

## **6.J Sector J. Non-Metallic Mineral Mining and Dressing**

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

The requirements in Part 6.J apply to storm water discharges associated with industrial activity from Active and Inactive Non-Metallic Mineral Mining and Dressing facilities as identified by the SIC Codes specified under Sector J 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.J.2 Industrial Activities Covered by Sector J**

The SIC Codes covered under Sector J are:

1411, 1422-1429, 1442, 1446, 1455, 1459, 1474-1479, 1481, and 1499

The types of activities that permittees under Sector J are primarily engaged in are:

- 6.J.2.1 *Covered Discharges from Inactive Facilities.* All storm water discharges.
- 6.J.2.2 *Covered Discharges from Active and Temporarily Inactive Facilities.* All storm water discharges, except for most storm water discharges subject to the existing effluent limitation guideline at 4- CFR Part 436. Mine dewatering discharges composed entirely of storm water or uncontaminated ground water seepage from: construction sand and gravel, industrial sand, and crushed stone mining facilities are covered by this permit.
- 6.J.2.3 *Covered Discharges from Exploration and Construction of Non-Metallic Mineral Mining Facilities.* All storm water discharges.
- 6.J.1.4 *Covered Discharges from Sites Undergoing Reclamation.* All storm water discharges.

### **6.J.3 Limitations on Coverage**

Most storm water discharges subject to an existing effluent limitation guideline at 40 CFR Part 436 are not authorized by this permit. The exceptions to this limitation, which are covered by this permit, are mine dewatering discharges composed entirely of storm water or uncontaminated ground water seepage from construction sand and gravel, industrial sand, and crushed stone mining facilities.

### **6.J.4 General 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.J.4.1 *Mining operations:* Consists of the active and temporarily inactive phases, and the reclamation phase, but excludes the exploration and construction phases.

- 6.J.4.2 *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.J.4.3 *Construction phase:* Includes the building of site access roads and removal of overburden and waste rock to expose mineable minerals. The construction phase is not considered part of “mining operations.”
- 6.J.4.4 *Active phase:* Activities including the extraction, removal or recovery of minerals. 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 440.132(a). The active phase is considered part of “mining operations.”
- 6.J.4.5 *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 the “mining operations.”
- NOTE:** 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.J.4.6 *Active Mineral Mining Facility:* A place where work or other activity related to the extraction, removal, or recovery of minerals 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 440.132(a).
- 6.J.4.7 *Inactive Mineral Mining Facility:* A site or portion of a site where mineral 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 mineral 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 require an LPDES industrial storm water permit.
- 6.J.4.8 *Temporarily Inactive Mineral Mining Facility:* A site or portion of a site where metal 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.J.4.9 *Final Stabilization:* A site or portion of a site is “finally stabilized” when it has implemented all applicable Federal and State reclamation requirements.
- 6.J.4.10 *Uncontaminated:* Free from the presence of pollutants attributable to industrial activity.

### 6.J.5 Clearing, Grading and Excavation Activities

Clearing, grading and excavation activities being conducted as part of the exploration and construction phase of mining activities cannot be covered under this permit if these activities will disturb one or more acre of land. Instead, coverage for these activities must be under the appropriate version of the LDEQ General Permit for Storm Water Discharges from Construction Activities (the “Construction General Permit”-CGP), or an individual construction permit. If the area of disturbance during the initial phase is less than one acre, you must comply with the requirements of the reissued LDEQ MSGP.

*6.J.5.1 Requirements for Earth Disturbances of One or More Acre: If the one-acre limit as defined above is reached, coverage for these activities must be authorized under the appropriate LDEQ storm water general permit for storm water discharges from construction activities. You must obtain and comply with the permit’s requirements before submitting the separate CGP Notice of Intent (NOI) [LDEQ form CSW-G (09-99)] to obtain coverage. Following the completion of construction activities, coverage under Sector J must be obtained and maintained during the operational phase of the mine.*

*6.J.5.2 Cessation of Earth Disturbing Activities: If exploration phase clearing, grading and excavation activities are completed and no further mining activities will occur at the site, you must comply with the requirements for terminating the CGP (i.e., stabilize the disturbed land, submit a Notice of Termination, etc.). If further mining activities will occur, you may opt for either of the following: maintain coverage under the CGP (i.e., maintain necessary BMPs, perform inspections, etc.) and apply for coverage under the MSGP for those discharges associated with mineral mining and dressing activities that will occur under the active and reclamation phases; or terminate coverage under the CGP and apply for coverage under the MSGP for all discharges from the site.*

### 6.J.6 Storm Water Pollution Prevention Plan (SWPPP) Requirements

<b>Table J-1. 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>
4.2.2	<b>6.J.6.1 Nature of Industrial Activities.</b> Document in your SWPPP the mining and associated activities that can potentially affect the storm water discharges covered by this permit, including a general description of the location of the site relative to major transportation routes and communities.
4.2.2	<b>6.J.6.2 Site Map.</b> Document in your SWPPP the locations of the following (as appropriate): mining or milling site boundaries; access and haul roads; outline of the drainage areas of each storm water outfall within the facility with indications of the types of discharges from the drainage areas; location(s) of all permitted discharges covered under an individual LPDES permit, outdoor equipment storage, fueling, and maintenance areas; materials handling areas; outdoor manufacturing, outdoor storage, and material disposal areas; outdoor chemicals and explosives storage areas; overburden, materials, soils, or waste

