activity to the extraction, removal, or recovery of metal ore is being conducted. With respect to surface mines, an "active metal mining facility" does not include any area of land on or in which grading has been completed to return the earth to a desired contour and reclamation work has begun.

"Inactive Metal Mining Facility" means a site or portion of a site where metal mining and/or milling activities occurred in the past but is not an active metal mining facility, as defined in this permit and that portion of the facility does not have an active mining permit issued by the applicable (federal or state) government agency that authorizes mining at the site.

"Temporarily Inactive Metal Mining Facility" means a site or portion of a site where metal mining and/or milling activities occurred in the past, but currently are not being actively undertaken, and the facility has an active mining permit issued by the applicable (federal or state) governmental agency that authorizes mining at the site.

Operators of storm water discharges from mining related industrial activities such as vehicle maintenance, or power plants should refer to the appropriate sections of today's permit for specific guidance or requirements. Clearing, grading, and excavation activity that disturbs 5 or more acres during the exploration or preparation for beginning active mining operations cannot be covered by this section. Coverage for this type of pre-mining activity can be covered by EPA's general permit for storm water discharges from construction activities or an applicable State-issued permit. Land disturbance activities associated with the active mining operations such as expansion of existing pits, can be covered by this section.

## 5. Storm Water Pollution Prevention Plan Requirements

All facilities subject to this section must prepare and implement a storm water pollution prevention plan. The establishment of a pollution prevention plan requirement reflects EPA's decision to allow operators of ore mining and dressing facilities to utilize BMPs as the BAT/BCT level of control for the storm water discharges covered by this section. The requirements included in pollution prevention plans provide a flexible framework for the development and implementation of site specific controls to minimize pollutants in storm water discharges. This approach is consistent with the approach used in the baseline general

permits finalized on September 9, 1992 (57 FR 41236).

Pollution prevention can be an effective approach for controlling contaminated storm water discharges from metal mining facilities. Pollution prevention plans allow the operator of a facility to select BMPs based on sitespecific considerations such as: facility size; climate; geographic location; hydrogeology; the environmental setting of each facility; and volume and type of discharge generated. This flexibility is necessary because each facility will be unique in that the source, type, and volume of contaminated surface water discharges will differ from site to site. In addition, EPA believes that the adoption of BMPs reduces environmental impacts by minimizing land disturbed areas susceptible to storm water runoff. Early implementation and maintenance of BMPs facilitates ongoing reclamation activities, reducing final reclamation costs associated with site closure. BMPs are also effective at temporarily or permanently inactive mine sites.

There are two major objectives to a pollution prevention plan: 1) to identify sources of pollution potentially affecting the quality of storm water discharges associated with industrial activity from a facility; and 2) to describe and ensure implementation of practices to minimize and control pollutants in storm water discharges associated with industrial activity from a facility.

Specific requirements for a pollution prevention plan for ore mining and dressing facilities are described below. These requirements must be implemented in addition to the baseline pollution prevention plan provisions discussed previously.

a. Active and Temporarily Inactive Metal Mining Facilities.

(1) Description of Mining Activities. The storm water pollution prevention plan shall provide a narrative description of the mining and associated activities taking place at the site which affect or may affect storm water runoff intended to be covered by this section. The narrative description shall report the total acreage within the mine site, an estimate of the acreage of land currently disturbed, and an estimate of the total acreage that will be disturbed throughout the life of the mine. A general description of the mining site relative to major transportation routes and communities shall also be provided.

(2) Description of Potential Pollution Sources. Each storm water pollution prevention plan must describe activities, materials, and physical features of the facility that may contribute to storm water runoff or, during periods of dry weather, result in dry weather flows and mine pumpout. This assessment of storm water pollution will support subsequent efforts to identify and set priorities for necessary changes in materials, materials management practices, or site features, as well as aid in the selection of appropriate structural and nonstructural control techniques. In addition to the baseline general requirements storm water pollution prevention plans must describe the following elements:

(a) Drainage—The plan must contain a map of the site that shows the pattern of storm water drainage, structural features that control pollutants in storm water runoff 54 and process wastewater discharges (including mine drainage), surface water bodies (including wetlands), places where significant materials 55 are exposed to rainfall and runoff, and locations of major spills and leaks that occurred in the 3 years prior to the date of the submission of a Notice of Intent (NOI) to be covered under this permit. The map also must show areas where the following activities take place: fueling, vehicle and equipment maintenance and/or cleaning, loading and unloading, material storage (including tanks or other vessels used for liquid or waste storage), material processing, waste disposal, haul roads, access roads, and rail spurs. The site map must also indicate the outfall locations and the types of discharges contained in the drainage areas of the outfalls (e.g. storm water and air conditioner condensate). In order to increase the readability of the map, the inventory of the types of discharges contained in each outfall may be kept as an attachment to the site map.

(b) Inventory of Exposed Materials— Facility operators are required to carefully conduct an inspection of the site and related records to identify significant materials that are or may be exposed to storm water. The inventory

<sup>55</sup> Significant materials include, ''\* \* \* but [are] not limited to: raw materials, fuels, materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; \* hazardous substances designated under section 101(14) of CERCLA; any chemical facilities required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharge" (40 CFR 122.26(b)(12)). Significant materials commonly found at mining facilities include: overburden; raw materials; waste rock piles; tailings; petroleum based products; solvents and detergents; heap leach pads; tailings piles/ponds, both proposed and existing; and manufactured products, waste materials or by-products used or created by the facility.

<sup>&</sup>lt;sup>54</sup>Nonstructural features such as grass swales and vegetative buffer strips also should be shown.