

Guidance for Determination of NPDES Regulatory Status of Various Discharges on a Mine Site

May 15, 2017

No.	Feature Contributing To A Discharge	Conditions and Comments	SW ¹	WW ²	Not Regulated	Rule Or Permit Citations; Other Guidance
1.	Undeveloped areas at the site, w/o permitted mining activity	Other areas closed out and fully reclaimed, too.			X	Excluded from stormwater def. in 40CFR122.26(b)(14)
2.	Overburden stockpile	Not mixed with any mined materials or other wastewater drainage. Better when fully stabilized.	X			' <i>overburden</i> ' at 40CFR122.26(b)(14)(iii)
3.	Vehicle maintenance areas	If commingled with WW, subject to wastewater permit.	X			Consistent w/other regulated activity identified at 40CFR122.26(b)(14)(viii); EPD BPJ
4.	Equipment boneyards		X			' <i>refuse sites</i> ' in 122.26(b)(14)
5.	AST Secondary containment release	If uncontaminated water collected in the containment system. The burden of proof that the release is uncontaminated is on the permittee.	X			' <i>tank farms</i> ' in 122.26(b)(14)
6.	Access and haul roads, <i>without</i> dust control	Except: roads off-site are not regulated	X		X, off-site roads	' <i>access roads</i> ' in sw definition in 40CFR122.26(b)(14)

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7.	Access and haul roads, <i>with</i> dust control	If just stormwater runoff from sprayed roads. If mine drainage is used as dust control for haul and access roads that are not constructed of waste rock, overburden or spent ore, then discharges from those roads are not covered under the IGP.	X			Above citation plus EPD BPJ for spraying mine dewatering water for dust control. Inspector BPJ to determine if excessive flow or potential WQ problem is basis for wastewater determination.
8.	Stormwater-only sediment basins	If no wastewater contribution (mine dewatering, process ww, flow from active mining area.)	X			Stormwater in: stormwater out, EPD BPJ
9.	Stormwater-only sediment basin cleaning drainage	May not impact waters of the State	X			EPD BPJ
10.	Wastewater treatment or recycle basin cleaning drainage	Includes basins that treat wastewater or mine dewatering water.		X		Wastewater in: wastewater out, EPD BPJ
11.	Processing plant: process wastewater	Even if caused by rainfall or mixed with stormwater runoff.		X		40CFR122.2 def. process ww ;
12.	Final product stockpile drainage	For most construction materials including sand, gravel, and stone; industrial sand.	X			' <i>final products</i> ' in stormwater def. at 40 CFR122.26(b)(14)
13.	Final product stockpile drainage	For some mineral mines where 'final' product is subject to further processing; and if final product exposes minerals, metals, or chemicals with aquatic toxicity or other pollutant risk: EPD may regulate as WW.		X		' <i>comes into direct contact with...intermediate product, final product...</i> ' 40CFR122.2 Def. of <i>process wastewater</i> ; EPD BPJ

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14.	Mine <u>pit</u> dewatering, whether pumped or drained by efforts of the operator, or discharge by overflow	Including contributions from rainfall and groundwater.		X		40CFR436.21, .31, and .41; EPD BPJ default for all mines
15.	Mine <u>pit</u> dewatering, via overflow due only to rain or groundwater	EPD considers these types of discharges as regulated wastewater.		X		40CFR436.21, .31, and .41; EPD BPJ default for all mines
16.	Mine face / Mine excavation area drainage (not a pit)	e.g., mining an area on a mountain side or sand mine excavation area(s). <i>When water from the mine area is <u>not impounded and/or</u> “pumped, drained, or otherwise removed from the mine through the efforts of the mine operator.”</i> But, often mine excavation area drainage will be wastewater.	X			EPD BPJ; Def. of <i>mine dewatering</i> in 40 CFR436.21, .31, and .41. Situations where stormwater inside a mine is <u>not</u> intentionally routed out of the mine by operator efforts.
17.	Mine face / Mine excavation area drainage (not a pit)	e.g., active mining area on a mountain side or sand mine excavation area(s). Any “water that is impounded or that collects in the mine and is pumped, drained, or otherwise removed from the mine through the efforts of the mine operator” is subject to effluent limitation guidelines. Also, mines where mine face exposure results in significant risk to water quality standards		X		Consistent with <i>mine dewatering</i> definition in citations above and ‘ <i>direct contact with</i> ’ 40CFR122.2 def. of <i>process wastewater</i> . Includes grading, channeling, ditching, or outlet construction intended to remove/drain water from the active mining area.
18.	Legacy structures at a closed out and reclaimed mines: e.g. stabilized overburden stockpiles, stormwater basins, and pit/quarry overflows	And for closed out and fully reclaimed portions of an operating site			X	Excluded from stormwater def. in 40CFR122.26(b)(14); not included in process wastewater definition at 40CFR122.2

¹ SW = Stormwater

² WW = Wastewater



Notes:

- Wastewater commingled with stormwater is regulated as wastewater. *Even if the discharge is rainfall driven.*
- Whether regulated with a permit under the NPDES program or not, mining discharges may not cause or contribute to a violation of an in-stream water quality standard.
- Haul and access roads not specifically covered under a Mining Permit issued by EPD may still require permit coverage under the Industrial Stormwater General Permit
- Limitation of Authority: *This guidance table is intended as an on-site aid for GA EPD permit writers and inspectors and for permittees. It does not replace relevant GA law, federal and state rules, permit conditions, GA EPD policy, or GA EPD implementation precedent.*