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	storage areas; location of mine drainage dewatering or other process water; heap leach pads; off-site points of discharge for mine dewatering and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and location(s) of reclaimed areas.
4.2.3	<b>6.J.6.3 Potential Pollutant Sources.</b> For each area of the mine or mill site where storm water discharges associated with industrial activities occur, document in your SWPPP the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. For example, phosphate mining facilities will likely need to document pollutants such as selenium, which can be present in significant amounts in their discharges. Consider these factors: the mineralogy of the waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing waste rock or overburden characterization data and test results for potential generation of acid rock damage.
4.2.9.9	<b>6.J.6.4 Employee Training.</b> All employee training(s) conducted in accordance with Part 4.2.9.9 must be documented with the SWPPP.
4.2.8	<b>6.J.6.5 Documentation of Control Measures.</b> To the extent that you use any of the control measures in Part 6.J.6.7, document them in your SWPPP pursuant to Part 4.2.4. The potential pollutants identified in Part 6.J.6.3 shall determine the priority and appropriateness of the control measures selected. If control measures are implemented or planned but are not listed here (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in your SWPPP.
4.2.9.1	<b>6.J.6.5.1 Storm Water Diversions.</b> Consider diverting storm water away from potential pollutant sources. Following are some control measure options: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.
4.2.9.1	<b>6.J.6.5.2 Capping.</b> When capping is necessary to minimize pollutant discharges in storm water, identify the source being capped and the material used to construct the cap.
4.2.9.1	<b>6.J.6.5.3 Treatment.</b> If treatment of storm water (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is necessary to protect water quality, describe the type and location of treatment used. Passive and/or active treatment of storm water runoff is encouraged. Treated runoff may be discharged as a storm water source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Miner Mining and Processing Point Source Category (40 CFR Part 436).

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4.4.1	<b>6.J.6.5.4 Certification of Discharge Testing.</b> (See also Part 5.5.2) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related non-storm water discharges such as discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 436). Alternatively (if applicable), you may keep a certification with your SWPPP.
4.2.6	<b>6.J.6.6 Site Inspections.</b> (See also Part 4.9 and Part 6.J.6.3) You must inspect sites at least quarterly unless adverse weather conditions make the site inaccessible. <b>Sites which discharge to waters which are designated as outstanding natural resource waters or waters which are impaired for sediment or nitrogen must be inspected monthly.</b> See Part 6.J.7 for inspection requirements for inactive and unstaffed sites.

#### **6.J.7 Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirement for Routine Inspections, Quarterly Visual Assessments, and Benchmark Monitoring.**

As a Sector J facility, if you are seeking to exercise a waiver from either the routine inspection, 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 Parts 5.1.2.3 and 5.5.3.

- 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 contributes to an in-stream 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.J.7 Monitoring and Reporting Requirements (See also Part 5)**

<b>Table J-2. 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. If your SIC Code is not listed below then numeric limitations and benchmark monitoring do not apply except as otherwise noted below.</i>			
<b>Subsector (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</b>
Mine Dewatering Discharges at Industrial Sand Mining Facilities (SIC 1446)	Total Suspended Solids (TSS)	---	25 mg/L monthly avg. <sup>3</sup>
			45 mg/L daily max. <sup>3</sup>
	pH	---	6.0 – 9.0 s.u. <sup>3</sup>
	Total Organic Carbon (TOC)	---	50 mg/L, daily max. <sup>2</sup>
	Oil & Grease	---	15 mg/L, daily max. <sup>2</sup>
Mine Dewatering Activities at Construction Sand and Gravel; and Crushed Stone Mining Facilities (SIC 1422-1429, 1442)	pH	---	6.0 - 9.0 S.U. <sup>3</sup>
	Total Organic Carbon (TOC)	---	50 mg/L, daily max. <sup>2</sup>
	Oil & Grease	---	15 mg/L, daily max. <sup>2</sup>
Sand and Gravel Mining (SIC 1442, 1446)	Nitrate plus Nitrite Nitrogen	0.68 mg/L	---
	Total Suspended Solids (TSS)	100 mg/L	---
	Total Organic Carbon (TOC)	---	50 mg/L, daily max. <sup>2</sup>
	Oil & Grease	---	15 mg/L, daily max. <sup>2</sup>
Dimension and Crushed Stone and Nonmetallic Minerals (except fuels) (SIC 1411, 1422-1429, 1481, 1499)	Total Suspended Solids (TSS)	100 mg/L	---
	Total Organic Carbon (TOC)	---	50 mg/L, daily max. <sup>2</sup>
	Oil & Grease	---	15 mg/L, daily max. <sup>2</sup>

<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), 100mg/L Chemical Oxygen Demand (COD), 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.**

<sup>3</sup> Monitor once per calendar year during each year of the term of the permit.