Permit No. AZMSG2019-00X

STATE OF ARIZONA
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY DIVISION
PHOENIX, ARIZONA 85007

ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY – MINERAL INDUSTRY TO WATERS OF THE UNITED STATES

This permit provides authorization to discharge under the Arizona Pollutant Discharge Elimination System (AZPDES) program, in compliance with the provisions of the Arizona Revised Statutes, Title 49, Chapter 2, Article 3.1, the Arizona Administrative Code (A.A.C.), Title 18, Chapter 9, Articles 9 and Chapter 11, Article 1, and the Clean Water Act as amended (33 U.S.C. 1251 et seq.).

This general permit specifically authorizes stormwater discharges associated with category iii, Mineral Industry sites, pursuant to 40CFR 122.26(b)(14) in Arizona. All discharges authorized by this general permit shall be consistent with the terms and conditions of this general permit.

This general permit becomes effective on _____, 2019.

This general permit and the authorization to discharge expire at midnight, _____, 2024.

Issued this ____ day of _____ 2019.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

_____

Trevor Baggiore, Director
Water Quality Division

AZPDES MULTI-SECTOR GENERAL PERMITS FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY – MINERAL INDUSTRY

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1.1 Eligibility

1.1.1 Industrial Activities and Facilities Covered

This general permit authorizes stormwater discharges associated with "industrial activities" as defined in Appendix A from sites having primary industrial activities included in Table 1-1. This permit is not authorized for use by sites with stormwater discharges associated with industrial activities on any Indian Country lands in Arizona. USEPA Region 9 is the permitting authority for Indian Country lands in Arizona.

Permit eligibility is limited to discharges from facilities of industrial activity in Sectors G and J (i.e., the "mining sectors"), summarized in Table 1-1. These sector descriptions are based on Standard Industrial Classification (SIC) Codes and Industrial Activity Codes. References to "sectors" in this permit (e.g., sector-specific monitoring requirements) refer to these groupings.

If a site is not eligible for authorization under this permit because stormwater is not discharged to a Water of U.S., the operator may elect to obtain a No Discharge Certification through the electronic permitting process in myDEQ, if available.

Table 1-1. Mining Sectors of Industrial Activity Covered by This Permit Derived from Category (iii) of 40 CFR 122.26(b)(14)

Subsector (May be subject to more than one sector/subsector)	SIC Code or Activity Code[1]	Activity Represented
SECTOR G: METAL MINING (ORE MINING AND DRESSING)		
G1	1021	Copper Ore and Mining Dressing Facilities
G2	1011	Iron Ores
	1021	Copper Ores
	1031	Lead and Zinc Ores
	1041, 1044	Gold and Silver Ores
	1061	Ferroalloy Ores, Except Vanadium
	1081	Metal Mining Services
	1094, 1099	Miscellaneous Metal Ores
SECTOR H: RESERVED (COAL MINES AND COAL MINING-RELATED FACILITIES)		
SECTOR I: RESERVED (OIL AND GAS EXTRACTION)		
SECTOR J: NON-METALLIC MINERAL MINING AND DRESSING		
J1	1442	Construction Sand and Gravel
	1446	Industrial Sand
J2	1411	Dimension Stone
	1422-1429	Crushed and Broken Stone, Including Rip Rap
	1481	Non-metallic Minerals Services, Except Fuels
	1499	Miscellaneous Non-metallic Minerals, Except Fuels
J3	1455, 1459	Clay, Ceramic, and Refractory Materials
	1474-1479	Chemical and Fertilizer Mineral Mining

[1] A complete list of SIC Codes (and conversions from the newer North American Industry Classification System" (NAICS) can be obtained from the Internet at **http://www.osha.gov** or in paper form from various locations in the document titled *Handbook of Standard Industrial Classifications*, Office of Management and Budget, 1987.

1.1.2 Allowable Stormwater Discharges

The following discharges are eligible for coverage under this permit:

1. Stormwater discharges associated with industrial activity for any primary industrial activities and co-located industrial activities (as defined in Appendix A) except for any stormwater discharges specifically prohibited in Part 8;
2. Discharges that are not otherwise required to obtain AZPDES permit authorization but are commingled with discharges that are authorized under this permit; and
3. Discharges subject to any of the national stormwater specific effluent limitations guidelines listed in Table 2-2.

1.1.3 Allowable Non-Stormwater Discharges for all Sectors of Industrial Activity

Part 1.1.3.1 identifies the non-stormwater discharges allowed under this permit provided the appropriate control measures are designed, implemented and maintained to reduce the discharge of pollutants, including erosion and sedimentation, and do not cause or contribute to the exceedance of an instream surface water quality standard.

Allowable non-stormwater discharges can be mixed with a discharge authorized by a different AZPDES permit and/or a discharge that does not require AZPDES permit authorization.

1.1.3.1 Allowable Non-Stormwater Discharges for all Sectors of Industrial Activity

When conducted in accordance with part 1.1.3, the following non-stormwater discharge activities or sources are allowed:

1. Emergency/unplanned fire-fighting activities;

2. Firefighting system testing and maintenance, including hydrant flushings;

3. Installation and maintenance of potable water supply systems, including disinfection and flushing activities, discharges resulting from pressure releases or overflows, and discharges from wells approved by ADEQ for drinking water use;

4. Uncontaminated condensate from air conditioners, evaporative coolers, and other compressors and from the outside storage of refrigerated gases or liquids;

5. Irrigation drainage and irrigation line flushing;

6. Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;

7. Pavement wash waters where no detergents or cleaning agents are used, and measures are first taken to remove/pickup solids and liquids, and properly dispose.

8. Routine external building washdown / power wash water that does not use detergents or other cleaning agent (e.g., those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols);

9. Water used to control dust, provided effluent or other wastewaters are not used;

10. Uncontaminated groundwater or spring water;

11. Foundation or footing drains where flows are not contaminated with process materials such as solvents;

12. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the site, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains);

13. Hydrostatic testing of new pipes, tanks or vessels using potable water, surface water, or uncontaminated groundwater;

14. Discharges of water associated with drilling, rehabilitation and maintenance of potable or non-potable water wells and piezometers, or water supply or water quality evaluations including:
    a. Discharges from any borehole not fully developed;
    b. Well purging;
    c. Well/aquifer pump tests not associated with groundwater remediation activities;
    d. Backflushing of injection wells

15. Non-stormwater discharges subject to an effluent limitation guideline listed in Table 2-2.

1.1.4 Limitations on Coverage

1.1.4.1 Stormwater Discharges Mixed with Non-Stormwater. Stormwater discharges that are mixed with non-stormwater (other than the allowable non-stormwater discharges listed in Part 1.1.3) are not eligible for coverage under this permit.

1.1.4.2 Stormwater Discharges Associated with Construction Activity. Stormwater discharges associated with construction activity are eligible for coverage under this permit as specified in Sector G and J, Part 8 of this permit.

1.1.4.3 Discharges Currently or Previously Covered by another Permit. Unless the permittee receives written notification from ADEQ specifically allowing these discharges to be covered under this permit, the following are not eligible for coverage under this general permit for any of the following:

1. Stormwater or non-stormwater discharges associated with industrial activity that is currently covered under an individual AZPDES permit or an alternative AZPDES general permit and has established numeric water quality-based limitations developed for the stormwater component of the discharge; or
2. Discharges for which any AZPDES permit has been or is in the process of being denied, terminated, or revoked by ADEQ (this does not apply to the routine reissuance of permits every five years).

1.1.4.4 Stormwater Discharges Subject to Effluent Limitations Guidelines. For stormwater discharges subject to effluent limitation guidelines under 40 CFR, Subchapter N, only those discharges identified in Table 2-2 are eligible for coverage under this permit.

1.1.4.5 New Dischargers and New Sources based on Water Quality Standards. A new discharger or a new source (as defined in Appendix A) is ineligible for coverage under this permit if the discharge from its construction or operation will cause or contribute to the violation of a water quality standard. ADEQ may notify the applicant that an individual permit is necessary per Part 1.4, or alternatively ADEQ may authorize coverage under this permit if the applicant can demonstrate discharges from the site will meet applicable surface water quality standards.

1.1.4.6 New Dischargers and New Sources to Water-Quality Impaired Waters. A new discharger or a new source to an impaired water (as defined in Appendix A) is not automatically eligible for coverage under this permit.

1. To receive authorization under this permit, the applicant shall make one of the following demonstrations and retain such documentation with the stormwater pollution prevention plan (SWPPP):
   a. That the site will employ measures to prevent all exposure to stormwater of the pollutant(s) for which the waterbody is impaired; or
   b. That the discharge from the site has no potential to contain the pollutants causing impairment; or
   c. That the discharge is not expected to cause or contribute to an exceedance of an applicable surface water quality standard. The applicant shall demonstrate with data or other technical documentation that either:
      i. For discharges to waters without an approved or established TMDL, that the discharge of the pollutant for which water is impaired will meet the applicable water quality standards, at the point of discharge to the waterbody; or
      ii. For discharges to waters with an approved or established TMDL, that there are, in accordance with A.A.C. R18-9-A903, sufficient remaining wasteload allocations to allow for the discharge, and the existing dischargers into the segment are subject to schedules of compliance designed to bring the segment into compliance with water quality standards.

Pursuant to A.A.C. R18-11-109(D)(2), if a receiving water is impaired for suspended solids, turbidity or sediment/ sedimentation, an operator seeking authorization to discharge under this permit may satisfy the requirement of Part 1.1.4.6(1)(c)(i) either by discharging only within the first 48 hours after a local storm event, or by demonstrating that any discharge after that time satisfies the requirements of Part 1.1.4.6(1)(c)(i).

2. The applicant shall submit:
   a. The Notice of Intent (NOI) in accordance with Part 1.3.1;
   b. An electronic copy of the SWPPP for ADEQ review. The SWPPP shall describe how the permittee will:
      i. Monitor for pollutants of concern in the discharge in accordance with Part 6.2.3; and
      ii. Provide the necessary information or documentation related to the demonstration selected in Part 1.1.4.6(1).

3. If the proposed discharge is to a tributary within 2.5 miles upstream of a water or portion thereof classified as impaired and /or not-attaining, the applicant shall submit a copy of the SWPPP with the NOI.

4. Within 30 calendar days of receipt of information required in Part 1.1.4.6 (2), ADEQ will notify the applicant in writing that:
   a. It is acceptable to proceed under the general permit and the permit authorization has been issued; or
   b. The SWPPP is incomplete or otherwise deficient and must be revised. The applicant shall submit the revised electronic SWPPP to ADEQ for review that addresses the deficiencies as identified in the ADEQ notification; or
   c. It is not eligible for coverage under this permit and must apply for an individual permit under Part 1.4.

1.1.4.7 New Discharges and New Sources to Outstanding Arizona Waters

1. No new or expanded discharges or a new source directly to a water or portion thereof classified as an Outstanding Arizona Water (OAW) (see A.A.C. R18-11-112) are authorized under this permit. An individual AZPDES application shall be submitted.
2. New or expanded discharges or a new source to tributaries upstream of a water or portion thereof classified as an OAW are not automatically eligible for coverage under this permit. To receive authorization for a new or expanded discharge to a tributary upstream of a water or portion thereof classified as an OAW, the applicant shall submit:
    a. The NOI in accordance with Part 1.3.1;
    b. An electronic copy of the SWPPP for ADEQ review that demonstrates the discharge will not degrade existing water quality in the downstream OAW and retain documentation supporting this demonstration onsite with the SWPPP. Information relevant to this demonstration may include, but is not limited to, some or all of the following:
        i. The distance between the discharge and the water or portion thereof that is the OAW;
        ii. The estimated size (volume) and duration of the discharge;
        iii. The expected frequency of the discharge;
        iv. The expected chemical characteristics of the discharge;
        v. The known or expected water quality of the water or portion thereof that is the OAW during storm events.
3. If the proposed discharge is to an upstream tributary within 2.5 miles of a water or portion thereof classified as an OAW the applicant shall submit a copy of the SWPPP that includes a sampling and analysis plan to collect data appropriate to verify the demonstration in subsection b, above.
4. Within 30 calendar days of receipt of information required in Part 1.1.4.7 (2), ADEQ will notify the applicant in writing that:
    a. It is acceptable to proceed under the general permit and the permit authorization has been issued; or
    b. The SWPPP is incomplete or otherwise deficient and must be revised. The applicant shall submit the revised SWPPP to ADEQ for review that addresses the deficiencies as identified in the notification; or
    c. It is not eligible for coverage under this permit and must apply for an individual permit under Part 1.4.

1.2 Permit Compliance

Any noncompliance with any of the requirements of this permit constitutes a violation of the Clean Water Act and A.R.S. Title 49, Chapter 2, Article 3.1.

1.3 Authorization under this Permit

1.3.1 Obtaining Authorization to Discharge

1. Before obtaining authorization under this permit, the applicant shall:
    a. Meet the eligibility requirements in Part 1.1;
    b. Select, design, install, and implement control measures in accordance with Part 2.2;
    c. Develop or update a SWPPP according to the requirements in Part 5 of this permit. An applicant seeking authorization, for a new discharge to or within 2.5 miles of an upstream tributary of an impaired water (see Part 1.1.4.6) or for a new or expanded discharge within 2.5 miles upstream of an Outstanding Arizona Water (see Part 1.1.4.7) is required to submit a copy of the SWPPP electronically to the Department for review. The corresponding review fee (A.A.C. Title 18, Chapter 14, Article 1) shall be submitted electronically using myDEQ at the time the SWPPP is submitted; and

d. Submit to the Department a complete and accurate Notice of Intent (NOI); and
e. If the site has the potential to discharge to a regulated municipal separate sewer system (MS4), the applicant must provide:

- The name of the MS4 operator; and
- The surface water that receives the discharge.

If ADEQ notifies the applicant that a new or modified NOI is incomplete and or inaccurate, a new NOI will have to be submitted along with the initial application fee(s).

2. Submitting the Notice of Intent (NOI)
   The NOI must be submitted electronically using ADEQ's on-line permitting portal myDEQ, by the deadline applicable to your site, listed in Table 1-2.

