September 15, 2014

Dear Interested Party:

RE: White Rock Quarries, LLC- Vincent Hills Quarry
   Air Permit Number 411-0067 and NPDES Permit Number AL0082066
   Shelby County

Thank you for your participation in the public review process for the draft National Pollutant Discharge Elimination System (NPDES) Permit No. AL0082066 and the draft Air Permit No. 411-0067 for White Rock Quarries, LLC.

Numerous comments were received during the public comment period and at the public hearing. Comments were received from Harpersville Mayor Theoangelo Perkins, Councilwoman Shirley Middleton, Robert P. Fowler on behalf of White Rock Quarries, LLC, Southern Environmental Law Center on behalf of the Coosa Riverkeeper, Inc., Coosa Riverkeeper, Inc., EPA Region IV, and the general public.

All comments were thoroughly evaluated, and an appropriate response to each has been prepared. Enclosed is a copy of a summarized list of comments and the Department’s response to each. These comments were compiled from both written and verbal comments received by the Department during the public hearing and written comments received during the comment period.

To view all comments in their entirety as well as the summaries and responses, please refer to the official record which is located at ADEM, 1400 Coliseum Boulevard, Montgomery, Alabama 36110. All new public records are also available through the Department’s electronic filing system, eFile, which is located at http://edocs.adem.alabama.gov/eFile/.

Based on our review of the comments received and the applicable regulations and statutes, the Department has concluded that the proposed permits comply with ADEM applicable regulations and that issuance of the Permits is appropriate.

ADEM issued the NPDES and Air Permits for the facility on September 15, 2014.

If you have any additional questions or comments you may contact the Department at (334) 271-7700.

Sincerely,

Ronald W. Gore, Chief
Air Division

Enclosures: Air Response to Comments
            NPDES Response to Comments
 RESPONSE TO COMMENTS  
September 2014

White Rock Quarries, LLC – Vincent Hills Quarry  
Proposed Initial Issuance of NPDES Permit AL0082066  
Shelby County

The proposed initial issuance of White Rock Quarries, LLC (White Rock or the Permittee)’s National Pollutant Discharge Elimination System (NPDES) Permit No. AL0082066 (the Permit) for the Vincent Hills Quarry was placed on Public Notice February 12, 2014. The Department subsequently held a public hearing to provide interested parties an opportunity to present oral testimony on the proposed NPDES permit to help ensure that all relevant factors were considered before a final permit decision was made. The public hearing was scheduled and held on March 20, 2014. Notice of the date, time, place, and purpose of the hearing was published in The Birmingham News and Shelby County Reporter on February 12, 2014.

The Department received a request from the Coosa Riverkeeper, Inc. (Riverkeeper) on February 27, 2014, for a 30 day extension of the public comment period and 30 day postponement of the public hearing. The Department approved the public comment period extension, but denied the postponement of the public hearing.

The public hearing was held by the Alabama Department of Environmental Management (ADEM or the Department) in the gymnasium of the Vincent Middle High School in Vincent, Alabama. The public comment period was extended to 5:00 p.m. on April 21, 2014.

The Department reviewed all comments received during the comment period. Comments received in writing and those presented orally at the public hearing were equally considered. Relevant comments and the Department’s response to those comments are listed below. To view the comments in their entirety, the reader should refer to the official record which is located at ADEM, 1400 Coliseum Boulevard, Montgomery, Alabama 36110. All new public records are also available through the Department’s electronic filing system, eFile, which is located at http://edocs.adem.alabama.gov/eFile/.

Comments were received from Harpersville Mayor Theoangelo Perkins (Mayor), Councilwoman Shirley Middleton (Councilwoman), Robert P. Fowler on behalf of White Rock Quarries, LLC (White Rock), Southern Environmental Law Center (SELC) on behalf of the Riverkeeper, the Riverkeeper, EPA Region IV, and the general public.

Comments Received From the Mayor, the Councilwoman, and the General Public

Comment 1:  
Comments were received concerning ADEM’s perceived lack of investigation into the permit application. The comments suggested that ADEM was ignoring pertinent facts. Another comment suggested that ADEM’s consideration of White Rock’s NPDES application at this time was premature. Further comments indicated that ADEM “rubber-stamps” permit requests for polluting industries in Alabama. Comments were also received concerning the loss of property values.

Response 1:  
Section 22-22-9(g) of the Alabama Water Pollution Control Act (AWPCA) states that it shall be the duty of ADEM to “receive and examine applications, plans, specifications and other data and to issue permits for the discharge of pollutants, industrial wastes entering directly or through a municipal or private treatment facility and other wastes into the waters of the state, stipulating in each permit the conditions under which such discharge may be permitted”. If an applicant submits a complete and correct application that indicates it can comply with all the specific NPDES technical and administrative requirements applicable to their operation, the Department cannot
arbitrarily delay or deny permit coverage. The Department reviewed the NPDES permit application submitted by the applicant. Based on the Department’s review of the application, the Department determined the application complete and drafted the proposed permit based on the information presented in the application.

In addition, all new dischargers to waters of the State classified as Tier II must meet the requirements of the Department’s Antidegradation Policy (ADEM Admin. Code rs. 335-6-10-.04 and 335-6-10-.12). In this case, the Department has determined, based on the applicant’s demonstration, that the requirements of the Antidegradation Policy have been met.

Issues regarding property values are outside of the Department’s purview.

Comment 2:
Comments were received stating that ADEM disregarded Alabama Farm Protection Laws because of the possible dewatering of the area as a result of the quarrying process.

Response 2:
The Alabama Department of Economic and Community Affairs’ (ADECA) Office of Water Resources is the state agency with primacy and statutory authority to address comments regarding the withdrawal of surface water and groundwater.

In addition, Part II.D.5.b. of the Permit states that the “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.”

Comment 3:
Comments were received concerning the manner in which White Rock purchased the property containing the proposed quarry site. Comments were received concerning the Permittee’s lack of concern for environmental damage and adjoining water sources in their operations in Florida. Another comment suggested correlations between the Permittee’s business practices in Florida with their business practices in Alabama.

Response 3:
Issues concerning how property was purchased are outside the purview of this agency. The Department has determined that compliance with the requirements in the draft NPDES permit would be protective of water quality standards, which are developed to be protective of human health and the environment. In the event of noncompliance with permit conditions, enforcement will be initiated, as deemed appropriate. Additionally, see Response 1.

Comment 4:
Comments were received concerning Governor Bentley’s alleged withholding of the Alabama Water Agencies Working Group report completed in 2013.

Response 4:
The Alabama Water Agencies Working Group report, Mapping the Future of Alabama Water Resources Management: Policy Options and Recommendations, was released by the Governor to the public on April 17, 2014. Questions regarding the release of the report after its development should be directed to Governor’s Office.

Comment 5:
Comments were received concerning the possible increase in the cost of private insurance due to the potential for the quarry to cause sinkholes and health issues.
Response 5:
The Department has no regulatory authority with regard to sinkholes or private insurance.

It should be noted that the Permit is written such that full compliance with its terms and conditions is protective of human health and the environment.

Comment 6:
Comments were received concerning the creation of new sinkholes in the area surrounding the proposed quarry site due to the dewatering of the water table during the quarrying process. Another comment asked how the quarrying process will affect the groundwater; both long term and short term. Other comments were received concerning the possible dewatering of privately-owned water wells and ponds in the areas surrounding the proposed quarry site.

Response 6:
The Department has no regulatory authority with regard to sinkholes.

The Alabama Department of Economic and Community Affairs’ (ADECA) Office of Water Resources is the state agency with primacy and statutory authority to address comments regarding the withdrawal of surface water and groundwater and any effects the pumping will have on these waters.

The Permit does not authorize discharges of pollutants to groundwater, a water of the State.

Comment 7:
Comments were received concerning the accuracy of the NPDES permit application submitted to the Department by White Rock. One comment suggested that the application indicated that the facility would not be located on historically significant lands while evidence proves otherwise. It was also suggested that the topographic map required by Section XII of the NPDES permit application was also submitted incorrectly because privately-owned houses, private water wells, and historically significant sites within one mile of the proposed facility were not included on the map submitted to the Department.

