

# STATE OF MISSISSIPPI WATER POLLUTION CONTROL PERMIT

TO DISCHARGE WASTEWATER IN ACCORDANCE WITH THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

## THIS CERTIFIES THAT

Dickerson and Bowen Inc, McComb Asphalt Plant  
3073 Highway 98 East  
McComb, Mississippi  
Pike , County

has been granted permission to discharge wastewater into  
Clear Creek

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, and III hereof. This permit is issued in accordance with the provisions of the Mississippi Water Pollution Control Law (Section 49-17-1 et seq., Mississippi Code of 1972), and the regulations and standards adopted and promulgated thereunder, and under authority granted pursuant to Section 402(b) of the Federal Water Pollution Control Act.

**MISSISSIPPI ENVIRONMENTAL QUALITY PERMIT BOARD**

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**AUTHORIZED SIGNATURE**

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**

Issued: \_\_\_\_\_

Permit No. MS0046604

Expires: [Permit Expiration Date]

**Part I.**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. During the period beginning Error! Reference source not found., and lasting until **[Permit Expiration Date]**, the permittee is authorized to discharge from outfall(s) serial number(s)

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

PARAMETER	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	kg/day (lbs/day)	kg/day (lbs/day)	Other Units (Specify)		Measurement Frequency	Sample Type
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.		
Flow-M <sup>3</sup> /Day (MGD)						

2. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored Twice per Month.
3. There shall be no discharge of floating solids or visible foam in other than trace amounts.
4. The discharge shall not cause the occurrence of a visible sheen on the surface of the receiving waters.
5. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): **[monitoring location]**

**B. SCHEDULE OF COMPLIANCE**

1. The permittee shall achieve compliance with the effluent limitations specified for discharge in accordance with the following schedule:
  
2. Within 14 days after either an interim or final date of compliance specified in Part I. B.1., the permittee shall provide the Permit Board with written notice of his compliance or noncompliance with the requirements or conditions specified to be completed by that date.

**C. DEFINITIONS**

1. "Monthly average" means the 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 the month. The monthly average for fecal coliform bacteria is the geometric mean of "daily discharges" measured during the calendar month. In computing the geometric mean for fecal coliform bacteria, the value one (1) shall be substituted for sample results of zero.
  
2. "Daily discharge" means the "discharge of a pollutant" measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the "daily average" is calculated as the average measurement of the discharge of the pollutant over the day.
  
3. "Daily maximum" means the highest "daily discharge" over a calendar month.
  
4. "Toxic pollutants" include, but are not limited to: (a) any toxic substance listed in Section 307(a)(1) of the Clean Water Act (CWA), any chemical listed in Section 313(c) of the Superfund Amendments and Reauthorization Act of 1986; and (b) any substance (that is not also a conventional or nonconventional pollutant) for which EPA or the State has published an acute or chronic toxicity criterion.
  
5. "Hazardous substances" are defined in 40 CFR 116.4.

**D. MONITORING AND REPORTING**

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored wastewater.

2. Reporting

- a) Monitoring results obtained during the previous month shall be summarized and reported on a Discharge Monitoring Report Form (EPA No. 3320-1) **POSTMARKED NO LATER THAN THE 28TH DAY OF THE MONTH FOLLOWING THE COMPLETED REPORTING PERIOD. THE FIRST REPORT IS DUE ON [month day, year].** Copies of these, and all other reports required herein, shall be signed in accordance with Chapter One Sections II.C. and II.E. of the Mississippi Wastewater Permit Regulations, and shall be submitted to the Mississippi Environmental Quality Permit Board at the following address.

