



State of Mississippi
Mississippi Department of Environmental Quality (MDEQ)



MINING STORM WATER, DEWATERING, and NO DISCHARGE GENERAL PERMIT

THIS CERTIFIES THAT

FACILITIES OR PROJECTS ISSUED A CERTIFICATE OF PERMIT COVERAGE UNDER THIS PERMIT ARE GRANTED PERMISSION TO DISCHARGE STORM WATER ASSOCIATED WITH MINING AND MINE DEWATERING ACTIVITIES INTO STATE WATERS IN ACCORDANCE WITH THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES); IN ADDITION RECIRCULATION SYSTEMS WITH NO DISCHARGE ARE ALSO AUTHORIZED

in accordance with effluent limitations, inspection requirements and other conditions set forth in herein. This permit is issued in accordance with the provisions of the Mississippi Water Pollution Control Law (Section 49-17-1 et seq., Mississippi Code of 1972), and the regulations and standards adopted and promulgated thereunder, and under authority granted pursuant to Section 402(b) of the Federal Water Pollution Control Act.

Mississippi Environmental Quality Permit Board

Authorized Signature

Mississippi Department of Environmental Quality

Issued:

Permit No. MSR32

Expires:

*****DRAFT MDEQ PERMIT*****

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Mining General Permit
Table of Contents

ACT1 (Mining) Introduction:	
Narrative Requirements	
Introduction.....	1
Surface Mining and Reclamation Applicability.....	1
ACT2 (Mining) Permit Applicability and Coverage:	
Narrative Requirements	
Permit Area.....	2
Eligibility.....	2
Allowable Non-Storm Water Discharges.....	3
This Permit Does Not Authorize (storm water discharges not eligible for coverage).....	4
ACT3 (Mining) Obtaining Coverage:	
Submittal/Action Requirements	
Obtaining Authorization.....	5
Requiring an Individual Permit or Alternative General Permit.....	5
How to Obtain Recoverage Under the Reissued Permit.....	6
ACT4 (Mining) Notice of Intent (MNOI):	
Submittal/Action Requirements	
MNOI Submittal.....	7
Required Submittals with the MNOI.....	7
Facility Expansion and/or Modification Notification.....	8
Additional Notification.....	8
Additional Submittals Required with the MNOI May Include.....	9
Narrative Requirements	
Where to Obtain the MNOI Forms.....	10
Where to Submit the MNOI.....	10
Failure to Notify.....	10
ACT5 (Mining) Storm Water Pollution Prevention Plan (SWPPP) Development and Content:	
Narrative Requirements	
SWPPP Development.....	11
Erosion and Sediment Controls.....	12
Non-Storm Water Discharge Management.....	14
Implementation of Controls.....	14
Implementation Sequence.....	14
Maintenance and Monthly Inspections.....	14
Housekeeping Practices.....	15

Mining General Permit
Table of Contents

ACT6 (Mining) SWPPP Implementation Requirements:	
Submittal/Action Requirements	
SWPPP Implementation Requirements.....	16
Requirement to Identify Mine Boundaries	17
SWPPP Compliance with Local Storm Water Ordinances	17
ACT7 (Mining) Site Inspection and SWPPP Evaluation:	
Submittal/Action Requirements	
Inspection Requirements.....	18
ACT8 (Mining) Recordkeeping Requirements:	
Recordkeeping Requirements	
Records Retention	19
Monthly Inspection Documentation.....	19
ACT9 (Mining) Water Quality and Buffer Zone Requirements:	
Limitation Requirements	
Non-Numeric Limitation Requirements.....	20
Buffer Zone Requirements for Mining Activities	20
ACT10 (Mining) Mining Activities Considered “Exempt Operations”	
Narrative Requirements	
Where to Obtain the “Notice of Exempt Operations” Form	21
ACT11 (Mining) Wastewater Recirculation Systems with No Discharge to Surface Waters:	
Narrative Requirements	
Eligibility	22
Removed Substances	22
Power Failures.....	22
Structural Integrity.....	23
ACT12 (Mining) Mine Dewatering:	
Submittal/Action Requirements	
Reporting	24
Narrative Requirements	
Eligibility	24
Erosion and Sediment Controls	24
Monitoring Requirements for Mine Dewatering.....	25
Recordkeeping Requirements	
Recordkeeping Requirements for Mine Dewatering	25
Limitations and Monitoring Requirements for Mine Dewatering (Table 1)	26

Mining General Permit
Table of Contents

ACT13 (Mining) Personnel Training Requirements	
Submittal/Action Requirements	
Training Documentation	27
Training Program Requirements.....	27
ACT14 (Mining) Termination of Permit Coverage:	
Submittal/Action Requirements	
Termination of Coverage	28
ACT15 (Mining) Standard Requirements Applicable To All Water Permits	
Narrative Requirements	
Duty to Comply.....	29
Duty to Mitigate	29
Duty to Provide Information	29
Signatory Requirements.....	30
Duly Authorized Representative.....	31
Changes in Authorization.....	31
Certification	31
Oil and Hazardous Substance Liability	31
Property Rights.....	32
Severability	32
Transfers.....	32
Proper Operation and Maintenance.....	32
Bypass Prohibition.....	33
Upset Conditions	33
Inspection and Entry.....	33
Permit Actions.....	34
Anticipated Noncompliance	34
Unanticipated Noncompliance	34
Reopener Clause.....	34
Permit Modification.....	34
Continuation of Expired General Permit	35
Falsifying Reports	35
Civil and Criminal Liability	35
ACT16 (Mining) Definitions:	36

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ACT1 (Mining) Introduction:

Narrative Requirements:

Condition No.	Condition
T-1	INTRODUCTION: Subject to regulation and compliance with the conditions set forth, this Mining Storm Water, Dewatering, and No Discharge General Permit (Mining General permit) authorizes mining storm water and dewatering discharges and operation of wastewater recirculation systems with no discharge. This permit also authorizes storm water discharges from other mining activities, designated by the Executive Director, based on the potential for contribution to an excursion of a water quality standard or for significant contribution of pollutants to waters of the State. National Pollutant Discharge Elimination System (NPDES) storm water discharge permits will be required for discharges associated with mining activities, listed in 40 CFR 122.26 (b) (14) (iii), that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw materials, intermediate products, finished products, byproducts or waste products located on the site. Storm water discharges that enter waters of the State or storm water conveyance systems leading to waters of the State are subject to regulation and compliance with the conditions set forth in this permit. This permit replaces the previous Mining Storm Water General Permit that expired on August 31, 2017. Dewatering discharges include the pumping, draining or removing of water that is impounded or that collects in the mine. If such impounded water is commingled with process generated wastewater, the mixture shall be managed and permitted as process generated wastewater. Wastewater recirculation systems with no discharge include wash operations with closed loop recirculation systems with no discharge of wastewater and hydraulic dredge operations with closed loop recirculation systems with no discharge of dredge wastewater. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	SURFACE MINING AND RECLAMATION APPLICABILITY: Application for coverage under this permit may also serve as notification that the proposed mining is an "Exempt Operation" as defined by Mississippi's Surface Mining and Reclamation Rules and Regulations. Non-exempt surface mining operations shall require an Office of Geology Mining Permit, issued in accordance with the Mississippi Surface Mining and Reclamation Rules and Regulations. Mining operations shall be subject to the prohibitions on mining in certain areas, known as Lands Unsuitable for Surface Mining, contained in Miss. Code Ann. Sections 53-7-49 and 53-7-51 and Chapter 4 of the Mississippi Surface Mining and Reclamation Rules and Regulations In addition to the requirements of this permit, any person engaging in mining operations in the State of Mississippi shall be required to conform to and comply with all applicable provisions of the Mississippi Surface Mining and Reclamation Rules and Regulations under the Authority of Miss. Code Ann Section 53-7-11, et seq. The definitions and provisions contained in the Mississippi Surface Mining and Reclamation Rules and Regulations (February 2010) and the Wastewater Regulations for National Pollutant Discharge Elimination System (NPDES) Permits, Underground Injection Control (UIC) Permits, State Permits, Water Quality Based Effluent Limitations and Water Quality Certification shall be applied in interpreting any provision of this permit. [11 Miss. Admin. Code Pt. 6, Ch. 1. and 11 Miss. Admin. Code Pt. 8, Ch. 1.]

ACT2 (Mining) Permit Applicability and Coverage:

Narrative Requirements:

Condition No.	Condition
T-1	PERMIT AREA: The Mining General Permit covers all areas of the State of Mississippi. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	ELIGIBILITY: (1) This permit may cover discharges composed of storm water, impounded water (mine dewatering) from active and inactive mining operations, and wastewater recirculation systems with no discharge. This permit may cover all new, existing, and abandoned mining facilities in the State of Mississippi, which include, but are not limited to, Standard Industrial Classifications (SIC) 1442-Construction Sand and Gravel, (SIC) 1453-Fire Clay-Manufacturing, (SIC) 1455-Kaolin and Ball Clay, or (SIC) 1459-Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified. (2) ACTs 1 through 9 and 13 through 16 of this permit apply to all covered discharges. The ACTs listed below are applicable to specific mining activities and must be followed in addition to the requirements of ACTs 1 through 9 and 13 through 16 of this permit. ACT10 - Mining Activities Considered "Exempt Operations" ACT11 - Wastewater Recirculation Systems with No Discharge ACT12 - Mine Dewatering (3) A facility is eligible for coverage under this permit for discharges of pollutants of concern to water bodies for which there is a Total Maximum Daily Load (TMDL) established or approved by EPA if measures and controls are incorporated that are consistent with the assumptions and requirements of such TMDL. To be eligible for coverage under this permit, the facility must incorporate in the SWPPP and/or effluent limitation any conditions applicable to any discharge(s) necessary for consistency with the assumptions and requirements of such TMDL. If, after coverage issuance, a specific waste load allocation is established that would apply to the facility's discharge, the facility must implement steps necessary to meet that allocation within three (3) months from the final TMDL approval date. MDEQ's approved TMDL list may be found at the link listed in paragraph (4) below. In addition, MDEQ's "Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas (Three Volumes)" identifies specific controls that may be used to address consistency with any applicable TMDLs. The manual can be found at: http://www.deq.state.ms.us/MDEQ.nsf/page/epd_epdgeneral. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT2 (continued):

Narrative Requirements:

Condition No.	Condition
T-3	(4) A project is eligible for coverage under this general permit for discharges of storm water to impaired water bodies on MDEQ's 303(d) list, provided best management practices (BMPs) are employed that prohibit further impairment of the designated and/or existing beneficial uses in the receiving water body. To be eligible for coverage under this general permit, the owner/operator must indicate on the MNOI that the project discharges to a 303(d) listed receiving water and incorporate appropriate BMPs in its SWPPP. MDEQ's 303(d) list of impaired water bodies may be found on MDEQ's website at: http://www.deq.state.ms.us/MDEQ.nsf/page/TWB_Total_Maximum_Daily_Load_Section. (5) Allowable Non-Storm Water Discharges: - Water line flushing - Landscape irrigation - Diverted stream flows - Uncontaminated pumped ground water - Discharges from potable water sources - Uncontaminated air conditioning or compressor condensate and coil wash water with no detergents or additives - Footing drains - Flows from riparian habitats and wetlands - Dust suppression water - Discharges or flows from fire fighting activities - Fire hydrant flushings - External building or vehicle wash downs which do not use detergents

As noted in ACT5, T-5, the above non-storm water discharges should be eliminated or reduced to the extent feasible. The Permit Board staff will review the above discharges on a case by case basis and may require the coverage recipient to apply for and obtain either an individual or an alternative general NPDES permit as provided in ACT3, S-2. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT2 (continued):

Narrative Requirements:

Condition No.	Condition
T-4	THIS PERMIT DOES NOT AUTHORIZE: (1) Discharges which result in violation of State Water Quality Standards. (2) Discharges which include mine process generated wastewater or wastewater associated with dredging and/or washing operations are not covered under this permit. [11 Miss. Admin. Code Pt. 6, Ch. 1.] (3) Activities that affect waters of the State, including wetlands, without obtaining the necessary U.S. Army Corps of Engineers (COE) approval. This may include a COE individual Section 404 permit or coverage under a COE nationwide or general permit. . Appropriate documentation must be submitted with the Mining Notice of Intent (MNOI). (4) Discharges or discharge-related activities that are likely to jeopardize the continued existence of any species that is listed as endangered or threatened under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is designated as critical under the ESA. Coverage under this permit is available only if the regulated entity's storm water and dewatering discharges, allowable non-storm water discharges, and discharge-related activities are not likely to jeopardize the continued existence of any species that is listed as endangered or threatened ("listed") under the ESA or result in the adverse modification or destruction of habitat that is designated as critical under the ESA ("critical habitat"). Submission of a signed MNOI, or County Utility Authority approval, if applicable, will be deemed to constitute the regulated entity's certification of eligibility. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-5	Mining operations that collect all the storm water that has come in contact with any overburden, raw material, intermediate products, finished products, byproducts or waste products and does not discharge that storm water shall not be required to submit an MNOI. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT3 (Mining) Obtaining Coverage:**Submittal/Action Requirements:**