Response 7:
The Permittee determined that sections of the proposed quarry site are located on lands considered historically significant. The Permittee has corrected Section VII of the NPDES application to reflect this determination. No change to the Permit was determined to be necessary as a result of this correction in the application.

The purpose of the topographic map submittal is to provide the Department with locations of receiving streams, locations of outfalls, a general layout of the facility, facility boundaries, and the general topographic details of the site. Because the Department currently has no regulations regarding proximity of quarries to homes, privately-owned water wells, or historical sites, inclusion of these locations on the topographic map provide additional details to the permit writer, but do not influence the development of the Permit. The Department has determined that the topographic map submitted in accordance with the requirements of Section XII of the permit application sufficiently represents the proposed operations at the site.

The Alabama Historical Commission (AHC) is the state agency with primacy and statutory authority to address any concerns regarding preservation or potential impacts to surrounding or onsite historical, archaeological, and burial sites.

Comment 8:
Comments were received alleging White Rock has predetermined their permit violations and have included any potential fines in their budget.
Response 8:
Comments regarding White Rock’s business plan or budget should be directed to White Rock.

It may also be noted that pursuant to Part II.D.1. of the Permit, the Permittee has a duty to comply with all terms and conditions of the Permit. Failure to comply with the terms and conditions of the Permit may result in enforcement action by the Department which may include payment of a civil penalty.

Comment 9:
Comments were received concerning the validity of information included in the letter from the Army Corps of Engineers concerning the wetland delineation report.

Response 9:
Comments regarding correspondence between the U.S. Army Corps of Engineers (USACE) and White Rock should be directed to USACE and/or White Rock.

Comment 10:
Comments were received concerning the quantity of sediment in the discharges from the quarry and their impacts on the receiving streams. One comment requested limits be placed on the total flow from Outfall 001.

Response 10:
The Permit includes limitations for Total Suspended Solids (TSS) to control the concentrations of solids discharges from the proposed outfalls. Because limitations for TSS are not promulgated in the federal regulations (40 CFR § 436) for crushed stone mining operations, and because the Department has no numerical water quality criterion for TSS, the limits were based on the Best Professional Judgment of the Department with consideration given to EPA’s Development Document for Effluent Limitations Guidelines and Standards for Mineral Mining and Processing Industry, Point Source Category, 1979. The limits have been shown to be protective of instream water quality in discharges from other limestone quarries within Alabama.

It should be noted that the TSS limit imposed by the Permit is within the range of TSS values found within the 67f Ecoregion, where the quarry is proposed to be located.

The Alabama NPDES Program requires that all facilities which discharge pollutants from any point source into waters of the State obtain an NPDES permit. Within the NPDES permit, pollutants of concern are limited. Pollutants are grouped into three categories: conventional, toxic, and non-conventional. Water quantity is not classified as a pollutant in any of these three categories, and, therefore, not appropriate to limit in an NPDES permit.

Comment 11:
Comments were received concerning the effects of the discharges to threatened or endangered species in the receiving streams. Another comment suggested that there was not an assessment from the U.S. Fish and Wildlife Service concerning potentially affected endangered species and ADEM should require an assessment before issuing the permit.

Response 11:
The Department has no jurisdiction in regards to endangered species. However, the Department notified the United States Fish and Wildlife Service (USFWS) of the proposed Permit on February 21, 2014. The Department received no comments on the draft permit from the USFWS. Questions or concerns related to endangered species should be directed to the USFWS. Compliance with the Permit’s terms and conditions is expected to be protective of the instream water quality standards. Please note that the instream water quality standards are established to be protective of aquatic life.
Comment 12:
Comments were received concerning the spreading of contaminated groundwater from the Alabama Plating Company, Inc. Superfund Site (Superfund Site) due to the groundwater drawdown from the proposed quarry. Another comment suggested that the final permit decision not be made until the final report is issued for the Alabama Plating Superfund Site in 2015.

Response 12:
The Superfund Site is located approximately 2.1 miles from the northern boundary of the area covered by the Permit. Based on information from EPA Region 4 personnel, the quarry site is not considered hydraulically connected to the Superfund Site. Therefore, any discharges of treated groundwater from the proposed quarry are not expected to contain any of the associated toxic and/or hazardous pollutants documented at the Superfund Site. Any further questions regarding the Superfund Site should be directed to the Superfund Project Manager in the Department’s Land Division or to the EPA Region 4 Remedial Project Manager in Atlanta, Georgia.

Comment 13:
Comments were received concerning the possible discharge of alkaline water into the Coosa River from the proposed quarry.

Response 13:
The Department has no numerical water quality criterion for alkalinity; however, the limitations imposed by the Permit have been shown to be protective of instream water quality in discharges from other limestone quarries within Alabama.

Comment 14:
Comments were received concerning the potential for downstream flooding and the resulting property damage caused by the discharges from Outfall 002 to an unnamed tributary to Spring Creek. It was suggested that pumped quarry discharges to Outfall 002 be denied. Another comment indicated that the discharges from Outfall 002 would infringe upon the rights of the downstream private property owners and that ADEM should require Outfall 001 to be constructed before the proposed quarry discharges any treated drainage.

Response 14:
See Response 1.

The Federal Emergency Management Agency (FEMA), EPA, and the USACE are the federal agencies with primacy and statutory authority to address concerns regarding floodway encroachments and riparian areas. You may contact these agencies for more information. Also, please note Part II.C.7. of the proposed permit states that the Permit does not “authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations.”

Comment 15:
Comments were received concerning the potential flooding of surrounding private property caused by the increase in the volume of water in the Coosa River due to discharges from Outfall 001. It was suggested that ADEM limit the total flow from the facility. Another comment suggested that the EPA conduct a flooding assessment and ADEM evaluate the potential effects of the pumped discharges from the proposed facility before the final permit is issued.

Response 15:
See Responses 10 and 14.
Comment 16:
Comments were received concerning the possible contamination of the area’s drinking water due to the discharges from the proposed quarry being upstream of the Talladega-Shelby Water Treatment Plant. Another comment asked if there was a one percent chance that the proposed quarry operation would affect the water supply.

Response 16:
The Permit has been drafted based on water quality standards for streams with the use classifications of Public Water Supply, Swimming and Other Whole Body Water- Contact Sports, and Fish and Wildlife. Full compliance with the Permit’s terms and conditions is expected to be protective of instream water quality and ensure consistency with instream State water quality standards, which are developed to be protective of aquatic life and human health and protective of the existing use classifications of the receiving streams.

Comment 17:
Comments were received concerning the potential discharge of harmful materials into the Coosa River and their subsequent bioaccumulation in aquatic life.

Response 17:
See Response 16.

Comment 18:
Comments were received concerning the potential presence of cement and asphalt plants at the proposed quarry site.

Response 18:
The Permit does not provide NPDES coverage for discharges associated with asphalt or cement plants at the Vincent Hills Quarry. If White Rock proposes to operate an asphalt or cement plant in the future at the Vincent Hills Quarry, they must first apply for and obtain coverage under a modification of the Permit. If an operator other than White Rock proposes to operate an asphalt or cement plant in the future at or adjacent to the Vincent Hills Quarry, they must first apply for and obtain coverage under a separate NPDES permit.

Comment 19:
Comments were received concerning the Polychlorinated biphenyl (PCB) contamination of the Coosa River from the Monsanto Plant in Anniston. It was suggested that the White Rock operations would pose an additional threat to the restoration of the river.

Response 19:
The Coosa River from River Mile 89 to Logan Martin Dam is currently on the CWA §303(d) list for Priority Organics (PCB’s). The Permit does not provide coverage for the discharge of PCBs into a water of the State. It should be noted that PCBs are not pollutants expected from this type of quarry operation.

Comment 20:
Comments were received concerning the lack of testing for benzene in the proposed permit. Comments were also received concerning the potential benzene contamination of private water wells and the public water supply. It was suggested that frequent independent testing of benzene be required in the permit.

