

Sector J - Stormwater Discharges Associated With Industrial Activity From Construction Sand and Gravel Mining and Processing and Dimension Stone Mining and Quarrying Facilities

1. Discharges Covered Under This Section

The requirements listed under this section shall apply to stormwater discharges associated with industrial activity from a facility engaged in manufacturing the following products and generally described by the SIC codes shown below:

SIC Code	Sector J: Construction Sand and Gravel Mining and Processing and Dimension Stone Mining and Quarrying Facilities	Sampling Required?	Table Number
1411	Dimension Stone	Yes	J-3
1422	Crushed and Broken Limestone	Yes	J-1 & 2
1423	Crushed and Broken Granite	Yes	J-1 & 2
1429	Crushed and Broken Stone, NEC	Yes	J-1 & 2
1442	Construction Sand and Gravel	Yes	J-1 & 2
1446	Industrial Sand	Yes	J-1 & 2
1455	Kaolin and Ball Clay	Yes	J-3
1459	Clay, Ceramic, and Refractory Minerals, NEC	Yes	J-3
1474	Potash, Soda, and Borate Minerals	Yes	J-3
1475	Phosphate Rock	Yes	J-3
1479	Chemical and Fertilizer Mineral Mining, NEC	Yes	J-3
1481	Nonmetallic Minerals Services Except Fuels	Yes	J-3
1499	Miscellaneous Nonmetallic Minerals, Except Fuels	Yes	J-3

When an industrial facility, described by the above coverage provisions of this section, has industrial activities being conducted onsite that meet the description(s) of industrial activities in another section(s), that industrial facility shall comply with any and all applicable monitoring and pollution prevention plan requirements of the other section(s) in addition to all applicable requirements in this section. The monitoring and pollution prevention plan terms and conditions of this multi-sector permit are additive for industrial activities being conducted at the same industrial facility (co-located industrial activities). The operator of the facility shall determine which other monitoring and pollution prevention plan section(s) of this permit (if any) are applicable to the facility.

Limitations on Coverage. The following stormwater discharges associated with industrial activity are not authorized by this permit:

- Storm water discharges associated with industrial activity which is subject to an existing effluent limitation guideline (40 CFR Part 436).
- Storm water discharges associated with industrial activity from inactive mining activities occurring on Federal lands where an operator cannot be identified are not eligible for coverage under this permit.

2. Special Conditions

Prohibition of Non-stormwater Discharges. Except for those allowable non-stormwater discharges included in section 3.1.2 (Allowable Non-Stormwater Discharges) of this permit, there are no other non-stormwater discharges authorized in this Sector.

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3. Stormwater Pollution Prevention Plan Requirements

3.1 Deadlines for Plan Preparation and Compliance. There are no additional deadlines for plan preparation and compliance, other than those stated in part **Error! Reference source not found.**

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

3.2.1.1 Pollution Prevention Team. Each plan shall identify a specific individual or individuals within the facility organization as members of a stormwater Pollution Prevention Team that are responsible for developing the stormwater pollution prevention plan and assisting the facility or plant 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 stormwater pollution prevention plan.

3.2.2 Description of Potential Pollutant Sources. Each stormwater pollution prevention plan must describe industrial activities, significant materials, and physical features of the facility that may contribute to stormwater runoff or, during periods of dry weather, result in dry weather flows and mine pumpout. Plans must describe the following elements:

3.2.2.1 Drainage - The plan must contain a map of the site that shows the pattern of stormwater drainage, structural or nonstructural features that control pollutants in stormwater runoff and process wastewater discharges, surface water bodies (including wetlands), places where significant materials are exposed to rainfall and runoff, and locations of major spills and leaks that occurred in the 3 years prior to the date of the submission of an NOI to be covered under this permit. The map also must show areas where the following activities take place: fueling, vehicle and equipment maintenance and/or cleaning, loading and unloading, material storage (including tanks or other vessels used for liquid or waste storage), material processing, and waste disposal, haul roads, access roads, and rail spurs. In addition, the map must indicate the outfall locations and the types of discharges contained in the drainage areas of the outfalls.