Condition No.	Condition
S-1	OBTAINING AUTHORIZATION: (1) Owners and/or operators desiring coverage associated with mining activity under this permit must submit a Mining Notice of Intent (MNOI) and other required submittals in accordance with the requirements of this permit. Beginning December 21, 2020, applicants must submit the MNOI electronically as required by 40 CFR 127.16. (2) Upon review of the Mining Notice of Intent (MNOI), MDEQ staff may recommend that coverage not be granted, modifications to the SWPPP be made, and/or an alternate permit would be more appropriate. The MDEQ staff recommendations may be brought before the Mississippi Environmental Quality Permit Board (Permit Board) for review and consideration at a regularly scheduled meeting or at a special meeting at its discretion. (3) Coverage under this permit will not be granted until all other required MDEQ permits, certifications and approvals are satisfactorily addressed. (4) Owners or operators are authorized to discharge storm water and impounded water associated with mining or operate a wastewater recirculation system with no discharge under the terms and conditions of this permit only upon receipt of written notification of approval of coverage by the Permit Board staff. Discharges without written notification of coverage under this permit, issuance of an individual National Pollutant Discharge Elimination System (NPDES) Permit, or a State No Discharge Permit constitutes a violation of the Mississippi Air and Water Pollution Control Law (Miss. Code Ann. Section 49-17-29(2)(b)). [11 Miss. Admin. Code Pt. 6, Ch. 1.]
S-2	REQUIRING AN INDIVIDUAL PERMIT OR ALTERNATIVE GENERAL PERMIT: (1) The Permit Board may require any coverage recipient to apply for and obtain either an individual or an alternative general NPDES permit. Any interested person may petition the Permit Board to take action under this paragraph. The Permit Board may require any coverage recipient to apply for an individual NPDES permit only if the owner or operator has been notified in writing. Such notice shall include reasons for the Permit Board's decision, an application form, and a filing deadline. The Permit Board may grant additional time at its discretion, upon request. If a coverage recipient fails to submit a requested application in a timely manner, coverage under this permit will automatically terminate at the end of the day specified for application submittal. (2) Any coverage recipient may request to be excluded from permit coverage by applying for an individual permit or coverage under another general permit. The applicant shall submit an individual application (EPA Forms 1 and 2D for new discharges, EPA Forms 1 and 2C for existing discharges, EPA Forms 1 and 2F for storm water discharges) or appropriate general permit Notice of Intent Form. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT3 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-3	(3) Coverage under this permit is automatically terminated on the issuance date of the respective alternative individual permit or general permit coverage. When the request for an alternative individual permit or general permit coverage is denied, coverage under this permit continues unless terminated by the Permit Board. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
S-4	HOW TO OBTAIN RECOVERAGE UNDER THE REISSUED PERMIT: If reissuance of this permit does not occur before its expiration date, continued coverage under this permit will be allowed until the effective date of the reissued general permit coverage. Once the Mining General Permit is reissued, active coverage recipients will receive a Recoverage Form with a Letter of Instruction. If a coverage recipient wishes to be covered by the reissued Mining General Permit, the Recoverage Form must be completed and returned to the MDEQ in accordance with the provisions of the Letter of Instruction. Resubmittal of the Storm Water Pollution Prevention Plan (SWPPP) is not required if the SWPPP is on-site or locally available, current and adequately addresses the sources of pollution at the facility. Some SWPPP's may require amendment to meet the conditions of the reissued general permit (i.e., modification of sediment basin outfall design). [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT4 (Mining) Mining Notice of Intent (MNOI):

Submittal/Action Requirements:

Condition No.	Condition
S-1	MNOI SUBMITTAL: Owners or operators desiring coverage under this permit must submit a Mining Notice of Intent (MNOI) Form with the required submittals at least 30 days prior to the anticipated commencement of regulated activities. The form can be submitted at least 15 days prior to the anticipated commencement of activities if the owner or operator has a previously approved Storm Water Pollution Prevention Plan on file with MDEQ and mine dewatering is not proposed. The appropriate section of the MNOI must be completed if the applicant proposes to discharge impounded mine water and/or operate a wastewater recirculation system with no discharge. Unless these specific sections are completed in full, general permit coverage is for the discharge of storm water only. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
S-2	REQUIRED SUBMITTALS WITH THE MNOI: Submittals required with a completed MNOI include a site-specific Storm Water Pollution Prevention Plan, developed in accordance with ACT5 of this permit and a United States Geological Survey (USGS) quadrangle map or color photocopy, extending at least one-half mile beyond the facility property boundaries with the site location and outfalls outlined, highlighted, or otherwise indicated. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT4 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-3	FACILITY EXPANSION AND/OR MODIFICATION NOTIFICATION: (1) Proposed facility or project expansion, production increases, process modifications, changes in discharge volume or location, or other changes in operations or conditions of the covered facility which may result in a new or increased discharge, which does not violate the limitations specified in the permit, shall be reported to the Permit Board by submitting a notice of new or increased discharge. This submission should be at least 30 days prior to the anticipated discharge. New or increased discharges shall not occur without written notification from MDEQ. (2) The following activities require the submittal of a "Major Modification Form for Mining General Permit " Form (see Mining Forms Package). -SWPPP details have been developed for subsequent phases of an existing coverage -Footprint identified in the original MNOI is proposed to be enlarged -Mine dewatering is proposed -Mine dewatering has been discontinued -Closed loop wash operations are proposed -Closed loop wash operations have been discontinued (3) Proposed expansion of an "Exempt Operation" beyond a total of four (4) acres being mined requires the filing of a Mining Permit Application Form (MRD-3) with the Office of Geology, Mining and Reclamation Division. (4) Proposed changes may require termination of the General Permit coverage or application for an individual permit. [11 Miss. Admin. Code Pt. 6, Ch. 1. and 11 Miss. Admin. Code Pt. 8, Ch. 1.]
S-4	ADDITIONAL NOTIFICATION: The coverage recipient must notify the Permit Board at least 30 days before any planned changes of ownership or whenever there are any changes in information and/or methods of operation described in a previous MNOI or Major Modification Form submittal. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT4 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-5	ADDITIONAL SUBMITTALS REQUIRED WITH THE MNOI MAY INCLUDE: (1) Appropriate Section 404 documentation from U.S. Army Corps of Engineers, (2) Appropriate documentation from the Office of Land & Water concerning dam construction and low flow requirements, and/or (3) A "Notice of Exempt Operations" Form must be submitted for new mining operations affecting four (4) acres or less and which are greater than 1320 feet from another mine. If this form has already been submitted to the Office of Geology, then include proof of submission with the MNOI. Notice of Exempt Operations Forms are contained in the Mining Forms Package or may be obtained from MDEQ at the address given in T-2 of this Activity, or from the MDEQ website at www.deq.state.ms.us. [11 Miss. Admin. Code Pt. 6, Ch. 1. and 11 Miss. Admin. Code Pt. 8, Ch. 1.]