Response 20:
The proposed permit authorizes discharges of treated drainage into the Coosa River, Unnamed Tributaries to the Coosa River, Unnamed Tributaries to Spring Creek and Unnamed Tributaries to Locust Creek. The Department’s current CWA §303(d) list does not list any of these streams as being impaired for benzene. Also, benzene is not a pollutant expected in significant concentrations from this type of quarry operation. Therefore, monitoring for benzene is not warranted at this time. However, this does not preclude the Permittee from complying with all
applicable State water quality standards as required by Part II.D.4 of the Permit. Additionally, Part II.D.2. of the Permit requires the Permittee to inform the Department as soon they know or have reason to believe that it has begun or expects to begin to discharge any pollutant listed as a toxic or hazardous pollutant by the Federal Water Pollution Control Act or any other pollutants or wastes not subject to discharge limitations specified in Part I.A. of the Permit.

**Comment 21:**
Comments were received concerning the presence of Benzene in the public water supply near White Rock’s Miami, FL operation.

**Response 21:**
See Responses 1 and 20.

**Comment 22:**
Comments were received concerning property damage from blasting. One comment indicated that White Rock had not provided any assurances regarding its blasting practices in the state of Alabama.

**Response 22:**
The Department has no jurisdiction over blasting activities. Comments concerning blasting should be addressed to the State Fire Marshall and the Town of Vincent, Alabama.

**Comment 23:**
Comments were received concerning the areas of historical significance within the area covered by the Permit.

**Response 23:**
The Alabama Historical Commission (AHC) is the state agency with primacy and statutory authority to address any concerns regarding potential preservation or potential impacts to surrounding or onsite historical, archaeological, and burial sites. Comments concerning areas of historical significance should be directed to the AHC.

**Comment 24:**
Comments were received concerning the quarry operation’s truck route’s impact on the town of Harpersville.

**Response 24:**
The Department does not have the authority to regulate truck traffic. Comments concerning truck traffic should be addressed to the Alabama Department of Transportation, the Alabama Department of Public Safety, and/or other appropriate agencies or commissions.

**Comment 25:**
Comments were received in support of the issuance of the Permit.

**Response 25:**
Comments noted. No response required.
Comments Received From the Riverkeeper

Riverkeeper Comment 1:
“[T]he Department’s lack of research and data to justify the issuance of this permit has put an unfair burden on the public to do the Department’s job on their behalf to show, with science, that the impacts of this proposed permit are not in the spirit or intent of the Clean Water Act and other applicable environmental laws.”

Riverkeeper Response 1:
Section 22-22-9(g) of the Alabama Water Pollution Control Act (AWPCA) states that it shall be the duty of ADEM to “receive and examine applications, plans, specifications and other data and to issue permits for the discharge of pollutants, industrial wastes entering directly or through a municipal or private treatment facility and other wastes into the waters of the state, stipulating in each permit the conditions under which such discharge may be permitted”. If an applicant submits a complete and correct application that indicates it can comply with all the specific NPDES technical and administrative requirements applicable to their operation, the Department cannot arbitrarily delay or deny permit coverage. The Department reviewed the NPDES permit application submitted by the applicant. Based on the Department’s review of the application, the Department determined the application complete and drafted the proposed permit based on the information presented in the application.

In addition, all new dischargers to waters of the State classified as Tier II must meet the requirements of the Department’s Antidegradation Policy (ADEM Admin. Code Rs. 335-6-10-.04 and 335-6-10-.12). In this case, the Department has determined, based on the applicant’s demonstration, that the requirements of the Antidegradation Policy have been met.

The Department provided in the Permit’s NPDES Individual Permit Rationale the justification for the terms and conditions contained within the Permit.

Riverkeeper Comment 2:
“[P]rovide us with the studies and data that the Department relied upon to substantiate the claim that the draft permit limits for TSS have been shown to be protective of water quality.”

Riverkeeper Response 2:
ADEM’s monitoring strategy for rivers and streams is designed to characterize water quality, to identify impacts from a variety of sources, and to provide a systematic and integrated framework for gathering necessary information to support the decision-making process. It is implemented on a 5-year basin rotation and incorporates specific protocols and methodologies to ensure that monitoring activities provide the highest quality information and make the most efficient use of available resources. ADEM’s complete Water Quality Monitoring Strategy can be found on ADEM’s website, www.adem.alabama.gov.

When stream specific water quality information does not exist, it is correct and appropriate for the Department to consider the effects that similar discharges may have had on streams with similar characteristics. In this case, the Department has considered the fact that there are no known siltation impairments in Alabama as a result of current compliant quarry operations.

Also, see Riverkeeper Response 1.
Riverkeeper Comment 3:
“According to the Pollution Abatement Plan Best Management Practices, the sediment ponds at the quarry will be installed and maintained in accordance with the Alabama Erosion Control Manual. This manual requires sediment ponds to be sized with a minimum volume of 3,600 cubic feet per drainage acre. According to this criteria, five of the proposed sediment ponds are undersized. They aren’t even big enough to hold the minimum volume. How did the Department not detect this when reviewing the permit application?”

Riverkeeper Response 3:
ADEM Admin Code r. 335-6-9 Appendix A(2) states that “pit drainage and spoil runoff should be diverted through the sedimentation basin by means of diversion ditches or normal drainage patterns. In cases where it is not practical to use this system, then … other effective systems may be utilized.” The section of the PAP plan submitted by the Permittee which states that “all BMP’s will be installed in accordance with the ‘Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas’” is in reference to areas that cannot be practically routed through one of the proposed outfalls. The Permittee has indicated that it plans to use additional sediment basins in series rather than one basin at each proposed outfall to aid in the treatment of stormwater runoff. The collected runoff would then be pumped and/or diverted to one of the proposed outfalls to be discharged after treatment.

ADEM Admin Code r. 335-6-9 Appendix A(3) requires sediment basins to have minimum capacity to store 0.25 acre feet/acre of disturbed area in the drainage area. The designs of the basins associated with Outfalls 008, 017, 024, 027, and 028 meet the requirements of ADEM Admin Code r. 335-6-9 Appendix A(3).

No changes were made to the Permit as a result of this comment.

Riverkeeper Comment 4:
“[T]he Department has placed a limit on the concentration of total suspended solids, but not on the total volume of solids. Likewise, there’s no flow limit. The Department is treating sediment with a dilution theory, as though sediment can be diluted by flow. The Department must establish volumetric limits for total sediment load or flow.”

Riverkeeper Response 4:
The NPDES Program requires that all facilities which discharge pollutants from any point source into waters of the United States obtain an NPDES permit. Pollutants of concern have limitations imposed within the NPDES permit. Pollutants are grouped into three categories: conventional, toxic, and non-conventional. Water volume is not classified as a pollutant in any of these three categories, and, therefore, not appropriate to limit in an NPDES permit. However, the Permit does limit pollutants of concern, such as Total Suspended Solids (TSS), which are transported to the receiving stream within the discharged water.

The Permit includes limitations for TSS to control the concentrations of solids discharges from the proposed outfalls. Because limitations for solids are not promulgated in the federal regulations (40 CFR § 436) for crushed stone mining operations, and because the Department has no numerical water quality criterion for TSS, the limits were based on the Best Professional Judgment of the Department with consideration given to EPA’s Development Document for Effluent Limitations Guidelines and Standards for Mineral Mining and Processing Industry, Point Source Category, 1979. Because the limits have been shown to be protective of instream water quality in
discharges from other limestone quarries within Alabama, the Department continues to believe that compliance with the terms and conditions of the Permit will ensure protection of narrative water quality standards.

It should be noted that the TSS limit imposed by the Permit is within the range of TSS values found within the 67f Ecoregion where the quarry is proposed to be located.

No changes were made to the Permit as a result of this comment.

**Riverkeeper Comment 5:**
“Excessive flow is also a major pollutant from this quarry; especially, for Outfall 002 into the tributary to Spring Creek…. The flow of the quarry at 3 million gallons per day will be ten times the actual flow of the receiving stream. This will result in flooding of the private property of other landowners, extensive erosion, and widening and deepening of the stream. You cannot permit Outfall 002 for this quarry because it will necessarily change the physical and chemical characteristics of the receiving stream and implicitly authorize damage to the private property of others.”

