MDE **Maryland Department of the Environment**

11-CM General Permit

NPDES No. MDG 85 Applies to Discharges From Surface Coal Mines and Related Facilities (Tentative Determination)

Overview for Public Hearing

MARYLAND

Why Are We Renewing This Permit?

- The Department proposes to reissue State/NPDES (National Pollution Discharge Elimination System) General Permit for Discharges from Surface Coal Mines and Related Facilities with revisions to the previously issued permit **No. 06CM**.
- Permits **expire every 5 years** and must be re-issued.

Significant Changes

- The definition for **active mining areas** has been updated to be consistent with the federal definition in 40 CFR 434.11.
- For active mining area discharges, limits for turbidity, total iron, total manganese and pH are continued from the previous permit and **other limits have been added or changed** as follows: total suspended solids (35 mg/l average, 70 mg/l maximum), settleable solids (0.5 Ml/l maximum), temperature (68°F for Use III and III-P waters,75°F for Use IV and IV-P waters, and 90° for Use I and I-P waters), and selenium (0.02 mg/l maximum).
- In addition, for active mining area discharges, **monitoring (without limits)** has been added as follows: specific conductance, chloride, sulfates, aluminum, antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, silver, thallium, zinc, mercury, bromide, and total dissolved solids.

Significant Changes (Cont…)

- The renewal permit requires that the Notice of Intent (application) include **better descriptions** of the processes, sources of wastewater, and flows relevant to the permit conditions, and whether the receiving stream is high quality (Tier II) or impaired.
- It also requires the addition of a **site map** illustrating discharge locations. Discharges to high quality (Tier II) waters and impaired waters may not be eligible for coverage.

Who/ What Is Being Covered?

- This permit now also authorizes discharges from **remining activities** provided that the facility voluntarily submits an application for coverage under the terms and limits of this general permit instead of seeking the allowances for remining applicable under COMAR 26.08.03.08 through issuance of an individual permit.
- The Department proposes to change the requirements for **transfer of authorization** under this permit from 'nontransferable to a person' to 'non-transferable to a changed location'. This ensures the Department is not authorizing a discharge at a new location without appropriate review through submission of a new application.
- The permit updates various standard **permit conditions**. The updated standard permit conditions include, but are not limited to: requirements to obtain coverage under an individual permit, as necessary; termination of coverage under a permit; continuation of an expired general permit; and notice of intent.

Ineligible Discharges

- Discharges of toxic substances at levels that exceed state water quality criteria for toxic substances;
- Discharges that elevate the temperature in Use III, III-P, IV, or IV-P waters, as designated in COMAR 26.08.02.03-3;
- Untreated discharges of acid mine drainage from reclamation areas;
- Discharges from coal mines commingled with other sources of wastewater, particularly wastes from active underground mines;
- Discharges of process wastewater other than those from mining;
- Discharges from active underground coal mines.
- Discharge to high quality waters, Tier II waters, or to impaired streams unless the discharges meet the qualifying provisions under Part VII, Paragraphs I, J, and/or L.
- Construction activity that disturbs an acre or more.

Renewal of 06-CM Registrations

- Within 60 days after the effective date of this permit, any permittee currently registered under General Permit 06-CM shall submit to the Department a new NOI and fee in order to obtain coverage under this permit. Failure to provide the required documents will result in automatic termination of coverage under General Permit 06CM and the discharger will be subject to enforcement by the Department for discharging without a permit unless the permittee previously provided notice that this discharge has been terminated in accordance with the requirements of the permit.

Other Requirements

- The permittee is prohibited from using phosphorus or nitrogen compounds to treat wastewater without prior approval from the Department.
- The permittee is prohibited from using chlorine or chlorine products for the treatment of wastewater that will be discharged from this site.

Must Have Current SWPPP…

- The permittee shall keep the SWPPP current, and include the most recent date of the SWPPP on the front page of the plan.
- The permittee shall amend the plan whenever there is a significant modification to the facility and its potential for discharge of pollutants to the waters of the State.

Use of NetDMR Required

- By no later than December 31, 2013, permittees shall begin using the NetDMR system for the submission of monitoring data.

Discharges to Impaired Waters with an EPA-Approved or Established TMDL

- For all discharges to impaired watersheds with an approved TMDL, the NOI will be reviewed at the time of submittal and, based on the permittee's description of the discharge and the TMDL's WLA, the permittee may be subject to any combination of the following actions:
    - meeting more stringent effluent limits than identified in this permit;
    - eliminating the discharge;
    - modifying the discharge;
    - obtaining coverage under an individual discharge permit as identified in PART I - Section F; and/or
    - denial of application for coverage under this permit.