3.2.2.1.1 Inventory of Exposed Materials - Facility operators are required to carefully conduct an inspection of the site and related records to identify significant materials that are or may be exposed to stormwater. The inventory must address materials that within 3 years prior to the date of the submission of an NOI to be covered under this permit have been handled, stored, processed, treated, or disposed of in a manner to allow exposure to stormwater. Findings of the inventory must be documented in detail in the pollution prevention plan. At a minimum, the plan must describe the method and location of onsite storage or disposal; practices used to minimize contact of materials with rainfall and runoff; existing structural and nonstructural controls that reduce pollutants in stormwater runoff; existing structural controls that limit process wastewater discharges; and any treatment the runoff receives before it is discharged to surface waters or a separate storm sewer system. The description must be updated whenever there is a significant change in the types or amounts of materials, or material management practices that may affect the exposure of materials to stormwater.

3.2.2.2 Significant Spills and Leaks - The plan must include a list of any significant spills and leaks of toxic or hazardous pollutants that occurred in the 3 years prior to the date of the submission of an NOI to be covered under this permit. Significant spills include, but are not

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limited to, releases of oil or hazardous substances in excess of quantities that are reportable under Section 311 of CWA (see 40 CFR 110.10 and 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (see 40 CFR 302.4). Significant spills may also include releases of oil or hazardous substances that are not in excess of reporting requirements and releases of materials that are not classified as oil or a hazardous substance.

3.2.2.3 Sampling Data - Any existing data on the quality or quantity of stormwater discharges from the facility must be described in the plan. The description should include a discussion of the methods used to collect and analyze the data. Sample collection points should be identified in the plan and shown on the site map.

3.2.2.4 Risk Identification and Summary of Potential Pollutant Sources - The description of potential pollution sources culminates in a narrative assessment of the risk potential that sources of pollution pose to stormwater quality. This assessment should clearly point to activities, materials, and physical features of the facility that have a reasonable potential to contribute significant amounts of pollutants to stormwater. Any such industrial activities, significant materials, or features must be addressed by the measures and controls subsequently described in the plan. In conducting the assessment, the facility operator must consider the following activities: loading and unloading operations; outdoor storage activities; outdoor processing activities; significant dust or particulate generating processes; and onsite waste disposal practices. The assessment must list any significant pollution sources at the site and identify the pollutant parameter or parameters (i.e., total suspended solids, total dissolved solids, etc.) associated with each source.

3.2.3 Measures and Controls. Following completion of the source identification and assessment phase, the permittee must evaluate, select, and describe the pollution prevention measures, best management practices (BMPs), and other controls that will be implemented at the facility. The permittee must assess the applicability of the following BMPs for their site: discharge diversions, drainage/stormwater conveyance systems, runoff dispersions, sediment control and collection mechanisms, vegetation/soil stabilization, and capping of contaminated sources. In addition, BMPs include processes, procedures, schedules of activities, prohibitions on practices, and other management practices that prevent or reduce the discharge of pollutants in stormwater runoff.

The pollution prevention plan must discuss the reasons each selected control or practice is appropriate for the facility and how each will address the potential sources of stormwater pollution. The plan also must include a schedule specifying the time or times during which each control or practice will be implemented. In addition, the plan should discuss ways in which the controls and practices relate to one another and, when taken as a whole, produce an integrated and consistent approach for preventing or controlling potential stormwater contamination problems.

3.2.3.1 Good Housekeeping - Good housekeeping requires the maintenance of areas which may contribute pollutants to stormwater discharges in a clean, orderly manner.

3.2.3.2 Preventive Maintenance - The maintenance program requires periodic removal of debris from discharge diversions and conveyance systems. These activities should be conducted in the

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spring, after snowmelt, and during the fall season. Permittees using ponds to control their effluents frequently use impoundments or sedimentation ponds as their BAT/BCT. Maintenance schedules for these ponds must be provided in the pollution prevention plan.

3.2.3.3 Spill Prevention and Response Procedures - Areas where potential spills, which can contribute pollutants to stormwater discharges can occur, and their accompanying drainage points shall be identified clearly in the stormwater pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. 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.