**Riverkeeper Response 5:**
The FEMA, EPA, and the USACE are the federal agencies with primacy and statutory authority to address concerns regarding floodway encroachments and riparian areas. You may contact these agencies for more information.

Part II.C.7. of the Permit states that the Permit does not “authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations….” Issues regarding private property rights are outside of the scope of the Permit. A Permittee is not immune to the Federal, State, or local laws and regulations simply by having an NPDES permit.

Also, according to the Permittee, the discharge rate stated in the permit application for Outfall 002, which discharges to an unnamed tributary to Spring Creek, is a maximum discharge rate for the facility when it is fully constructed. Outfall 002 is intended for use during initial quarry construction while Outfall 001, which discharges to the Coosa River, is being established. A maximum discharge rate of 3.0 MGD to the unnamed tributary to Spring Creek is not expected before the completion of Outfall 001.

**Riverkeeper Comment 6:**
“Coagulants containing aluminum will be used in settling ponds and the water treatment area to aid in the settling of sediments. There are no limitations on how much of the coagulant can be used. Therefore, there must be a limit set for the amount of aluminum in the discharge, but you’ve not set such a limit. Why not?”

**Riverkeeper Response 6:**
The Department currently has no water quality criterion for aluminum. Also, as stated in the draft permit rationale, no limitations are proposed for aluminum as the levels of the pollutant are expected to be controlled through BMP implementation. Monitoring results will be used to develop limitations in the future, if needed, to protect water quality.

No changes were made to the Permit as a result of this comment.
**Riverkeeper Comment 7:**
“Additionally, wash water from trucks will be treated in these ponds; and therefore, limits for oil and grease as well as antifreeze need to be developed. You haven’t even included a report only parameter for oil and grease and antifreeze. Why not?”

**Riverkeeper Response 7:**
The truck wash for the facility is designed to wash only tires of vehicles leaving the facility to prevent tracking onto public roadways. The vehicles will drive through a pool of water; there will be no spraying of the sides or undercarriages of the vehicles. Therefore, it is not anticipated that oil, grease, and antifreeze will be present at levels of concern. Also, please note that Part II.D.2. of the Permit requires the Permittee to inform the Department as soon they know or have reason to believe that it any pollutant has been discharged which is listed as a toxic or hazardous pollutant by the Federal Water Pollution Control Act or which is not subject to discharge limitations specified in Part I.A. of the Permit.

No changes were made to the Permit as a result of this comment.

**Riverkeeper Comment 8:**
“For a facility that will be permitted to discharge over a quarter of a million pounds of sediment each year, they will only have to test for sediment every other week on a day of their choosing…. Additionally, the reporting requirements are such that the quarry only needs to report their sampling results every three months and will have 28 days after that sampling period ends to submit their report. It will be an even longer time before citizens have access to that data. Such a long reporting period makes it almost impossible for a citizen to prove that discharge violations are continuous and ongoing…. The Department must increase monitoring frequency and change reporting frequency to a monthly schedule.”

**Riverkeeper Response 8:**
The Permit requires that sample collection and measurement actions taken as required by the Permit be representative of the volume and nature of the discharge and that flow monitoring take place two days per month on any day of discharge. Because the characteristics of a discharge from this type of operation are not expected to fluctuate significantly, the frequency imposed by the Permit of twice per month will adequately portray the nature of the discharge that occurs between sampling events.

In addition, the Permit requires the Permittee to inform the Department orally or electronically within 24 hours after the Permittee becomes aware of any discharges which could potentially threaten human health or welfare, potentially threaten fish or aquatic life, or cause an in-stream water quality criterion to be exceeded. Additionally, the Permittee is required to submit a report to the Department no later than five days after becoming aware of the occurrence of such a discharge.

No changes were made to the Permit as a result of this comment.

**Riverkeeper Comment 9:**
“There are three threatened endangered mussels and snails that are found near Buzzard Island of the Coosa River, which is just downstream of Outfall 001 and 002, as well as several of the quarry’s stormwater discharges…. You cannot allow the quarry to discharge their process water at the proposed locations of Outfalls 001 and 002
because the impact of sediment-laden water on these species could lead to a taking of those species and further loss to our biodiversity and natural heritage. These outfalls must be moved south.”

**Riverkeeper Response 9:**
The Department has no jurisdiction in regards to endangered species. However, the Department notified the United States Fish and Wildlife Service (USFWS) of the proposed Permit on February 21, 2014. No comments were received from the USFWS regarding this proposed permit. You may contact USFWS for information regarding endangered species regulations. Also, please note that the instream water quality standards are established to be protective of aquatic life. Compliance with the Permit’s terms and conditions is expected to be protective of the instream water quality standards.

No changes were made to the Permit as a result of this comment.

**Riverkeeper Comment 10:**
“Another reason why Outfall 001 and 002 cannot be permitted at their current location is a potential for impacts to the public water supply. The Shelby-Talladega Water Treatment Plant is located just downstream of here and supplies water to Talladega County and Shelby County into Birmingham as far a Highway 119. If the Department has taken the public water supply into consideration, please explain what permit limitations or conditions changed as a result.”

**Riverkeeper Response 10:**
The segment of the Coosa River from River Mile 89 to Logan Martin Dam has the designated use classifications of Public Water Supply (PWS), Swimming and Other Whole Body Water-Contact Sports (S), and Fish and Wildlife (F&W) (Admin. Code r. 335-6-10-.09). All other receiving streams have the use classification of F&W. The Department designed the Permit in consideration of the existing use classifications of the receiving streams and downstream segments, and continues to believe that the limitations proposed in the Permit are protective of the PWS/S/F&W use classifications.

No changes were made to the Permit as a result of this comment.

**Riverkeeper Comment 11:**
“In White Rock Quarries’ permit application in the discharge alternative analysis, the company claimed there are no known benefits of moving outfall from the proposed location to a different location. This could not be more false. Known benefits include protecting three federally listed threatened and endangered species, protecting a recreational fishery in Spring Creek, protecting a public water supply. A more suitable location for the discharge would be to the south closer to the paper mill.…

“Why did your antidegradation analysis not discuss antidegradation? Why did it not discuss relocation of outfalls?”

**Riverkeeper Response 11:**
ADEM Admin. Code r. 335-6-10-.12 sets forth the requirements to implement the Department’s Antidegradation Policy (ADEM Admin. Code rs. 335-6-10-.04 and 335-6-10-.12). Once the Department has determined that the applicant has met the requirements of the antidegradation policy, then that portion of the permit application has
been completed. In this case, the Department has determined, based on the applicant’s demonstration, that the requirements of the Antidegradation Policy have been met and that portion of the application is complete and correct.

Also, please note that the instream water quality standards are established to be protective of aquatic life and human health. Compliance with the Permit’s terms and conditions is expected to be protective of the instream water quality standards.

**Riverkeeper Comment 12:**
“I am intrigued also that the proposed fuel farm is located near a known sinkhole and flood zone. I have further questions for you on that matter I will submit in writing.”

**Riverkeeper Response 12:**
The Department has no record of written comments regarding this matter being submitted by the Riverkeeper. However, SELC submitted comments on behalf of the Riverkeeper. See SELC Response 4.

**Riverkeeper Comment 13:**
“I’m also interested in potential implications that groundwater mobilization, as a result of quarrying activities, will have on known groundwater contamination in and around Spring Creek from the EPA Superfund site at Alabama Plating Company just up the road. Known groundwater contamination in and around Spring Creek includes cyanide, arsenic, cadmium, chromium, copper, lead, nickel, and zinc. What information has the Department considered that show quarrying would not exacerbate groundwater contamination issues?”

