the FWPCA, which has jurisdiction over the "indirect discharges" to and the discharges from such a treatment works.
21. RCRA - means the Federal Resource Conservation and Recovery Act.
22. 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.

23. State indirect discharge permit or SID permit - means a permit issued to an industrial user.
24. 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 reasonable 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.
25. Waters - 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 "include all navigable waters" as defined in Section 502(7) of the FWPCA, 22 U.S.C. Section 1362(7), which are within the State of Alabama.
26. Week - means the period beginning at twelve midnight Saturday and ending at twelve midnight the following Saturday.

G. 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.

PART IV

A. TOTAL TOXIC ORGANIC (TTO) REQUIREMENTS

Total Toxic Organics (TTO) shall be defined as found in the applicable regulation (e.g., 40 CFR Parts 413, 433, 464, 465, 467, 468, or 469). TTO monitoring shall be necessary only for those compounds which are possibly present as a result of screening analyses, and/or a detailed review of TTO sources used in the facility. Annual certification shall be submitted by the permittee in January that the TTO parameters tested during the previous calendar year were those which could reasonably be expected as a result of screening analyses and/or presence of the TTO compound on-site. In addition to TTO monitoring, the Director or his designee may require that the permittee prepare and submit for approval and implementation a toxic organic management plan *[or solvent management plan]*.

In lieu of TTO monitoring, facilities subject to 40 CFR Part 413, 433, and 469 may submit a toxic organics management plan *[or solvent management plan]* which identifies toxic organic compounds used, the method of disposal used instead of discharge (such as reclamation, contract hauling or incineration) and procedures used for ensuring that toxic organics do not routinely spill or leak into the wastewater. The Department shall review the plan and initial TTO analysis, and if the plan is approved, the plan and any Department comments shall become a requirement of this permit. If design or construction is needed for the plan, engineering plans and specifications shall be submitted to the Department for review.

Should toxic organic pollutant levels be sufficiently low for those facilities subject to 40 CFR Part 413, 433, or 469 and the toxic organic management plan *[or solvent management plan]* is approved by the Department, the Department may waive further monitoring requirements provided all monitoring reports submitted thereafter include the following certification:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the permit limitation [or pretreatment standard] for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewaters has occurred since filing of the last discharge monitoring report. I further certify that this facility is implementing the toxic organic management plan [or solvent management plan] submitted to the permitting (or control) authority."

Should in-plant conditions change such that the toxic organic management plan *[or solvent management plan]* is no longer valid (i.e., spill containment is modified, toxic organic compounds used are changed, etc.), a modified plan and implementation schedule shall be submitted 90 days prior to such change and must be approved by the Department to again discontinue TTO monitoring. In any event, the toxic organic management plan *[or solvent management plan]* shall be reviewed and updated at least yearly after approval by the Department, to assure that the plan is still valid and meets the intent of this permit. Such review and update shall include, but not be limited to, a review of toxic organics used, containment provisions for each, and a physical examination of all components of the containment or management system used. Records of this yearly review shall be maintained by the permittee for a minimum of three years.

Discharge of TTO to any waste stream limited by this permit shall in no case be intentional, unless the waste treatment system is designed to remove TTO, and such discharge has been specifically approved by the ADEM Water Division.

B. DILUTION PROHIBITION

The permittee shall not augment the use of process wastewater as a partial or total substitute for adequate treatment to achieve compliance with any limitation in this permit.

MONTHLY DMR
 COMPANY: **MATTHEWS INDUSTRIES, INC.**
 DSN001S

ADEM DISCHARGE MONITORING REPORT
 LOCATION: **23 SECOND STREET SW**
DECATUR, ALABAMA

MONTH _____, 20____

SID NO. IU 08-52-00222

PARAM	Flow	pH	Cd, T	Cr, T	Cu, T	Pb, T	Ni, T	Ag, T	Zn, T	Cn, T	TTO		
MIN	-	5.0	-	-	-	-	-	-	-	-	-	-	-
MAX	Monitor	10.5	0.69	2.77	3.38	0.69	3.98	0.43	2.61	1.20	2.13		
MO. AVG	Monitor	-	0.26	1.71	2.07	0.43	2.38	0.24	1.48	0.65	-		
FREQ	Daily	Daily	1/month	1/6 months	1/6 months								
UNITS	MGD	s.u.	mg/l	mg/l									
1													
2													
3													
4													
5													
6													
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MAX													
MO.AVG													

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 persons 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.

Signature & Title of Responsible Official _____

Date _____

ADEM Form 457 8/02

Printed Name & Title of Responsible Official _____