3.2.3.4 Inspections - Operators of active facilities are required to conduct quarterly visual inspections of all BMPs. Temporarily and permanently inactive operations are required to perform annual inspections. The inspections shall include: 1) an assessment of the integrity of stormwater discharge diversions, conveyance systems, sediment control and collection systems, and containment structures; 2) visual inspections of vegetative BMPs, serrated slopes, and benched slopes to determine if soil erosion has occurred; and 3) visual inspections of material handling and storage areas and other potential sources of pollution for evidence of actual or potential pollutant discharges of contaminated stormwater.

The inspection must be made at least once in each designated period during daylight hours unless there is insufficient rainfall or snow-melt to produce a runoff event. Inspections shall be conducted in each of the following periods for the purposes of inspecting stormwater quality associated with stormwater runoff and snow melt: January through March (stormwater runoff or snow melt); April through June(stormwater runoff); July through September (stormwater runoff); October through December (stormwater runoff or snow melt).

3.2.3.5 Employee Training - Employee training programs shall inform personnel responsible for implementing activities identified in the stormwater pollution prevention plan or otherwise responsible for stormwater management at all levels of responsibility of the components and goals of the stormwater pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. The pollution prevention plan shall identify periodic dates for such training.

3.2.3.6 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 stormwater discharges shall be included in the plan required under this part. The permittee must describe procedures for developing and retaining records on the status and effectiveness of plan implementation. The plan must address spills, monitoring, and BMP inspection and maintenance activities. Ineffective BMPs must be recorded and the date of their corrective action noted.

3.2.3.7 Non-stormwater Discharges

The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-stormwater discharges. The certification shall include the identification of

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potential significant sources of non-stormwater at the site, a description of the results of any test and/or evaluation for the presence of non-stormwater discharges, 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 subpart 7.7 of this permit. Such certification may not be feasible if the facility operating the stormwater discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the stormwater 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-stormwater at the site. A discharger that is unable to provide the certification required by this paragraph must notify the Division of Water Resources in accordance with subsection 11.J.3.2.3.7 (Failure to Certify) of this permit.

Sources of non-stormwater that are combined with stormwater 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-stormwater component(s) of the discharge. Any non-stormwater discharges that are not permitted under an individual NPDES permit should be brought to the attention of the division's local Environmental Field Office (see list of EFOs on page 14).

3.2.3.7 Failure to Certify. - Any facility that is unable to provide the certification required (testing for non-stormwater discharges), must notify the Division of Water Resources by not later than 180 days after submitting an NOI 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-stormwater discharges to the storm sewer and why adequate tests for such storm sewers were not feasible. Non-stormwater discharges to waters of the state which are not authorized by an NPDES permit are unlawful and must be terminated.

3.2.3.8 Sediment and Erosion Control - The plan shall identify areas which, 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.

Permittees must indicate the location and design for proposed BMPs to be implemented prior to land disturbance activities. For sites already disturbed but without BMPs, the permittee must indicate the location and design of BMPs that will be implemented. The permittee is required to indicate plans for grading, contouring, stabilization, and establishment of vegetative cover for all disturbed areas, including road banks. Reclamation activities must continue until final closure notice has been issued.

3.2.3.9 Management of Runoff - The plan shall contain a narrative consideration of the appropriateness of traditional stormwater management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage stormwater runoff in a manner that reduces pollutants in stormwater discharges from the site. The plan shall provide that measures that the permittee determines to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to stormwater discharges associated with

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industrial activity [see subsection 11.J.3.2.2.4 (Description of Potential Pollutant Sources) of this permit] shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected stormwater (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, wet detention/retention devices, or equivalent measures. In addition, the permittee must describe the stormwater pollutant source area or activity (i.e., loading and unloading operations, raw material storage piles, etc.) to be controlled by each stormwater management practice.

- 3.2.4 Comprehensive Site Compliance Evaluation. Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the SWPPP, but, in no case less than once a year. When annual compliance evaluations are shown in the plan to be impractical for inactive mining sites, due to remote location and inaccessibility, site evaluations must be conducted at least once every 3 years. Such evaluations shall provide:
- 3.2.4.1 Areas contributing to a stormwater discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system (and potentially waters of the state). 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 stormwater management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.
- 3.2.4.2 Based on the results of the evaluation, the description of potential pollutant sources identified in the plan in accordance with subsection 11J.3.2.2.4 (Description of Potential Pollutant Sources) of this permit and pollution prevention measures and controls identified in the plan in accordance with section 11.J.3.2.3 (Measures and Controls) of this permit shall be revised as appropriate within 2 weeks of such evaluation 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 evaluation.
- 3.2.4.3 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 stormwater pollution prevention plan, and actions taken shall be made and retained as part of the stormwater pollution prevention plan for at least 3 years from 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 stormwater pollution prevention plan and this permit. The report shall be signed in accordance with subpart 7.7 (Signatory Requirements) of this permit.
- 3.2.4.4 The stormwater pollution prevention plan must describe the scope and content of comprehensive site evaluation that qualified personnel will conduct to 1) confirm the accuracy of the description of potential pollution sources contained in the plan, 2) determine the effectiveness of the plan, and 3) assess compliance with the terms and conditions of the permit. Where compliance evaluation schedules overlap with inspections, the compliance evaluation may be conducted in place of one such inspection.

4. Numeric Effluent Limitations

In addition to the numeric effluent limitations described in subpart 5.2 (Coal Pile Runoff) of the TMSP, the following effluent limitations shall be met by existing and new discharges with:

Mine Dewatering Activities at Construction Sand and Gravel: The provisions of this paragraph are applicable to stormwater discharges from the industrial sand and crushed stone mining facilities.

Table J-1. Numeric Effluent Limits for Construction Sand and Gravel Mining and Dimension Stone Mining (SIC 1422-1429, 1442, 1446)

Pollutants of Concern	Daily Maximum	30-day Average
Total Suspended Solids (TSS)	45 mg/L	25 mg/L
pH	6.0-9.0 standard units	

5. Monitoring and Reporting Requirements

Permittees subject to Numeric Effluent Limitations described in subpart 5.2 above (Coal Pile Runoff) must submit to the division monitoring results annually on a signed copy of the Discharge Monitoring Report (DMR, see Addendum E).

Permittees subject to Numeric Effluent Limitations as described in part 4 of this sector (above) must submit to the division monitoring results annually on a signed copy of the Discharge Monitoring Report (DMR, see Addendum E).

Permittees subject to Analytical Monitoring Requirements as described in subpart 5.1 of this sector (see below) must submit the benchmark results using an Annual Stormwater Monitoring Report (see Addendum D) to the division.

5.1 Analytical Monitoring Requirements

During the term of this permit, permittees covered under this sector must monitor their stormwater discharges associated with industrial activity at least four times per calendar year (quarterly), except as provided in paragraphs 5.1.3 (Sampling Waiver), 5.1.4 (Representative Discharge), and 5.1.5 (Alternative Certification). For SIC-specific breakdown of monitoring requirements and applicable Monitoring Requirements (listed below), see Table in part 1 of this industrial sector (1. Discharges Covered Under This Section). Facilities must report in accordance with 5.2 (Reporting). In addition to the parameters listed in Tables J-1 and J-2 below, the permittee shall maintain a record of 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 J-2. Benchmark Monitoring Requirement for Construction Sand and Gravel Mining and Dimension Stone Mining (SIC 1442, 1446)

Pollutants of Concern	Benchmark [mg/L]
Nitrate plus Nitrite Nitrogen	0.68

Table J-3. Benchmark Monitoring Requirement for SICs 1411, 1455, 1459, 1474-1479, 1481, 1488, 1499

Pollutants of Concern	Benchmark
Total Suspended Solids (TSS)	150 mg/L

5.1.1 Monitoring Periods. Facilities subject to analytical monitoring requirements shall monitor samples collected during any period of a calendar year, as long as the samples are representative of the quantity and quality of the stormwater runoff being discharged from the facility.

5.1.2 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 stormwater discharges associated with industrial activity commingle with process or nonprocess water, then where practicable permittees must attempt to sample the stormwater discharge before it mixes with the non-stormwater discharge.