**Riverkeeper Response 13:**
The Superfund Site is located approximately 2.1 miles from the northern boundary of the area covered by the Permit. Based on information from EPA Region 4 personnel, the quarry site is not considered hydraulically connected to the Superfund Site. Therefore, any discharges of treated groundwater from the proposed quarry are not expected to contain any of the associated toxic and/or hazardous pollutants documented at the Superfund Site. Any further questions regarding the Superfund Site should be directed to the Superfund Project Manager in the Department’s Land Division or to the EPA Region 4 Remedial Project Manager in Atlanta, Georgia.

The Department agrees that additional data would be useful in the permitting process for this type of quarry operation. Part II.C.3 of the proposed permit requires the Permittee to collect a sample of the discharge from Outfalls 001-1 and 002-1 to be analyzed for antimony, arsenic, beryllium, cadmium, copper, lead, mercury, nickel, selenium, zinc, cyanide, and phenols no later than six months following the date of the first discharge.

**Riverkeeper Comment 14:**
“The problem with this permit is that even if all permit limitations are met, extensive damage will occur. The Department states that this permit does not authorize any injury or persons or property or invasion of other private rights, trespass, or any infringement of federal, state, and local laws or regulations. But the Department is implicitly allowing injury to private property rights, trespass, and potential infringement of federal laws including the Endangered Species Act by authorizing discharges which are likely to cause those illegal activities.”
“This permit is a shield which the quarry can use in court to defend their actions and say the Alabama Department of Environmental Management allowed us to destroy that creek that flows over that man’s property and this permit is the document that proves it.

“ADEM does not have sufficient data to make the conclusion that this permit is protective of water quality, and even a cursory glance at the available data and the use of best professional judgment show that this permit is not protective of water quality.”

**Riverkeeper Response 14:**
As Riverkeeper has noted, Part II.C.7. of the Permit states that the Permit does not “authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations….” This does not mean that the Permit is a “free pass” to injure persons or property or invade other private rights; rather, it means that these issues are outside of the scope of the Permit. A Permittee is not immune to the Federal, State, or local laws and regulations simply by having an NPDES permit.

See also Riverkeeper Response 10.

**Riverkeeper Comment 15:**
“Coosa Riverkeeper wants to see new jobs brought to this area of our watershed, but not at the expense of our river’s health. The Department should hold White Rock Quarries to pollution standards that do not impact other’s ability to do business or live here.”

**Riverkeeper Response 15:**
See Riverkeeper Response 10.

**Comments Received From SELC on Behalf of the Riverkeeper**

**SELC Comment 1:**
Regarding sediment limitations, SELC writes:

“The draft permit includes numeric concentration limits for Total Suspended Solids (‘TSS’): a monthly average of 25.0 mg/L, with a daily maximum of 45.0 mg/L... There is no numeric limit for any other parameter related to sediment pollution, such as Total Dissolved Solids (‘TDS’), settleable solids, etc., nor is there any limit on the total quantity of sediment that can be discharged. Based on ADEM’s own data, the current average concentration of sediment in the Coosa River downstream of Outfall 001 is 10.0 mg/L. The current average concentration of sediment in Outfall 002’s receiving stream is 16.0 mg/L. The numeric limits in the permit will allow significantly higher concentrations of sediment to be discharged into the Coosa River and Spring Creek in particular.

“Sediment will be the predominant pollutant discharged from the quarry site and is the leading cause of water pollution in Alabama. The permitted sediment loading in Spring Creek will be highly damaging, with an increase in ambient concentration from 16.0 mg/L to 24.0 mg/L... Given the current size, flow, and quality of the tributary that will receive Outfall 002’s discharge, such sediment will interfere with its Fish and Wildlife use classification and also violate the general criteria applicable to all Alabama waterways.... Sedimentation in Lay Lake will have economic impacts in terms of reduced hydropower generation capacity, reduced flood control
capacity, and reduced recreational and aesthetic opportunities. This quarry runoff must be far less concentrated with sediment in order to avoid violations of water quality standards.

“The sediment runoff numbers… do not even include the sediment-laden stormwater that will leave the site during rain events. During a 2-year rainfall event, an estimated 162 tons of sediment will be discharged. This number rises to 249 tons of sediment during a 10-year storm. The dramatic increase in sediment input will damage existing aquatic habitat and affect physical stream characteristics in Spring Creek and its tributaries, Locust Creek and its tributaries, and the Coosa River. These changes will result in violations of the water quality standards described above.

“ADEM cannot issue this permit without adding more protections against sediment pollution. The TSS limits in the permit should be revised downward to be more in line with current ambient concentrations, or the sediment will cause or contribute to a violation of water quality standards in contravention of state and federal law.”

**SELC Response 1:**
The Permit includes limitations for Total Suspended Solids (TSS) to control the concentrations of solids discharges from the proposed outfalls. Because limitations for solids are not promulgated in the federal regulations (40 CFR § 436) for crushed stone mining operations, and because the Department has no numerical water quality criterion for TSS, the limits were based on the Best Professional Judgment of the Department with consideration given to EPA’s *Development Document for Effluent Limitations Guidelines and Standards for Mineral Mining and Processing Industry, Point Source Category*, 1979. Because the limits have been shown to be protective of instream water quality in discharges from other limestone quarries within Alabama, the Department continues to believe that compliance with the terms and conditions of the Permit will ensure protection of water quality standards.

It should be noted that the TSS limit imposed by the Permit is within the range of TSS values found within the 67f Ecoregion where the quarry is proposed to be located.

The Department does not have the authority to regulate lake management. Comments concerning hydropower generation, flood control, and recreational opportunities on the Coosa River should be directed to the Federal Energy Regulatory Commission and/or to Alabama Power Company.

No changes were made to the draft permit as a result of these comments.

**SELC Comment 2:**
Regarding sediment limitations, SELC writes:
“ADEM states that the TSS limits in the draft permit ‘have been shown to be protective of water quality….’ This statement has no justification. ADEM currently monitors less than 10% of streams and rivers in Alabama and does not monitor the specific tributaries that will receive the discharges from White Rock Quarry Outfalls 002-028. ADEM also lacks the funding to pursue rigorous monitoring or implement existing TMDLs. Therefore, the mere absence of a formal impairment designation for a particular stream - especially when that one is not monitored by ADEM - does not mean that the stream would not be adversely affected by TSS discharges.”
SELC Response 2:
ADEM’s monitoring strategy for rivers and streams is designed to characterize water quality, to identify impacts from a variety of sources, and to provide a systematic and integrated framework for gathering necessary information to support the decision-making process. It is implemented on a 5-year basin rotation and incorporates specific protocols and methodologies to ensure that monitoring activities provide the highest quality information and make the most efficient use of available resources. ADEM’s complete Water Quality Monitoring Strategy can be found on ADEM’s website, www.adem.alabama.gov.

In addition, when stream specific water quality information does not exist, it is correct and appropriate for the Department to consider the effects that similar discharges may have had on streams with similar characteristics. In this case, the Department has considered the fact that there are no known siltation impairments in Alabama as a result of current compliant quarry operations.

Also, see SELC Response 1.

No changes were made to the Permit as a result of this comment.

SELC Comment 3:
Regarding the lack of flow limits, SELC writes:
“‘The improperly high sediment limits become even more concerning in light of the draft permit’s absence of any limits for flow. This means that the site could discharge limitless quantities of sediment-laden wastewater, provided that the concentration per liter never exceeded the permit limits. This will directly and cumulatively impact the receiving water for the permit.

“The flow effects in Spring Creek and its tributaries in particular will result in physical alteration of the streams. These streams will be scoured, widened, deepened, and eroded by the sheer volume of water being discharged from Outfall 002, which the permit applicant has estimated will be 3.0 MGD, each day of the year…. This is ten times the current flow, and the equivalent of 4.5 inches of rain falling in the watershed every day of the year. ADEM cannot issue a permit that will cause such dramatic alteration, which in turn will violate the water quality criteria….

“In addition to the discharge’s impacts on water quality, stream habitat, and physical stream characteristics, the discharge from Outfall 002 will likely result in flooding of properties downstream of the outfall. Furthermore, the receiving tributary is culverted in at least one place on private property, and even in the absence of a rain event the volume of this discharge will overwhelm the existing culvert, which was constructed based on the stream’s current flow patterns. ADEM cannot issue an NPDES permit that will infringe on downstream property rights in this way.

