inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(l) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of noncoal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or storm water contaminated by contact with any overburden, raw material, intermediate products, finished products, by-products or waste products located on the site of such operations.

This section only covers storm water discharges associated with industrial activities from inactive 58 coal mines and from access roads, haul roads, and rail lines at active coal mines. Coal mines and coal mining-related facilities subject to requirements under this section include the following types of operations: bituminous coal and lignite surface mining (SIC 1221); bituminous coal underground mining (SIC 1222); anthracite mining (SIC 1231); and coal mining services (SIC 1241).

Storm water discharges authorized by this section include storm water discharges at inactive coal mines where precipitation and storm water runon come into contact with significant materials including, but not limited to, raw materials, waste products, and byproducts, overburden, and stored materials. This section also authorizes storm water discharges from haul roads, access roads, and rail lines used or traveled by carriers of raw materials, manufactured products, waste materials, or by-products created by active coal mining facilities. The following activities are covered under this section: Haul Roads—Nonpublic roads on which coal or coal refuse is conveyed

Access Roads—Nonpublic roads providing light vehicular traffic within the facility property and to

public roadways

Railroad Spurs, Šidings, and Internal Haulage Lines—Rail lines used for hauling coal within the facility property and to offsite commercial railroad lines or loading areas

Conveyor Belts, Chutes, and Aerial Tramway Haulage Areas—Areas under and around coal or refuse conveyor areas, including transfer stations

**Equipment Storage and Maintenance** Yards

Coal Handling Buildings and Structures

Inactive Coal Mines and Related Areas—Abandoned and other inactive mines, refuse disposal sites and other mining-related areas. This includes abandoned mine sites being reclaimed under Title IV of the Surface Mining Control and Reclamation Act. Not covered by this section are discharges from sites, or parts of sites, which are determined to cause or contribute to water quality standards violations.

This section does not cover any discharge subject to effluent limitation guidelines. Discharges from active facilities and those under reclamation are subject to NPDES permits and require treatment to meet specific effluent guideline limits as specified in 40 CFR Part 434 for pH, iron, manganese, suspended solids, and settleable solids. Storm water that does not come into contact with any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the operation are not subject to permitting under this section according to Section 402(l)(2) of the Clean Water Act.

This section also does not cover storm water discharges associated with industrial activity from inactive coal mines located on Federal lands, unless an operator can be identified. These discharges are not eligible because they are more appropriately covered under an NPDES permit currently being developed.

When an industrial facility, described by the above coverage provisions of this section, has industrial activities being conducted onsite that meet the description(s) of industrial activities in another section(s), that industrial facility shall comply with any and all applicable monitoring and pollution prevention plan requirements of the other section(s) in addition to all applicable requirements in this section. The monitoring and pollution prevention plan terms and conditions of this multi-sector permit are additive for industrial activities being conducted at the same industrial facility (co-located industrial activities). The operator of the facility shall determine which other monitoring and pollution prevention plan section(s) of this permit (if any) are applicable to the facility.

Coal is a black, primarily organic substance formed from compressed layers of decaying organic matter millions of years ago.59 Factors such as the fixed carbon content, volatile matter fraction, and heating value, determine whether coal is classified as lignite, subbituminous, bituminous, or anthracite. The coal mining and related facilities industry extracts and processes coal. There are two methods of coal mining: surface mining and underground mining. Surface mining is a method utilized when the coal is close to the earth's surface and it is economically viable to remove and store the overburden, which can later be used for reclamation. Underground mining occurs when coal is too deep to be surface mined or environmental restrictions prohibit surface mining.

Coal preparation activities increase the value of coal by removing impurities through size reduction, screening, gravity separation, dewatering, and drying. After this step, coal is ready to be shipped for further processing. The impurities, including shales, clays, low reject coal, and possibly some acidic materials, are then conveyed to refuse

disposal facilities.

These mining methods and coal preparation activities occur during the active phase of mining and are not authorized by this section nor are they included in the storm water regulation. Most areas at active mine sites are covered by the Surface Mining Control and Reclamation Act (SMCRA). Discharges from these areas are considered process wastewaters and are covered under a separate NPDES permit. Today's permit only addresses storm water discharges from coal mines and related areas that are not already subject to effluent limitation guidelines under 40 CFR Part 434. Storm water discharges not subject to the effluent limitation guidelines may include discharges from the following areas:

a. Access Roads, Haul Roads, and Rail Lines. Access roads, haul roads, and rail lines are used for the transportation of coal, refuse (waste materials, old equipment, etc.), and overburden away from the mine workings. To build access and haul roads, common land disturbing activities such as vegetation clearing and soil grading are necessary. Refuse coal and overburden may be used as a road base material. Road building activities increase the potential for the offsite discharge of sediment in storm water runoff. In addition, coal, overburden, and refuse materials may be spilled during loading and unloading operations and during the transport of such materials along access roads, haul roads, and rail spurs.

b. Inactive Mine Sites. Although industrial processes have ended at inactive mine sites, the significant materials associated with those

<sup>58</sup> Inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator.

<sup>59 &</sup>quot;Development Document for Final Effluent Limitations Guideline, New Source Performance Standards, and Pretreatment Standards for the Coal Mining Point Source Category." EPA. 1982.