Discharges to Impaired Waters with an EPA-Approved or Established TMDL (Cont..)

- Appendix A of form MDE-WMA-PER007 lists applicable TMDLs associated with surface coal mining regions.
- Appendix "A" lists each watershed's aggregate waste load allocation (WLA) established for this permit within the respective TMDL relative to the authorized discharges.

Discharges to Impaired Waters with an EPA-Approved or Established TMDL (Cont..)

- Any TMDL limits, anti-degradation restraints, or water quality-based limits assigned to a facility shall supersede any limits identified in this permit, see PART VII - Section I for details.
- Any TMDL limits, anti-degradation restraints, or water quality-based limits assigned to a facility shall supersede any limits identified in this permit, see PART VII - Section I for details.

Discharges to Impaired Waters without an EPA-Approved or Established TMDL

- If a permittee discharges to an impaired water without an EPA-approved or established TMDL, the permittee is required to comply with the requirements in this PART. Note that this provision also applies to situations where the Department determines that discharges are not controlled as necessary to meet water quality standards in another water body, even if the permittees discharge is to a receiving water that is not specifically identified on a section 303(d) list of impaired waters.
- If a permittee discharges to an impaired water which does not have an approved or established TMDL, the permittee shall monitor once per year at each outfall discharging storm water to the impacted water segment, for the pollutant impairing the water segment (e.g., suspended solids).

Effluent Limitations & Monitoring Requirements (Active Mines)

PARAMETER	QUANTITY OR LOADING		QUALITY OR CONCENTRATION			UNITS	FREQUENCY of ANALYSIS	SAMPLE TYPE
	MONTHLY AVERAGE	DAILY MAXIMUM	MINIMUM	MONTHLY AVERAGE	DAILY MAXIMUM			
Flow	REPORT	REPORT				gpd	2/month	Estimated
Turbidity [a]				50	100	NTU	2/month	grab [b]
Total Iron [a]				3.0	6.0	mg/L	2/month	grab [b]
Total Manganese [a, c]				2.0	4.0	mg/L	2/month	grab [b]
Total Suspended Solids [a, d]				35	70	mg/L	2/month	grab [b]
pH [a, d, e]			6.0		9.0	s.u.	2/month	grab [b]
Settleable Solids [a, d, f, g]					0.5	mL/L	1/quarter	grab [b]
Temperature [h]					[h]	°F	2/month	i-s
Temperature Difference [h]			0			°F	2/month	i-s
Specific Conductance					REPORT	mS/cm	[i]	grab [b]
Chloride					REPORT	mg/L	[i]	grab [b]
Sulfates					REPORT	mg/L	[i]	grab [b]
Metals [see j]					REPORT	mg/L	[i]	grab [b]
Selenium					20	ug/L	[k]	grab [b]
Bromide					REPORT	mg/l	1/quarter	grab
Total Dissolved Solids					REPORT	mg/l	1/year	grab

Effluent Limitations & Monitoring Requirements (Reclaimed Areas)

PARAMETER	QUANTITY OR LOADING		QUALITY OR CONCENTRATION		UNITS	FREQUENCY of ANALYSIS	SAMPLE TYPE
	MONTHLY AVERAGE	DAILY MAXIMUM	MINIMUM	DAILY MAXIMUM			
Flow	REPORT	REPORT			gpd	1/quarter	Estimated
Settleable Solids [a, c]				0.5	mL/L	1/quarter	grab [b]
pH [c]			6.0	9.0	s.u.	1/quarter	grab [b]
Temperature [d]				[d]	°F	2/month	i-s
Temperature Difference [d]			0		°F	2/month	i-s

Contact Information & Resources

The draft permit is available on MDE's website (www.mde.state.md.us) through the comment period and can be found by going to the link at **http://www.mde.state.md.us/waterpermits under "Water Applications and Other Forms" then "Surface Coal Mines**...", or by searching "coalmines.aspx" in the right hand corner search engine.

Any questions regarding this tentative determination, including the draft permit and fact sheet, should be directed to Michael Richardson at the Maryland Department of the Environment, Water Management Administration, at mrichardson@mde.state.md.us, by telephone at 410-537-3323 between the hours from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Copies of the document may be obtained at a cost of $0.36 per page. Written comments concerning the tentative determination will also be considered in the preparation of a final determination if received by Michael Richardson at the above address, on or before June 26, 2013.