EPA believes that between quarterly visual examinations, site compliance evaluations and the limited analytical monitoring required of the specified subsectors, potential sources of contaminants can be recognized, addressed, and then controlled with BMPs. In determining the monitoring requirements, EPA considered the nature of the industrial activities and significant materials exposed at these sites and performed a review of data provided in Part 2 group applications.

c. Compliance Monitoring Requirements. Today's permit requires permittees with mine dewatering discharges from construction sand and gravel, industrial sand, and crushed stone mine facilities to monitor for the presence of TSS and pH. These monitoring requirements are necessary to evaluate compliance with the numeric effluent limitation established for these discharges. Monitoring shall be performed quarterly upon a minimum of one grab sample. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. Monitoring results shall be submitted on signed Discharge Monitoring Report Form(s) postmarked no later than the 31st day of the month following collection of the sample. Facilities which discharge through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more) must also submit signed copies of discharge monitoring reports to the operator of the municipal separate storm sewer system.

Alternative Certification provisions described in Section XI.J.5 do not apply to facilities subject to compliance monitoring requirements in this section. Compliance monitoring is required at least annually for discharges subject to effluent limitations. Therefore, EPA cannot permit a facility to waive compliance monitoring.

Construction sand and gravel, industrial sand and crushed stone mining facilities are not required to collect and analyze separate samples for the presence of TSS to satisfy the Compliance Monitoring requirements of

Section XI.J.5.d. during a year in which the facilities have collected and analyzed samples for TSS in accordance with the Analytical Monitoring requirements of Section XI.J.5.a. The results of all TSS Analytical Monitoring analyses may also be reported as Compliance Monitoring results in accordance with Section XI.J.5.d.(3) where the monitoring methodologies are consistent.

7. Definitions

"Overburden" means any material of any nature, consolidated or unconsolidated, that overlies a mineral deposit, excluding topsoil or similar naturally occurring surface materials that are not disturbed by mining operations.

"Overflow" means a precipitation induced overflow of a facility that is designed, constructed, and maintained to contain, or treat, the volume of wastewater which would result from 10-year, 24-hour precipitation events.

Storm Water Discharges Associated With Industrial Activity from Hazardous Waste Treatment, Storage, or Disposal Facilities

Industry Profile

On November 16, 1990 (55 FR 47990), EPA promulgated the regulatory definition of "storm water discharge associated with industrial activity." This definition includes point source discharges of storm water from 11 categories of facilities, including "** * (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA * * * ." Part XI.K. of today's permit only covers storm water discharges from facilities that treat, store, or dispose of hazardous wastes.

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.

Some industrial facilities that generate hazardous waste have onsite capacity to store, treat, and even dispose of their waste. Many hazardous waste generators, however, send their waste offsite to a treatment, storage, or disposal facility (TSDF). Generators of hazardous waste must arrange for a transporter who has obtained an EPA ID number to transport the generator's waste to a designated facility (i.e., a facility that is permitted under RCRA to receive and treat, store, or dispose of hazardous waste).

Once wastes are accepted by the TSDF, any number of activities may follow. For example, some wastes are disposed without any intervening storage or treatment, while other wastes are held in storage prior to treatment or disposal. Hazardous wastes are generally stored in containers and tanks, which are enclosed by a bermed area to prevent any releases to the environment from the storage units.

The processes for treating hazardous wastes can be divided into two major categories based on whether the waste is organic or inorganic in nature. Organic wastes are treated by destructive technologies, like incineration, whereas inorganic wastes are treated using fixation technologies, like stabilization, in which the hazardous constituents are immobilized in the residual matrix. Residuals from fixation processes are usually land-disposed where the stabilized constituents are much less likely to leach into the environment.

As mentioned above, some wastes are treated prior to disposal while others are disposed as-generated. Hazardous waste disposal units include landfills, surface impoundments, waste piles, and land treatment units. Such disposal units may have specific requirements under RCRA Subtitle D. Wastes are also disposed by being burned in incinerators. Some liquid hazardous wastes are underground-injected into deep wells regulated under the Underground Injection Control (UIC) program in 40 CFR Parts 144 to 148. The RCRA regulations governing the different types of hazardous waste treatment, storage, and disposal units are located in 40 CFR Part 264, Subparts I through O and Subpart W.

Hazardous wastes are also recycled at TSDFs. Recycling is considered a form of treatment, however, the recycling process itself is not generally regulated under RCRA. Recycling activities include reclamation, regeneration, reuse, burning for energy or materials recovery, and use in a manner constituting disposal (i.e., land application of hazardous waste or products containing hazardous waste).