ACT4 (continued):

Narrative Requirements:

Condition No.	Condition
T-1	WHERE TO OBTAIN THE MNOI FORMS: MNOI forms are contained in the Mining Forms Package or may be obtained from the MDEQ at the address shown below or by calling 601-961-5171. MNOI forms, as well as the general permit, may also be found on the MDEQ web site at http://www.deq.state.ms.us/MDEQ.nsf/pdf/epd_MiningFormsPackage. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	WHERE TO SUBMIT THE MNOI: Complete and appropriately signed MNOI Forms must be submitted to: Chief, Environmental Permits Division Mississippi Department of Environmental Quality Office of Pollution Control P.O. Box 2261 Jackson, Mississippi 39225 For priority or overnight deliveries, the physical address is: 515 East Amite Street Jackson, Mississippi 39201 [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-3	FAILURE TO NOTIFY: Persons who discharge storm water, impounded water or process wastewater associated with mining activity to waters of the State without an NPDES permit or who operate a wastewater recirculation system with no discharge without a State No Discharge permit are in violation of the Mississippi Air and Water Pollution Control Law (Miss. Code Ann. Section 49-17-29(2)(b)). [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT5 (Mining) Storm Water Pollution Prevention Plan (SWPPP) Development and Content:

Narrative Requirements:

Condition No.	Condition
T-1	SWPPP DEVELOPMENT: The owner or operator of a mining operation shall develop and implement a site-specific storm water pollution prevention plan (SWPPP). The SWPPP shall be developed with sound engineering and best management practices. The SWPPP shall identify all potential pollution sources that may affect the quality of storm water associated with mining. The SWPPP shall describe and ensure the implementation of best management practices, which will reduce pollutants in storm water discharges and assure compliance with the terms and conditions of this permit. The plan shall: (1) Be signed per ACT 15, T-4. (2) Be located at the mining site for which it was approved or locally available. (3) Provide for compliance with the terms of the plan upon commencement of mining activities. (4) Be submitted to the appropriate municipal or county authority upon request, if storm water from the mining site discharges into a municipal separate storm sewer system. (5) Be modified by the owner or operator if MDEQ staff determines it does not meet the requirements of this permit or it has been determined that the plan does not adequately protect waters of the State after commencement of mining operations. The owner or operator shall have thirty (30) days to modify the SWPPP and submit it to MDEQ after having been notified. The modified SWPPP shall be implemented after MDEQ notifies the owner or operator that the revised SWPPP is acceptable or coverage has been issued. (6) Be amended thirty (30) days prior to a change in the size, design, construction, operation, or maintenance of the mining facility. Any change to the size, design, construction, operation, or maintenance of the mining facility will be allowed only after the amended SWPPP has been approved and the owner or operator has been notified in writing by MDEQ. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT5 (continued):

Narrative Requirements:

Condition No.	Condition
T-2	EROSION AND SEDIMENT CONTROLS: The owner or operator shall design, install, and maintain controls in accordance with the standards set forth in the most recent edition of Mississippi's "Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas (Three Volumes) ," other recognized manuals for storm water controls design, or provide a design that has been certified by a Mississippi registered professional engineer. "Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas (Three Volumes)" can be accessed at http://www.deq.state.ms.us/MDEQ.nsf/page/epd_epdgeneral. These controls shall be appropriate for the mining activities, which may include but not be limited to removing, stockpiling, and restoring any overburden; removing, processing, stockpiling and shipping mined material; and storing or disposing of any waste product generated during the mining activity. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-3	The SWPPP shall list and describe site-specific controls appropriate for the mining/construction activities as well as the procedures for implementing such controls. Controls shall be designed, installed, and maintained to retain sediment on-site and to minimize the discharge of pollutants. If any of the below controls cannot be implemented on the site, the SWPPP must include written justification as to why site-specific constraints and/or costs make the control(s) infeasible. At a minimum, such controls must be designed, installed and maintained to: (1) Control storm water volume and velocity within the site to minimize soil erosion; (2) Control storm water discharges, including both peak flow rates and total storm water volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion; (3) Minimize the amount of soil exposed during mining activity; (4) Minimize the disturbance of steep slopes; (5) Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site; (6) Provide and maintain natural buffers around surface waters, direct storm water to vegetated areas to increase sediment removal and maximize storm water infiltration, unless infeasible (see buffer zone requirements in ACT9); (7) Minimize soil compaction and, unless infeasible, preserve topsoil; (8) Direct storm water to vegetated areas, brush barriers, silt fences, hay bales, etc. to aid in the filtration, infiltration, velocity reduction and diffusion of the discharge; (9) Transport runoff down steep slopes through lined channels or piping; (10) Minimize off-site vehicle tracking of sediments. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT5 (continued):

Narrative Requirements:

Condition No.	Condition
T-4	As a minimum, the controls must be in accordance with the standards set forth in the most current edition of the "Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas (Three Volumes)" or other recognized manual of design. The SWPPP shall address the following minimum components. (1) A scaled site map shall be prepared showing boundaries of property and proposed mining site, buffer zone compliance, original and proposed contours (if practicable), drainage patterns, adjacent receiving water bodies, north arrow, all erosion and sediment controls (vegetative and structural), and the location of housekeeping practices. (2) Vegetative practices shall be designed to preserve existing vegetation where possible and re-vegetate disturbed areas as soon as practicable after clearing, grading, excavating or other land disturbing activities. Such practices may include, but are not limited to, surface roughening, temporary seeding, permanent seeding, mulching, sod stabilization, vegetative buffer strips, protection of trees, and topsoil preservation. When a disturbed area not actively being mined will be left undisturbed for 30 days or more, the appropriate temporary or permanent vegetative practices shall be implemented within seven (7) calendar days. [11 Miss. Admin. Code Pt. 6, Ch. 1.] (3) Structural practices shall divert flows from exposed soils, store flows or otherwise limit runoff from exposed areas. Such practices may include, but are not limited to, construction entrance/exit, silt fences, earth dikes, brush barriers, drainage swales, check dams, subsurface drains, pipe slope drains, level spreaders, drain inlet protection, outlet protection, detention/retention basins, sediment traps, temporary sediment basins or equivalent sediment controls. Because mining is generally of long duration, temporary measures such as hay bales will not, as a stand alone practice, be accepted to satisfy structural requirements due to their associated high maintenance frequency. However, they may be used in conjunction with other structural practices, such as strengthening silt fences. (4) Construction exits (see Definition) shall be installed wherever traffic will be leaving a mining site and moving directly onto a paved public road. (5) Temporary (or permanent) sediment basins, if used, shall provide at least 3600 cubic feet (133 cubic yards) of storage per acre drained and shall be provided until final stabilization of the site. Sediment basins must be installed before major site grading and utilize outlet structures that withdraw water from the surface. (6) A description of post-mining control measures for "Exempt Operations." Post-mining control measures shall be installed to control pollutants in storm water after mining is complete. These controls include, but are not limited to, one or more of the following: on-site infiltration of runoff, flow attenuation using open vegetated swales and natural depressions, constructed wetlands, lakes, ponds and retention/detention structures. Velocity dissipation devices shall be placed at detention or retention pond outfalls and along the outfall channel to provide for a non-erosive flow. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT5 (continued):

Narrative Requirements:

Condition No.	Condition
T-5	NON-STORM WATER DISCHARGE MANAGEMENT: The SWPPP must identify any allowable non-storm water discharges, identified in ACT 2, T-3, except for flows from actual fire fighting, which are combined with storm water discharges associated with mining activity at the site. Non-storm water discharges should be eliminated or reduced to the extent feasible. The SWPPP must identify and ensure the implementation of appropriate Best Management Practices (BMPs) for the non-storm water component of the discharge. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-6	IMPLEMENTATION OF CONTROLS: The SWPPP shall require the owner/operator during mining preparation (e.g. clearing and grubbing) to implement controls necessary to mitigate erosion and adverse impacts to offsite areas and receiving streams. During and after mining, vegetative and structural practices shall be maintained as set forth in the approved SWPPP. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-7	IMPLEMENTATION SEQUENCE: The owner or operator shall prepare an implementation sequence which coordinates the timing of all major land-disturbing activities together with the necessary erosion and sedimentation control measures planned for the project. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-8	MAINTENANCE AND MONTHLY INSPECTIONS: The SWPPP shall describe procedures to maintain vegetation, erosion and sediment controls and other protective measures. Procedures shall provide that all erosion controls and outfalls/discharge points are inspected a minimum of once per month and after rain events in accordance with ACT7, S-1. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT5 (continued):

Narrative Requirements:

Condition No.	Condition
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T-9	HOUSEKEEPING PRACTICES:
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The owner or operator shall describe and list practices appropriate to prevent pollutants from entering storm water from mining sites due to poor housekeeping. The owner or operator shall:

- (1) Designate areas for equipment maintenance and repair
- (2) Provide waste receptacles at convenient locations
- (3) Provide regular collection of waste
- (4) Provide protected storage areas for chemicals, paints, solvents, fertilizers, and other potentially toxic materials
- (5) Provide adequately maintained sanitary facilities
- (6) Provide secondary containment around on-site fuel tanks
- (7) Implement spill and leak prevention practices and response procedures if spills and leaks do occur
- (8) Minimize the exposure of mining/construction materials and equipment

Releases into the environment of hazardous substances, oil, pollutants or contaminants which pose a threat to applicable water quality standards, or causes a film sheen or discoloration of waters of the State, shall be reported to the:

Mississippi Emergency Management Agency (601) 352-9100 or National Response Center 1-800-424-8802. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT6 (Mining) SWPPP Implementation Requirements:

Submittal/Action Requirements:

Condition No.	Condition
S-1	SWPPP IMPLEMENTATION REQUIREMENTS: The coverage recipient shall: (1) Implement the SWPPP and retain a copy of the SWPPP at the permitted site or locally available (see Definition). Failure to implement the SWPPP is a violation of permit requirements. A copy of the SWPPP must be made available to the MDEQ inspectors for review at the time of an on-site inspection. (2) Ensure that appropriate Best Management Practices (BMPs) are in place upon commencement of mining operations. (3) Amend the SWPPP if notified at any time by the Executive Director of MDEQ that the SWPPP does not meet the minimum requirements. A written certification must also be submitted to the Executive Director stating that the requested changes have been made. Unless otherwise provided, the requested changes shall be made within 15 days. (4) Amend the SWPPP whenever there is a change in design, construction, operation, or maintenance which may potentially affect the discharge of pollutants to waters of the State or if the SWPPP proves to be ineffective in controlling storm water pollutants. The amended SWPPP shall be submitted to MDEQ within 30 days of amendment. (5) Submit to MDEQ the Major Modification Form (see Mining Forms Package) for subsequent phases, expansions and modifications of mining development that are proposed but were not included in the original SWPPP. (6) Install needed erosion controls, even if they may be located in the way of subsequent activities. It shall not be an acceptable defense that controls were not installed because subsequent activities would require their replacement or cause their destruction. [11 Miss. Admin. Code Pt. 6, Ch. 1.] (7) Install additional and/or alternative erosion and sediment controls when existing controls prove to be ineffective in preventing sediment from leaving the site. (8) Minimize off-site vehicle tracking of sediments. (9) Comply with applicable State and local waste disposal, sanitary sewer or septic system regulations. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT6 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-2	(10) Maintain all erosion controls. Except for sediment basins, all accumulated sediment shall be removed from structural controls when sediment deposits reach one-third to one-half the height of the control. For sediment basins, accumulated sediment shall be removed when the capacity has been reduced by 50%. All removed sediment deposits shall be properly disposed. Non-functioning controls shall be repaired, replaced or supplemented with functional controls within 24 hours of discovery or as soon as field conditions allow. (11) Implement steps necessary to meet a specific wasteload allocation established subsequent to coverage issuance. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
S-3	REQUIREMENT TO IDENTIFY MINE BOUNDARIES: Boundaries of areas issued a Certificate of Coverage under this permit shall be marked and durable posts shall be placed at the corners of the coverage area. The posts shall be painted or flagged to be readily visible during the life of the operation. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
S-4	SWPPP COMPLIANCE WITH LOCAL STORM WATER ORDINANCES: (1) The SWPPP shall be in compliance with all local storm water ordinances. (2) When storm water discharges into a Municipal Separate Storm Sewer System (MS4), the coverage recipient shall make the SWPPP available to the local authority upon request. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT7 (Mining) Site Inspection and SWPPP Evaluation:

Submittal/Action Requirements:

Condition No.	Condition
S-1	INSPECTION REQUIREMENTS: The coverage recipient shall perform inspections of all receiving streams (if feasible), outfalls, erosion and sediment controls, and other SWPPP requirements upon receipt of coverage and throughout permit coverage: (1) At least monthly (2) Within 24 hours after commencement of a rainfall event equal to or greater than a 2-year, 24-hour storm event (approximately 6-inches on the Gulf Coast to 4 inches at the Mississippi-Tennessee State Line) (3) As necessary to ensure that erosion controls have been constructed, maintained, and function adequately to satisfy the requirements of this permit and to ensure that pollutants are not leaving the site. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT8 (Mining) Recordkeeping Requirements:

Recordkeeping Requirements:

Condition No.	Condition
R-1	RECORDS RETENTION: All records, reports, forms and information resulting from activities required by this permit shall be retained for a period of at least three (3) years from the date that the document(s) was (were) generated. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
R-2	MONTHLY INSPECTION DOCUMENTATION: Monthly inspections, as described in ACT 7, shall be documented on copies of the Site Inspection Report and Certification Form provided in the Mining Forms Package (or equivalent form) and be kept with the SWPPP. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT9 (Mining) Water Quality and Buffer Zone Requirements:

Limitation Requirements:

Condition No.	Condition
L-1	NON-NUMERIC LIMITATION REQUIREMENTS: Storm water discharges shall be free from: (1) Debris, oil, scum, and other floating materials other than in trace amounts, (2) Eroded soils and other materials that will settle to form objectionable deposits in receiving waters, (3) Suspended solids, turbidity, and color at levels inconsistent with the receiving waters, (4) Chemicals in concentrations that would cause violation of State Water Quality Criteria in the receiving waters. [11 Miss. Admin. Code Pt. 6, Ch. 2.]
L-2	BUFFER ZONE REQUIREMENTS FOR MINING ACTIVITIES: When a mining activity is adjacent to a stream, a buffer zone (natural or undisturbed greenbelt on the perimeter of a land disturbing activity) shall be maintained between the edge of the mining activity and the highest point of the top bank of the stream. The buffer zone shall not be disturbed by any mining activities. Mining activity includes, but is not limited to, extraction operations, stockpiling of overburden, fill dirt, or sand and gravel, and sedimentation ponds. The buffer zone requirements for mining activity adjacent to streams are as follows: (1) Intermittent Streams. Mining activities adjacent to intermittent streams shall normally have a 50-foot buffer zone. Intermittent streams will generally be indicated by a broken blue line on the latest version of the United States Department of the Interior Geological Survey Quadrangle Map (Scale 1:24,000, 7.5 minute series). (2) Perennial Streams. Mining activities adjacent to perennial streams shall normally have a 150-foot buffer zone. Perennial streams will generally be indicated by a solid blue line on the latest version of the United States Department of the Interior Geological Survey Quadrangle Map (Scale 1:24,000, 7.5 minute series). When a perennial stream is also classified as a navigable waterway, the requirements regarding navigable waterways shall be applied. (3) Navigable Waterways. Mining activities adjacent to navigable waterways shall normally have a 300-foot buffer zone. Navigable waterways are defined and designated by the U. S. Army Corps of Engineers pursuant to Section 10 of the Rivers and Harbors Act. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT10 (Mining) Mining Activities Considered "Exempt Operations":

Narrative Requirements:

Condition No.	Condition
T-1	WHERE TO OBTAIN THE "NOTICE OF EXEMPT OPERATIONS" FORM: The form may be found in the Mining Forms Package or may be obtained by calling 601-961-5171. It may also be found on the MDEQ web site at http://www.deq.state.ms.us/mdeq.nsf/pdf/epd_MiningFormsPackage. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	Mining operations that are considered exempt from obtaining an Office of Geology Surface Mining Permit must submit a "Notice of Exempt Operations" with the MNOI or proof of previous submittal to the Office of Geology. To be considered an "Exempt Operation" under the Mississippi Surface Mining Reclamation Rules and Regulations, the operation must meet the following definition: A mining operation with an area equal to or less than four (4) acres and is greater than one thousand three hundred and twenty (1320) feet from any other affected area if: (1) The operation began before July 1, 2002, and the operator notified the Department of the commencement, expansion or resumption of the operation before July 1, 2002; or (2) The operation commenced after July 1, 2002, and the operator notified the Department at least seven (7) calendar days before commencement or expansion of the operation. The seven day notice prior to mining requirement shall be waived and the operator may begin mining immediately after notifying the Department [if all applicable permits and permit coverages have been obtained] and if: (A) The operator agrees, in the notification, to reclaim the mine site in accordance with the minimum standards adopted by the Mississippi Commission on Environmental Quality (Commission); or (B) The exempted operation is conducted for Mississippi Department of Transportation (MDOT) projects or state aid road construction projects funded in whole or in part by public funds. [11 Miss. Admin. Code Pt. 8, Ch. 1.]

ACT11 (Mining) Wastewater Recirculation Systems with No Discharge to Surface Waters:

Narrative Requirements:

Condition No.	Condition
T-1	ELIGIBILITY: Mining activities that operate one of the following processes are subject to the requirements listed below, in addition to the applicable requirements of ACTs 1 through 9 and 13 through 16 of this permit: (1) Wash operations with closed loop recirculation system and no discharge of wash wastewater (2) Hydraulic dredge operation with closed loop recirculation system and no discharge of dredge wastewater (3) Combination of processes (1) and (2) above. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	REMOVED SUBSTANCES: Solids, sludges, filter backwash, or other residuals removed in the course of treatment or control of wastewater shall be disposed of in a manner such as to prevent such materials from entering waters of the State and in a manner consistent with the Mississippi Solid Waste Disposal Act, the Federal Resource Conservation and Recovery Act, and the Mississippi Water Pollution Control Act. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-3	POWER FAILURES: If electric power is required to maintain compliance with the conditions and prohibitions of the permit, the coverage recipient shall either: (1) Provide an alternative power source to operate the wastewater control facilities; or (2) Halt, reduce, or otherwise control production and/or all wastewater flows upon reduction, loss, or failure of the primary source of power to the wastewater control facilities. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT11 (continued):

Narrative Requirements:

Condition No.	Condition
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T-4 STRUCTURAL INTEGRITY:

(1) Any lagoon, sedimentation pond, or dredge pit must have an emergency discharge structure installed at least 24 inches above the normal operating fluid level, with said discharge structure being at least 24 inches below the lowest point on the top of the containment dike.

(2) Dikes, levees and any other appurtenant structures must be constructed utilizing good engineering designs, standards, methodologies and materials. A professional engineer, registered in the State of Mississippi, shall certify the adequacy of construction.

(3) Dikes or levees shall be maintained in good working order at all times. There shall be no leaks through dikes and any damaged dike shall be replaced or repaired immediately upon discovering any deficiency. All earthen dikes shall be maintained with adequate cover, such that the effects of erosion are minimized.

(4) Dams and levees must be constructed within the guidelines of the Dam Safety Regulations, 11 Miss. Admin. Code Pt. 7, Ch. 3. unless the dam meets the exemption criteria as outlined in Rule 3.2.B(2)(a)-(c) of said regulations. Prior to coverage being granted under this permit, authorization to construct must be issued for dams or levees not meeting the exemption criteria. Please be aware that a dam or levee meeting the exemption criteria but having the potential to threaten downstream lives or man-made structures must also contact the Dam Safety Division.

(5) The coverage recipient shall develop and maintain a daily inspection log for this facility. This log should include but not be limited to the following;

- (A) Condition of all dikes or levees
- (B) Observance of the area around the dike to indicate any water pollution problems
- (C) Volume of wastewater accumulating within the impoundment
- (D) Date, time and person making the inspection
- (E) An indication that:
 - Follow-up action is required
 - No Follow-up action is required. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT12 (Mining) Mine Dewatering:

Submittal/Action Requirements:

Condition No.	Condition
S-1	REPORTING: The coverage recipient shall submit analytical results of monitoring conducted according to the provisions of T-3 of this ACT on a Discharge Monitoring Report (DMR) due annually by the 28th of January. DMRs shall be submitted electronically using the MDEQ NetDMR system (ref. NPDES Electronic Reporting Rule promulgated at 40 CFR 127 on October 22, 2015). Instructions for NetDMR registration can be found on MDEQ's website at: http://www.deq.state.ms.us/MDEQ.nsf/page/NetDMR_NetDMRClassroomTraining. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

Narrative Requirements:

Condition No.	Condition
T-1	ELIGIBILITY: This permit allows discharges of "mine dewatering", as defined in ACT16, subject to the following conditions and the applicable requirements of ACTs 1 through 9 and 13 through 16 of this permit. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	EROSION AND SEDIMENT CONTROLS: All water shall be discharged to well-vegetated and/or stabilized areas in a manner to prevent erosion of materials and soils into surface waters. This BMP shall be located on the site map required by ACT5, T-4. The intake of dewatering devices should draw from the upper third of the water column to minimize solids in the discharge. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT12 (continued):

Narrative Requirements:

Condition No.	Condition
T-3	MONITORING REQUIREMENTS FOR MINE DEWATERING: (1) Frequency and Location of Monitoring. The coverage recipient shall monitor the effluent for pH in accordance with Table 1 in this ACT by collecting grab samples at least once every 12 months after permit issuance. Samples should be collected at the nearest point after discharge, but prior to mixing with any non-mine water or mixing with the receiving stream. (2) Representative Sampling. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored wastewater. (3) Test Procedures. Sampling test procedures shall be in accordance with the methods set forth in 40 CFR Part 136. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

Recordkeeping Requirements:

Condition No.	Condition
R-1	RECORDKEEPING REQUIREMENTS FOR MINE DEWATERING: Recording of Results. For each measurement or sample taken pursuant to the requirements of this permit, the coverage recipient shall retain records for a minimum of three (3) years of all information obtained from such monitoring including: (1) The exact place, date and time of sampling (2) The dates and times the analyses were performed (3) The person(s) who performed the analyses (4) The analytical techniques, procedures or methods used (5) The results of all required analyses If the coverage recipient monitors any pollutant as prescribed in the permit more frequently than required by the permit using test procedures approved under 40 CFR Part 136, the results of this monitoring shall be recorded according to the above provisions and included in any determinations of facility compliance status. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

Table 1: Limitations and Monitoring Requirements for Mine Dewatering**RPNT0000000001: Mining**

Such discharges shall be limited and monitored by the coverage recipient as specified below:

Parameter	Discharge Limitations							Monitoring Requirements		
	Quantity / Loading Average	Quantity / Loading Maximum	Quantity / Loading Units	Conc. / Quality Minimum	Conc. / Quality Average	Conc. / Quality Maximum	Conc. / Quality Units	Frequency	Sample Type	Which Months
<i>pH Effluent</i>	*****	*****	*****	6.0 Minimum	*****	9.0 Maximum	SU	Annually	Grab Sampling	Jan-Dec

ACT13 (Mining) Personnel Training Requirements:

Submittal/Action Requirements:

