

Permit No.: UTR000000

STATE OF UTAH
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY
SALT LAKE CITY, UTAH 84114-4870

Authorization to Discharge Under the
Utah Pollutant Discharge Elimination System

Multi-Sector General Permit (MSGP) for Storm Water
Discharges Associated with Industrial Activities

GROUP 4

Sector A: Timber Product Facilities
Sector B: Paper and Allied Products Manufacturing Facilities
Sector C: Chemical and Allied Products Manufacturing Facilities
Sector D: Asphalt Paving and Roofing Materials and Lubricant Manufacturers
Sector F: Primary Metals Facilities
Sector H: Coal Mines and Coal Mining Related Facilities
Sector M: Automobile Salvage Yards
Sector T: Treatment Works
Sector W: Wood and Metal Furniture and Fixture Manufacturing Facilities

In compliance with the provisions of the *Utah Water Pollution Control Act, Title 19, Chapter 5, Utah Code Annotated 1953*, as amended, the *Act*, the facility identified in the Notice of Intent, is authorized to discharge industrial storm water from the specified industrial site to waters of the State, as identified in the Notice of Intent, in accordance with discharge point(s), effluent limitations, monitoring requirements, and other conditions set forth herein.

This permit shall become effective January 01, 2022

This permit and the authorization to discharge shall expire at midnight, December 31, 2023.

Signed this 22nd day of December, 2021.



Erica Brown Gaddis, PhD
Director

DWQ-2021-032982

H. Storm Water Discharges Associated With Industrial Activity From Coal Mines and Coal Mining-Related Facilities.

1. Coverage of This Section.

- a. Discharges Covered Under This Section. The requirements listed under this section shall apply to storm water discharges from coal mines and coal mining-related facilities (SIC 1221-1241) if they are not subject to effluent limitations guidelines under *40 CFR Part 434*. Storm water discharges from the following portions of coal mines may be eligible for this permit: haul roads (nonpublic roads on which coal or coal refuse is conveyed), access roads (nonpublic roads providing light vehicular traffic within the facility property and to public roadways), railroad spurs, sidings, and internal haulage lines (rail lines used for hauling coal within the facility property and to offsite commercial railroad lines or loading areas), conveyor belts, chutes, and aerial tramway haulage areas (areas under and around coal or refuse conveyor areas, including transfer stations), equipment storage and maintenance yards, coal handling buildings and structures, and inactive coal mines and related areas (abandoned and other inactive mines, refuse disposal sites and other mining-related areas on private lands).
- b. Limitations. Storm water discharges from inactive mining activities occurring on Federal lands where an operator cannot be identified are not eligible for coverage under this permit.
- c. Co-Located Industrial Activities. When an industrial facility, described by the above coverage provisions of this section, has industrial activities being conducted onsite that meet the description(s) of industrial activities in another section(s), that industrial facility shall comply with any and all applicable monitoring and pollution prevention plan requirements of the other section(s) in addition to all applicable requirements in this section. The monitoring and pollution prevention plan terms and conditions of this multi-sector permit are additive for industrial activities being conducted at the same industrial facility. The operator of the facility shall determine which other monitoring and pollution prevention plan section(s) of this permit (if any) are applicable to the facility.

2. Prohibition of Non-storm Water Discharges. In addition to the broad prohibition of non-storm water discharges of *Part II.A.2.* of the permit, point source discharges of pollutant seeps or underground drainage from inactive coal mines and refuse disposal areas that do not occur as storm water discharges in response to precipitation events are also excluded from coverage under this permit. In addition, floor drains from maintenance buildings and other similar drains in mining and preparation plant areas are prohibited.

3. Storm Water Pollution Prevention Plan Requirements. Most of the active coal mining-related areas, described in paragraph *I.* above, are subject to sediment and erosion control regulations of the U.S. Office of Surface Mining (OSM) that enforces the *Surface Mining Control and Reclamation Act (SMCRA)*. OSM has granted authority to the Utah Division of Oil Gas and Mining (DOGM) to implement *SMCRA* through State *SMCRA* regulations. All *SMCRA* requirements regarding control of erosion, siltation and other pollutants resulting from storm water runoff, including road dust resulting from erosion, shall be primary requirements of the pollution prevention plan and shall be included in the contents of the plan directly, or by reference. Where determined to be appropriate for protection of water quality, additional sedimentation and erosion controls may be warranted.