3. Authorization to Discharge Timeframes
   a. Routine Authorizations
      Unless otherwise notified, the applicant is authorized to discharge stormwater from an eligible site when the Notice of Intent is submitted through the on-line permitting system, myDEQ, and the NOI Certificate is issued to the applicant. The NOI Certificate is issued immediately after the submission of a complete and accurate NOI and the receipt of the applicant's payment. The NOI Certificate will include a unique authorization number (LTF number) and the effective date of permit coverage was issued to the applicant.
   b. Authorizations to Discharge for New Dischargers to Impaired Waters and New or Expanded Discharges to Tributaries of OAWs.
      Unless otherwise notified, an applicant subject to Part 1.1.4.6 or 1.1.4.7 is authorized to discharge stormwater from an eligible site upon receipt of the Notice of Intent Certificate or 30 calendar days after a complete and accurate SWPPP is received by the Department, whichever is earlier. When the SWPPP is approved by ADEQ, the applicant will receive the Notice of Intent Certificate.
   c. NOIs Requiring Additional Evaluation
      Authorization to discharge will not occur for up to 30 calendar days in the event that a SWPPP review is required. The permittee is authorized to discharge stormwater from an eligible site upon receipt of the Notice of Intent Certificate or 30 calendar days after a complete and accurate SWPPP is received by the Department, whichever is earlier. When requesting a voluntary SWPPP review, coverage is granted when ADEQ deems the SWPPP complete and accurate. When the SWPPP is approved by ADEQ, the applicant will receive the Notice of Intent Certificate.
   d. Requirement to Obtain Alternate Coverage.
      ADEQ may require the operator to submit an application for an individual AZPDES permit, as detailed in Part 1.4. In these instances, ADEQ will notify the operator in writing of: 1) the reason for the delay of coverage; or 2) the request for submission of an individual AZPDES permit application.

4. The time frames for discharge authorization are presented in Table 1-2, below.

Table 1-2. NOI Submittal Deadlines		
Category	**NOI Submission Deadline**	**Discharge Authorization Status[1,2]**
Existing Dischargers – authorized for coverage under MSGP 2010.	No later than 60 calendar days from the permit's effective date, unless ADEQ notifies the applicant that the deadline was extended. The SWPPP must be updated to ensure that this permit's requirements are addressed prior to submitting your NOI.	The discharge authorization (Notice of Intent Certificate) is issued immediately after the submission of a complete and accurate NOI, and the receipt of the applicants initial fee in myDEQ (Part 1.3.1(3)(a)), unless ADEQ notifies you that your authorization has been delayed or denied. If the NOI is not submitted by the deadline, the existing coverage under the 2010 MSGP will be automatically terminated by ADEQ.
Other Eligible Dischargers – in operation prior to the effective date of this permit, but did not obtain coverage under the MSGP 2010 or another AZPDES permit and are not operating consistent with the No Exposure Certificate Conditional Exclusion.	Submit NOI as soon as possible, but no later than 60 calendar days from the permit's effective date, unless the deadline was extended. The SWPPP must be prepared to ensure that this permit's requirements are addressed prior to submitting your NOI.	The discharge authorization (Notice of Intent Certificate) is issued immediately after the submission of a complete and accurate NOI, and the receipt of the applicants NOI fee in myDEQ (Part 1.3.1(3)(a)), unless ADEQ notifies you that your authorization has been delayed or denied.
New Dischargers – will commence discharging after the effective date of this permit.	Submit NOI as soon as possible, and at least 30 calendar days before discharge is anticipated. The SWPPP must be prepared to ensure that this permit's requirements are addressed prior to submitting your NOI.	The discharge authorization (Notice of Intent Certificate) is issued immediately after the submission of a complete and accurate NOI, and the receipt of the applicants NOI fee in myDEQ (Part 1.3.1(3)(a)), unless ADEQ notifies you that your authorization has been delayed or denied.
Change of ownership and/ or operation to a new owner/operator from a site whose discharge is authorized under this permit.	Permitted owner/operator shall submit a NOT to ADEQ within 30 calendar days after the new owner/operator assumes responsibility for the site. New owner /operator shall submit a NOI to ADEQ 7 calendar days before taking over operational control or initiating activities at the site. The new owner/ operator shall develop the SWPPP to ensure that this permit's requirements are addressed prior to submitting your NOI.	The discharge authorization (Notice of Intent Certificate) is issued immediately after the submission of a complete and accurate NOI, and the receipt of the applicant's NOI fee for the new owner/ operator in myDEQ (Part 1.3.1(3)(a)), unless ADEQ notifies you that your authorization has been delayed or denied.

Table 1-2. NOI Submittal Deadlines		
Category	**NOI Submission Deadline**	**Discharge Authorization Status[1,2]**
Change in site location to a new site location, whose discharge is authorized by this permit, including a change in geographic coordinates.	Permitted owner/operator shall submit a NOT to ADEQ within 30 calendar days after the site location changes. New owner /operator of the new site location, shall submit a NOI to ADEQ 7 calendar days before changing site locations. The new owner/ operator shall develop the SWPPP to ensure that this permit's requirements are addressed prior to submitting the NOI.	The discharge authorization (Notice of Intent Certificate) is issued immediately after the submission of a complete and accurate NOI, and the receipt of the applicants NOI fee for the new site location in myDEQ (Part 1.3.1(3)(a)), unless ADEQ notifies you that your authorization has been delayed or denied.
Change in site name to a different site name whose discharge is authorized by this permit.	Permitted owner/operator shall submit a NOT to ADEQ within 30 calendar days after the site location changes. New owner /operator of the new site location, shall submit a NOI to ADEQ 7 calendar days before changing site locations. The SWPPP must be prepared to ensure that this permit's requirements are addressed prior to submitting your NOI.	The discharge authorization (Notice of Intent Certificate) is issued immediately after the submission of a complete and accurate NOI, and the receipt of the applicants NOI fee for the new site name in myDEQ (Part 1.3.1(3)(a)), unless ADEQ notifies you that your authorization has been delayed or denied.
(Changes to the NOI)[3] revised or modified NOI)	Submit a revised NOI to ADEQ within 30 calendar days of the change to NOI information.[3] The permittee shall update the SWPPP to ensure that this permit's requirements are addressed prior to submitting the revised NOI.	The discharge authorization (Notice of Intent Certificate) is issued immediately after the submission of a complete and accurate NOI, and the receipt of the applicants NOI fee, if required, in myDEQ (Part 1.3.1(3)(a)), unless ADEQ notifies you that your authorization has been delayed or denied.

[1] If the NOI submission deadline is missed, any and all continued discharges from the industrial activities will be unauthorized under the CWA until they are covered by this or a different AZPDES permit. ADEQ may take enforcement action for any unpermitted discharges.

[2] Discharges are not authorized if the NOI is incomplete or inaccurate or if you are ineligible for permit coverage.

[3] The permittee is required to submit a revised (modified) NOI for the following changes to their previous application; site contact, change in discharges to MS4, sector, subsector, co-located facilities, acreage exposed to industrial stormwater, primary industrial activity acreage exposed to stormwater, co-located industrial activities acreage exposed to stormwater, SWPPP contact, outfall name, outfall location, number of outfalls, outfalls that are inactivated, receiving water, receiving water type, sampling type, and claiming inactive and unstaffed site status (or reverting back to active and staffed).

1.3.2 Continuation of Coverage for Existing Permittees After this Permit Expires

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with A.A.C. R18-9-C903(A) and remain in force and effect. Discharges authorized under this permit will automatically remain covered by this permit until the earliest of:

- The operator submits a timely, complete, and accurate NOI requesting authorization to discharge under a renewal or revision of this permit and ADEQ issues an Authorization to Discharge; or
- The operator submits a Notice of Termination (NOT); or
- ADEQ denies coverage under this general permit or denies or issues coverage under an individual permit or other alternative permit for the site's discharges; or
- A formal permit decision is made by ADEQ not to reissue this general permit, at which time ADEQ will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will cease at the end of this time period.

1.4 Coverage Under Alternative Permits

1.4.1 ADEQ Requiring Coverage under an Alternative AZPDES Permit

ADEQ may require an operator to obtain authorization to discharge under either an individual AZPDES permit or an alternative AZPDES general permit in accordance with A.A.C. R18-9-C902(A). If ADEQ requires the site to apply for an alternative permit, the Agency will notify the site in writing that a permit application or NOI is required. This notification will include a brief statement of the reasons for this decision. If ADEQ requires an operator to apply for an individual permit, any applications shall be submitted within 120 calendar days, unless ADEQ provides an extended deadline. In addition, a discharger already authorized under this permit, will be notified of a deadline to file a permit application. Coverage under this permit will terminate immediately if the site fails to submit an individual AZPDES permit application by the specified deadline. ADEQ may take appropriate enforcement action for any unpermitted discharge.

1.4.2 Permittee Requesting Coverage under an Alternative Permit

An applicant may elect to forego coverage under this general permit by applying for an individual permit. In such a case, the applicant must submit an individual permit application in accordance with the requirements of A.A.C. R18-9-B901(B)(2) to the Department and include reasons supporting the request. The request may be granted by issuance of an individual permit or authorization of coverage under an alternative general permit if the Department finds that the reasons are adequate to support the request.

When an individual AZPDES permit is issued to the applicant or the applicant is authorized to discharge under an alternative AZPDES general permit, the authorization to discharge under this permit is terminated on the effective date of the alternate permit.

1.5 Terminating Permit Coverage

1.5.1 Submitting a Notice of Termination (NOT)

To terminate permit coverage, the permittee shall submit a complete and accurate Notice of Termination (NOT). The site's authorization to discharge under this permit terminates immediately once a NOT Summary is received from the Department. Any reporting requirements shall be submitted at the time of termination.

1.5.2 How to Submit the NOT

The permittee must submit the NOT electronically using a valid myDEQ account.

1.5.3 When to Submit a NOT

The permittee shall submit a NOT within 30 calendar days after:

- A new owner or operator assumes ownership or has taken over responsibility for the site.

The permittee may submit a NOT after one or more the following conditions have occurred:

- The permittee has ceased operations at the site, there are not or will no longer be discharges of stormwater associated with industrial activity from the site, and the site has implemented the necessary sediment and erosion control measures; or
- The site meets the requirements for a No Exposure Certification (NEC) and has obtained NEC coverage; or

- The permittee obtained coverage under an individual or alternative general permit for all discharges required to be covered by an AZPDES permit: or
- There are no longer discharges of stormwater to Waters of U.S., either directly or by way of conveyance (storm sewer, street, ditch, etc).

The permittee is responsible for meeting the terms and conditions of this permit (including the annual fee) until the site's authorization to discharge is terminated.

1.6 Inactive and Unstaffed Sites – Conditional Exemption from No Exposure Requirements

Permit holders of inactive and unstaffed mining facilities may qualify for reduced inspections and monitoring of the no exposure provisions, without certifying "*there are no industrial materials or activities exposed to stormwater*" This exemption is predicated on the following:

- To the extent practicable, the permittee shall implement the following control measures:
  - Industrial materials used in the operations will be removed, covered or kept in appropriate containers or within containment if applicable so as to minimize discharges of stormwater associated with industrial activity as outlined in the site's SWPPP; and
  - Stockpiles, waste rock, tailings and other spoil or waste piles shall be protected from erosion and/ or downstream catchments shall be installed and maintained.
- If circumstances change and the site becomes active and/or staffed, this exemption no longer applies and the permittee shall immediately begin complying with permit requirements as if the site were in the first year of permit coverage, including the requirements for routine site inspections (Part 4.1), visual assessments (Part 4.2), and applicable general analytical monitoring requirements (Part 6.2).
- ADEQ retains the authority to revoke this exemption and/or the monitoring exception where it is determined that the discharge causes, has a reasonable potential to cause, or contribute to an exceedance of an applicable water quality standard in the receiving water, exceeds a surface water quality standard for an impaired or OAW, an exceedance of an effluent limitations guideline and or exceeds a Wasteland Allocation (WLA).

To invoke the exemption for an inactive, unstaffed site, the permittee shall do the following:

- Maintain a statement in the SWPPP as required indicating that the site is inactive and unstaffed, in accordance with the substantive requirements of this section. The statement must be signed and certified in accordance with Appendix B, Subsection 9.
- If, during the period of coverage under this permit, the site becomes qualified for the inactive and unstaffed exemption, the permittee shall include the same signed and certified statement as above and retain it with the site's records pursuant to Part 7.4.
- Within 30 days of becoming inactive and unstaffed or reverting back to an active and staffed site, the permittee must modify the NOI, to update the status of the site.

Subject to the requirements above, if the site is inactive and unstaffed, the permittee is not required to conduct four routine site inspections, four wet season visual assessments and general analytical monitoring. The permittee shall conduct one routine site inspection each calendar year in accordance with Part 4.1 or meet the conditional requirements for tri-annual inspections at inactive and unstaffed sites in accordance Part 4.1.2.

The permittee shall also inspect the site whenever there is a reasonable expectation that severe weather or other events may have damaged control measures or increased pollutant discharges.

2.0 Effluent Limits and Control Measures

2.1 Water Quality-Based Standards and Numeric Effluent Limitations

2.1.1 Water Quality Standards

The permittee shall control discharge from the site as necessary to not cause or contribute to an exceedance of an applicable water quality standard in the receiving water. If at any time the permittee becomes aware, or ADEQ determines, that the site's discharge causes or contributes to an exceedance of an applicable water quality standard, the permittee shall take corrective action as required in Part 3.1, document and report the corrective actions as required in Parts 3.2.

ADEQ may impose additional water quality-based requirements on a site-specific basis, or require the operator to obtain coverage under an individual permit in accordance with Part 1.4., if information in the Notice of Intent (NOI), required reports, or from other sources indicates the discharges are not controlled as necessary to not cause an exceedance of an applicable water quality standard in the receiving water.

2.1.1.1 Discharges to Water Quality Not-Attaining and Impaired Waters

a. **Existing Discharges to an Impaired Water with an Approved TMDL (Not-Attaining Water).** If the discharge is to an impaired water with an approved TMDL, or is otherwise referenced in an approved TMDL, the Department may require, as a condition of authorization, additional limits, controls, or analytical monitoring necessary to be consistent with the assumptions and requirements of the applicable TMDL and any available wasteload allocation (WLA). Alternatively, ADEQ will advise the permittee if coverage under an individual permit is necessary in accordance with Part 1.4.

b. **Existing Discharges to an Impaired Water without an Approved TMDL (Impaired Water).** If the discharge is to an impaired water without an approved TMDL, the permittee shall comply with Part 2.1.1., and the monitoring requirements of Part 6.2.3. This subsection applies to discharges to impaired waters as well as to situations where ADEQ determines that the site's discharge is not controlled as necessary to meet water quality standards in an impaired downstream water segment, even if the discharge is to a receiving water that is not specifically identified on a Section 303(d) list.

c. **New Discharges or New Sources to an Impaired Water and or Not-Attaining Water.** If the permittee's authorization to discharge under this permit relied on Part 1.1.4.5 for a new discharger or a new source to an impaired and or not-attaining water, the permittee shall implement and maintain any control measures or conditions on the site that enabled it to become eligible under Part 1.1.4.6. The permittee shall modify such measures or conditions as necessary in accordance with any Part 3 corrective actions. In addition, the permittee shall comply with Part 2.1.1 and the analytical monitoring requirements of Part 6.2.3.

