

## **6.H Sector H. Coal Mines and Coal Mining-Related Facilities**

### **6.H.1 Covered Storm Water Discharges**

The requirements in Part 6.H apply to storm water discharges associated with industrial activity from Coal Mines and Coal Mining Related facilities as identified by the SIC Codes specified under Sector H in Table 1 of Part 1. You must comply with the Part 6 sector-specific requirements associated with your primary industrial activity and any co-located industrial activities as defined in Part 12. The sector-specific requirements apply to those areas of your facility where those sector-specific activities occur.

### **6.H.2 Industrial Activities Covered by Sector H**

The SIC codes covered under Sector H are:

1221-1241.

Storm water discharges from the following portions of coal mines may be eligible for this permit:

- 6.H.2.1 haul roads (nonpublic roads on which coal or coal refuse is conveyed);
- 6.H.2.2 access roads (nonpublic roads providing light vehicular traffic within the facility property and to public roadways);
- 6.H.2.3 railroad spurs, siding, and internal haulage lines (rail lines used for hauling coal within the facility property and to offsite commercial railroad lines or loading areas);
- 6.H.2.4 conveyor belts, chutes, and aerial tramway haulage areas (areas under and around coal or refuse conveyer areas, including transfer stations); and
- 6.H.2.5 equipment storage and maintenance yards, coal handling buildings and structures, and inactive coal mines and related areas (abandoned and other inactive mines, refuse disposal sites and other mining-related areas on private lands).

### **6.H.3. Definitions**

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

6.H.3.1 *Mining operation* – Consists of the active and temporarily inactive phases, and the reclamation phase, but excludes the exploration and construction phases.

6.H.3.2 *Exploration phase* – Entails exploration and land disturbance activities to determine the financial viability of a site. The exploration phase is not considered part of “mining operations.”

6.H.3.3 *Construction phase* – Includes the building of site access roads and removal of overburden and waste rock to expose mineable coal. The construction phase is not considered part of “mining operations.”

6.H.3.4 *Active phase* – Activities including the extraction, removal or recovery of coal. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR 434.11(b). The active phase is considered part of “mining operations.”

6.H.3.5 *Reclamation phase* – Activities undertaken, in compliance with applicable mined land reclamation requirements, following the cessation of the “active phase”, intended to return the land to an appropriate post-mining land use. The reclamation phase is considered part of “mining operations.”

6.H.3.6 *Active coal mining facility* – A place where work or other activity related to the extraction, removal, or recovery of coal is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of “active mining area” found at 40 CFR 434.11(b).

6.H.3.7 *Inactive coal mining facility* – A site or portion of a site where coal mining and/or milling occurred in the past but is not an active facility as defined above, and where the inactive portion is not covered by an active mining permit issued by the applicable State or Federal agency. An inactive coal mining facility has an identifiable owner/operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not required an LPDES industrial storm water permit.

6.H.3.8 *Temporarily inactive coal mining facility* – A site or portion of a site where coal mining and/or milling occurred in the past but currently are not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable State or Federal agency.

6.H.3.9 *Final stabilization* – A site or portion of a site is “finally stabilized” when it has implemented all applicable Federal and State reclamation requirements.

**6.H.4 Coverage Under This Permit**

<b>Table H-1. SECTOR SPECIFIC SPECIAL CONDITIONS UNDER THIS PERMIT</b>	
<b>Part of Permit Affected</b>	<b>Supplemental Requirements</b> <i>Note: In addition to the following requirements, you must also comply with the requirements listed in Part 1 of the MSGP.</i>
1.2.3.4	<b>6.H.4.1 Discharges Subject to Storm Water Effluent Guidelines.</b> (See also Part 1.2.3.4) Not authorized by this permit: storm water discharges subject to an existing effluent limitation guideline at 40 CFR Part 434.
1.2.1.1.5	<b>6.H.4.2 Prohibition of Non-Storm Water Discharges.</b> (See also Part 1.2.3) Not covered by this permit: discharges from pollutant seeps or underground drainage from inactive coal mines and refuse disposal areas that do not result from precipitation events, and discharges from floor drains in maintenance buildings and other similar drains in mining and preparation plant areas.

**6.H.5 Storm Water Pollution Prevention Plan (SWPPP) Requirements**

<b>Table H-2. SECTOR SPECIFIC SWPPP REQUIREMENTS</b>	
<b>Part of Permit Affected</b>	<b>Supplemental Requirements</b> <i>Note: In addition to the following requirements, you must also comply with the requirements listed in Part 4 of the MSGP.</i>
N/A	<b>6.H.5.1 Other Applicable Regulations.</b> Most active coal mining-related areas (SIC Codes 1221-1241) are subject to sediment and erosion control regulations of the U.S. Office of Surface Mining (OSM) that enforces the Surface Mining Control and Reclamation Act (SMCRA). OSM has granted authority to most coal-producing states to implement SMCRA through State SMCRA regulations. All SMCRA requirements regarding control of storm water-related pollutant discharges must be addressed and then documented with the SWPPP (directly or by reference).
4.2.2	<b>6.H.5.2</b> Document in your SWPPP where any of the following may be exposed to precipitation of surface runoff: haul and access roads; railroad spurs, sliding, and internal hauling lines; conveyor belts, chutes, and aerial tramways; equipment storage and maintenance yards; coal handling buildings and structures; and inactive mines and related areas; acidic spoil, refuse, or unreclaimed disturbed areas; and liquid storage tank containing pollutants such as caustics, hydraulic fluids, and lubricants.
4.2.3	<b>6.H.5.3 Potential Pollutant Sources.</b> Document in your SWPPP the following sources and activities that have potential pollutants associated with them: truck traffic on haul roads and resulting generation of sediment subject to runoff and dust generation; fuel or other liquid storage; pressure lines containing slurry, hydraulic fluid, or other potential harmful liquids; and loading or temporary storage of acidic refuse or spoil.
4.2.9.2	<b>6.H.5.4 Good Housekeeping.</b> As part of your good housekeeping program, consider using sweepers and covered storage; watering haul road to minimize dust generation; and conserving vegetation (where possible) to minimize erosion.

<b>Table H-2. SECTOR SPECIFIC SWPPP REQUIREMENTS</b>	
<b>Part of Permit Affected</b>	<b>Supplemental Requirements</b> <i>Note: In addition to the following requirements, you must also comply with the requirements listed in Part 4 of the MSGP.</i>
4.2.7.2.1.3	<b>6.H.5.5 Preventive Maintenance.</b> Perform inspections or other equivalent measures of storage tanks and pressure lines of fuels, lubricants, hydraulic fluid, and slurry to prevent leaks due to deterioration or faulty connections.
4.2.6	<b>6.H.5.6 Inspections of Active Mining-Related Areas:</b> (See also Part 4) Except for areas of the site subject to clearing, grading, and/or excavation activities conducted as part of the exploration and construction phase, perform quarterly inspections of active mining areas covered by this permit, corresponding with the inspections as performed by SMCRA inspectors, of all mining-related areas required by SMCRA. Also maintain the records of the SMCRA authority representative. See Part 6.H.6.1 for inspection requirements for inactive and unstaffed sites.
4.2.9.5	<b>6.H.5.7 Sediment and Erosion Control.</b> As indicated in Part 6.H.4.1 above, SMCRA requirements regarding sediment and erosion control measures must be complied with for those areas subject to SMCRA authority, including inspection requirements.

### 6.H.6 Monitoring and Reporting Requirements

<b>Table H-3 SECTOR-SPECIFIC NUMERIC EFFLUENT LIMITATIONS and BENCHMARK MONITORING</b>			
<b>Part of Permit Affected/Supplemental Requirements</b> <i>Note: In addition to the following requirements, you must also comply with the requirements listed in Part 5 of the MSGP.</i>			
<b>Subsector</b> <b>(You may be subject to requirements for more than one sector/subsector.)</b>	<b>Parameter</b>	<b>Benchmark Monitoring Concentration<sup>1</sup></b>	<b>Numeric Limitation<sup>2</sup></b>
Coal Mines and Related Areas (SIC 1221-1241)	Total Aluminum	0.75 mg/L	---
	Total Recoverable Iron	1.0 mg/L	---
	Total Suspended Solids	100 mg/L	---
	Total Organic Carbon (TOC)	---	50 mg/L
	Oil & Grease	---	15 mg/L

<sup>1</sup> Monitor once/quarter for the year 2 and year 4 monitoring years (See Part 5.4.2 for possible year 4 monitoring waiver).

<sup>2</sup> The discharge from this permitted outfall shall not exceed a Daily Maximum of 50 mg/L Total Organic Carbon (TOC) or 15 mg/L Oil and Grease. **Unless required by Part 5.10 of this permit, analytical sampling and analysis of these parameters on a regular basis are not required.**

6.H.6.1 *Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirement for Routine Inspections, Quarterly Visual Assessments, and Benchmark Monitoring.* As a Sector H facility, if you are seeking to exercise a waiver from either the quarterly visual assessment or the benchmark monitoring requirements for inactive and unstaffed sites (including temporarily inactive sites), you are conditionally exempt from the requirement to certify that “there are no industrial materials or activities exposed to storm water” in Part 5.1.2.3. Additionally, if you are seeking to reduce your required quarterly routine inspection frequency to a once annual comprehensive inspection, as is allowed under Part 4.9.3, you are also conditionally exempt from the requirement to certify that “there are no industrial materials or activities exposed to storm water.” These conditional exemptions are based on the following requirements:

- If circumstances change and your facility becomes active and/or staffed, this exception no longer applies and you must immediately begin complying with the applicable benchmark monitoring requirements as if you were in your first year of permit coverage, and the quarterly visual assessment requirements; and
- LDEQ retains the authority to revoke this exemption and/or the monitoring waiver where it is determined that the discharge causes, has a reasonable potential to cause or contribute to an instream excursion above an applicable water quality standard, including designated uses.

Subject to the two conditions above, if your facility is inactive and unstaffed, you are waived from the requirement to conduct quarterly visual assessments and routine facility inspections. You are not waived from conducting the Part 4.10 comprehensive site inspection. You are encouraged to inspect your site more frequently where you have reason to believe that severe weather or natural disasters may have damaged control measures or increased discharges.

## **6.H.7 Termination of Permit Coverage**

6.H.7.1 *Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.* A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is no longer required to maintain coverage under this permit. If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part 6.H.5.7.

6.H.7.2 *Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990.* A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if: (1) storm water runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards; (2) soil disturbing activities related to mining at the sites or portion of the site have been completed; (3) the site or portion of the site has been stabilized to minimize soil erosion; and (4) as appropriate depending on location, size, and the

potential to contribute pollutants to storm water discharges, the site or portion of the site has been re-vegetated, will be amenable to natural re-vegetation, or will be left in a condition consistent with the post-mining land use.