- a. Contents of Plan. The plan shall include at a minimum, the following items:

- 1) Pollution Prevention Team. Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

- 2) Description of Potential Pollutant Sources. Each plan shall provide a description of potential sources that may reasonably be expected to add significant amounts of pollutants to storm water discharges or that may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials that may potentially be significant pollutant sources. Each plan shall include, at a minimum:
 - a) Drainage. A site map, such as a drainage map required for *SMCRA* permit applications, indicating the pattern of storm water drainage, existing structural control measures to reduce pollutants in storm water runoff, surface water bodies, and locations where major spills or leaks identified under paragraph 3.a.2)c) (Spills and Leaks) of this section have occurred since 3 years prior to the date of the submission of a *Notice of Intent (NOI)* to be covered under this permit. The map must also indicate the locations of all industrial activities that are exposed to precipitation including but not limited to: fueling stations; vehicle and equipment maintenance and/or cleaning areas; loading/unloading areas; acidic spoil, refuse or unreclaimed disturbed areas; and liquid storage tanks containing potential pollutants, such as caustics, hydraulic fluids and lubricants. Flows with a significant potential for causing erosion shall also be identified. The site map must also identify monitoring locations, outfall locations, an outline of the portions of the drainage area of each outfall within the facility boundaries, the direction of flow in each area, and the types of discharges contained in the drainage areas of the outfalls from all applicable mining-related areas, including culvert and sump discharges from haul and access roads and rail beds and also from equipment and maintenance areas subject to storm runoff of fuel, lubricants and other potentially harmful liquids.

 - b) Inventory of Exposed Materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation for each storm water outfall covered under this permit (see paragraph 1.). Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of 3 years prior to the date of the submission of a *Notice of Intent (NOI)* to be covered under this permit and the present; method and location of onsite storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of 3 years prior to the date of the submission of a *Notice of Intent (NOI)* to be covered under this permit and the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

- c) Spills and Leaks. A list of significant spills and leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of 3 years prior to the date of the submission of a *Notice of Intent (NOI)* to be covered under this permit. Such list shall be updated as appropriate during the term of the permit.
 - d) Sampling Data. A summary of existing discharge sampling data describing pollutants in storm water discharges from the portions of the facility covered by this permit, including a summary of any sampling data collected during the term of this permit.
 - e) Summary of Potential Pollutant Sources. A narrative assessment of the risk potential that the industrial activities, materials, and physical features of the site, as identified in 3.a.2)a) (Drainage), pose to storm water quality. The description shall specifically list any significant potential sources of pollutants at the site and identify what the pollutant or pollutant parameter of concern is from the following activities: truck traffic on haul roads and resulting generation of dust or sediment that could be discharged via storm water; fuel or other liquid storage; pressure lines containing slurry, hydraulic fluid, or other potential harmful liquids; and loading or temporary storage of acidic refuse or spoil. Specific potential pollutants shall be identified, where known.
- 3) Measures and Controls. Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls.
- a) Good Housekeeping. Good housekeeping requires that areas which may contribute pollutants to storm water discharges be maintained in a clean, orderly manner. Where feasible, such measures or other equivalent measures include the implementation of: sweepers and covered storage to minimize dust generation and storm runoff; conservation of vegetation where possible to minimize erosion; watering of haul roads to minimize dust generation; collection, removal, and proper disposal of waste oils and other fluids resulting from vehicle and equipment maintenance; or other equivalent measures.
 - b) Preventive Maintenance. A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems. Where applicable, such measures would include the following: removal and proper disposal of settled solids in catch basins to allow sufficient retention capacity; periodic replacement of siltation control measures subject to deterioration such as straw bales; inspections of storage tanks and pressure lines for fuels, lubricants,

hydraulic fluid or slurry to prevent leaks due to deterioration or faulty connections; or other equivalent measures.