2.1.1.2 Tier 2 Antidegradation Requirements for New Dischargers, New Sources, or Increased Discharges

A new discharger or a new source (as defined in Appendix A), or an existing discharger required to notify ADEQ of an increased discharge consistent with Part 7.4 (i.e., a "planned changes" report), and the site discharges to waters designated by a state for antidegradation purposes under (A.A.C. R18-11-107.01.C,), ADEQ may require that the permittee undertake additional control measures as necessary to ensure compliance with the applicable antidegradation requirements including analytical monitoring, or will notify the permittee that an individual permit application is necessary in accordance with Part 1.4.

2.2 Control Measures and Effluent Limits

The requirement to implement control measures in accordance with Part 2.2.1 applies to all sites. Part 8 contains additional control measures imposed on a sector-specific basis.

2.2.1 Control Measures.

The permittee shall select, design, install, and implement control measures (including best management practices) in order to meet the requirements in Part 2.1 and Part 2.2.1. The selection, design, installation, and implementation of these control measures must be in accordance with good engineering practices and manufacturer's specifications. The permittee may deviate from such manufacturer's specifications, however, the justification for the deviation shall be maintained and documented in the site SWPPP.

If the site's control measures are not effective, the permittee shall modify and/or add additional control measures to meet the requirements of this permit. Regulated stormwater discharges from the site include stormwater run-on that commingles with stormwater discharges associated with industrial activity at the site.

The permittee shall consider all of the control measures listed below for implementation at the site and select those that the permittee determines are appropriate given the site conditions to meet the requirements in Part 2.1 and Part 2.2.1. The control measures listed below are not intended to be an exclusive list of necessary control measures. In preparing the SWPPP in accordance with the requirements in Part 5 of this permit, the permittee shall explain the basis for the selection of the control measures.

2.2.1.1 Control Measure Selection and Design Considerations

The permittee shall assess the type and quantity of pollutants likely to discharge in stormwater or allowable non-stormwater from the site when designing and implementing control measures. The permittee shall consider the following when selecting and designing control measures:

- Preventing stormwater from coming into contact with pollutants is generally more effective and less costly than trying to remove pollutants from stormwater;
- Using control measures in combination is more effective than using control measures in isolation for minimizing pollutants in the site's stormwater discharge;
- Assessing the type and quantity of pollutants, including their potential to impact the receiving water(s) quality, is necessary in order to design effective control measures that achieve permit limits;
- Minimizing impervious areas at the site and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches) can reduce runoff and improve groundwater recharge and stream base flows in local streams, although care must be taken to avoid groundwater contamination;
- Attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
- Using containment to intercept stormwater flows before they leave the site, such as directing flows to non-discharging areas (pits) or installing runoff containment;
- Conserving and/or restoring of riparian buffers help protect streams from stormwater runoff and improve water quality; and
- Using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

2.2.1.2 Technology Based Effluent Limits

The permittee shall comply with the following non-numeric effluent limits:

2.2.1.2.1 Minimize Exposure

The permittee shall minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff in order to minimize pollutant discharges by implementing measures such as the following:

- Locating industrial material and activities inside or protecting with storm resistant shelter (although significant enlargement of impervious surface area is not recommended);
- Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
- Locating materials, equipment, and activities so that potential leaks or spills are contained or able to be contained or diverted before discharging off-site;
- Using spill/overflow protection;
- Clean up spills and leaks promptly using dry methods (e.g. absorbants);
- Covering fueling area(s) or minimize stormwater run-on/runoff to fueling area(s);
- Store leaky vehicles and equipment indoors, or if stored outdoors, use drip pans and absorbents;
- Draining fluids from equipment and vehicles that will be decommissioned, and for any equipment and vehicles that will remain unused for extended periods of time;
- Performing all vehicle and /or equipment cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also capture any overspray; and
- Ensuring that all washwater drains to a proper collection system (i.e., not the stormwater drainage system).

2.2.1.2.2 Good Housekeeping

The permittee shall implement good housekeeping measures for all exposed areas that are potential sources of pollutants. Such measures may include, but are not limited to the following:

- Sweep or vacuum at regular intervals;
- Keeping materials orderly and labeled;
- Storing materials in appropriate containers;
- Cleaning up spills and leaks promptly using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- Using drip pans and absorbents under or around leaky vehicles and equipment or store indoors where feasible;
- When feasible, keep all dumpster lids closed when not in use. For dumpsters and roll off boxes that do not have lids and could leak, ensure that discharges have a control (e.g., secondary containment, treatment).
- Minimize the potential for waste, garbage and floatable debris to be discharged by keeping exposed areas free of such materials, or by intercepting them before they are discharged.

2.2.1.2.3 Maintenance

The permittee shall maintain all control measures that are used to achieve effluent limits in this permit in effective operating conditions, as well as all industrial equipment and systems, in order to minimize pollutants in stormwater discharge. This includes measures such as the following:

- Performing inspections and preventive maintenance of stormwater drainage, source controls, treatment systems, plant equipment and systems that could fail and result in contamination of stormwater;

- Maintaining non-structural control measures (e.g., keep spill response supplies available, personnel appropriately trained);
- Inspecting baghouses and removing any accumulated dust at the exterior base of the baghouse;
- Cleaning catch basins.

If control measures are in need of repair or replacement, the permittee shall make any necessary changes as soon as practicable. All reasonable steps shall be taken to minimize the discharge of pollutants until the final repair is completed. This shall include cleaning up any contaminated surfaces so that the material will be not be discharged in subsequent storm events. Final repairs or replacement of stormwater controls should be completed as soon as feasible, but no later than 14 calendar days following discovery, or before the next measurable storm event, whichever is sooner.

If necessary changes cannot be implemented within the specified timeframe(s), the permittee shall document within the SWPPP the reasons for the delay, a schedule for completing the necessary changes, date completed and any back-up control measures in place to ensure compliance with permit requirements, should a runoff event occur while a control measure is off-line (either in part or in whole).

2.2.1.2.4 Spill Prevention and Response Procedures

The permittee shall minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for timely and effective clean-up of spills if or when they occur in order to minimize pollutant discharges. The permittee shall implement spill prevention and response measures, such as:

- Plainly labeling containers (e.g., “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides,” etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
- Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas;
- Develop procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases;
- Keep spill kits on-site and located near areas where spills may occur or a rapid response can be made; and
- Implement procedures for notification of appropriate site personnel and emergency response. Where a leak, spill, or other release occurs that contains a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, the permittee shall notify ADEQ Emergency Response at (602) 771-2330 or, toll free, at (800) 234-5677. Contact information must be in locations that are readily accessible and available.

2.2.1.2.5 Erosion and Sediment Controls

The permittee shall minimize on-site erosion and sedimentation in order to minimize pollutant discharges, including but not limited to measures such as the following:

- Stabilize exposed soil;
- Control and contain runoff and sediment using structural and/or non-structural control measures;
- Place flow velocity dissipation devices at discharge locations and within outfall channels where necessary, to reduce erosion and/or settle out pollutants.

In selecting, designing, installing, and implementing appropriate control measures, permittees are encouraged to consult EPA’s internet-based resources relating to Stormwater BMPs for erosion and sedimentation.

If the permittee uses polymers and/or other chemical treatments as part of the controls, the permittee must identify the polymers and/or chemicals used and the purpose in the SWPPP.

2.2.1.2.6 Management of Stormwater Runoff

The permittee shall minimize the discharge of pollutants from the site by implementing control measures including but not limited to measures such as the following:

- Divert clean stormwater around industrial materials and activities;
- Infiltrate, reuse, contain and reduce impacted runoff, or
- Treat and/or recycle stormwater runoff collected.

In selecting, designing, installing, and implementing appropriate control measures, permittees are encouraged to consult EPA's internet-based resources relating to stormwater runoff management and green stormwater infrastructure.

2.2.1.2.7 Salt Storage Piles or Piles Containing Salt

The permittee shall reduce stormwater runoff to minimize the discharge of pollutants from the salt storage piles or piles containing salt by implementing control measures including but not limited to measures, such as the following:

- Enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces.
- Implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the salt storage pile.

Salt storage piles do not need to be enclosed or covered if stormwater runoff from the piles is not discharged off-site or if discharges from the piles are authorized under another AZPDES permit.

2.2.1.2.8 Employee Training

The permittee shall train all employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of this permit (e.g., inspectors, maintenance personnel), including all members of the site's Stormwater Pollution Prevention Team. Training must cover both the specific control measures and the monitoring, inspection, planning, reporting, and documentation requirements described in this permit. Training shall be conducted at least annually.

The permittee must ensure the following personnel understand the requirements of this permit and their specific responsibilities with respect to those requirements, for the following:

- Personnel who are responsible for the design, installation, maintenance, and/or repair of control measures (including pollution prevention measures);
- Personnel responsible for the storage and handling of chemicals and materials that could become contaminants in stormwater discharges;
- Personnel who are responsible for taking and documenting corrective actions as required in Part 3;
- Personnel who are responsible for conducting and documenting monitoring and inspections as required in Parts 4 and 6; and

Personnel must be trained in the following areas, if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):

- An overview of what is in the SWPPP;
- Spill response procedures, good housekeeping, maintenance requirements, and material management practices;
- The location of all controls on the site required by this permit, and how they are to be maintained;
- The proper procedures to follow with respect to the permit's pollution prevention requirements; and
- When and how to conduct inspections, record applicable findings, and take corrective actions.

2.2.1.2.9 Non-Stormwater Discharges

The permittee shall evaluate the presence of non-stormwater discharges at the site. Any non-stormwater discharges from the site not specifically authorized in Part 1.1.3 or covered by another AZPDES permit, shall be eliminated.
The discharge of vehicle and equipment washwater, including tank cleaning operations, is not authorized by this permit. These wastewaters must be covered under a separate AZPDES permit, discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements, or disposed of otherwise in accordance with applicable law.

2.2.1.2.10 Dust Generation and Vehicle Tracking of Industrial Materials

The permittee shall minimize generation of dust and off-site tracking of raw, final, or waste materials in order to minimize pollutant discharges.

2.2.2 Numeric Effluent Limitations Based on Effluent Limitation Guidelines

Table 2-2 below identifies specific regulated activities with effluent limitation guidelines and the locations of effluent limitation guidelines in this permit. Discharges from such activities must meet the specified effluent limitation guidelines. Compliance with these effluent limits is to be determined based on discharges from these regulated activities independent of commingling with any other discharges allowed under this permit.

Table 2-2 Applicable Effluent Limitations Guidelines

Regulated Activity	40 CFR Part/Subpart	Effluent Limit
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, or D	See Part 8.J.9

3.0 Corrective Actions

3.1 Corrective Action Triggers

3.1.1 Conditions Requiring Corrective Action

The following conditions require corrective action:

- An unauthorized release or discharge from the site (e.g., non-stormwater discharge not authorized by this or another AZPDES permit to a Water of the U.S.);
- The permittee becomes aware, or ADEQ determines, that the site's discharge causes or contributes to an exceedance of applicable water quality standard(s) in the receiving water (Part 2.1.1);
- A discharge from the site to water listed as not-attaining (or to an upstream tributary within 2.5 miles) exceeds a wasteload allocation (WLA) for the pollutant(s) causing the impairment (Part 2.1.1.1);
- A discharge from the site to an impaired water (or to an upstream tributary within 2.5 miles) exceeds an applicable surface water standard for the pollutant(s) causing the impairment (Part 2.1.1.1)) (see Part 6.2.3 for exceptions);
- A discharge from the site to an upstream tributary of an Outstanding Arizona Water (upstream tributary within 2.5 miles) exceeds the applicable surface water quality standard (Part 2.1.1.2); or
- A discharge from the site violates a numeric effluent limitation guideline in Table 2-2 and in Part 8 sector- specific requirements.

The permittee shall review the selection, design, installation and implementation of a site's control measures and revise as necessary, to ensure the condition is appropriately addressed.

3.1.2 Substantially Identical Outfalls

If an outfall that represents other substantially identical outfalls requires corrective action, all related substantially identical outfalls shall be assessed for corrective action
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3.2 Corrective Action Deadlines, Documentation, and Reporting

Within 30 days of a discovery of any condition in Part 3.1.1, the permittee shall submit a Corrective Action Report Form provided by the Department, either in paper or electronic from (if available) that includes the following information:

1. Within 72 hours of discovery, the permittee shall document the discovery of that condition, including the following:
   a. Identification of the condition triggering the need for corrective action review;
   b. Description of the problem/ incident including material type and amount;
   c. Date/time the problem was identified;
   d. The location of the incident;
   e. The cause of the spill, leak, other release or sampling exceedance, if applicable;
   f. The outfall name(s)/ locations effected; and
   g. The affected receiving water and whether the receiving is a special water.

2. Within 14 calendar days of discovery (or before the next measurable storm event if possible, whichever is sooner) the permittee shall complete and document the following:
   a. A summary of corrective action taken or to be taken, including modifications to control measures, in order to minimize or prevent the reoccurrence of a discharge of a pollutant(s) or prevent further exceedance(s);
   b. Identify and describe SWPPP modification(s) that are required as a result of this discovery and/ or corrective actions;
   c. Provide date corrective action initiated or will be initiated;

d. Provide date corrective action completed or expected to be completed;
e. Summarize the results of any analytical monitoring results that prompted corrective action, including any subsequent sampling results, if available;
f. Describe any accelerated monitoring or other permit contingency actions that will be required;
f. If corrective actions cannot be implemented within the specified timeframe(s), the permittee shall document the reasons for the delay, provide an implementation schedule for completing the necessary changes, including any back-up practices in place to ensure compliance with applicable effluent limitations, should a runoff event occur while a control measure is off-line;
g. If no corrective action is needed, describe the basis for that determination;
h. Provide the date and the outcome of the last four (4) routine site inspections; and
i. A statement, signed and certified in accordance with Appendix B, Subsection 9.

Any corrective actions documentation taken pursuant to this section, shall be kept with the site's SWPPP.

4.0 Inspections

Additional sector-specific inspection requirements may be required pursuant to Part 8 of this permit. If a conflict exists between the two, the requirements of Part 8 shall prevail.

4.1 Routine Site Inspections

During normal site operating hours, the permittee must conduct routine inspections and examine areas of the site covered by this permit, including, but not limited to, the following:

- Areas where industrial materials or activities are exposed to stormwater with the potential to discharge;
- Areas that are identified as potential pollutant sources in the SWPPP;
- All stormwater control measures used to comply with the effluent limits contained in this permit;
- Locations where spills and leaks from industrial equipment, drums, tanks and other containers that can occur or has occurred in the past three years;
- Areas where tracking or blowing of sediment, trash, raw, final or waste materials is or has occurred from areas of no exposure to exposed areas, including locations where vehicles enter or exit the site;
- Areas above and below the outfall(s).