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF POLLUTION CONTROL  
P. O. Box 10385  
Jackson, Mississippi 39289-0385**

- b) If the results for a given sample analysis are such that any parameter (other than fecal coliform) is not detected at or above the minimum level for the test method used, a value of zero will be used for that sample in calculating an arithmetic mean value for the parameter. If the resulting calculated arithmetic mean value for that reporting period is zero, the permittee shall report "NODI = B" on the DMR. For fecal coliform, a value of 1.0 shall be used in calculating the geometric mean. If the resulting fecal coliform mean value is 1.0, the permittee shall report "NODI = B" on the DMR. For each quantitative sample value that is not detectable, the test method used and the minimum level for that method for that parameter shall be attached to and submitted with the DMR. The permittee shall then be considered in compliance with the appropriate effluent limitation and/or reporting requirement.
- c) If the permittee monitors any pollutant as prescribed in the permit more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Permit Board.
- d) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Permit Board in the permit.
3. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304(h) of the Federal Water Pollution Control Act, as amended or alternative procedures approved and/or promulgated by EPA. For those parameters listed in Exhibit D of the Mississippi Wastewater Permit Regulations, the permittee shall use approved methods with minimum quantification levels as sensitive as those found in

Exhibit D of the regulations.

4. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall maintain records of all information obtained from such monitoring including:

- a) The exact place, date, and time of sampling;
- b) The dates the analyses were performed;
- c) The person(s) who performed the analyses;
- d) The analytical techniques, procedures or methods used; and
- e) The results of all required analyses.

5. Records Retention

All records and results of monitoring activities required by this permit, including calibration and maintenance records, shall be retained by the permittee for a minimum of three (3) years, unless otherwise required or extended by the Permit Board, copies of which shall be furnished to the Department upon request.

6. Falsifying Reports

Any permittee who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required by the Permit Board to be maintained as a condition in a permit, or who alters or falsifies the results obtained by such devices or methods and/or any written report required by or in response to a permit condition, shall be deemed to have violated a permit condition and shall be subject to the penalties provided for a violation of a permit condition pursuant to Section 49-17-43 of the Code.

## Part II.

### A. MANAGEMENT REQUIREMENTS

#### 1. Facility Expansion and/or Modification

Any facility expansion, production increases, process modifications, changes in discharge volume or location or other changes in operations or conditions of the permittee which may result in a new or increased discharge of waste, shall be reported to the Permit Board by submission of a new application for a permit pursuant to Section II.A. of the Mississippi Wastewater Regulations, or if the discharge does not violate effluent limitations specified in the permit, by submitting to the Permit Board a notice of a new or increased discharge.

#### 2. Duty to Comply 40 CFR 122.41(a)

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

#### 3. Noncompliance Notification

##### a) Twenty-Four Hour Reporting

- (1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and/or prevent recurrence of the noncompliance.
- (2) The following shall be included as information which must be reported within 24 hours under this paragraph.
  - i. Any unanticipated bypass which exceeds any effluent limitation in the permit.
  - ii. Any upset which exceeds any effluent limitation in the permit.
  - iii. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Permit Board in the permit to be reported within 24 hours.

iv. The Executive Director may waive the written report on a case-by-case basis for reports under paragraph a. of this section if the oral report has been received within 24 hours.

b) Other Noncompliance

The permittee shall report all instances of noncompliance not reported under paragraph (a)., at the time monitoring reports are submitted or within 30 days from the end of the month in which the noncompliance occurs. The reports shall contain the information listed in paragraph (a).

c) Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Permit Board, it shall promptly submit such facts or information.

4. Proper Operation, Maintenance and Replacement

The permittee shall at all times properly operate, maintain, and when necessary, promptly replace all facilities and systems of collection, treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. Proper replacement includes maintaining an adequate inventory of replacement equipment and parts for prompt replacement when necessary to maintain continuous collection and treatment of wastewater. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit

5. Duty to Mitigate

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

6. Bypassing

The permittee shall comply with the terms and conditions regarding bypass found in 40 CFR 122.41(m).

7. Upsets

Permittee shall meet the conditions of 40 CFR 122.41(n) regarding "Upsets" and as follows:

a) Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations

because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph c) of this section are met. Any determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, shall not constitute final administrative action subject to judicial review.
  - c) Conditions necessary for demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
    - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
    - (2) The permitted facility was at the time being properly operated; and
    - (3) The permittee submitted notice of the upset as required in 40 CFR 122.41(L)(6)(ii)(B)(24-hour notice of noncompliance).
    - (4) The permittee complied with any remedial measures required under 40 CFR 122.41(d) (Duty to Mitigate).
  - d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.
8. Removed Substances

Solids, sludges, filter backwash, or other residuals removed in the course of treatment or control of wastewater shall be disposed of in a manner such as to prevent such materials from entering State waters and in a manner consistent with the Mississippi Solid Waste Disposal Act, the Federal Resource Conservation and Recovery Act, and the Mississippi Water Pollution Control Act.

9. Power Failures

If electric power is required, in order to maintain compliance with the conditions and prohibitions of the permit, the permittee shall either:

- a) Provide an alternative power source to operate the wastewater control facilities; or, if such alternative power source is not in existence, and no date for its implementation appears in the permit,
- b) Halt, reduce, or otherwise control production and/or all wastewater flows upon



reduction, loss, or failure of the primary source of power to the wastewater control facilities.

**B. RESPONSIBILITIES**

1. Inspection and Entry

The permittee shall allow any authorized Commission representative to enter the permittee's premises at any reasonable time, to have access to and copy any applicable records, to inspect process facilities, treatment works, monitoring methods or equipment or to take samples, as authorized by Section 49-17-21 of the Code. In the event of investigation during an emergency response action, a reasonable time shall be any time of the day or night. Follow-up investigations subsequent to the conclusion of the emergency event shall be conducted at reasonable times.

2. Transfer of Ownership or Control

This permit is not transferable to any person except after proper notice and approval by the Permit Board. In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the Mississippi Environmental Quality Permit Board at least thirty (30) days in advance of the proposed transfer date. The notice should include a written agreement between the existing and new permittees containing a specific date for the transfer of permit responsibility, coverage, and liability.

3. Signatory Requirements 40 CFR 122.41(k)

All applications, reports, or information submitted to the Permit Board shall be signed and certified.

a) All permit applications shall be signed as follows:

- (1) For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (1) a president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy - or decision-making function for the corporation, or (2) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding 25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
- (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

- b) All reports required by the permit and other information requested by the Permit Board shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described above;
  - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
  - (3) The written authorization is submitted to the Permit Board.
- c) Changes to authorization. If an authorization under paragraph b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph b) of this section must be submitted to the Permit Board prior to or together with any reports, information, or applications.
- d) Certification. Any person signing a document under paragraphs a) or b) of this section shall make the following certification:

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

#### 4. Availability of Records

Except for data determined to be confidential under the Mississippi Water Pollution Control Law, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of the Mississippi Department of Environmental Quality Office of Pollution Control.

#### 5. Duty to Provide Information

The permittee shall furnish to the Permit Board within a reasonable time any relevant information which the Permit Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit.

6. Toxic Pollutants

The permittee shall comply with any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) established under Section 307(a) of the Federal Water Pollution Control Act.

7. Toxic Pollutants Notification Requirements

The permittee shall comply with the applicable provisions of 40 CFR 122.42.

8. Civil and Criminal Liability

- a) Any person who violates a term, condition or schedule of compliance contained within this permit or the Mississippi Water Pollution Control Law is subject to the actions defined by law.
- b) Except as provided in permit conditions on "Bypassing" and "Upsets" (Part II. A.6 and 7), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.
- c) It shall not be the defense of the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

9. 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 to under Section 311 of the Federal Water Pollution Control Act and applicable provisions under Mississippi Law pertaining to transportation, storage, treatment, or spillage of oil or hazardous substances.

10. Property Rights

The issuance of 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 private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

11. Severability

The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstances, is challenged or held invalid, the validity of the remaining permit provisions and/or portions thereof or their application to other persons or sets of circumstances, shall not be affected thereby.

12. Expiration of Permit

At least 180 days prior to the expiration date of this permit pursuant to the State law and regulation, the permittee who wishes to continue to operate under this permit shall submit an application to the Permit Board for reissuance. The Permit Board may grant permission to submit an application later than this, but no later than the expiration date of the permit.

### 13. Protection of Confidential Information

- a) Pursuant to Miss. Code Ann. ' 49-17-39 and 40 CFR 123.41, the Permit Board shall make available to the public all information contained on any form and all public comments on such information. Effluent data and information concerning air or water quality shall also be made available to the public. Information that is determined by the Commission to be trade secrets shall not be disclosed to the public without prior consent of the source of such information. When a claim of confidentiality is made by a person in accordance with the provisions of Miss. Code Ann. ' 49-17-39, a recommendation on the questions of confidentiality shall be made by the Commission and forwarded to the Regional Administrator (or his/her designee) of EPA for his concurrence in such determination of confidentiality.
- b) A copy of a State, UIC, or NPDES permit application, public notice, fact sheet, draft permit and other forms relating thereto, including written public comment and other reports, files and information relating to the application not classified as confidential information by the Commission pursuant to Part II. B.13.a), shall be available for public inspection and copying during normal business hours at the office of the Department in Jackson, Mississippi.
- c) Upon determination by the Commission that information submitted by a permit applicant is entitled to protection against disclosure as trade secrets, the information shall be so labeled and otherwise handled as confidential. Copies of the information and a notice of the Commission's action shall be forwarded to the Regional Administrator (or his/her designee). In making its determination of entitlement to protection as a trade secret, the Commission shall follow the procedure set forth in Miss. Code Ann. ' 49-17-39. In the event the Commission denies the claim of confidentiality, the applicant shall have, upon notification thereof, the right to appeal the Commission's determination in the same manner provided for other orders of the Commission. No disclosure, except to EPA, shall be allowed until any appeal from the determination of the Commission is completed.

### 14. Spill Prevention and Best Management Plans

Any permittee which has above ground bulk storage capacity, of more than 1320 gallons or any single container with a capacity greater than 660 gallons, of materials and/or liquids (including but not limited to, all raw, finished and/or waste material) with chronic or acute potential for pollution impact on waters of the State and not subject to Mississippi Hazardous Waste Management Regulations or 40 CFR 112 (Oil Pollution Prevention) regulations shall provide secondary containment as found in 40 CFR 112 or equivalent protective measures such as trenches or waterways which would conduct any tank releases to a permitted treatment system or sufficient equalization or treatment

capacity needed to prevent chronic/acute pollution impact.

**Part III.****A. REOPENER CLAUSE**

This permit shall be modified, or alternately, revoked and reissued, to comply with any applicable effluent standard, limitation or storm water regulation issued or approved under Section 301(b)(2)(C), and (D), 304(b)(2), 307(a)(2) and 402(p) of the Federal Water Pollution Control Act if the effluent standard, limitation or regulation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

**B. CLOSURE REQUIREMENTS**

Should the permittee decide to permanently close and abandon the premises upon which it operates, it shall provide a Closure Plan to the Permit Board no later than 90 days prior to doing so. This Closure Plan shall address how and when all manufactured products, by-products, raw materials, stored chemicals, and solid and liquid waste and residues will be removed from the premises or permanently disposed of on site such that no potential environmental hazard to the waters of the State will be presented. Closure plan(s) submitted to and approved by Mississippi Department of Environmental Quality for compliance with other environmental regulations will satisfy the closure requirements for those items specifically addressed in the closure plan(s) as long as the closure does not present a potential for environmental hazard to waters of the State.

**C. REQUIREMENTS REGARDING COOLING AND BOILER WATER ADDITIVES**

Notification shall be made to the permitting authority in writing not later than sixty (60) days prior to initiating the addition of any chemical product to the cooling water and/or boiler water which is subject to discharge, other than those previously approved and/or used. Such notification should include, but not be limited to:

1. Name and composition of the proposed additive,
2. Proposed discharge concentration,
3. Dosage addition rates,
4. Frequency of use,
5. EPA registration, if applicable, and
6. Aquatic species toxicological data.

Written approval must be received from the permitting authority prior to initiating use.

**D. OTHER STANDARD CONDITIONS**

1. None.
- 2.