“Because of Outfall 002’s impact on receiving waters, it should not be permitted at all. ADEM cannot assume that a relatively small tributary can absorb the same discharge as the Coosa River. Furthermore, the applicant ought to be able to take the relatively short time needed on the front end to construct Outfall 001 before commencing a century-long operation of the quarry. There is no need to permanently damage a stream via Outfall 002 in this case.
“Furthermore, if ADEM elects to authorize any discharges from this quarry, it should either place limits on flow for Outfall 001 in order to avoid harming three federally-protected species described below (or their habitat), or require White Rock to relocate Outfall 001 downriver of the public water supply intake and the threatened and endangered species. All three of the species are sensitive to sediment pollution.”

**SELC Response 3:**
The Alabama NPDES Program requires that all facilities which discharge pollutants from any point source into waters of the State obtain an NPDES permit. Pollutants of concern have limitations imposed within the NPDES permit. Pollutants are grouped into three categories: conventional, toxic, and non-conventional. Water volume is not classified as a pollutant in any of these three categories, and, therefore, not appropriate to limit in an NPDES permit. However, the Permit does limit pollutants of concern transported to the receiving stream within the discharged water.

The Federal Emergency Management Agency (FEMA), EPA, and the US Army Corps of Engineers (USACE) are the federal agencies with primacy and statutory authority to address concerns regarding floodway encroachments and riparian areas. Also, please note Part II.C.7. of the Permit states that the Permit does not “authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations….”

The Department has no jurisdiction in regards to endangered species. However, the Department notified the United States Fish and Wildlife Service (USFWS) of the proposed Permit on February 21, 2014. You may contact USFWS for information regarding endangered species regulations. Also, please note that the instream water quality standards are established to be protective of aquatic life. Compliance with the Permit’s terms and conditions is expected to be protective of the instream water quality standards.

According to the Permittee, the discharge rate stated in the permit application for Outfall 002, which discharges to an unnamed tributary to Spring Creek, is a maximum discharge rate for the facility when it is fully constructed. Outfall 002 is intended for use during initial quarry construction while Outfall 001, which discharges to the Coosa River, is being established. A maximum discharge rate of 3.0 MGD to the unnamed tributary to Spring Creek is not expected before the completion of Outfall 001.

No changes were made to the Permit as a result of this comment.

**SELC Comment 4:**
Regarding the antidegradation analysis, SELC writes:
“ADEM’s antidegradation policy allows for waterways that currently exceed the quality necessary to support their existing uses to be impacted by new or increased pollution discharges. In such cases, ‘water quality adequate to protect existing uses fully shall be maintained…’ This so-called antidegradation analysis requires a showing from the applicant that alternatives to the discharge are not feasible and that the discharge is ‘necessary’ for important economic or social development… The applicant’s current antidegradation analysis is sorely lacking, and ADEM should deny the permit on this basis alone.

“While White Rock’s discussion of the project’s benefits is meticulously detailed as to estimated tax revenues, employment projections, Christmas tree funds, etc., its summary dismissal of alternatives is meager at best.
Compare Permit Application Attachment XVII with Attachment XVIII. ADEM should demand a more rigorous showing from the applicant before making a final decision about this permit, particularly since this quarry is going to impact waterways for the next century.

“One Alternative noted above would be to construct Outfall 001 before commencing quarry operations, so as to remove the need for Outfall 002. Outfall 001 could also be relocated further downriver on the Coosa, south of Buzzard Island and closer to the existing paper mill on the west side of the Coosa. This relocation could be done largely using existing rights-of-way (e.g. Creswell Road, or the railroad track running to the paper mill). While water quality would still be impacted, this location would occur downstream of known endangered and threatened species populations, and downstream of the Shelby-Talladega Water Treatment Plant.

“The permit applicant has not shown that any of these options have been pursued, nor has it shown that these options are not feasible. The only ‘discussion’ concerning relocation is a bare statement that there are ‘no known benefits’ to relocating the discharge and that moving the pipeline anywhere other than the current route ‘would clearly increase the costs of the capital project for the proposed discharge by more than 110 percent.’ No justification is given for either of these statements…. Spring Creek would benefit tremendously from not receiving 10 times its typical flow every day for a year….

“The location of the fuel farm must also be addressed in the antidegradation analysis. The fuel farm is proposed to be located in sensitive areas that include both floodplain and hydric soils, and it will be near a known sinkhole. ADEM should not issue a permit allowing for discharges associated with this configuration.”

**SELC Response 4:**

ADEM Admin. Code r. 335-6-10-.12 sets forth the requirements to implement the Department’s Antidegradation Policy (ADEM Admin. Code rs. 335-6-10-.04 and 335-6-10-.12). Once the Department has determined that the applicant has met the requirements of the antidegradation policy, then that portion of the permit application has been completed. In this case, the Department has determined, based on the applicant’s demonstration, that the requirements of the Antidegradation Policy have been met and that portion of the application is complete and correct.

Part II.A.3.e. of the Permit requires the applicant to prepare, implement, and maintain a Spill Prevention, Control, and Countermeasures (SPCC) Plan for all onsite petroleum products or other pollutant storage tanks. The Permit also requires the Permittee to “implement appropriate structural and/or non-structural spill prevention, control, and/or management sufficient to prevent any spills of pollutants from entering a ground or surface water of the state.”

No changes were made to the Permit as a result of this comment.

**SELC Comment 5:**

Regarding the size of the sediment ponds, SELC writes:

“At least five of the proposed sediment ponds must be enlarged – some of them significantly – in order to satisfy the requirements of the permit applicant’s own commitments as laid out in its Pollution Abatement/Prevention Plan (‘PAP plan’). According to the PAP plan, Best Management Practices (‘BMPs’) will be installed and maintained in accordance with the Alabama Handbook for Erosion Control, Sediment Control and Stormwater
Management on Construction Sites and Urban Areas (‘Alabama Handbook’). The Alabama Handbook in turn requires sediment ponds to be sized with a minimum volume of 3,600 cubic feet of storage per acre of drainage area. According to this criterion, and comparing the drainage areas of each outfall to the minimum storage volume of the sediment pond associated with that outfall, Outfalls 008, 017, 024, 027, and 028 have undersized sediment ponds”

**SELC Response 5:**
ADEM Admin Code r. 335-6-9 Appendix A(2) states that “pit drainage and spoil runoff should be diverted through the sedimentation basin by means of diversion ditches or normal drainage patterns. In cases where it is not practical to use this system, then … other effective systems may be utilized.” The section of the PAP plan submitted by the Permittee which states that “all BMP’s will be installed in accordance with the ‘Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas’” is in reference to areas that cannot be practically routed through one of the proposed outfalls. The Permittee has indicated that it plans to use additional sediment basins in series rather than one basin at each proposed outfall to aid in the treatment of stormwater runoff. The collected runoff would then be pumped and/or diverted to one of the proposed outfalls to be discharged after treatment.

ADEM Admin Code r. 335-6-9 Appendix A(3) requires sediment basins to have minimum capacity to store 0.25 acre feet/acre of disturbed area in the drainage area. The designs of the basins associated with Outfalls 008, 017, 024, 027, and 028 meet the requirements of ADEM Admin Code r. 335-6-9 Appendix A(3).

No changes were made to the Permit as a result of this comment.

**SELC Comment 6:**
Regarding increased flooding, SELC writes: “[P]ortions of the proposed quarry property lie in FEMA-designated flood hazard zones…. ADEM should not issue a permit for a quarry in an area that is likely to be flooded, particularly when the quarry’s fuel farm is proposed to be located in a flood hazard zone.