Routine inspections shall be conducted at least once each calendar quarter beginning with the first full calendar quarter after the site becomes covered under this permit (see Part 1.3.1(2) and Table1-2). The permittee shall specify the inspection schedules in the SWPPP.

A qualified person or persons (see definition in Appendix A) shall conduct routine site inspections. A member of the Stormwater Pollution Prevention Team shall conduct or participate in the routine site inspection.

The permittee shall conduct at least one of the routine site inspections each calendar year while a stormwater event or discharge is occurring at one or more outfalls when practicable, to determine that the control measures are functioning correctly. If there is no measurable storm event(s) or discharge during a calendar year, the permittee shall document the inability to perform a routine inspection when a discharge is occurring. In this case, the permittee must still complete four routine quarterly inspections per calendar year.

4.1.1 Routine Site Inspection Documentation

The permittee shall document the findings of each routine site inspection performed and maintain this documentation with the SWPPP. Inspection findings do not need to be submitted to ADEQ, unless specifically requested. At a minimum, the documentation for each routine site inspection must include, but not limited to:

- The inspection date and time;
- The name(s) and signature(s) of the inspector(s);
- Weather information;
- All observations relating to the implementation of control measures at the site, including:
    - A description of any discharges occurring at the time of the inspection;
    - Any previously unidentified discharges from and / or pollutants at the site;
    - Any evidence of, or the potential for, pollutants entering the drainage system;
    - Observations regarding the physical condition of and around all outfalls, including any flow dissipation devices, and evidence of pollutants in discharges and/or to the receiving water;
- Any control measures needing maintenance or repairs;

- Any failed control measures that need replacement;
- Any additional control measures needed to comply with the permit requirements;
- Any required revisions to the SWPPP resulting from the inspection;
- Any incidents of noncompliance; and
- Signature of person conducting the inspection.

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Any corrective action required as a result of a routine site inspection must be performed consistent with Part 3 of this permit.

4.1.2 Exceptions for Inspection Requirements for Inactive and Unstaffed Mining Sites

Each calendar year, a permit holder of an inactive and unstaffed mining site shall conduct one routine site inspection in accordance with the requirements of Part 4.1. The permittee shall also inspect the site whenever there is a reasonable expectation that severe weather or other events may have damaged control measures or increased discharges. The permittee is waived from general analytical monitoring, quarterly routine site inspections and quarterly visual assessments inspection requirements in accordance with Part 1.6.

Where inspections are not practical at inactive and unstaffed mine sites, the permittee shall submit an Inactive and Unstaffed Site Certification Form within one year of obtaining permit coverage. The form shall include an explanation why inspections are impracticable at the mine site. Inactive and unstaffed mine facilities where it has been determined that annual inspections are impracticable, shall be inspected once every three years (tri-annual). Tri-annual inspections must be conducted in accordance with Section 4.0, and signed by a Registered Professional Engineer in the state of Arizona, certifying that the site is in compliance with the permit, or alternative requirements using the Inactive and Unstaffed Site Certification Form. The permittee shall also inspect the site whenever there is a reasonable expectation that severe weather or other events may have damaged control measures or increased discharges.

4.2 Visual Assessment of Stormwater Discharges

The permittee shall perform two visual assessments during the summer wet season and two visual assessments during the winter wet season when the site is discharging.
Wet seasons, for the purposes of visual assessments, are defined as follows:

- Summer wet season: June 1 – October 31
- Winter wet season: November 1 – May 31

The term ‘wet season’ applies statewide and includes areas of the state where freezing conditions exist that prevent runoff from occurring for extended periods. In areas where freezing conditions exist, the four visual assessments may be distributed during seasons when precipitation runoff occurs.

Visual assessment requirements in this permit begin immediately after authorization to discharge is received by the permittee unless authorization is received 90 calendar days or more after a wet season has begun, in which case visual assessments shall commence with the start of the next wet season.

4.2.1 Visual Assessment Procedures

Twice per wet season for the entire permit term, the permittee must collect a stormwater sample from each outfall (except as noted in Part 4.2.3) and conduct a visual assessment of sample. The visual assessment samples are not required to be collected consistent with 40 CFR Part 136 procedures, but must be collected in such a manner that the samples are representative of the stormwater discharge. The visual assessment shall be made:

- Of a sample in a clean, colorless glass, or plastic container, and examined in a well-lit area;
- On samples collected within the first 30 minutes of an actual discharge from a storm event. If it is not possible to collect the sample within the first 30 minutes of discharge, the sample must be collected as soon as practicable after the first 30 minutes and the permittee shall document why it was not possible to take samples within the first 30 minutes. In the case of snowmelt, samples shall be taken during a period with a measurable discharge from the site; and
- On discharges that occur at least 72 hours (3 calendar days) from a previous discharge.

The permittee shall visually inspect the sample for the following water quality characteristics:

- Color;
- Odor;
- Clarity;
- Floating solids;
- Settled solids;
- Suspended solids;
- Foam;
- Oil sheen; and
- Other obvious indicators of stormwater pollution.

4.2.2 Visual Assessment Documentation

The permittee shall document the results of the visual assessments and maintain this documentation with the SWPPP. The visual assessment findings need not be submitted to ADEQ, unless specifically requested by the Department. At a minimum, the documentation of the visual assessment shall include, but not be limited to:

- Sample location(s);
- Sample collection date and time, and visual assessment date and time for each sample;
- Personnel collecting the sample and performing visual assessment, and their signatures;
- Nature of the discharge (i.e., runoff or snowmelt);
- Results of observations of the stormwater discharge;
- Probable sources of any observed stormwater contamination; and
- If applicable, why it was not possible to take samples within the first 30 minutes; and
- A statement, signed and certified in accordance with Appendix B, Subsection 9.

4.2.3 Exceptions to Visual Assessments of Stormwater Discharges

4.2.3.1 Absence of Discharge: If no storm event results in a discharge from the site or outfall(s) during a wet season, the permittee is excused from visual assessment for the site or outfall(s) for that season provided the permittee documents the absence of discharge in visual assessment documentation record and retains that record within the SWPPP.

4.2.3.2 Adverse Weather Conditions: Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make sampling unsafe. When adverse conditions prevent the collection of either visual assessment sample in a given wet season, the permittee shall document the adverse weather conditions in the monitoring record and retain those records within the SWPPP.

4.2.3.3 Substantially Identical Outfalls: If the site has two or more outfalls that discharge substantially identical pollutants, the permittee may conduct visual assessments of the discharge at just one of the identical outfalls. If possible, visual assessments at substantially identical outfalls shall be performed on a rotating basis throughout the period of permit coverage. When invoking the substantially identical outfall provision, the permittee shall identify the identical outfalls in the monitoring record and retain those records within the SWPPP.
If a visual assessment collected at a substantially identical outfall demonstrates that control

measures are not functioning as intended, the permittee shall assess and modify the control measures as appropriate at each substantially identical outfall represented by the monitored outfall.

4.2.3.4 Inactive and Unstaffed Sites: Permittees at inactive and unstaffed mines sites do not have complete visual assessments.

5.0 Stormwater Pollution Prevention Plan (SWPPP)

A Stormwater Pollution Prevention Plan (SWPPP) that meets the requirements of parts 5 and 8 of this permit shall be prepared prior to submitting a NOI.

Existing permittees shall review and update their SWPPP (or prepare a new SWPPP) that meets the requirements of this permit within 90 days of the issuance date of this permit.

5.1 Contents of the Site's SWPPP

5.1.1 Contents of the SWPPP

The SWPPP, at a minimum, shall contain and identify the following requirements:

- Stormwater Pollution Prevention Team by name, title, or role;
- A site description, including a discussion of industrial activities that occur at the site;
- A generalized location map (e.g. a USGS quadrangle map) with all surface water(s) identified;
- A detailed site map (see Part 5.1.2);
- Summary of pollutant sources;
- A description of control measures that will be used to ensure compliance with the requirements in Part 2.1 and Part 2.2.1;
- The schedule, practices and procedures for the following: good housekeeping, control measure maintenance / repair measures, spill prevention/ response, erosion/ sediment controls, and type and frequency of employee training;
- The schedule and documentation procedures utilized for site inspections and visual assessment monitoring;
- A description of stormwater monitoring and sampling procedures, including outfall identification and describe any exemptions to monitoring (such as inactive/ unstaffed site and or rationale for any substantially identical outfall determinations);
- A Sampling and Analysis Plan (see Part 6.1.5), if required, including previous sampling results from the previous permit term; and
- Signature requirements (see Part 5.2)

If the SWPPP refers to procedures in other site documents, such as other environmental permits, a Spill Prevention Control and Countermeasure (SPCC) Plan or an Environmental Management System (EMS) and copies of the relevant portions of those documents must be kept with the SWPPP if they are incorporated to satisfy SWPPP requirements.

5.1.2 Site Map Requirements

Provide a legible site map (or maps) completed to scale, that identifies the following:

- Boundaries of the property;
- Designation of area(s) associated with industrial activities;
- Identification of adjacent properties;
- Directions of stormwater flow for areas of the site that generate stormwater discharges with a reasonable potential to contain pollutants (e.g. topographic map or arrows as necessary to depict stormwater flow direction;
- Locations of all stormwater conveyances including ditches, pipes, and swales;
- Locations of major structural stormwater control measures;
- Locations of surface waters receiving the site's discharges and any special waters clearly labeled within 2.5 miles of the site;
- Locations where the site's stormwater discharges to a regulated MS4 (where applicable);
- Locations of pollutant sources identified;
- Locations where significant spills or leaks have occurred in the past three years;
- Locations of outfalls with a unique identification code for each feature;

- An approximate outline of the areas draining to each outfall;
- Identification of which outfalls are considered sampling points;
- Identification of which outfalls are being treated as substantially identical outfalls;
- Provide location of outfalls that are inactive or no longer used as outfalls, if practicable;
- Locations of all outfalls that include allowable non-stormwater discharges under Part 1.1.3;
- Location of on-site drywell(s) and their registration number(s);
- Sources of run-on to the site from adjacent property that may contain pollutants;
- Locations of the following activities and features that are exposed to stormwater with the potential to discharge pollutants, including but not limited to:
  - fueling stations;
  - vehicle and equipment maintenance and/or cleaning areas;
  - loading/unloading areas; locations used for the treatment, storage, or disposal of wastes;
  - liquid storage tanks;
  - processing / storage areas;
  - transfer areas for substances in bulk;
  - machinery; and
  - access roads / rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the site

5.2 Signature Requirements

The permittee shall sign and date the SWPPP in accordance with Appendix B, Subsection 9. If the SWPPP covers more than one permitted site, each permittee must certify the SWPPP in accordance with Appendix B, Subsection 9.

5.3 Required SWPPP Modifications

The permittee shall keep an up to date SWPPP. The permittee shall modify the SWPPP whenever necessary to address triggering conditions for corrective action in Part 3.1. Changes to the SWPPP to reflect corrective actions shall be made in accordance with the corrective action deadlines in Parts 3.2.

In addition, the permittee shall modify the SWPPP to reflect new or modified control measures, including measures implemented at active mining operations as mining activities expand into undisturbed areas (Part 8.G.5.2)

5.4 SWPPP Availability

The permittee shall retain a copy of the current SWPPP at the site, and it shall be made immediately available to ADEQ, EPA, or another Federal, State or local agency having stormwater program authority, or to the operator of a regulated MS4 receiving discharges from the site, at the time of an onsite inspection or upon request.

Inactive and Unstaffed Sites: Permittees with facilities that meet the requirements for inactive and unstaffed are not required to maintain the SWPPP on-site. However, the SWPPP must be locally available (i.e., in Arizona) and must be on-site when conducting the inspections required by Part 4. For the purpose of a regulatory inspection, the SWPPP shall be made available to ADEQ, EPA, or other Federal, State or local authority having stormwater program authority, within 48 hours of request.

5.5 SWPPP Submittal

Upon written notification from ADEQ, or as part of the permitting process, the permittee shall submit a complete and up-to-date copy of the SWPPP to the Department in response to the following criteria:

- The site is located within 2.5 miles of a special water;
- ADEQ has determined stormwater discharges are (or have the potential to) causing or contributing to the exceedance of a surface water quality standard in the receiving water;
- As the result of an inspection conducted by ADEQ or U.S. EPA;
- To demonstrate compliance with permit conditions;
- A complaint about the site or discharge activity was submitted to ADEQ; or
- The SWPPP has been requested as part of a public records request.

Additionally, the permittee may voluntarily submit a copy of the SWPPP at any time for ADEQ's review.

All SWPPP's submitted to ADEQ shall be done so electronically using the online myDEQ portal.

Anytime a SWPPP is submitted to ADEQ for review, the applicable review fee must be included (A.A.C. R18-14-109).

Permittees who submitted their SWPPP under the previous permit are not required to automatically re-submit their SWPPP as part of the NOI process to obtain coverage under this permit.

5.6 Additional SWPPP Documentation Requirements

The permittee shall keep the following maintenance, corrective action, inspections, visual assessment results, monitoring, employee training and certification records complete and up-to-date within the site's SWPPP. The additional SWPPP documentation requirements are intended to demonstrate the site's compliance with conditions of this permit:

- A copy of the electronic NOI Summary and NOI Authorization Certificate, including any other correspondence from the Department that is related to this permit coverage;
- A copy of this permit (an electronic copy easily available to SWPPP personnel is also acceptable). Note: a copy of the permit does not need to be included if permittee has to submit a SWPPP to ADEQ for review;
- Documentation of maintenance and repairs of structural control measures, including the dates of regular maintenance, date of discovery of control measures in need of repair/replacement, the date(s) that the structural control measure(s) returned to full function, and the justification for any extended repair schedules (see Part 2.2.1.2.3). If records of maintenance is extensive, an electronic record shall be made readily available upon request;
- Corrective action documentation (see Part 3.2);
- All inspection reports: the Routine Site Inspection Reports (see Part 4.1), and the Visual Assessment Reports (see Part 4.2);
- Description of any deviations from the regular schedule for visual assessments and/or analytical monitoring, and the reason for the deviations (e.g., adverse weather);
- Monitoring results (can be a copy of the electronic DMR), including any exemptions to monitoring;
- Records of employee training, including date training received (see Part 2.2.1.2.8). If records of employee training is extensive, an electronic record shall be made readily available upon request;
- Documentation to support any determination that a monitoring exceedance was due to the following: natural background pollutant levels, that a site is not causing or contributing to a water quality exceedance based on in-stream monitoring, run-on from an adjacent site, no further pollutant reduction were technologically and economically practicable and achievable in, light of industry practice; and
- Documentation to support the permittee's claim that the site has changed its status from active to inactive and unstaffed.