- c) Spill Prevention and Response Procedures. Areas where potential spills that can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, consider specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean-up should be available to personnel.
- d) Inspections. In addition to the comprehensive site evaluation required under paragraph 3.a.4) of this section, qualified facility personnel shall be identified to inspect designated areas of the facility, including sediment and erosion control measures, at least every quarter for active mining related-areas and those inactive areas under *SMCRA* Bond Authority, corresponding with the quarterly inspections as performed by *SMCRA* inspectors. Inspections by the qualified personnel may be done at the same time as the mandatory inspections performed by *SMCRA* inspectors. Records of permittee inspections and those of the *SMCRA* authority representative shall be maintained. For inactive mining related-areas not under *SMCRA* Bond, qualified facility personnel shall be identified to inspect every year except in situations referred to in paragraph 3.a.4)d) below. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Based on the results of the inspection, the description of potential pollutant sources and pollution prevention measures and controls identified in the plan shall be revised as appropriate within 2 weeks of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 12 weeks after the inspection.
- e) Employee Training. Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. At a minimum, this training must be provided annually. The pollution prevention plan shall identify frequencies and approximate dates for such training.
- f) Recordkeeping and Internal Reporting Procedures. A description of incidents (such as spills, or other discharges) along with other information describing the quality and quantity of storm water discharges shall be included in the storm water pollution prevention plan. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan. Ineffective BMPs must be recorded and the date of their corrective actions noted in the plan.
- g) Non-storm Water Discharges.

- (1) Certification. The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges such as drainage from underground portions of inactive mines or floor drains from maintenance or coal handling buildings. The certification shall include the identification of potential significant sources of non-storm water discharges at the site, a description of the results of any test and/or evaluation, a description of the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the onsite drainage points that were directly observed during the test. Certifications shall be signed in accordance with *Part VI.G.* of this permit. Such certification may not be feasible if the facility operator does not have access to an outfall, manhole, or other point of access to the ultimate conduit that receives the discharge. In such cases, the source identification section of the storm water pollution prevention plan shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of non-storm water at the site. A discharger that is unable to provide the certification required by this paragraph must notify the *Director* in accordance with paragraph 3.a.3)g)(4) (Failure to Certify) below.
 - (2) Exceptions. Except for flows from emergency firefighting activities, authorized sources of non-storm water listed in *Part II.A.2.* (Non-Storm Water Discharges) of this permit that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.
 - (3) Copy of Other Permits. If the facility discharges wastewater, other than storm water via an existing *UPDES* permit, a copy of the *UPDES* permit authorizing the discharge must be attached to the plan. Similarly, if the facility submitted an application for a *UPDES* permit for non-storm water discharges, but has not yet received that permit, a copy of the permit application must be attached. Upon issuance or reissuance of a *UPDES* permit, the facility must modify its plan to include a copy of that permit.
 - (4) Failure to Certify. Any facility that is unable to provide the certification required (testing for non-storm water discharges), must notify the *Director* within 180 days after submitting a notice of intent to be covered by this permit. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification shall describe: the procedure of any test conducted for the presence of non-storm water discharges; the results of such test or other relevant observations; potential sources of non-storm water discharges to the storm sewer; and why adequate tests for such storm sewers were not feasible. Non-storm water discharges to waters of the State which are not authorized by a *UPDES* permit are unlawful, and must be terminated
- h) Sediment and Erosion Control. The plan shall identify areas that, due to

topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion and reduce sediment concentrations in storm water discharges. As indicated in paragraph 3. above, *SMCRA* requirements regarding sediment and erosion control measures are primary requirements of the pollution prevention plan for mining-related areas subject to *SMCRA* authority. The following sediment and erosion control measures or other equivalent measures, should be included in the plan where reasonable and appropriate for all areas subject to storm water runoff:

- (1) Stabilization Measures. Interim and permanent stabilization measures to minimize erosion and lessen the amount of structural sediment control measures needed, including: mature vegetation preservation; temporary seeding; permanent seeding and planting; temporary mulching, matting, and netting; sod stabilization; vegetative buffer strips; temporary chemical mulch, soil binders, and soil palliatives; non-acidic road surfacing material; and protective trees.
- (2) Structural Measures. Structural measures to lessen erosion and reduce sediment discharges, including: silt fences; earth dikes; straw dikes; gradient terraces; drainage swales; sediment traps; pipe slope drains; porous rock check dams; sedimentation ponds; riprap channel protection; capping of contaminated sources; and physical/chemical treatment of storm water.
 - i) Management of Flow. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (other than those as sediment and erosion control measures listed above) used to manage storm water runoff in a manner that reduces pollutants in storm water runoff from the site. The plan shall provide that the measures, which the permittee determines to be reasonable and appropriate, shall be implemented and maintained. Appropriate measures may include: discharge diversions; drainage/storm water conveyances; runoff dispersion; sediment control and collection; vegetation/soil stabilization; capping of contaminated sources; treatment; or other equivalent measures.
- 4) Comprehensive Site Compliance Evaluation. Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but in no case less than once a year. Such evaluations shall provide:
 - a) Areas contributing to a storm water discharge associated with coal mining-related areas shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. These areas include haul and access roads; railroad spurs, sidings, and internal haulage lines; conveyor belts, chutes and aerial tramways; equipment storage and maintenance yards; coal handling buildings and structures; and inactive mines and related areas. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution

prevention measures, as indicated in paragraphs 3.a.3)h) and 3.a.3)i) above and where identified in the plan, shall be observed to ensure that they are operating correctly. A visual evaluation of any equipment needed to implement the plan, such as spill response equipment, shall be made.

- b) Based on the results of the evaluation, the description of potential pollutant sources identified in the plan, in accordance with paragraph 3.a.2) (Description of Potential Pollutant Sources) of this section, and pollution prevention measures and controls identified in the plan in accordance with paragraph 3.a.3) (Measures and Controls) of this section, shall be revised as appropriate within 2 weeks of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 12 weeks after the inspection.
 - c) A report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with paragraph 3.a.4)b) above shall be made and retained as part of the storm water pollution prevention plan for at least 3 years after the date of the evaluation. The report shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with *Part VI.G.* (Signatory Requirements) of this permit.
 - d) Where compliance evaluation schedules overlap with inspections required under 3.a.3)d), the compliance evaluation may be conducted in place of one such inspection. Where annual site compliance evaluations are shown in the plan to be impractical for inactive mining sites due to the remote location and inaccessibility of the site, site inspections required under this part shall be conducted at appropriate intervals specified in the plan, but, in no case less than once in 3 years.
 - e) The individual or individuals who will conduct the evaluations must be identified in the plan and should be members of the pollution prevention team, as identified in paragraph 3.a.1) (Pollution Prevention Team).
4. Numeric Effluent Limitations. There are no additional numeric effluent limitations beyond those described in *Part IV.B.* of this permit.
5. Monitoring and Reporting Requirements.
- a. Analytical Monitoring Requirements. During the first year (2022) of the permit, permittees with coal mining activities must monitor their storm water discharges associated with industrial activity at least quarterly (4 times per year) except as provided in paragraphs 5.a.3) (Sampling Waiver), 5.a.4) (Representative Discharge), and 5.a.5) (Alternative Certification). Coal mining facilities are required to monitor their storm water discharges for the pollutants of concern listed in Table H-1 below. Facilities must report in accordance with 5.b. (Reporting). In addition to the parameters listed in Table H-1 below, the permittee shall

provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.

Table H-1.
Monitoring Requirements for Coal Mining Facilities

Pollutants of Concern	Benchmark Monitoring Cut-Off Concentration
Total Recoverable Aluminum	1.1 mg/L
Total Suspended Solids ¹	100 mg/L

1. Sampling for TSS is not required for storm water discharges that are infiltrating to groundwater.

- 1) Monitoring Periods. Coal mining facilities shall monitor samples collected during the sampling periods of: January through March, April through June, July through September, and October through December for the years specified in paragraph 5.a. (above).

- 2) Sample Type. A minimum of one grab sample shall be taken. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. If storm water discharges associated with industrial activity commingle with process or non-process water, then where practicable permittees must attempt to sample the storm water discharge before it mixes with the non-storm water discharge.

- 3) Sampling Waiver.
 - a) Adverse Conditions. When a discharger is unable to collect samples within a specified sampling period due to adverse climatic conditions, the discharger shall collect a substitute sample from a separate qualifying event in the next monitoring period and submit the data along with the data for the routine sample in that period. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricanes, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).
 - b) Inactive and Unstaffed Site. When a discharger is unable to conduct quarterly chemical storm water sampling at an inactive and unstaffed site, the operator of

APPENDIX I.H
Permit No.: UTR000000
Effective January 1, 2022

the facility may exercise a waiver of the monitoring requirements as long as the facility remains inactive and unstaffed. The facility must state on their NOI that it is inactive and unstaffed and submit a change NOI if this status changes.