“Additional flooding will occur downstream of proposed outfalls as a result of increased stormwater runoff and the lack of vegetation to absorb rainfalls. This will affect both aquatic habitat and downstream private property. Outfall 002 in particular will increase flooding on private property significantly, regardless of rainfall. Some of the sediment associated with the higher flows will be deposited on private property as well, resulting in injury to property owners over and above the effects of the flooding itself. ADEM cannot knowingly issue permits that authorize such damage, which directly conflicts with Permit Condition II.C.7 (stating that the permit ‘does not…authorize any injuries to persons or property or invasion of other private rights’).”

**SELC Response 6:**
The FEMA, EPA, and the USACE are the federal agencies with primacy and statutory authority to address concerns regarding floodway encroachments and riparian areas. You may contact these agencies for more information.

Also, as SELC has noted, Part II.C.7. of the Permit states that the Permit does not “authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or
regulations...” This does not mean that the Permit is a “free pass” to injure persons or property or invade other private rights; rather, it means that these issues are outside of the scope of the Permit. A Permittee is not immune to the Federal, State, or local laws and regulations simply by having an NPDES permit.

**SELC Comment 7:**
Regarding endangered and threatened species, SELC writes:

“The federal Endangered Species Act prohibits the ‘taking’ of endangered or threatened species.... ‘Taking’ is defined broadly by statute to include ‘harassing’ or ‘harming’ a species.... FWS regulations further define ‘harass’ and ‘harm’ as injuring species directly or via significant habitat modification, or making such injury more likely to occur.... Three aquatic species occur in the area of the proposed discharges, and significant sediment discharges that this draft permit allows could lead to takings.

“The three species...are all sensitive to increased sediment loading. Sedimentation can directly rob aquatic snail species of suitable substrate on which to live, and also can affect its food sources. ADEM should work with FWS to establish permit conditions that will ensure that this operation does not affect listed species, or else the permit risks violation of the Endangered Species Act. Specifically, ADEM should consider requiring the relocation of Outfall 001 downstream of Gorman Park on the Coosa River, which would take the discharge below the species populations (although this will not cure the problem with the discharge affecting the public water supply intake).”

**SELC Response 7:**
The Department has no jurisdiction in regards to endangered species. However, the Department notified the United States Fish and Wildlife Service (USFWS) of the proposed Permit on February 21, 2014. No comments were received from the USFWS regarding this proposed permit. You may contact USFWS for information regarding endangered species regulations. Also, please note that the instream water quality standards are established to be protective of aquatic life. Compliance with the Permit’s terms and conditions is expected to be protective of the instream water quality standards.

**SELC Comment 8:**
Concerning sink holes, SELC writes:

“As noted in the accompanying maps and the 2009 geological report of the White Rock site, ‘a number of sinkholes have been documented on and adjacent to the planned quarry property in the past 30 years.’ The report also stated that draw down operations will be necessary once the quarry depth reaches the groundwater table level. This geology greatly increases the chance that this quarry could dewater nearby creeks and private drinking-water wells. At least three Coosa Riverkeeper members have property with private wells close to the quarry site.

“Other quarries in eastern Alabama have actually dried up entire creeks because of effects from groundwater drawdown.... Such a result here would naturally interfere with the receiving waters’ designation and existing uses as Fish and Wildlife waters.”

**SELC Response 8:**
The Alabama Department of Economic and Community Affairs (ADECA) is the state agency with primacy and statutory authority to address comments regarding potential surface water and/or groundwater quantity concerns or issues. Also, you may contact the Town of Vincent regarding any ordinances addressing this issue.
SELC Comment 9:
Concerning groundwater contamination, SELC writes:
“White Rock’s operations also threaten to worsen existing groundwater contamination from the nearby Alabama Plating Company Superfund site…. Groundwater is already migrating from that site, close to the area of White Rock’s property. Contaminants include cadmium, copper, and zinc, and have already been detected at the confluence of Spring Creek and the Coosa River. White Rock’s operation, particularly in phases requiring groundwater draw down, has the potential to accelerate contaminant migration from the Alabama Plating Company site.”

SELC Response 9:
The Superfund Site is located approximately 2.1 miles from the northern boundary of the area covered by the Permit. Based on information from EPA Region 4 personnel, the quarry site is not considered hydraulically connected to the Superfund Site. Therefore, any discharges of treated groundwater from the proposed quarry are not expected to contain any of the associated toxic and/or hazardous pollutants documented at the Superfund Site. Any further questions regarding the Superfund Site should be directed to the Superfund Project Manager in the Department’s Land Division or to the EPA Region 4 Remedial Project Manager in Atlanta, Georgia.

SELC Comment 10:
Concerning the presence of historic sites and artifacts, SELC writes:
“In its NPDES permit application, White Rock represented that this quarry will not ‘be located on Indian/historically significant lands….’ This is not accurate. The quarry footprint and surrounding area are part of the Arkwright Heritage Area, which consists of 13 separate sites…. At least three of these sites appear to be located on quarry property, and several more are nearby…. Because this quarry will increase the potential for sinkhole formation, these sites could be impacted even if they are not directly mined. ADEM should not issue this permit without a more complete understanding of the impacted and threatened sites, in coordination with appropriate local, state, and national historical agencies and tribal contacts.”

SELC Response 10:
Issues concerning areas of historical and cultural significance are outside of the purview of this agency. The Alabama Historical Commission (AHC) is the state agency with primacy and statutory authority to address any concerns regarding potential preservation or potential impacts to surrounding or onsite historical, archaeological, and burial sites. The Department notified the AHC of the proposed Permit on February 21, 2014. The Department did not receive comments from AHC during the comment period. (However, comments were received on May 14, 2013, prior to the comment period.) Comments concerning areas of historical significance should be directed to the AHC.

Also, please be aware that White Rock has submitted a correction to the application to indicate that the quarry will be located on historically significant lands. No changes were necessary to the Permit as a result of this correction.

SELC Comment 11:
Regarding aluminum, oil, grease, and antifreeze, SELC writes:
“The permit materials reveal that aluminum will be used as a coagulant to aid in the settling of sediments…. The permit suggests only monitoring of this pollutant, with no limits on actual discharge. The application also
discloses that wash water for trucks will be treated in the sediment ponds, introducing oil, grease, and antifreeze into the ponds. These pollutants need limits so that they can be treated and minimized before leaving the site. Otherwise they will adversely impact the designated uses of the receiving waters in contravention of ADEM regulations. ADEM cannot knowingly issue a permit that will violate its own regulations.”

**SELC Response 11:**
The Department currently has no water quality criterion for aluminum. Also, as stated in the draft permit rationale, monitor only requirements have been established at all outfalls when the aluminum based coagulant is in use. No limitations are proposed for aluminum as the levels of the pollutant are expected to be controlled through BMP implementation. Monitoring results will be used to develop limitations in the future, if needed, to protect water quality.

The truck wash for the facility is designed to wash only tires of vehicles leaving the facility to prevent tracking onto public roadways. The vehicles will drive through a pool of water; there will be no spraying of the sides or undercarriages of the vehicles. Therefore, it is not anticipated that oil, grease, and antifreeze will be present at levels of concern. Also, please note that Part II.D.2. of the Permit requires the Permittee to inform the Department as soon they know or have reason to believe that it any pollutant has been discharged which is listed as a toxic or hazardous pollutant by the Federal Water Pollution Control Act or which is not subject to discharge limitations specified in Part I.A. of the Permit.

No changes were made to the Permit as a result of this comment.

**SELC Comment 12:**
Regarding Total Maximum Daily Load compliance, SELC writes:
“While the proposed permit may not directly result in discharges associated with the existing TMDL for Lay Lake, we are concerned that such a large new sediment discharge will adversely affect the already-stressed Coosa and its ability to meet water quality standards. Sediments act as a carrier of nutrients, and it is not clear that ADEM has considered this large new sediment source in the context of the existing TMDL. Sediments also make oxygen less soluble in water by absorbing heat and raising water temperature, as well as by limiting oxygen production in plants by interfering with sunlight needed in photosynthesis. ADEM should more thoroughly review the status of TMDL compliance and place stronger permit restrictions on sediment discharge to reduce overall harm to the Coosa system.”