Large facilities may retain copies of records and documentation required by this permit electronically or at locations other than with the SWPPP, however, the records must be easily accessible and the SWPPP shall clearly identify where the information is kept.

6.0 Analytical Monitoring Program.

In addition to visual assessments required in Part 4.2, the permittee shall analyze stormwater samples, in accordance with Part 6 and any sector-specific requirements in Part 8.

6.1 Analytical Monitoring Procedures

6.1 1 Analytical Monitoring Types

This permit specifies five separate types of analytical monitoring. Depending on the industrial activity, discharge activity, site location, type of receiving water, or potential to cause or contribute to an exceedance of a surface water quality standard in the receiving water, any or all of the monitoring requirements may be applicable:

- General analytical;
- Effluent Limitation Guidelines (ELGs);
- Impaired (including not-attaining waters);
- Outstanding Arizona Water; and / or
- Other monitoring prescribed by ADEQ.

If analytical monitoring of discharges from the site is required, a summary of the monitoring requirements consistent with this permit (frequency, analytical parameters, etc.) will be included with the authorization certificate issued through myDEQ, or in a separate written notification from ADEQ.

6.1.2 When to Collect Samples

Monitoring requirements in this permit begin within 90 calendar days of receiving the authorization to discharge. Unless otherwise specified by ADEQ, analytical monitoring shall be conducted one time per wet season (two times per year) for the duration of permit coverage for all types of monitoring (see Part 6.1.1).

Sampling must occur when there is sufficient stormwater discharge to allow for the collection of a representative sample. Wet seasons are as follows:

Winter Wet Season: November 1 – May 31
Summer Wet Season: June 1 – October 31

The term ‘wet season’ includes areas of the state where freezing conditions exist that prevent runoff from occurring for extended periods. In areas where freezing conditions exist, the required monitoring and sample collection may be distributed during seasons when precipitation runoff, either as melting snow or rain mixed with melting snow, occurs.

Monitoring must be performed on a storm event that results in a discharge from the site that follows the preceding measurable storm event by at least 72 hours (3 calendar days), or the permittee can document that less than a 72-hour interval is representative for local storm events during the sampling period. In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs at the site.

6.1.3 How to Collect Samples

Samples collected for the purpose of this permit shall be discrete samples (not composite or time weighted). Samples may be collected using an automatic sampler, manually by qualified personnel, or by using a passive sampler (if appropriate).

Whenever possible, samples must be collected within the first 30 minutes of a stormwater

discharge. If it is not possible to collect the sample within the first 30 minutes of a stormwater discharge, the sample must be collected as soon as practicable. Documentation must be kept with the SWPPP explaining why it was not possible to take samples within the first 30 minutes.

6.1.4 Where to Sample

Samples shall be collected from each outfall where stormwater discharges from the permitted site. This may be a discrete pipe, ditch, channel, overland (sheet) flow, or other location(s) so long as the stormwater is representative of the discharge of industrial activities conducted at the site.

In the event there are two or more outfalls that are composed of the same, or substantially similar, stormwater discharge characteristics (substantially identical outfalls), the number of sampling locations can be reduced. The permittee may monitor the discharge at one outfall and report the sampling results for the other substantially identical outfalls. Substantially identical outfalls are based on:

- Similarities of general industrial activities and control measures;
- Exposed material that may significantly contribute pollutants to stormwater; and
- Similar coefficient of their drainage area.

The SWPPP must identify each outfall authorized by this permit and describe the rationale for the substantially identical outfall determination. The substantially identical outfall provision cannot be applied to outfalls with numeric effluent limit guidelines or outfalls that discharge to Outstanding Arizona Waters.

If discharges authorized by this permit commingle with discharges not authorized under this permit, any required sampling of the authorized discharges must be performed at a point before they mix with other waste streams, to the extent practicable.

6.1.5 Sampling and Analysis Plan (SAP)

Any permittee subject to monitoring shall develop a written SAP covering all analytical monitoring required by this permit. The SAP shall be included with the site's SWPPP. The SAP shall include the following:

- Sample Collection, Preservation, Tracking, and Handling Information;
- Calibration and Maintenance of Monitoring Equipment; and
- Analytical Methods and Laboratories.

Other than parameters required to be sampled at the time of sample collection (e.g., field parameters), all samples shall be analyzed by a laboratory that is licensed by the Arizona Department of Health Services (ADHS) Office of Laboratory Licensure and Certification. The samples shall be analyzed using analytical methods with a limit of quantitation (LOQ) that is at or below the prescribed permit limits. All laboratory analyses shall be conducted according to test procedures specified in 40 CFR 136, unless other test procedures have been specified in this general permit.

6.2 Required Monitoring

When more than one type of monitoring for the same parameter at the same outfall applies, a single sample may be used to satisfy both monitoring requirements. All required monitoring shall be conducted in accordance with the procedures described in Appendix B, Subsection 11.D.

6.2.1 General Analytical Monitoring

The permittee shall monitor stormwater discharges for parameters specified in Part 8 for the primary industrial activity, and any co-located industrial activities authorized under this permit.

6.2.2 Effluent Limitation Guidelines Monitoring

Effluent Limitation Guidelines (ELGs) are national limits established in federal rule (see 40 CFR 425 et seq.). Industrial activities that are subject to ELG monitoring are specified in Part 8 of this permit. Exceedance of an ELG constitutes a violation of this permit, requires accelerated monitoring (Part 6.3) and corrective action pursuant to permit Part 3.0.

6.2.3 Impaired and Not-Attaining Waters Monitoring

An industrial stormwater discharge from the site to water listed as impaired and/ or not-attaining (or to an upstream tributary within 2.5 miles) analytical monitoring may be required for the pollutant of concern (parameter(s) for which the water body is impaired), under this permit to ensure protection of the receiving water and attainment of designated use(s). If monitoring is required, the type, frequency, and analytical parameters will be included in the final permit authorization certificate.

In addition, if analytical monitoring is required, the permittee shall submit a SWPPP to ADEQ for review. As part of the on-line NOI process, myDEQ will require the SWPPP be submitted and the corresponding review fee be included.

If the waterbody is impaired for suspended solids, turbidity or sediment/ sedimentation and the discharge occurs for more than 48 hours after the storm event, the permittee shall monitor for SSC. If the pollutant for which the waterbody is impaired is expressed in the form of an indicator or surrogate pollutant, the permittee shall monitor for that indicator or surrogate pollutant. No monitoring is required when a waterbody's biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as causing the impairment, or when a waterbody's impairment is related to hydrologic modifications, impaired hydrology, or temperature.

The discharge of a pollutant above an applicable water quality standard and / or above an applicable a Waste Load Allocation (WLA) or Total Daily Maximum Load (TMDL) for a not-attaining water, is a violation of this permit and requires accelerated monitoring (Part 6.3) and corrective action pursuant to permit Part 3.0.

One sample value above a water quality standard for suspended sediment (if suspended sediment is the impaired parameter), is not a violation of this permit and does not require corrective action. The sediment water quality standard is expressed as the median of a minimum of four (4) samples collected at least 7 days apart. If after the collection of the required amount of samples needed in order to calculate the median, the value is greater than the water quality standard for suspended sediment that is considered a permit violation and requires corrective action (Part 3.0).

6.2.4 Outstanding Arizona Water Monitoring

In the event any industrial stormwater discharged from the site is within 2.5 miles (upstream tributary) of a water that is listed as an Outstanding Arizona Water, analytical monitoring will be required under this permit to ensure protection of the receiving water and attainment of designated use(s).

The permittee shall submit a Stormwater Pollution Prevention Plan (SWPPP) to ADEQ for review. As part of the on-line NOI process, myDEQ will require the SWPPP be submitted and the corresponding review fee be included.

The parameters to be monitored will be determined by ADEQ and will be dependent on the site's industrial activities and location relative to the OAW.

The discharge of a pollutant above an applicable surface water quality standard is a violation of this permit, requires accelerated monitoring (Part 6.3) and corrective action pursuant to permit Part 3.0.

6.2.5 Additional Monitoring Required by ADEQ

ADEQ may notify the permittee of additional discharge monitoring required to ensure protection of receiving water quality in cases where there is evidence that a pollutant is being discharged (that is not being monitored) and that the pollutant may be causing or contributing to exceedances of a water quality standard in the receiving water. Any such notice will be in writing and will provide an explanation of the reasons for the monitoring, locations, and parameters to be monitored, frequency and reporting requirements.

6.3 Accelerated Monitoring

In the event a sample result exceeds any of the following, the permittee shall implement accelerated monitoring:

- Wasteload allocation;
- Effluent limitation guideline; or
- Surface water quality standard (impaired water, not-attaining, OAW).

If any of the above conditions occur, the permittee shall sample each subsequent storm event that results in an industrial stormwater discharge.

Accelerated monitoring shall continue until the results for the parameter is below the respective limits for two consecutive sampling events.

Analytical results for accelerated monitoring shall be entered electronically using myDEQ into the discharge monitoring report (DMR) within 30 days of receiving the laboratory analytical results for reach sampling event (see permit Part 7.1).

6.4 Exemptions or Exceptions to Analytical Monitoring

6.4.1 Absence of Discharge

If no storm event results in a discharge from the site or outfall(s) during a wet season, the permittee is excused from analytical monitoring for the site or outfall(s) for that season. An absence of discharge does not exempt the permittee from the requirement to file a discharge monitoring report (DMR) in accordance with the site's reporting schedule.

6.4.2 Adverse Weather Conditions

Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, electrical storms, or situations that otherwise make sampling unsafe. When adverse conditions prevent the collection of an analytical sample in a given wet season, the permittee shall document those conditions in the SWPPP and resume analytical monitoring in the subsequent wet season. Adverse conditions do not exempt the permittee from the

requirement to file a discharge monitoring report (DMR) in accordance with the site's reporting schedule.

6.4.3 Substantially Identical Outfalls

The permittee may invoke the substantially identical outfalls provision for routine analytical and impaired/ not-attaining waters monitoring. The substantially identical outfall provision cannot be applied to outfalls with numeric effluent limitation guidelines or outfalls that discharge to OAWs.

The SWPPP must identify each outfall authorized by this permit and describe the rationale for the substantially identical outfall determination. Permittees invoking the substantially identical outfall provision must file a discharge monitoring report (DMR) in accordance with the site's reporting schedule.

6.4.4 Inactive and Unstaffed Sites

The requirement for general analytical monitoring does not apply at a site that is inactive and unstaffed. The requirement for impaired waters and / or OAW monitoring at a site that is inactive and unstaffed is reduced to once per year, if the requirements of Part 1.6 are met.

If a permitted site will be inactive and unstaffed for more than six (6) consecutive months, the permittee can suspend analytical monitoring. To be eligible for the suspended monitoring condition, the permittee shall update their NOI in myDEQ indicating the time period for which the site will be inactive and unstaffed. The site status cannot retroactively be made inactive and unstaffed and, as such, all monitoring conditions apply until such time as ADEQ is notified of the inactive and unstaffed status (by modifying the NOI in myDEQ). *Note: Within 30 days of becoming inactive and unstaffed or reverting back to an active and staffed site, the permittee must modify the NOI to update the status of the site.* If, after a six (6) month (or longer) period of inactive and unstaffed status, a site becomes active, the permittee must update the NOI in myDEQ indicating the site is active and resume any monitoring requirements specified in this permit.

Sites that are subject to accelerated (compliance) monitoring (Part 6.3) are not eligible to suspend their monitoring program due to inactive and unstaffed designation.

Invoking the inactive and unstaffed monitoring provision does not exempt the permittee from the requirement to file a discharge monitoring report (DMR) in accordance with the site's reporting schedule.

6.5 Submittal of Monitoring Data

All permittees subject to analytical monitoring, or those that invoked an exemption /exceptions to monitoring, shall report to the Department on the electronic Discharge Monitoring Report (DMR) using myDEQ. The permittee shall retain records of all stormwater monitoring information, including exemptions to monitoring as part of their SWPPP.

7.0 Reporting and Recordkeeping

7.1 Electronic Discharge Monitoring Report (eDMR)

7.1.1 Who must Submit an eDMR.

Permittees who are subject to general analytical monitoring, numeric effluent limitation guideline, impaired waters (with or without a TMDL), OAW and /or ADEQ request monitoring data, shall prepare and submit an electronic Discharge Monitoring Report (eDMR) that is available using myDEQ. If there was "no discharge" for the monitoring period, the permittee must still submit an eDMR indicating there was no off-site discharge of stormwater for the reporting period using the No Data DMR or No Data Code Indicated (NODI) code of *No Discharge*. Additionally, if the site is inactive/ unstaffed, or other sampling exemptions apply, an eDMR is still required to be submitted yearly, however, the eDMR will include NODI code to explain why sampling was not completed for that reporting period.

7.1.2 How to Submit a DMR.

The permittee shall submit the DMR using myDEQ electronic reporting system available through the ADEQ website.

7.1.3 When to submit the DMR.

The permittee shall complete and submit eDMR within 30 days of receiving the laboratory analytical data.

If there is no sampling data during the reporting period because there was no discharge or another exemption to sampling applied, such as an inactive and unstaffed site, the eDMR shall be submitted no later than July 15 of each year of permit coverage (for reporting period June 1 to May 31).

7.2 Other Reporting Requirements

The permittee is subject to the reporting requirements stipulated in Part 7, in addition to the standard permit reporting provisions of Appendix B, Subsection 12.

The permittee must submit the following reports to the appropriate ADEQ Office listed in Part 7.5, as applicable.

7.2.1 **24-hour Reporting** (see Appendix B, Subsection 12.e). The permittee must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time the permittee becomes aware of the circumstances;

7.2.2 **5-day follow-up Reporting** to the 24-hour reporting (see Appendix B, Subsection 12.e.(ii)). A written submission must also be provided within five days of the time the permittee becomes aware of the circumstances;

7.2.3 **Reportable Quantity Spills Reporting** (verbal report only). The permittee must provide notification, as required under Part 2.2.1.2.4, as soon as the permittee has knowledge of a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity.

7.2.4 **Planned Changes Report** (see Appendix B, Subsection 12.a). The permittee must give notice to ADEQ promptly, no fewer than 30 days prior to making any planned physical alterations or additions to the permitted site that qualify the site as a new source or that could significantly change the nature or significantly increase the quantity of pollutants discharged.

