

**MARYLAND DEPARTMENT OF THE ENVIRONMENT
WATER MANAGEMENT ADMINISTRATION**

NOTICE OF FINAL DETERMINATION TO ISSUE

General Permit for Discharges from Surface Coal Mines and Related Facilities

The Maryland Department of the Environment (Department) is reissuing State/National Pollution Discharge Elimination System (NPDES) General Permit for Discharges from Surface Coal Mines and Related Facilities, Permit **No. 11CM (NPDES No. MDG85)** to meet federal requirements and to protect Maryland water quality. This permit replaces one issued in July 2005.

A public notice on the tentative determination to reissue the discharge permit was published on May 17, 2013 in the *Maryland Register*, on May 17 and 24 in the *Cumberland Times*, and on May 16 and 23 in *The Republican*. The Department held a public hearing concerning the tentative determination on June 19, 2013 at 1:00 pm at the Bureau of Mines, 160 South Water Street, Frostburg, and received comments through June 26, 2013.

The Department has made a final determination to reissue this permit. This final determination includes changes made by the Department in response to comments received. Listed below are revisions included in the Department's final determination:

1. Delete Part I.C.8, which is the reference to construction storm water.
2. Preface Part I.E.6 with the statement "For persons directed by the Department to obtain an individual permit to achieve water quality protections".
3. Change Part I.F.2 to read "If the Department notifies the permittee of its intent to terminate permit coverage as a result of one of the conditions listed in Section F-1 above, the permittee must apply for an individual permit immediately. If there are periods of discharge between the notice to terminate the general permit and the effective date of the individual permit or the date that a permit is denied, the facility operator and owner are accountable for those discharges and any violations of state and federal law are subject to penalty as detailed in PART VI."
4. Remove "non-controlled surface mine drainage and mountaintop removal areas from list of authorized discharges in Part IV.B.1 and from Footnote F.
5. Remove Footnote e (regarding change of stream pH) from Part IV.B.1.
6. In Part IV.B.1: Footnote c (regarding manganese) change the beginning of the sentence from "Monitoring of" to "Monitoring and limitation of"
7. Change metals monitoring frequency to once per year to be consistent with the permit basis provided in the fact sheet for the tentative determination.
8. Two sections of Part IV were identified as "D." So Storm Water Runoff is now E, Wastewater operator Certification is now F, and Removed Substances is now G.
9. The Department has changed the opening paragraph of what was identified as Part IV.D to read "All construction and mining activity shall be in accordance with Best Management Practices (BMPs) to control storm water runoff including the conditions of the mining permit issued by the Maryland Department of the Environment and the Sediment and Erosion Control Plan approved by the Soil Conservation District. BMPs shall include treatment requirements, operating and maintenance procedures, prohibitions of activities, and other management practices to control runoff from the haul

roads and construction areas so as to prevent or reduce the contribution of pollutants to the waters of this State. The BMPs shall be addressed by completing a storm water pollution prevention plan (SWPPP) which shall be updated as necessary and available on site at all times.”

10. Insert “another general permit” back in Part I.H.4
11. Part IV.B.1, Footnote a: Change “equivalent to” to “equal to or greater than”
12. Typo in Part IV.B.1, Footnote i: Change “water weather” to “warm weather”
13. Part IV.B.1, on rows for specific conductance, chloride, sulfates, metals, and selenium, make the following changes:
 - a. Retain only first sentence of footnote “i” for specific conductance, chloride, and sulfates and replace “indicative discharge” to “measurable discharge.”
 - b. Transfer remaining text from “i” to “j” and specify monitoring frequency as one/year.
 - c. Require that metals be reported as both total and dissolved.
 - d. Identify selenium as total selenium.
14. Reduce temperature monitoring frequency for post closure areas to one per month.
15. In what was incorrectly identified as Part IV.D.2.c, change employee training frequency from twice per year to once per year.
16. In what was incorrectly identified as Part IV.D.2.f, add “Note: Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under CWA Section 311 (see 40 CFR 110.6 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC §9602. This permit does not relieve you of the reporting requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 relating to spills or other releases of oils or hazardous substances.”
17. Change the next to last sentence of what was incorrectly identified as Part IV.D.2.h to “The Department shall be notified of any significant (as defined in Part IV.E.2.f) oil spill or leak, via the Maryland Department of the Environment’s Emergency Spill Response number at (866) 633-4686.”
18. In Part VIII.C.3, after “24 hours” insert “of becoming aware of an upset.”
19. Change Part III.A.b.iii so that there is no mention of process wastewater or cooling water.
20. In Part I.E.5, change “shall be required” to “may be required”.
21. Add some text to effluent page Footnote g to clarify where the temperature mixing zone begins.

Any person adversely affected by this final determination may file a petition for judicial review. Petitions for judicial review of a final determination or permit decision subject to judicial review must be filed in accordance with §1-605 of the Environment Article no later than Tuesday, April 22,2014 (30 days following publication by the Department of this notice of final determination), and must be filed in a circuit court in Maryland. Petitions for judicial review must conform to the applicable Maryland Rules of Civil Procedure. Failure to file a petition for judicial review by Tuesday, April 22,2014 will constitute a waiver of any right to a judicial review of this final determination.

To view and print the final permit, go to the Department’s website. Follow this link - [Coal Mine General Permit](#).

Any questions regarding this final determination should be directed to Robert Pudmericky or Michael Richardson at the Maryland Department of the Environment, Water Management Administration, at rob.pudmericky@maryland.gov or michael.richardson@maryland.gov or by telephone at 410-537-3323 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday