



Kentucky  
Department for Surface Mining  
Reclamation and Enforcement

# Reclamation Advisory Memorandum

From: Charles W. Martin, Acting Commissioner *Cwm*

Date: February 28, 1984

Subject: KPDES General Permit for Coal Mining Activities

## RAM# 74

### KPDES GENERAL PERMIT ISSUED

Pursuant to Kentucky Revised Statutes 224.033, the Natural Resources and Environmental Protection Cabinet (NREPC) is authorized to provide regulation and control of discharges of pollutants to the waters of the Commonwealth in accordance with the Kentucky Pollutant Discharge Elimination System (KPDES) permit program. (See RAM #70 for more information on KPDES.) In order to best utilize the resources of the NREPC and to provide the greatest protection to the environment, the NREPC regulations authorize the issuance of a general permit.

On January 31, 1984, KPDES General Permit No. KYG040001 was issued. It becomes effective on March 1, 1984 for a period of five years. This permit covers point source discharges from active mining areas, post-mining areas, coal preparation plant associated areas, and coal refuse disposal piles. This RAM will explain the concept of the general permit, the background on the development of the KPDES Coal Mining General Permit and the permitting procedures to be followed to obtain coverage under the General Permit.

### WHAT IS A KPDES GENERAL PERMIT?

A general permit is issued to regulate a category of point sources operating in a geographic area that:

1. Involve the same or substantially similar types of operations;
2. Discharge the same type of wastes;
3. Require the same effluent limitations or operating conditions;
4. Require the same or similar monitoring; and
5. In the opinion of the KPDES permit program Director, are more appropriately controlled under a general permit than under individual permits.

Under a general permit, a single permit can be written with standard limitations and conditions, applicable to that defined category of discharges. A general permit may be issued, revoked and reissued, or terminated in accordance with KPDES permit program requirements.

### HOW TO APPLY FOR COVERAGE UNDER THE GENERAL PERMIT.

All KPDES or NPDES permit applications and renewal applications submitted to the NREPC (or previously submitted to U.S. EPA-Region IV) will be reviewed to determine if the discharges can be covered by the General Permit. Operators

who have never applied for a KPDES or NPDES permit should submit the appropriate application forms immediately (see RAM #70 for instructions).

Operators with expiring NPDES permits should submit a "Notice of Intent" to be covered by the General Permit to the appropriate DSMRE Regional Office 30 days prior to permit expiration. This "Notice of Intent" should include the following: name and address of the operation, applicable NPDES number(s), identification of any new discharge locations not contained in the expiring permit, and evidence that the operation has obtained a valid Permanent Program Mining Permit. Operators with expired NPDES permits that would like to be covered by the General Permit should submit a "Notice of Intent" as soon as possible. The previous submission of a renewal application for an individual permit does not relieve the operator desiring coverage under the General Permit of the requirement to file a "Notice of Intent". Operators having several individual discharge permits are encouraged to consolidate requests for coverage into one "Notice of Intent" referencing all individual NPDES permits which are included in a single Permanent Program Mining Permit.

Operators with expiring permits not wanting to be covered by the General Permit and choosing to retain the individual KPDES permit, should submit the KPDES application forms to the appropriate DSMRE Regional Office 150 days prior to permit expiration. An individual KPDES permit will be issued in accordance with program regulations.

A permittee, currently authorized under an individual NPDES permit, may request that the individual permit be revoked and request to have those discharges covered by the General Permit. A notice is to be submitted including the same information as listed in the above paragraph.

#### BACKGROUND ON THE GENERAL PERMIT.

A draft NPDES General Permit covering discharges from certain coal mining activities was first published in the Federal Register on September 2, 1983, by the U.S. EPA - Region IV. Kentucky was delegated the NPDES permit program on September 30, 1984, and the NPDES General Permit then became a KPDES General Permit. A public hearing was held on October 6, 1983, in Prestonsburg by NREPC. The KPDES General Permit was revised due to comments received, and was subsequently reviewed with no objections by the U.S. EPA, and signed on January 31, 1984.

#### WHAT TYPES OF OPERATIONS QUALIFY FOR COVERAGE UNDER THE GENERAL PERMIT?

The following categories of coal mining activities are included:

1. Active mining areas: the areas, on and beneath land, used or disturbed in activity related to the extraction, removal, or recovery of coal from its natural deposits.

2. Post-mining areas: reclamation areas or the underground workings of an underground coal mining after the extraction, removal, or recovery of coal from its natural deposit has ceased and prior to bond release. The term "reclamation area" means the surface area of a coal mine which has been returned to required contour and for which the Phase I bond release has been obtained.
3. Coal preparation plant associated areas: the coal preparation plant yards, immediate access roads, coal refuse piles, coal storage piles, and coal handling facilities (tipples). Discharges from facilities meeting this definition of coal preparation plant associated areas are included in the scope of the general permit. Wastewater generated by such facilities is not generally the result of coal washing but rather runoff from coal storage and loading facilities. Such discharges are similar to those occurring from active mining areas, and are controlled by the same technology. The NREPC intention in including associated area within the scope of this permit is to include facilities which are primarily engaged in the storage and loading of coal where no washing or cleansing is involved.
4. Coal refuse disposal piles: any coal refuse deposited on the earth and intended as permanent disposal or long-term storage (greater than 180 days), but does not include coal refuse deposited within or never removed from the active mining area.

Point source discharges qualify for General Permit coverage if the above types of mining activity exist, the discharge is also covered under a valid Permanent Program Mining Permit, and the operator has not been required to apply for an individual KPDES permit.

HOW WILL AN OPERATOR KNOW WHEN HIS OPERATION IS COVERED UNDER THE GENERAL PERMIT?

Coverage under the General Permit is effective upon receipt of a written notification from the Division of Water. For new facilities applying for a mining permit after March 1, 1984, the General Permit is effective upon issuance of the DSMRE Permanent Program Mining Permit provided that an individual KPDES permit is not required. Operators not wanting to be covered by the General Permit who are notified that they qualify, have the option of denying coverage once the notification is received. An individual permit will then be issued in accordance with program regulations. The Division of Water will use the KPDES Permit Inventory Forms (which were required under RAM #70 to be submitted by November 15, 1983) to correlate KPDES permit(s) to the DSMRE Permanent Program Permit.

All applicable point source discharges under the DSMRE permit will be covered under the General Permit. The DSMRE permit discharge point numbering system will then be used for reporting under the General Permit. All correspondence required under the General Permit, such as DMRs and non-compliance reports, are to be sent to the appropriate DSMRE Regional Office. The General Permit will be effective until Final Bond Release by DSMRE, however the permit conditions may be modified when the General Permit is reissued in five years..

All operators are required to have a KPDES permit, either under the General Permit coverage or an individual permit, until DSMRE Final Bond Release for all point source discharges at their operation.

#### MONITORING AND REPORTING

The General Permit, like all KPDES permits, specifies effluent limitations, monitoring and reporting requirements, and other conditions to be met by the permittee. Regardless of the type of permit (general or individual) the operator holds for discharge from coal mining activities, the following types of reports are required:

DMRs - Discharge Monitoring Reports are to be submitted on a quarterly basis to the appropriate DSMRE Regional Office on the forms provided by DSMRE.

Non-Compliance Letters - As required by 405 KAR 16:110 and 18:110, and 401 KAR 5:065, the permittee is required to forward written notification and laboratory analyses to the appropriate Regional Office within five days of the occurrence of a violation discovered during routine monitoring.

Groundwater Monitoring Reports - Although groundwater monitoring is not a requirement of the KPDES program, it is required by 405 KAR 16:110 and 18:110 and the surface disturbance mining permit. The permittee is required to conduct groundwater monitoring as outlined in the DSMRE permit.

Under the KPDES General Permit, reduction in monitoring frequency for reclamation areas (Phase I bond release) is automatic. Operations covered by an individual permit will need to submit requests for monitoring reduction to the appropriate DSMRE Regional Office, indicating DSMRE and KPDES permit numbers. The request will be forwarded to the Division of Water for approval.

#### WHERE TO OBTAIN A COPY OF THE GENERAL PERMIT?

Copies of the General Permit are available at DSMRE Regional Offices and Frankfort Office. A fact sheet prepared in support of the General Permit is available for review at the Regional Offices.

Any questions concerning the General Permit should be directed to: Jim Adamson of the DSMRE Division of Permits (502) 564-2377 or Larry Sowder of the Division of Water at (502) 564-3410 or the appropriate DSMRE Regional Office.