7.2.5 Anticipated Noncompliance Report (see Appendix B, Subsection 12.d). The permittee must give advance notice to ADEQ of any planned changes in the permitted site or activity which the permittee anticipates will result in noncompliance with permit requirements;

7.2.6 Transfer of Ownership and/or Operation Report – (see Table 1-2);

7.2.7 Other Noncompliance Report (see Appendix B, Subsection 12.f). The permittee shall report all instances of noncompliance annually using the Non-Compliance Report Form provided by the Department; and

7.2.8 Missing or Incorrect Information Report (see Appendix B, Subsection 12.g). The permittee must promptly submit facts or information once you become aware of the following: you failed to submit relevant facts in the NOI, or that incorrect information was submitted in the NOI or in any report.

If the discharge enters a municipal separate storm sewer system, the permittee shall also submit reports to the MS4 operator.

7.3 Recordkeeping

The permittee shall retain copies of the SWPPP (including any modifications made to control measures during the term of this permit), additional documentation requirements pursuant to Part 5.4 (including documentation related to corrective actions taken pursuant to Part 3), all reports and certifications required by this permit, monitoring data, and records of all data used to complete the NOI to be covered by this permit, for a period of at least three (3) years from the date that the site's coverage under this permit expires or is terminated.

7.4 Addresses for Reports

All documentation required by this permit shall be submitted electronically through myDEQ, if available. This includes Notices of Intent (NOI), Notices of Termination (NOT), No Exposure Certifications (NEC) and Discharge Monitoring Report (DMR) forms shall be submitted electronically. If electronic reporting is not available, paper documents shall be submitted to the following address until such time as electronic submissions become available:

Arizona Department of Environmental Quality
Surface Water Section, Surface Water Permits Unit—MSGP
1110 W. Washington Street, Mail Code 5415 A-1
Phoenix, AZ 85007

Part 8 – Sector-Specific Requirements for Industrial Activity

Subpart G – Sector G – Metal Mining

Primary industrial activity and any co-located industrial activities authorized under this permit, as defined in Appendix A. The sector-specific requirements apply to those areas of the site where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit. In some cases, these sector-specific requirements modify more general requirements set forth in Parts 1-7 of this permit (e.g., Part 8.G.9. below).

8.G.1 Covered Stormwater Discharges

The requirements in Subpart G apply to stormwater discharges associated with industrial activity from Metal Mining facilities, including mines abandoned on Federal lands, as identified by the SIC Codes specified under Sector G in Table 1-1 of this permit. Coverage is required only for mining operations that discharge stormwater contaminated by contact with, or that has come into contact with, any overburden, raw material, intermediate product, finished product, byproduct, or waste product located on the site of the operation.

8.G.1.1 *Covered Discharges from Active Facilities*. Only the stormwater discharges from the areas described in Table 8.G.1.1 and the allowable non-stormwater discharges identified in Part 1.1.3 are covered:

TABLE 8.G.1.1—APPLICABILITY OF THE AZPDES MULTI-SECTOR GENERAL PERMIT TO STORMWATER RUNOFF FROM ACTIVE ORE (METAL) MINING AND DRESSING SITES

Discharge/source of discharge	AZPDES General Permit Applicability
Piles	
Waste rock/overburden Topsoil piles	Discharge under GP must be composed entirely of stormwater and not combined with mine drainage. See Note below.
Roads constructed of waste rock or spent ore	
Onsite haul roads and haul/access roads used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the site.	Discharge under the GP must be composed entirely of stormwater and not combined with mine drainage. See Note below.
Roads not constructed of waste rock or spent ore	
Onsite haul roads and haul/access roads used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the site.	Discharge acceptable under GP except if ‘‘mine drainage’’ is used for dust control.
Milling/concentrating	
Runoff from tailings dams/dikes when constructed of waste rock/tailings.....	Discharges must be composed entirely of stormwater and not combined with mine drainage; not applicable if process fluids are present. See Note below.
Runoff from tailings dams/dikes when not constructed of waste rock/tailings.....	Discharge acceptable under GP except if process fluids are present.
Concentration building.....	Discharge acceptable under GP if discharge is stormwater only and there is no contact with concentrate piles.
Mill site.....	Discharge acceptable under GP if discharge is stormwater only and there is no contact with concentrate piles.

Discharge/source of discharge	AZPDES General Permit Applicability
Ancillary areas	
Office/administrative building and housing.....	Discharge acceptable under GP if mixed with stormwater from the industrial area. (*Note:* coverage is unnecessary if drainage from these areas is not mixed with stormwater from industrial areas.)
Chemical storage area & Docking site.....	Discharge under GP must be composed entirely of stormwater and not combined with mine drainage.
Explosive storage Fuel storage (oil tanks/coal piles) Vehicle/equipment maintenance area/building Parking areas……	Discharge acceptable under GP (*Note:* coverage is unnecessary for drainage exclusively from employee and visitor-type parking areas.)
Power plant Truck wash area….....	Discharge under GP must be composed entirely of stormwater and not combined with mine drainage.
Reclamation-related areas	
Any disturbed area (unreclaimed)..... Reclaimed areas released from reclamation bonds prior to Dec. 17 1990. ..... Partially/inadequately reclaimed areas or areas not released from reclamation bond.	Discharge acceptable under GP only if not in active mining area.

Note: Stormwater runoff from these sources is subject to the AZPDES program for stormwater unless mixed with discharges subject to 40 CFR Part 440 that are regulated by another permit prior to mixing. Non-stormwater discharges from these sources are subject to AZPDES permitting and may be subject to the effluent limitation guidelines under 40 CFR Part 440.
Discharges from overburden/waste rock and overburden/waste rock-related areas are not subject to 40 CFR Part 440 unless they: (1) drain naturally (or are intentionally diverted) to a point source; and (2) combine with "mine drainage" that is otherwise regulated under the Part 440 regulations. For such sources, coverage under this permit is available if the discharge composed entirely of stormwater does not combine with other sources of mine drainage that are subject to 40 CFR Part 440, and that meets other eligibility criteria contained in Part 1.1 of this permit. Permit applicants bear the initial responsibility for determining the applicable technology-based standard for such discharges.

8.G.1.2 *Covered Discharges from Inactive Facilities* - All stormwater discharges.

8.G.1.3 *Covered Discharges from Exploration and Construction of Metal Mining and/or Ore Dressing Facilities* - All stormwater discharges.

8.G.1.4 *Covered Discharges from Facilities Undergoing Reclamation* - All stormwater discharges.

8.G.2 Limitations on Coverage

8.G.2.1 *Prohibition of Stormwater Discharges*

Stormwater discharges not authorized by this permit: discharges from active metal mining facilities that are subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).

8.G.2.2 *Prohibition of Non-Stormwater Discharges*

The following discharges are not authorized by this permit: adit drainage, and contaminated springs or seeps discharging from waste rock dumps that do not directly result from precipitation events (see also the standard Limitations on Coverage in Part 1.1.4).

8.G.3 Definitions

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

8.G.3.1 *Mining operation* - Consists of active, inactive, reclamation phases and the exploration and construction phases.

8.G.3.2 *Exploration phase* - Entails exploration and land disturbance activities to delineate the dimensions and financial viability of a metal mining site.

8.G.3.3 *Construction phase* - Includes the initial building of site access roads and initial removal of overburden and waste rock to expose mineable minerals at a mining site. In addition, any subsequent construction activity on undisturbed areas of an existing mine property is also considered part of the construction phase if stormwater discharges are not managed by pre-existing or permanent control measures.

8.G.3.4 *Active phase* - Activities including the extraction, removal or recovery of metal ore. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 440.132(a). The active phase is considered part of "mining operations."

Note: The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

8.G.3.5 *Active metal mining site* - A place where work or other activity related to the extraction, removal, or recovery of metal ore is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 440.132(a).

8.G.3.6 *Inactive metal mining site* - A site or portion of a site where metal mining and/or milling occurred in the past but is not an active site as defined above. An inactive metal mining site has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an AZPDES industrial stormwater permit.

8.G.3.7 *Reclamation phase* - Activities undertaken following the cessation of the "exploration phase" or the "active phase" at a site or a portion of a site, intended to return the land to an appropriate post-mining land use in order to meet applicable Federal and State reclamation requirements or the requirements of Part 8.G.9.1 at a site or portion of a site not subject to Federal and State reclamation requirements. The reclamation phase is considered part of "mining operations."

8.G.3.8 *Stabilization* - A site or portion of a site is "stabilized" when it has implemented all applicable Federal and State reclamation requirements.

8.G.4 Stormwater Discharges Associated with the Exploration and Construction Phases of Mining (Clearing, Grading, and Excavation Activities)

Clearing, grading, and excavation activities being conducted as part of the exploration and construction phases at mining sites are covered under this permit (or may be covered under an alternate AZPDES stormwater permit such as the AZPDES General Permit for Discharge from Construction Activities) if they disturb one acre or more. Exploration and construction activities disturbing less than one acre do not require permit coverage unless they are integrally related to other exploration or construction activities that collectively disturb one acre or more.

For all areas affected by exploration and construction activities that will occur at an active site or previously mined site, the permittee shall select, design, install, and implement the following control measures or their equivalents, as necessary to minimize the discharge of pollutants to stormwater. The control measures selected shall be documented in the SWPPP.

Once the areas subject to construction and exploration activities are stabilized or the area(s) become part of the mining operation, the control measures, inspections, monitoring, and other requirements in Parts 8.G.4 are no longer required; however, the site remains subject to Parts 1 through 7, Parts 8.G.5 through 8.G.9, and all other applicable provisions of this permit.

8.G.4.1 *Additional Control Measures*.

The permittee shall implement, as applicable, control measures for erosion control, sediment control, perimeter control, good housekeeping, material storage, fueling and maintenance, concrete washouts, and non-stormwater discharges. In the SWPPP, identify and describe all temporary and/or permanent control measures to be implemented during the exploration and construction phases.

8.G.4.1.1 *Erosion and Sediment Controls.* Design and implement a combination of erosion and/ or sediment control BMPs to keep sediment in place and/ or to capture sediment to the extent practicable before it leaves the site. At a minimum, such controls must be designed, installed and maintained to:

a. Control stormwater volume and velocity within the site to minimize soil erosion;
b. Control stormwater discharges by minimizing both peak flow rates and total stormwater volume, to minimize erosion;
c. Phase or sequence exploration and construction activities, as practicable, to minimize the area of disturbance at any one time;
d. Minimize sediment discharges from the site;
e. Where practicable, increase sediment removal and maximize stormwater infiltration and / or reuse; and
f. Where practicable, minimize soil compaction and preserve topsoil.

8.G.4.1.2 *Maintenance of control measures*. The permittee shall maintain all control measures identified in the SWPPP in effective operating condition. Repairs or modifications of control measures shall be accomplished in accordance with Part 2.2.1.2.3.

8.G.4.1.3 *Dewatering*. The permittee shall ensure all discharges from dewatering or basin draining activities, including discharges from dewatering of trenches and excavations, are discharged in a manner that do not cause nuisance conditions, including erosion in receiving channels or on surrounding properties.

8.G.4.1.4 *Pollution Prevention Measures*. Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:

a. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment

basin or alternative control that provides equivalent or better treatment prior to discharge;

b. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and

c. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

8.G.4.1.5 *Prohibited Discharges*. The following discharges are prohibited:

a. Wastewater from washout of concrete, unless managed by an appropriate control;

b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials. If concrete washout is conducted at the site, appropriate control measures must be implemented to prevent discharge of pollutants;

c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

d. Soaps or solvents used in vehicle and equipment washing.

8.G.4.1.6 *Surface Outlets*. When culverts or other surface outlets are present on the site, the permittee shall include measures to sufficiently minimize the threat of erosion at surface outlet locations that prevent the formation of rills and gullies.

8.G.4.1.7 *Good Housekeeping.* (See also Part 2.2.1.2.2) The permittee shall implement practices to ensure litter, debris, and chemicals are prevented from contact with stormwater discharges. These procedures shall include storage practices to minimize exposure of the materials to stormwater, and spill prevention and response practices.

8.G.4.1.8 *Soil Stabilization.* After construction has ceased and until stabilization is achieved or active mining commences at the site, the permittee shall maintain the control measures, in accordance with Part 8.G.4.2, and conduct site inspections at least quarterly.

8.G.4.2 *Additional SWPPP Requirements.*

The requirements in Part 8.G.4.2 are applicable to exploration and construction activities.

Note: ADEQ recommends activities associated with the exploration and construction activities be kept as a separate chapter or appendix in the site's SWPPP to distinguish from other mining operations.

8.G.4.2.1 *Nature of Exploration and Construction Activities.* (See also Part 5.1) Document in the site's SWPPP the exploration and construction activities that can potentially affect the stormwater discharges covered by this permit.

8.G.4.2.2 The SWPPP shall describe the nature of the construction and exploration activities, including: a description of the exploration and construction phases on the mining property; and an estimate of the total area of the site (in acres) to be disturbed.

8.G.4.3 *Inspections*. (See also Part 4) Except as provided in Part 8.G.4.1.8, the permittee shall conduct inspections as indicated below to ensure BMPs are functional and that the SWPPP is being properly implemented.

8.G.4.3.1 Inspection Schedule.

a. Inspections shall be conducted once every 30 calendar days and within 24 hours of the end of each measurable storm event.

b. *Inspection Schedule for Sites within 2.5 miles of a Special Water.* If any discharge point from the construction site is within 2.5 miles of an impaired or outstanding Arizona water, the permittee shall inspect the site at least once every 7 calendar days.

Note: If the inspection day falls on a Saturday or holiday, the inspection may be conducted on the preceding workday. If the inspection day falls on a Sunday, the inspection shall be conducted on the following Monday.

8.G.4.3.2 Location of Inspections. Inspections must include all areas of the site disturbed by clearing, grading, and/or excavation activities and areas used for storage of materials that are exposed to precipitation. Sedimentation and erosion control measures implemented must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the United States, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.

8.G.4.3.3 Inspection Reports. (See also Part 4.1.1) For each inspection required above, the permittee shall document the findings of the inspections in accordance with Part 4.1.1, and maintain this documentation with the SWPPP. In addition to the information required in Part 4.1.1, the inspection report shall include:

a. Location(s) of discharges of sediment or other pollutants from the site;
b. For inspections occurring during or after a measurable storm event, a description of stormwater that is discharging from the site (presence of suspended sediment, turbid water, discoloration, and/or oil sheen, as applicable), when present;
c. Identification of all sources of non-stormwater discharges occurring at the site and associated BMPs in place;
d. Identification of material storage areas and, evidence of or potential for, pollutant discharge from such areas.

8.G.4.4 *Monitoring and Reporting Requirements for Discharges to Special Waters.* The permittee shall conduct monitoring and Discharge Monitoring Report form reporting for stormwater discharges resulting from exploration and construction activities that are within 2.5 miles of a special water. The visual assessment and analytical monitoring requirements in this subpart are in addition to those required in Part 4.2, Part 6, Part 8.G.8 and Part 8.G.9, but may be combined where appropriate.