- 4) Representative Discharge. When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may test the effluent of one of such outfalls and report that the quantitative data also applies to the substantially identical outfall(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area [e.g., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)] shall be provided in the plan. The permittee shall include the description of the location of the outfalls, explanation of why outfalls are expected to discharge substantially identical effluents, and estimate of the size of the drainage area and runoff coefficient with the *Storm Water Discharge Monitoring Report (SWDMR)*.
 - 5) Alternative Certification. A discharger is not subject to the monitoring requirements of this section provided the discharger makes a certification for a given outfall or on a pollutant-by-pollutant basis in lieu of monitoring reports required under paragraph *b.* below, under penalty of law, signed in accordance with *Part VI.G.* (Signatory Requirements), that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial machinery or operations, or significant materials from past industrial activity that are located in areas of the facility within the drainage area of the outfall are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period. Such certification must be retained in the storm water pollution prevention plan, and submitted to *DWQ* in accordance with *Part V.B.* of this permit. In the case of certifying that a pollutant is not present, the permittee must submit the certification along with the monitoring reports required under paragraph *b.* below. If the permittee cannot certify for an entire period, they must submit the date exposure was eliminated and any monitoring required up until that date. This certification option is not applicable to compliance monitoring requirements associated with effluent limitations.
- b. Reporting. Permittees shall submit monitoring results for each outfall associated with industrial activity [or a certification in accordance with Sections 3), 4), or 5) above] obtained during the first year (2022) reporting period, on *Storm Water Discharge Monitoring Report (SWDMR)* form(s) postmarked no later than the 31st day of March on the following year. For each outfall, one signed *SWDMR* form must be submitted to the *Director* per storm event sampled. Signed copies of *SWDMRs*, or said certifications, shall be submitted to the

Director at the address listed in *Part V.B.* of this permit.

- 1) Additional Notification. In addition to filing copies of discharge monitoring reports in accordance with paragraph *b.* (above), coal-mining related facilities with at least one storm water discharge associated with industrial activity through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more) must submit signed copies of discharge monitoring reports to the operator of the municipal separate storm sewer system in accordance with the dates provided in paragraph *b.* (above).

- c. Benchmark Level Exceedance Actions. Benchmarks are used to help gauge the overall effectiveness of control measures at a facility. If there is an exceedance of these levels you must review the selection, design, installation, and implementation of your control measures to determine if modifications are necessary. This review must be completed within a month of receiving sample results. Actions taken as a result of the review must be documented in the pollution prevention plan and completed in a timely manner, but in no case more than 12 weeks after the evaluation. If no action is taken then you must document the rationale for this decision (e.g. natural background pollutant levels, further pollutant reduction is not technologically or economically feasible, etc.).

- d. Visual Examination of Storm Water Quality. Coal mining-related facilities shall perform and document a visual examination of a representative storm water discharge at the following frequencies: quarterly for active areas under *SMCRA* bond located in areas with average annual precipitation over 20 inches; semi-annually for inactive areas under *SMCRA* bond, and active areas under *SMCRA* bond located in areas with average annual precipitation of 20 inches or less; visual examinations are not required at inactive areas not under *SMCRA* bond.
 - 1) Visual Monitoring Periods. Examinations shall be conducted in each of the following periods for the purposes of visually inspecting storm water runoff or snow melt: Quarterly-January through March; April through June; July through September; and October through December. Semi-annually—January through June and July through December.

 - 2) Sample and Data Collection. Examinations shall be made of samples collected within the first 60 minutes (or as soon thereafter as practical, but not to exceed two hours) of when the runoff or snowmelt begins discharging. The examinations shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well-lit area. No analytical tests are required to be performed on the samples. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where practicable, the same individual will carry out the collection and examination of discharges for the life of the permit.

 - 3) Visual Storm Water Discharge Examination Reports. Visual examination reports must be maintained onsite in the pollution prevention plan. The report shall include

the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.

- 4) Representative Discharge. When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may collect a sample of effluent of one of such outfalls and report that the examination data also applies to the substantially identical outfalls provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explaining in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area [e.g., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)] shall be provided in the plan.

- 5) Adverse Conditions. When a discharger is unable to collect samples over the course of the visual examination period as a result of adverse climatic conditions, the discharger must document the reason for not performing the visual examination and retain this documentation onsite with the records of the visual examination. Adverse weather conditions which may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricanes, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

- 6) Inactive and Unstaffed Site. When a discharger is unable to conduct visual storm water examinations at an inactive and unstaffed site, the operator of the facility may exercise a waiver of the monitoring requirement as long as the facility remains inactive and unstaffed. The facility must state on their NOI that it is inactive and unstaffed and submit a change NOI if this status changes.