Reclamation Act (SMCRA) requires sediment and erosion controls in the form of BMPs and this requirement should be sufficient for purposes of the storm water general permit. One of the commenters disagreed with the reference of SMCRA requirements as minimum requirements rather than primary requirements of the pollution prevention plan of the general permit. EPA acknowledges the SMCRA sedimentation and erosion control requirements as the primary requirements for active coal miningrelated areas and for inactive areas under SMCRA bond authority. The permit wording is modified to this effect while still indicating that, where determined appropriate for protection of water quality, additional sedimentation and erosion controls may be warranted.

Four commenters felt that the requirement for quarterly sampling and visual examination of representative discharges is burdensome and unnecessary. Reasons cited were that active areas and regulated by SMCRA, haul roads in some areas are remote, and rainfall in some western areas is unpredictable and spotty. Two of these commenters suggested as-needed visual examinations, one suggested annual examinations, and one suggested semi-annual examinations.

Although haul roads are regulated by SMCRA and in some cases may be remote, EPA is concerned that they can be a significant source of stream siltation if sediment and erosion control measures are not adequate to provide necessary protection of stream quality during precipitation events. The Agency believes that a requirement for periodic visual examinations of representative discharges is necessary in order to provide some evaluation of the effectiveness of control measures under actual runoff conditions. EPA also acknowledges that drier western areas would have less frequent incidences of precipitation resulting in runoff. The Agency has reduced the sampling and visual examination requirements from quarterly to semi-annually both for areas having an average annual precipitation of 20 inches or less as well as for inactive areas under SMCRA bond.

One commenter suggested that the requirement to collect samples form discharges resulting from storm events greater than 0.1 inch should be replaced by a requirement to collect samples resulting from any storm event sufficient to produce a visual flow. The Agency is concerned that some very small storm events may not have sufficient potential to significantly disturb and carry off sediment even though the storm events may produce

visual flows. To evaluate effectiveness of sediment and erosion control measures under conditions which have potential for stream siltation, sampling discharges resulting from at least a 0.1 inch storm is felt warranted.

Four commenters disagreed with the requirement to sample within a 30minute period or, where not practical, within a one-hour maximum period after beginning of a discharge resulting from a 0.1 inch storm event. Their concerns were similar in that some mining areas are extensive, rainfall measurements may differ in different parts of a mining area, and one hour is not enough time to respond with sampling. One of the commenters suggested that the sampling be required within one hour or as soon as practical after discharge begins. Another of the commenters suggested that samples be collected within two hours of discharge within normal business hours at 25 percent of a facility's representative outfalls.

The requirement of a 30-minute period (one hour where impractical) for obtaining samples is based on the fact that the highest potential of sediment runoff and resulting stream siltation occurs during early stages of storm periods where loose dirt and other materials are most likely to be swept away. However, the Agency recognizes possible problems at large mining areas for sampling within the required 30minute to one-hour maximum period after beginning of discharge. The requirements are changed to allow sampling within the first one hour after beginning of discharge or, as soon as practical, but not to exceed a two-hour maximum time period. The Agency believes that this requirement is not burdensome since samples are required only from representative discharges and at frequencies of once per quarter and less in drier areas of the nation. Sampling flexibility is also provided by the number of 0.1 inch or greater precipitation events occurring during the quarterly or semi-annually sampling periods.

One commenter pointed out that the chemical monitoring requirements do not distinguish between active and inactive areas. This commenter and three others opposed monitoring requirements for inactive areas. Two of these commenters suggested, however, that samples be collected if discharges occurred during an inspection. The Agency agrees that mandatory sampling of inactive areas within a specific time period after initiation of a discharge due to a minimum precipitation event may be burdensome and has changed that

requirement for operators of inactive, unstaffed facilities.

Three commenters suggest that inspections for inactive sites be specified at once every three years rather than yearly with an allowance under certain conditions of less frequent inspections. EPA does not believe that an across-the-board allowance of one inspection every three years would be adequate. Although no mining-related activity may be taking place at inactive sites, exposure of unreclaimed overburden, refuse or other materials on site is susceptible to erosion and runoff and warrants more frequent inspections of sediment and erosion control measures. Yearly inspections are felt to be appropriate to better assure that control measures have not deteriorated.

Mineral Mining and Processing Sector

The comments on sector J, the mineral mining and processing sector focussed on eligibility under the sector, monitoring requirements, and the pollution prevention plan requirements of the permit. EPA requested comment on whether mine dewatering should be included in the storm water multi-sector permit, and if included, if it should be expanded from just Region VI to all EPA Regions.

EPA has elected to allow currently unpermitted mine dewatering discharges from Construction Sand and Gravel, Industrial Sand, and Crushed Stone mines to be included in this permit, but only for facilities located in EPA Region VI and Arizona. This option does not exist in other EPA regions. Region VI and Arizona have a large number of unpermitted mine dewatering discharges and limited resources necessitating this requirement.

ÉPA Region VI proposed a limited amount of monitoring. Commenters felt that monitoring should be limited to only those parameters for which there are ELGs. For example, the construction sand and gravel subcategory (SIC Code 1442) only has ELGs for pH.

EPA Region VI has elected to require monitoring for those parameters indicated in the proposed permit. EPA believes that such monitoring is necessary to assess the pollutants levels in the discharge and to assess the effectiveness of the pollution prevention plan.

Commenters felt that industry should not be required to attain discharge levels for solids to a greater degree than that occurring in the natural erosion of the surrounding area or that found in the receiving stream during storm events. To that end, the commenters requested that the industrial facility or the State be