**SELC Response 12:**
The EPA approved Final Lay Lake Nutrient TMDL for the Coosa River Basin requires monthly average limitations for Total Phosphorus (TP) of 8.34 lbs/day during the months of April through October. The TMDL also states that the reduction of TP is expected to result in the attainment of the applicable dissolved oxygen criterion of 5.0 mg/L for Lay Lake. The Permit includes the TP limitation during the growing season as well as monitoring for TP during the months of November through March. Additionally, the proposed permit includes monitoring for Total Kjeldahl Nitrogen (TKN) and Nitrite plus Nitrate (NO$_2$+NO$_3$-N) at Outfalls 001 and 002 so that sufficient information will be available regarding the nutrient contribution from these point sources, should it be necessary at some later time to impose additional nutrient limits on these discharges. No changes were made to the draft permit as a result of this comment.
**SELC Comment 13:**
Regarding monitoring, SELC writes:

“The draft permit calls for monitoring at outfalls twice per month for most pollution parameters, with no in-stream monitoring required in any receiving waters…. ADEM should require monitoring three times per week, which is similar to the monitoring required for NPDES permits for wastewater treatment plants. ADEM should also require in-stream monitoring in the Coosa River, Spring Creek, and Locust Creek, both upstream and downstream of the outfalls.”

**SELC Response 13:**
The Permit requires that sample collection and measurement actions taken as required by the Permit be representative of the volume and nature of the discharge and that flow monitoring take place two days per month on any day of discharge. Because the characteristics of a discharge from this type of operation are not expected to fluctuate significantly, the frequency imposed by the Permit of twice per month will adequately portray the nature of the discharge that occurs between sampling events.

No changes were made to the Permit as a result of this comment.

**SELC Comment 14:**
Regarding inadequate reporting, SELC writes:

“The draft permit relies entirely on reporting by way of Discharge Monitoring Reports (‘DMRs’), which must be submitted to ADEM once per quarter. Given the nearby presence of several federally-protected species, a downstream water supply intake, and high recreational usage in this area of Lay Lake, ADEM should increase this reporting frequency to once per month.”

**SELC Response 14:**
Whereas the draft permit requires the Permittee to submit DMRs once per quarter, Part I.D.3.a. of the draft permit requires the Permittee to inform the Department orally or electronically within 24 hours after the Permittee becomes aware of any discharges which could potentially threaten human health or welfare, potentially threaten fish or aquatic life, or cause an in-stream water quality criterion to be exceeded. Additionally, the Permittee is required to submit a report to the Department no later than five days after becoming aware of the occurrence of such a discharge.

No changes were made to the Permit as a result of this comment.

**Comments Received From EPA Region IV**

**EPA Comment 1:**
“Aluminum Monitoring – The draft permit contains an effluent aluminum monitoring condition ‘when aluminum-based coagulants are being used.’ The draft fact sheet states that the aluminum monitoring requirements ‘apply only when the coagulant is in use.’ The measurement frequency for the aluminum monitoring is twice/month. The aluminum concentration in the effluent could go unmonitored if an aluminum-based coagulant is used in between the twice monthly sampling period. The permit should be revised to ensure that the effluent concentrations of aluminum are consistently monitored during aluminum-based coagulant use.”
**EPA Response 1:**
The Permit requires that discharge samples taken must be monitored for aluminum if the Permittee has used an aluminum-based coagulant at anytime during the month. The Permit also requires that sample collection and measurement actions taken be representative of the volume and nature of the discharge, including being representative of the concentration of aluminum in the discharge as a result of coagulant use. No changes were made to the Permit as a result of this comment.

**EPA Comment 2:**
“Outfall 002 flow rate – The applicant certified in the NPDES application that the continuous average daily flow rate from outfall 002 would be 4.6 MGD. Outfall 002 discharges to an unnamed tributary of Spring Creek. The unnamed tributary of Spring Creek likely has a zero or near zero flow rate for 7 consecutive days occurring on average once every 10 years (7Q10). The continuous and large volume of water from outfall 002 could change the physical and biological characteristics of the small stream and could cause flooding to downstream properties. The permit should be revised to protect the unnamed tributary to Spring Creek and Spring Creek from physical/biological degradation attributed to high flow from outfall 002.”

**EPA Response 2:**
The Alabama NPDES Program requires that all facilities which discharge pollutants from any point source into waters of the State obtain an NPDES permit. Pollutants of concern have limitations imposed within the NPDES permit. Pollutants are grouped into three categories: conventional, toxic, and non-conventional. Water volume is not classified as a pollutant in any of these three categories, and, therefore, not appropriate to limit in an NPDES permit. However, the Permit does limit pollutants of concern transported to the receiving stream within the discharged water.

The Federal Emergency Management Agency (FEMA), EPA, and the USACE are the federal agencies with primacy and statuary authority to address concerns regarding floodway encroachments and riparian areas. Also, please note Part II.C.7. of the proposed permit states that the Permit does not “authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations.”

The Permittee certified in their application the average daily discharge flow rate from Outfall 002 is expected to be 3.0 MGD. According to the Permittee, the discharge rate stated in the permit application for Outfall 002, which discharges to an unnamed tributary to Spring Creek, is a maximum discharge rate for the facility when it is fully constructed. Outfall 002 is intended for use during initial quarry construction while Outfall 001, which discharges to the Coosa River, is being established. A maximum discharge rate of 3.0 MGD to the unnamed tributary to Spring Creek is not expected before the completion of Outfall 001.

No changes were made to the Permit as a result of this comment.

**EPA Comment 3:**
“Effluent characterization – The permit requires that the effluent be characterized for metals, cyanide, and phenols from outfalls 001 and 002 within 6 months of permit issuance. If outfalls 001 and 002 have not discharged within 6 months of the permit being issued, the effluent characterization must occur no later than 28 days following 6 months after the first discharge. The facility is expected to take 18-24 months to be fully operational. The permit should be revised to ensure that the effluent characterization occurs after the mining has begun and all treatment processes have been implemented in order to obtain an effluent sample that is representative of an active facility.”
**EPA Response 3:**
While Part II.C.3. of the Permit does require the Permittee to collect a sample for metals, cyanide, and phenols no later than 6 months after the date of the first discharge from Outfalls 001 and 002, the Permit also requires the effluent samples to be representative of the nature of the discharge.

Part I.B.1. of the Permit does not allow the Permittee to discharge from any of the permitted outfalls until they are constructed and certified by a professional engineer, registered in the State of Alabama, as having been constructed according to good engineering practices and in accordance with the Pollution Abatement and/or Prevention Plan. Therefore, all treatment processes must be implemented prior to discharge.

Please also note that the Permittee must resubmit metals, cyanide, and phenols data with the complete application for reissuance due at least 6 months prior to expiration of the permit (54 months after the Permit issuance date).

No changes were made to the Permit as a result of this comment.

**EPA Comment 4:**
"Outfalls flowing into TMDL-listed waterbody – all outfalls, including outfalls 003-028, should be limited in accordance with the approved nutrient TMDL for Lay Lake."

**EPA Response 4:**
The Permit proposes to authorize direct and indirect discharges to a segment of the Coosa River that has an approved TMDL for nutrients, organic enrichment, and dissolved oxygen. The Permit imposes nutrient limitations and monitoring for Outfalls 001 and 002 which receive storm and process waters from the quarry operation. Organic loading and oxygen demand are not expected in significant quantities from this type of operation.

The Permittee certified in their application that Outfalls 003 through 028 will receive only stormwater runoff from construction activities. Nutrients, organic loads, and oxygen demand are not typical pollutants of concern in stormwater runoff from construction activities. Therefore, additional limitations and monitoring requirements for the discharges from these outfalls are not necessary. No changes were made to the Permit as a result of this comment.

**Comments Received From White Rock**

**White Rock Comment 1:**
Comments were received detailing White Rock’s responses to oral comments made at the public hearing held by the Department on March 20, 2014.

**White Rock Response 1:**
Comments noted. No response required.
# Mailout Addresses for Response to Comments

## White Rock Quarries, LLC – Vincent Hills Quarry

NPDES Permit No. AL0082066

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