In accordance with Part 4.2.3.1 and Part 6.4.2, the permittee is not required to conduct visual assessments or analytical monitoring during adverse conditions.

8.G.5 Additional Control Measures for the Active and Inactive Mining Phases.

8.G.5.1 *Additional Stormwater Controls to be Evaluated.* The permittee shall evaluate whether some or all of the following control measures are necessary in order to meet the requirements of Part 2.1 and implement if necessary. These control measures must be evaluated in addition to those measures identified in Part 2.2.1. The potential pollutants identified in Part 8.G.6.3 shall determine the priority and appropriateness of the control measures selected.

8.G.5.1.1 *Stormwater Diversions*: Consider diversion of stormwater away from potential pollutant sources using one or more of the following measures: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box

culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

8.G.5.1.2 *Capping*: Consider capping potential pollutant sources. When capping is utilized to minimize pollutant discharges in stormwater, identify the source being capped and the material used to construct the cap.

8.G.5.1.3 *Treatment*: If treatment of stormwater (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is determined to be necessary to meet the requirements of Part 2.1, describe the type and location of stormwater runoff is encouraged where practicable. Treated runoff may be discharged as a stormwater source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).

8.G.5.2 *Sediment and Erosion Control*. At sites where the active phase has commenced, in addition to measures evaluated pursuant to Part 2.1.1.2.5, the permittee shall implement appropriate erosion and/ or sediment controls, in accordance with Part 8.G.4, when clearing, grading or excavation activities occur in previously undisturbed areas where discharges are not controlled by pre-existing or permanent control measures. The purpose of these sediment and/or control measures is to minimize the discharge of sediment from the newly disturbed areas. Where structural control measures are used for sediment control, such measures shall be installed prior to major land disturbance activities commencing.

8.G.5.3 *Certification of Discharge Testing.* (unauthorized non-stormwater discharges) Test or evaluate all outfalls covered under this permit for the presence of specific mining-related non-stormwater discharges such as seeps or adit discharges, or discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 440), such as mine drainage or process water. The certification may be kept with the site's SWPPP consistent with Part 8.G.6.6.

8.G.6 Additional SWPPP Requirements for Mining Operations.

The requirements in Part 8.G.6 are applicable to all mining operations, except inactive and unstaffed sites.

8.G.6.1 *Nature of Industrial Activities*. Briefly document in the site's SWPPP the mining and associated activities that can potentially affect the stormwater discharges covered by this permit.

8.G.6.2 *Site Map.* (See also Part 5.1.2) Document the following in the SWPPP (as appropriate):

- Location of the site relative to major transportation routes and communities;
- Site boundaries of co-located facilities;
- Temporary control measures that may be utilized during the exploration or construction phase.
- Access and haul roads;
- Outline of the drainage areas of each stormwater outfall within the site with indications of the types of discharges from the drainage areas;
- Location(s) of all permitted discharges covered under an individual AZPDES permit,
- The locations of the following, if they are located such that they will contribute to discharge from a stormwater outfall covered by this permit:
    - Mining or milling site boundaries; immediate access roads and haul roads;
    - Overburden, materials, soils, or waste storage areas;
    - Outdoor equipment storage, fueling, and maintenance areas;
    - Materials handling areas;
    - Outdoor manufacturing, outdoor storage, and material disposal areas;
    - Outdoor chemicals and explosives storage areas;

  - Reclaimed areas;
- Location of mine drainage, dewatering or other process water;
- Off-site points of discharge for mine dewatering and process water; and
- Boundary of areas that contribute discharges subject to effluent limitations guidelines.

8.G.6.3 *Potential Pollutant Sources.* For each area of the mine or mill site where stormwater discharges associated with industrial activities occur, document in the SWPPP the types of pollutants (e.g., heavy metals, sediment) likely to be present in significant amounts. To identify potential pollutants, evaluate these factors: the mineralogy of the ore and waste rock (e.g., acid generating); toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with stormwater; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. Also include a summary of any existing ore or waste rock or overburden characterization data and test results for potential generation of acid rock drainage. If any new data is acquired due to changes in ore type being mined, update the SWPPP with this information.

8.G.6.4 *Documentation of Control Measures.* All control measures implemented at the site shall be documented in the SWPPP, in accordance with Part 8.G.5.1 and Part 5.1.1. If control measures are implemented or planned but are not listed in Part 8.G.5.1 (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in the SWPPP.

8.G.6.5 *Employee Training.* All employee training conducted in accordance with Part 2.2.1.2.8 shall be documented with the SWPPP, or be made electronically available upon request.

8.G.6.6 *Certification of Permit Coverage for Commingled Non-Stormwater Discharges:* If the permittee is able to certify, consistent with Part 8.G.5.2 above, that a particular discharge composed of commingled stormwater and non-stormwater is covered under a separate AZPDES permit, and that permit subjects the non-stormwater portion to effluent limitations prior to any commingling, such certification shall be retained with the SWPPP. This certification must identify the non-stormwater discharges, the applicable AZPDES permit(s), the effluent limitations placed on the non-stormwater discharge by the permit(s), and the points at which the limitations are applied.

8.G.7 Additional Inspection Requirements for the Active Mining Phase. (See also Part 4.1)

As required by Part 4.1, the permittee shall conduct routine site inspections at active mine sites at least quarterly unless adverse weather conditions make the site inaccessible. Inspections are only required to cover areas where industrial activities occur that are exposed to precipitation and that contribute to stormwater discharges from the site covered under this permit.

Unless otherwise approved by ADEQ, active sites which discharge to waters designated as OAWs or waters which are impaired for sediment must be inspected monthly. The permittee may submit a request to the Department to reduce the inspection frequency to quarterly at one or more outfalls to an OAW or a water impaired for sediment. The request must be based on the frequencies of discharges and the performance of the control measure(s).

8.G.8 Monitoring and Reporting Requirements. (See also Part 6.0)

There are no Part 8.G.8 monitoring requirements for inactive and unstaffed sites, unless specified in Part 6.2.

8.G.8.1 *General Analytical Monitoring for Active Copper Ore Mining and Dressing Facilities*

The permittee of active copper ore mining and dressing facilities shall sample and analyze stormwater discharges for the pollutants listed in Table 8.G-8.1. Permittees must sample and analyze stormwater discharges, twice per year, once per wet season, beginning in year one of permit coverage.

Table 8.G-8.1	
Subsector (Site discharges may be subject to requirements for more than one sector/subsector)	**Parameter**
Subsector G1. Active Copper Ore Mining and Dressing Facilities (SIC 1021)	Total Suspended Solids (TSS)
	Copper

8.G.8.2 *Monitoring Requirements for Discharges from Waste Rock and Overburden Piles at Active Metal Mining Facilities*

8.G.8.2.1 *General Analytical Monitoring.*

For discharges from waste rock and overburden piles, the permittee shall sample and analyze stormwater discharges for the parameters listed in Table 8.G-8.2. Permittees must sample and analyze stormwater discharges, twice per year, once per wet season, beginning in year one of permit coverage.

Table 8.G-8.2	
Subsector (Discharges may be subject to requirements for more than one sector/subsector)	**Parameter**
Subsector G2. Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores, Except Vanadium; and Miscellaneous Metal Ores (SIC Codes 1011, 1021, 1031, 1041, 1044, 1061, 1081, 1094, 1099)	Total Suspended Solids (TSS)
	Turbidity
	pH
	Hardness (as $CaCO_3$; calc. from Ca, Mg)[1]
	Arsenic
	Beryllium
	Cadmium, total & dissolved[1]
	Copper, total & dissolved [1]
	Iron, total & dissolved
	Lead, total & dissolved [1]
	Nickel, total & dissolved [1]
	Selenium
	Zinc, total & dissolved [1]
[1] These metals are hardness-dependent and require sampling for water hardness.	

8.G.8.2.2 *Additional Analytical Monitoring at Active Mining Facilities (applicable to SIC code)*

The permittee shall also conduct additional general analytical monitoring for the parameters in Table 8.G-8.3, twice per year, once per wet season, beginning year one of permit coverage.

Table 8.G-8.3

Subsector (Discharges may be subject to requirements for more than one sector/subsector)	Parameter
Lead and Zinc Ores (SIC Code 1031)	pH
	Lead, total & dissolved [1]
	Zinc, total & dissolved [1]
Gold and Silver Ores (SIC 1041 and 1044)	pH
	Cyanide (free)
	Silver total & dissolved [1]
Ferroalloy Ores, Except Vanadium (SIC Code 1061)	pH
	Manganese
Uranium-Vanadium-Radium Ore Mining (SIC Code 1094)	Radium, total and dissolved
	Uranium

[1] These metals are hardness-dependent and require sampling for water hardness.

8.G.9 Termination of Permit Coverage

8.G.9.1 *Termination of Permit Coverage for Sites Reclaimed After December 17, 1990.* A site (or a portion of a site) that was released from applicable state or federal reclamation requirements after December 17, 1990, is not required to maintain coverage under this permit.

If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is not required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part 8.G.3.7.

8.G.9.2 *Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990.* A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if:

(1) Stormwater runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards,

(2) Soil disturbing activities related to mining at the sites or portion of the site have been completed;

(3) The site or portion of the site has been stabilized as necessary to minimize soil erosion; and

(4) As appropriate depending on location, size, and the potential to contribute pollutants to stormwater discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.

Part 8 – Sector-Specific Requirements for Industrial Activity

Subpart H – Sector H – Coal Mines and Coal Mining-Related Facilities (RESERVED)

RESERVED

Part 8 – Sector-Specific Requirements for Industrial Activity

Subpart I – Sector I – Oil and Gas Extraction (RESERVED)

RESERVED

Part 8 – Sector-Specific Requirements for Industrial Activity

Subpart J – Sector J – Non-Metallic Mineral Mining and Dressing.

The permittee shall comply with Part 8 sector-specific requirements associated with the site's primary industrial activity and any co-located industrial activities authorized under this permit, as defined in Appendix A. The sector-specific requirements apply to those areas of the site where those sector-specific activities occur. These sector-specific requirements are in addition to any requirements specified elsewhere in this permit.

8.J.1 Covered Stormwater Discharges.

The requirements in Subpart J apply to stormwater discharges associated with industrial activity from Active and Inactive Non-Metallic Mineral Mining and Dressing facilities as identified by the SIC Codes specified under Sector J in Table 1-1 of this permit.

8.J.1.1 *Covered Discharges from Active Non-Metallic Mineral Mining Facilities.* All stormwater discharges, except for most stormwater discharges subject to the existing effluent limitation guideline at 40 CFR Part 436. Mine dewatering discharges composed entirely of stormwater or uncontaminated groundwater seepage from: construction sand and gravel, industrial sand, and crushed stone mining facilities are covered by this permit.

8.J.1.2 *Covered Discharges from Inactive Facilities.* All stormwater discharges.

8.J.1.3 *Covered Discharges from Exploration and Construction of Non-Metallic Mineral Mining Facilities.* All stormwater discharges.

8.J.1.4 *Covered Discharges from Sites Undergoing Reclamation.* All stormwater discharges.

8.J.2 Limitations on Coverage.

Most stormwater discharges subject to an existing effluent limitation guideline at 40 CFR Part 436 are not authorized by this permit. An exception to this is mine dewatering discharges composed entirely of stormwater or uncontaminated groundwater seepage from construction sand and gravel, industrial sand, and crushed stone mining facilities, which are covered under this permit.

8.J.3 Definitions.

The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

8.J.3.1 *Mining operation* - Consists of active, inactive, reclamation phases and the exploration and construction phases.

8.J.3.2 *Exploration phase* - Entails exploration and land disturbance activities to delineate the dimensions and financial viability of a non-metallic mineral mining site.

8.J.3.3 *Construction phase* - Includes the initial building of site access roads and initial removal of overburden and waste rock to expose mineable minerals at a mining site. In addition, any subsequent construction activity on undisturbed areas of an existing mine property is also considered part of the construction phase if stormwater discharges are not managed by pre-existing or permanent control measures.

8.J.3.4 *Active phase* - Activities including the extraction, removal or recovery of minerals. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 440.132(a). The active phase is considered part of "mining operations."

Note: The following definitions are not intended to supersede the definitions of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii).

8.J.3.5 *Active Mineral Mining Site* - A site or portion of a site where work or other activity related to the extraction, removal, or recovery of non-metallic minerals is being conducted. For surface mines, this definition does not include any land where grading has returned the earth to a desired contour and reclamation has begun. This definition is derived from the definition of "active mining area" found at 40 CFR 440.132(a).

8.J.3.6 *Inactive Mineral Mining Site* - A site or portion of a site where non-metallic mineral mining and/or milling occurred in the past but is not an active site as defined above. An inactive mineral mining site has an identifiable owner / operator. Sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, and sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim are not considered either active or inactive mining facilities and do not require an AZPDES industrial stormwater permit.

8.J.3.7 *Reclamation phase* - Activities undertaken, following the cessation of the exploration phase or the "active phase" at a site or a portion of a site, intended to return the land to an appropriate post-mining land use in order to meet applicable Federal and State reclamation requirements or the requirements of Part 8.J.10.1 at a site or portion of a site not subject to Federal and State reclamation requirements. The reclamation phase is considered part of "mining operations".

8.J.3.8 *Stabilization* - a site or portion of a site is "stabilized" when it has implemented all applicable Federal and State reclamation requirements.

8.J.3.9 *Uncontaminated* - Free from the presence of pollutants attributable to industrial activity.

8.J.4 Stormwater Discharges Associated with the Exploration and Construction Phases of Mining (Clearing, Grading, and Excavation Activities)

Clearing, grading, and excavation activities being conducted as part of the exploration and construction phases at mining sites are covered under this permit (or may be covered under an alternate AZPDES stormwater permit such as the AZPDES General Permit for Discharge from Construction Activities if they disturb one acre or more. Exploration and construction activities disturbing less than one acre do not require permit coverage unless they are integrally related to other exploration or construction activities that collectively disturb one acre or more.

For all areas affected by exploration and construction activities that will occur at an active site or previously mined site, the permittee shall select, design, install, and implement the following control measures or their equivalents, as necessary to minimize the discharge of pollutants to stormwater. The control measures selected shall be documented in the SWPPP.

Once the areas subject to construction and exploration activities are stabilized or the area(s) become part of the mining operation, the control measures, inspections, monitoring, and other requirements in Parts 8.J.4 are no longer required; however, the site is still subject to Parts 1 through 7 and all other applicable provisions of this permit.

8.J.4.1 *Additional control measures.* The permittee shall implement, as applicable, control measures for erosion control, sediment control, perimeter control, good housekeeping, material storage, fueling and maintenance, concrete washouts, and non-stormwater discharges. In the SWPPP, identify and describe all temporary and/or permanent control measures to be implemented during the exploration and construction phases.

