



Kentucky
Department for Surface Mining
Reclamation and Enforcement

Reclamation Advisory Memorandum

From: Carl E. Campbell, Commissioner

Date: November 21, 2003

Subject: KPDES Coal General Permit Reissued

RAM # 136

KPDES COAL GENERAL PERMIT REISSUED

On November 12, 2003, the Kentucky Pollutant Discharge Elimination System (KPDES) Coal General Permit NO. KYG040000 was reissued for a new five (5) year term beginning January 1, 2004 and terminating December 31, 2008. This permit provides the requisite KPDES coverage for those point source discharges associated with coal mining operations which have obtained or are obtaining a Permanent Program SMCRA Permit from the Kentucky Department for Surface Mining Reclamation and Enforcement and meet the eligibility requirements of the general permit. Each operation which has received from the Division of Water a letter granting coverage under this general permit will receive a letter from the Division of Water extending that coverage for the period of the reissued general permit.

OPERATIONS NOT ELIGIBLE FOR COVERAGE

The following types of operations are not eligible for coverage under this general permit.

- a. The coal mining operation has not been permitted under KRS Chapter 350.
- b. New or expanded operations proposing to discharge directly into a receiving stream that has been classified as a Coldwater Aquatic Habitat or as an Outstanding State Resource Water as listed in 401 KAR 5:026, Section 5.
- c. New or expanded operations proposing to discharge directly into or to a direct first or second order tributary of a publicly-owned lake or reservoir as listed in 401 KAR 5:026, Section 5.

*The Natural Resources and Environmental Protection Cabinet does not discriminate on the basis of race, color, national origin, sex, age, religion, or disability and provides, on request, reasonable accommodations including auxiliary aids and services necessary to afford an individual with a disability an equal opportunity to participate in all services, programs, and activities. To request this publication in an alternative format, contact: Office of the Commissioner, Department for Surface Mining Reclamation and Enforcement, 2 Hudson Hollow, Frankfort, Kentucky 40601-4321. (502) 564-6940 FAX (502) 564-5698 e-mail: Carl.Campbell@mail.state.ky.us
TTY (502) 564-0183 (text telephone for the deaf, hard of hearing, or speech-impaired)*

- d. New or expanded operations proposing to discharge directly into a receiving stream that has been classified as an Outstanding National Resource Water or as an Exceptional Waters as listed in 401 KAR 5:030, Section 3.
- e. New or expanded operations involving the dredging of coal from a water of the Commonwealth.
- f. New or expanded operations involving the wet beneficiation (washing) of coal.
- g. New or expanded operations involving the disposal of coal slurry into waters of the Commonwealth or underground injection.
- h. Any operation using or proposing to use Anhydrous Ammonia as a treatment option.
- i. New or expanded operations located within five (5) miles upstream of an existing drinking water intake.
- j. Any operation discharging to a water of the Commonwealth that has been listed, in the most recently developed 303(d) list, as impaired for one or more of the pollutants commonly associated with coal mining and a Total Daily Maximum Load (TMDL) has been developed.
- k. Any operation that meets the definition of a coal remining operation found in Coal Mining Effluent Guidelines (Subpart G of 40 CFR Part 434).
- l. Any operation proposing to dispose of solid or special wastes within the mining area.
- m. Any operation for which the Division of Water determines that an individual permit would better address the discharges from that operation.

NEW REQUIREMENTS OF THE REISSUED GENERAL PERMIT

Oil & Grease Requirements

Limits and monitoring requirements for this parameter as specified in pages I-1, I-2, I-3, I-4 and I-5 of the KPDES General Permit shall be applicable unless the permittee has submitted a certification that either a company wide generic Coal Best Management Practices (BMP) Plan has been adopted and implemented, or the company has developed and implemented a site specific BMP Plan for the operation. This certification shall be submitted to the Division of Water, as specified in the following paragraph. Please note that the permitted facility shall be required to meet the limits and monitoring requirements for this parameter if a BMP Plan Certification is not submitted.

BMP Plan Certification

By March 31, 2004 all permittees shall submit a Best Management Practices (BMP) Plan Certification to the Division of Water for the operations that have been granted general permit coverage prior to the effective date of the reissued general permit.

Mine Map Requirements

By March 31, 2004 all permittees shall submit to the Division of Water:

- (1) a mine map of the area clearly identifying all KPDES discharge points;
- (2) the latitude and longitude of each point; and
- (3) the status of the discharge point, i.e. active or proposed.

Application, Modification, Termination, and Transfer Requirements

Application for a new coverage under this general permit shall take the form of a Notice of Intent (NOI), which will consist of the following items:

- a. A completed KPDES FORM NOI-CM and attachments.
- b. A full size color USGS 7½-minute quadrangle map with the permit boundaries clearly marked.

- c. One (1) copy each of the Mining and Reclamation Plan Map and the Environmental Resources Information Map.
- d. At least three (3) completed Stream Characteristics Data Sheets for each impacted receiving water in the mine area, with accompanying photographs.

The Notice of Intent (NOI) items shall be submitted to the Division of Water at the same time the preliminary application is filed with the Department for Surface Mining Reclamation and Enforcement. If the permittee submits to DSMRE a proposed permit amendment or revision that will affect areas within a different watershed, then a revised NOI must be submitted to the Division of Water at the same time the proposed amendment or revision is submitted to DSMRE.

This format for submitting applications for coverage (Notice of Intent (NOI)) under this permit shall commence January 1, 2004.

The procedure described above shall also apply to those operations that meet the definition of an expanded operation (see definition 15 in the general permit).

Termination of general permit coverage shall take the form of a Notice of Termination (NOT), which will consist of the following items:

- a. A completed KPDES FORM NOT-COAL.
- b. Copies of all Phase III or complete bond releases.

NOTs shall be filed only after the entire permitted area has received final bond release.

Transfers of general permit coverage shall consist of the following elements:

- a. A completed Change in Ownership Certification.
- b. A copy of the new DSMRE permit.

Transfers shall be filed only after the issuance of the DSMRE permit.

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Copies of the reissued "General Permit for Coal Mining Activities in the Commonwealth of Kentucky (KYG040000)" and all associated forms, including the KPDES FORM NOT-COAL and Change in Ownership Certification forms, are available at the Division of Water's web site at <http://www.water.ky.gov/kpdes/coal.htm>.

Questions about the general permit and its requirements should be directed to Larry Sowder, Division of Water, at (502) 564-2225, extension 472, or to Paul Rothman, DSMRE, at (502) 564-6940, extension 407.

This and all other Reclamation Advisory Memorandums of DSMRE are available on the DSMRE website at <http://www.surfacemining.ky.gov>.

Please note that previous RAMs #74 (February 28, 1984) and #70 (October 7, 1983) also relate to the KPDES general permit.

RAMs #121 (July 9, 1996) and #118 (December 7, 1995) relate to the submittal of water quality monitoring data under KPDES permits, including the option (which DSMRE encourages) of submitting these reports electronically. Questions about electronic submittal should be addressed to the appropriate DSMRE regional office, or to Keith Smith, Division of Field Services, at (502) 564-2340.