In addition, the permittee shall evaluate the results obtained from sampling and monitoring following the required annual sampling events to determine whether the facility is below, meets, or exceeds the monitoring benchmarks as shown in the table above. If the results of annual stormwater runoff monitoring demonstrate that the facility has exceeded the benchmark(s), the permittee must inform the division’s local Environmental Field Office in writing within 30 days from the time stormwater monitoring results were received, describing the likely cause of the exceedance(s). Furthermore, within 60 days from the time stormwater monitoring results were received, the facility must review its stormwater pollution prevention plan, make any modifications or additions to the plan which would assist in reducing effluent concentrations to less than the monitoring benchmarks for that facility, and submit to the division’s local Environmental Field Office a brief summary of the proposed SWPPP modifications (including a timetable for implementation). The modification or additions to the SWPPP should be implemented as soon as practicable.

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In the event of a repeated benchmark exceedance, the permittee can, in consultation with the division, make a determination that no further pollutant reduction is technologically available, economically practicable and achievable in light of best industry practices. The permittee must document the rationale for concluding that no further pollutant reductions are achievable, and retain all records related to this documentation with the SWPPP.

5.1.3 Sampling Waiver

5.1.3.1 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 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.).

5.1.3.2 Low Concentration Waiver - When the average concentration for a pollutant calculated from monitoring data collected from first 4 calendar years of monitoring is less than the corresponding reporting value for that pollutant (Monitoring Benchmark); a facility may waive monitoring and reporting requirements in the last annual monitoring period. The facility must submit to the Division of Water Resources, in lieu of the monitoring data, a certification that there has not been a significant change in industrial activity or the pollution prevention measures in area of the facility that drains to the outfall for which sampling was waived.

5.1.3.3 When a discharger is unable to conduct annual chemical stormwater sampling at an inactive and unstaffed site, the operator of the facility may exercise a waiver of the monitoring requirements as long as the facility remains inactive and unstaffed. The facility must submit to the Division of Water Resources, in lieu of monitoring data, a certification statement on the TMSP Stormwater Monitoring Report stating that the site is inactive and unstaffed so that collecting a sample during a qualifying event is not possible.

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5.1.4 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 stormwater 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 TMSP Stormwater Monitoring Report.

5.1.5 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 subpart 7.7 (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 stormwater and are not expected to be exposed to stormwater for the certification period. Such certification must be retained in the stormwater pollution prevention plan, and submitted to the Division of Water Resources in accordance with subpart 6.2 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 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 guidelines.

5.2 Reporting

Permittees with analytical monitoring requirements 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 annual reporting period on TMSP Stormwater Monitoring Report Form(s). **The form(s) shall be submitted 30 days after the sampling results are obtained, but no later than the March 31st of the following calendar year, whichever comes first.** For each outfall, one signed TMSP Stormwater Monitoring Report form must be submitted to the Division of Water Resources. Signed copies of TMSP Stormwater Monitoring Reports, or said certifications, shall be submitted to the following address:

**Mining Section
Tennessee Division of Water Resources
3711 Middlebrook Pike
Knoxville, TN 37921**

- 5.3 Quarterly Visual Examination of Stormwater Quality. Mining and processing facilities covered under this sector shall perform and document a visual examination of a stormwater discharge associated with industrial activity from each outfall, except discharges exempted below. The examinations must be made at least once in each designated period [described below] during daylight hours unless there is insufficient rainfall or snow melt to produce a runoff event.
- 5.3.1 Examinations shall be conducted in each of the following periods for the purposes of visually inspecting stormwater quality associated with stormwater runoff or snow melt: January through March; April through June; June through September; and October through December.
- 5.3.2 Examinations shall be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed one hour) 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 stormwater 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.
- 5.3.3 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 examinations. 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, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).
- 5.3.4 Visual examination reports must be maintained onsite in the pollution prevention plan or with other compliance records or with other compliance records. 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 stormwater discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution), and probable sources of any observed stormwater contamination.
- 5.3.5 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

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examination data also applies to the substantially identical outfalls provided that the permittee includes in the stormwater 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.

- 5.3.6 When a discharger is unable to conduct visual stormwater 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 maintain a certification with the pollution prevention plan stating that the site is inactive and unstaffed so that performing visual examinations during a qualifying event is not feasible.