8.J.4.1.1 *Erosion and Sediment Controls.* The permittee shall design and implement a combination of erosion and/ or sediment control BMPs to keep sediment in place and/

or to capture sediment to the extent practicable before it leaves the site. At a minimum, such controls must be designed, installed and maintained to:

a. Control stormwater volume and velocity within the site to minimize soil erosion;

b. Control stormwater discharges by minimizing both peak flow rates and total stormwater volume to control erosion;

c. Phase or sequence exploration and construction activities, as practicable, to minimize the area of disturbance at any one time;

d. Minimize sediment discharges from the site;

e. Where practicable, increase sediment removal and maximize stormwater infiltration and / or reuse; and

f. Where practicable, minimize soil compaction and preserve topsoil.

g.

8.J.4.1.2 *Maintenance of control measures*. The permittee shall maintain all control measures identified in the SWPPP in effective operating condition. Repairs or modifications of control measures shall be accomplished in accordance with Part 2.2.1.2.3.

8.J.4.1.3 *Dewatering*. The permittee shall ensure all discharges from dewatering or basin draining activities, including discharges from dewatering of trenches and excavations, are discharged in a manner that do not cause nuisance conditions, including erosion in receiving channels or on surrounding properties.

8.J.4.1.4 *Pollution Prevention Measures*. The permittee shall design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:

a. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
b. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and
c. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

8.J.4.1.5 *Prohibited Discharges*. The following discharges are prohibited:

a. Wastewater from washout of concrete, unless managed by an appropriate control;
b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials. If concrete washout is conducted at the site, appropriate control measures must be implemented to prevent discharge of pollutants;
c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
d. Soaps or solvents used in vehicle and equipment washing.

8.J.4.1.6 *Surface Outlets*. When culverts or other surface outlets are present on the site, the permittee shall include measures to sufficiently minimize the threat of erosion at surface outlet locations that prevent the formation of rills and gullies.

8.J.4.1.7 *Good Housekeeping.* (See also Part 2.2.1.2.3) The permittee shall implement practices to ensure litter, debris, and chemicals are prevented from contact with

stormwater discharges. These procedures shall include storage practices to minimize exposure of the materials to stormwater, and spill prevention and response practices.

8.J.4.1.8 *Soil Stabilization.* After construction has ceased and until stabilization is achieved or active mining commences at the site, the permittee shall maintain the control measures, in accordance with Part 8.J.4.2, and conduct site inspections at least quarterly.

8.J.4.2 *Additional SWPPP Requirements.*

The requirements in Part 8.J.4.2 are applicable to exploration and construction activities. *Note:* ADEQ recommends activities associated with the exploration and construction activities be kept as a separate chapter or appendix in the site's SWPPP to distinguish from mining operations.

8.J.4.2.1 *Nature of Exploration and Construction Activities.* Document in the site's SWPPP the exploration and construction activities that can potentially affect the stormwater discharges covered by this permit.

8.J.4.2.2 The SWPPP shall describe the nature of the construction and exploration activities, including: a description of the exploration and construction phases on the mining property; and an estimate of the total area of the site (in acres) to be disturbed.

8.J.4.3 *Inspections*. (See also Part 4.1) Except as provided in Part 8.J.4.1.8, the permittee shall conduct inspections as indicated below to ensure BMPs are functional and that the SWPPP is being properly implemented.

8.J.4.3.1 Inspection Schedule

a. Inspections shall be conducted once every 30 calendar days and within 24 hours of the end of each measurable storm event.
b. *Inspection Schedule for Sites within 2.5 miles of a Special Water.* If any discharge point from the construction site is within 2.5 miles of an impaired or Outstanding Arizona Water, the permittee shall inspect the site at least once every 7 calendar days.

If the inspection day falls on a Saturday or holiday, the inspection may be conducted on the preceding workday. If the inspection day falls on a Sunday, the inspection shall be conducted on the following Monday.

8.J.4.3.2 Location of Inspections. Inspections must include all areas of the site disturbed by clearing, grading, and/or excavation activities and areas used for storage of materials that are exposed to precipitation. Sedimentation and erosion control measures implemented must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the United States, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of significant off-site sediment tracking.

8.J.4.3.3 Inspection Reports. (See also Part 4.1.1) For each inspection required above, the permittee shall document the findings of the inspections in accordance with Part 4.1.1, and maintain this documentation with the SWPPP. In addition to the information required in Part 4.1.1, the inspection report shall include:

a. Location(s) of discharges of sediment or other pollutants from the site;
b. For inspections occurring during or after a measurable storm event, a description of stormwater that is discharging from the site (presence of suspended sediment, turbid water, discoloration, and/or oil sheen, as applicable), when present;
c. Identification of all sources of non-stormwater discharges occurring at the site and associated BMPs in place;
d. Identification of material storage areas and, evidence of or potential for, pollutant discharge from such areas.

8.J.4.4 *Monitoring and Reporting Requirements for Discharges to Special Waters*

The permittee shall conduct monitoring and reporting as required in Part 8.J.4.3.1.b for stormwater discharges resulting from exploration and construction activities that are within 2.5 miles of a special water. The visual assessment and analytical monitoring requirements in this subpart are in addition to those required in Part 4.2, Part 6, Part 8.J.8 and Part 8.J.9, but may be combined where appropriate.

In accordance with Parts 4.2.3.2 and 6.4.2, the permittee is not required to conduct visual assessments or analytical monitoring during adverse conditions.

8.J.5 Additional Control Measures for Active and Inactive Mining Phases

8.J.5.1 *Additional Stormwater Controls.*

The permittee shall evaluate whether some or all of the following control measures are necessary, and implement as appropriate, in order to meet the requirements of Part 2. These control measures are apart from, or in addition to, the control measures implemented by the permittee to meet the Part 2 effluent limits. The potential pollutants identified in Part 8.J.6.3 shall determine the priority and appropriateness of the control measures selected.

8.J.5.1.1 *Stormwater Diversions*: As necessary, divert stormwater away from potential pollutant sources using one or more of the following measures: interceptor or diversion controls (e.g., dikes, swales, curbs, or berms); pipe slope drains; subsurface drains; conveyance systems (e.g., channels or gutters, open-top box culverts, and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts); or their equivalents.

8.J.5.1.2 *Treatment:* If treatment of stormwater (e.g., chemical or physical systems, oil and water separators, artificial wetlands) is determined to be necessary to meet the requirements of Part 2.2, describe the type and location of treatment used. Passive and/or active treatment of stormwater runoff is encouraged. Treated runoff may be discharged as a stormwater source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Mineral Mining and Processing Point Source Category (40 CFR Part 436), except as those subparts identified in Table 2-2 of this permit.

8.J.5.2 *Sediment and Erosion Control*

At sites where the active phase has commenced, in addition to measures evaluated pursuant to Part 2.2.1.2.5, the permittee shall implement appropriate erosion and/ or sediment controls, in accordance with Part 8.J.4, when clearing, grading or excavation activities occur in previously undisturbed areas where discharges are not controlled by pre-existing or permanent control measures. The purpose of these sediment and/or control measures is to minimize the discharge of sediment from the newly disturbed areas. Where structural control measures are used for sediment control, such measures shall be installed prior to major land disturbance activities commencing.

8.J.5.3 *Certification of Discharge Testing:* Test or evaluate all outfalls covered under this permit for the presence of specific mining-related non-stormwater discharges such as discharges subject to effluent limitations guidelines (e.g., 40 CFR Part 436). The certification may be kept with the site's SWPPP consistent with Part 8.J.6.6.

8.J.6 Additional SWPPP Requirements for Mining Operations.

The requirements in Part 8.J.6 are applicable to all mining operations, except inactive and unstaffed sites.

8.J.6.1 *Nature of Industrial Activities*

Document in the site's SWPPP the mining and associated activities that can potentially affect the stormwater discharges covered by this permit.

8.J.6.2 *Site Map* (See also Part 5.1.2)

Document the following in the SWPPP (as appropriate):

- Location of the site relative to major transportation routes and communities;
- Site boundaries of co-located facilities;
- Temporary control measures that may be utilized during the exploration or construction phase.
- Access and haul roads;
- Outline of the drainage areas of each stormwater outfall within the site with indications of the types of discharges from the drainage areas;
- Location(s) of all permitted discharges covered under an individual AZPDES permit,
- The locations of the following, if they are located such that they will contribute to discharge from a stormwater outfall covered by this permit:
    - Mining or milling site boundaries; immediate access roads and haul roads;
    - Overburden, materials, soils, or waste storage areas;
    - Outdoor equipment storage, fueling, and maintenance areas;
    - Materials handling areas;
    - Outdoor manufacturing, outdoor storage, and material disposal areas;
    - Outdoor chemicals and explosives storage areas;
    - Reclaimed areas;
- Location of mine drainage, dewatering or other process water;
- Off-site points of discharge for mine dewatering and process water; and
- Boundary of areas that contribute discharges subject to effluent limitations guidelines.

8.J.6.3 *Potential Pollutant Sources*

For each area of the mine site where stormwater discharges associated with industrial activities occur, document in the SWPPP the types of pollutants (e.g., oil, sediment) likely to be present in significant amounts. To identify potential pollutants, evaluate these factors: toxicity and quantity of chemicals used, produced, or discharged; the likelihood of contact with stormwater; vegetation of site (if any); and history of significant leaks or spills of toxic or hazardous pollutants. If applicable include in the SWPPP a summary of any existing waste rock or overburden characterization data and test results for potential generation of acid rock drainage.

8.J.6.4 *Documentation of Control Measures*

To the extent that any of the control measures in Part 8.J.5.1 are used, the permittee shall document them in the site's SWPPP pursuant to Part 5.1.1 If control measures are

implemented or planned but are not listed in Part 8.J.5.1 (e.g., substituting a less toxic chemical for a more toxic one), include descriptions of them in the SWPPP.

8.J.6.5 *Employee Training*

All employee training conducted in accordance with Part 2.2.1.2.8 shall be documented with the SWPPP or be made electronically available upon request.

8.J.6.5 *Certification of Permit Coverage for Commingled Non-Stormwater Discharges*

If the permittee is able to certify, consistent with Part 8.J.5.2 above, that a particular discharge composed of commingled stormwater and non-stormwater is covered under a separate AZPDES permit, and that permit subjects the non-stormwater portion to effluent limitations prior to any commingling, such certification shall be retained with the SWPPP. This certification must identify the non-stormwater discharges, the applicable AZDPES permit(s), the effluent limitations placed on the non-stormwater discharge by the permit(s), and the points at which the limitations are applied.

8.J.7 Additional Inspection Requirements for the Active Mining Phase. (See also Part 4.1)

As required by Part 4.1, the permittee shall conduct routine site inspections at active mining sites at least quarterly unless adverse weather conditions make the site inaccessible. Inspections are only required to cover areas where industrial activities occur that are exposed to precipitation and that contribute to stormwater discharges from the site covered under this permit.

Unless otherwise approved by ADEQ, active sites which discharge to waters designated as OAWs or waters which are impaired for sediment must be inspected monthly. The permittee may submit a request to the Department to reduce the inspection frequency to quarterly at one or more outfalls to an OAW or a water impaired for sediment. The request must be based on the frequencies of discharges and the performance of the control measure(s).

8.J.8 Monitoring and Reporting Requirements. (See also Part 6.0)

There are no Part 8.J.8 monitoring requirements for inactive and unstaffed sites, unless required by Part 6.2.

8.J.8.1 General Analytical Monitoring

Table 8.J-8.1 identifies general analytical monitoring that applies to the specific subsectors of Sector J. These monitoring requirements apply to both the site's primary industrial activity and any co-located industrial activities authorized under this permit, which describe the site's activities.

The permittees of Sector J sites shall sample and analyze stormwater discharges for the pollutants listed in Table 8.J-8.1. Permittees must sample and analyze stormwater discharges, twice per year, once per wet season, beginning in year one of permit coverage.

Table 8.J-8.1	
Subsector (Site discharges may be subject to requirements for more than one sector/subsector)	**Parameter**
Subsector J1. Sand and Gravel Mining (SIC 1442, 1446)	Total Suspended Solids (TSS)
Subsector J2. Dimension and Crushed Stone and Non-metallic Minerals (except fuels) (SIC 1411, 1422-1429, 1481, 1499)	Total Suspended Solids (TSS)

8.J.9 Effluent Limitations Based on Effluent Limitations Guidelines (See also Part 6.2.2.)

Table 8.J-2 identifies effluent limits that apply to the industrial activities described below. Compliance with these effluent limits is to be determined based on discharges from these industrial activities independent of commingling with any other discharges that may be allowed under this permit. Sites shall sample and analyze stormwater discharges for the pollutants listed in Table 8.J-2, twice per year, once per wet season, beginning in year one of permit coverage.

Table 8.J-2		
Industrial Activity	**Parameter**	**Effluent Limitation**
Mine dewatering discharges at crushed stone mining facilities (SIC 1422 - 1429)	pH	6.0 – 9.0 s.u.
Mine dewatering discharges at construction sand and gravel mining facilities (SIC 1442)	pH	6.0 – 9.0 s.u.
Mine dewatering discharges at industrial sand mining facilities (SIC 1446)	Total Suspended Solids (TSS)	25 mg/L, monthly avg.
		45 mg/L, daily maximum
	pH	6.0 – 9.0 s.u.

8.J.10 Termination of Permit Coverage

8.J.10.1 *Termination of Permit Coverage for Sites Reclaimed After December 17, 1990*

A site or a portion of a site that has been released from applicable state or federal reclamation requirements after December 17, 1990, is not required to maintain coverage under this permit.

If the site or portion of a site reclaimed after December 17, 1990, was not subject to reclamation requirements, the site or portion of the site is not required to maintain coverage under this permit if the site or portion of the site has been reclaimed as defined in Part 8.J.3.7.

8.J.10.2 *Termination of Permit Coverage for Sites Reclaimed Before December 17, 1990*

A site or portion of a site that was released from applicable state or federal reclamation requirements before December 17, 1990, or that was otherwise reclaimed before December 17, 1990, is no longer required to maintain coverage under this permit if the site or portion of the site has been reclaimed. A site or portion of a site is considered to have been reclaimed if:

(1) Stormwater runoff that comes into contact with raw materials, intermediate byproducts, finished products, and waste products does not have the potential to cause or contribute to violations of state water quality standards;

(2) Soil disturbing activities related to mining at the sites or portion of the site have been completed;

(3) The site or portion of the site has been stabilized as necessary to minimize soil erosion; and

(4) As appropriate depending on location, size, and the potential to contribute pollutants to stormwater discharges, the site or portion of the site has been revegetated, will be amenable to natural revegetation, or will be left in a condition consistent with the post-mining land use.