Condition No.	Condition
S-1	TRAINING DOCUMENTATION: Personnel training conducted to meet the requirements of this ACT shall be documented. Training records shall include employee's name, worker identification number, date of training, contents of training, and the employee's signature acknowledging that training was received. All training records shall be maintained for at least three years from the date of training. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
S-2	TRAINING PROGRAM REQUIREMENTS: The coverage recipient shall develop and implement a program for initial and periodic refresher training of personnel that are responsible for implementing and/or complying with the requirements of this permit. Initial training for all personnel that are responsible for implementing and/or complying with the requirements of this permit shall be performed within twelve (12) months of issuance of coverage or recoverage under this permit. Newly hired employees responsible for implementing and/or complying with the requirements of this permit shall receive initial training prior to performing such responsibilities. Training shall at a minimum address, but not be limited to, the following elements: (1) SWPPP goals and plan components identified in ACTs 5 through 7 of this permit, including: (A) Housekeeping and pollution prevention requirements, (B) Spill prevention and response procedures, (C) Installation, maintenance and inspection of erosion and sediment controls Best Management Practices (BMPs). (2) Procedures for monitoring compliance with mine dewatering requirements as prescribed in ACT 12 (if applicable); (3) Procedures to ensure compliance with the “no discharge” requirement of ACT11 (if applicable); (4) Recordkeeping, reporting and record retention requirements (includes understanding the records filing system and being able to produce the required permit documentation during an MDEQ on-site inspection). [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT14 (Mining) Termination of Permit Coverage:**Submittal/Action Requirements:**

Condition No.	Condition
S-1	TERMINATION OF COVERAGE: Coverage shall be terminated at the request of the coverage recipient only after mining activities have permanently stopped, vegetation has been successfully established, and any permanent controls are stable. Inspections must continue until such time the coverage recipient has received written notice of coverage termination by MDEQ. (1) For non-exempt mining operations, a complete Request For Termination (RFT) of Coverage Form (see Mining Forms Package) and a copy of the Permit Board Order, authorizing 90% or final release of the mining performance bond, shall be submitted to MDEQ. (2) For exempt mining operations, within 30 days of final stabilization (see Definition of Final Stabilization in ACT16) for a covered site, a completed Request For Termination (RFT) of Coverage Form (provided in the Mining Forms Package) shall be submitted to the Permit Board. Upon receiving the completed RFT, the MDEQ staff will inspect the site. If no sediment and erosion control problems are identified and adequate permanent controls are established, the owner or operator will receive a termination letter. Coverage is not terminated until notified in writing by MDEQ. Failing to submit a RFT is a violation of permit conditions. Beginning December 21, 2020, the RFT must be submitted electronically as required by 40 CFR 127.16. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT15 (Mining) Standard Requirements Applicable to All Water Permits:

Narrative Requirements:

Condition No.	Condition
T-1	DUTY TO COMPLY: The coverage recipient must comply with all conditions of this permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action, coverage termination, revocation and reissuance, or modification, or denial of a renewal application. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	DUTY TO MITIGATE: The owner or operator shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which is likely to adversely affect human health or the environment. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-3	DUTY TO PROVIDE INFORMATION: The owner or operator shall furnish to the Permit Board, within a reasonable time, any relevant information which the Permit Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating coverage, or to determine compliance with this permit. The owner or operator shall also furnish to the Permit Board, upon request, copies of records required to be kept by this permit. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT15 (continued):

Narrative Requirements:

Condition No.	Condition
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T-4 SIGNATORY REQUIREMENTS:

All MNOIs, Requests for Recoverage, Major Modification Forms, Requests for Transfer, and Requests for Termination shall be signed as follows:

(1) For a corporation by a responsible corporate officer. For this permit, a responsible corporate officer means:

(A) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(B) The manager of one or more manufacturing, production or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

Note: MDEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in paragraph (1)(A) above. The Department will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Permit Board to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under paragraph (1)(B) above rather than to specific individuals.

(2) For a partnership or sole proprietorship by a general partner or the proprietor, respectively; or

(3) For a municipal, State, Federal, or other public agency by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: a) the chief executive officer of the agency, or b) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT15 (continued):

Narrative Requirements:

Condition No.	Condition
T-5	DULY AUTHORIZED REPRESENTATIVE: All SWPPPs, reports required by this permit, certifications, and other information requested by the Permit Board shall be signed by a person described in ACT 15, T-4 above, or by a duly authorized representative of that person. A person is a duly authorized representative when: (1) The authorization is made in writing and submitted to the Permit Board by a person described in ACT 15, T-4 above. (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated activity, such as: manager, operator of a well or well field, superintendent, person of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may be either a specified individual or position). [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-6	CHANGES IN AUTHORIZATION: If an authorization is no longer accurate because a different individual or position has permit responsibility, a new authorization satisfying the requirements of ACT 15, T-4 and T-5 must be submitted to the Permit Board prior to or together with any reports, information or applications signed by the representative. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-7	CERTIFICATION: Any person signing documents under this section shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-8	OIL AND HAZARDOUS SUBSTANCE LIABILITY: Nothing in this permit shall relieve the owner or operator from responsibilities, liabilities, or penalties under Section 311 of the Federal Clean Water Act (33 U.S.C. Section 1321). [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT15 (continued):

Narrative Requirements

Condition No.	Condition
T-9	PROPERTY RIGHTS: The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-10	SEVERABILITY: The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is challenged or held invalid, the validity of the remaining permit provisions and/or portions thereof or their application to other persons or sets of circumstances, shall not be affected thereby. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-11	TRANSFERS: Coverage under this permit is not transferable to any person except after notice to and approval by the Permit Board. The Permit Board may require the coverage recipient to obtain another NPDES permit. Transfer of coverage requests shall be submitted to the Permit Board using the form provided in the Mining Forms Package. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-12	PROPER OPERATION AND MAINTENANCE: The owner or operator shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the owner or operator to achieve compliance with the conditions of this permit, including the Storm Water Pollution Prevention Plan. Proper operation and maintenance includes adequate laboratory controls with appropriate quality assurance procedures and requires the operation of backup or auxiliary facilities when necessary to achieve compliance with permit conditions. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT15 (continued):

Narrative Requirements:

Condition No.	Condition
T-13	BYPASS PROHIBITION: Bypass (see 40 CFR 122.41(m)) is prohibited and enforcement action may be taken against an owner or operator for a bypass, unless: a) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; b) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime (this condition is not satisfied if the owner or operator should, in the exercise of reasonable engineering judgment, have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance); and c) the owner or operator submitted notices per ACT 15, T-17 and/or T-18. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-14	UPSET CONDITIONS: An upset (see 40 CFR 122.41(n)) constitutes an affirmative defense to an action brought for noncompliance with technology-based permit limitations if a coverage recipient shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that: 1) an upset occurred and the coverage recipient can identify the specific cause(s) of the upset; 2) the permitted facility was at the time being properly operated at the time of the upset; 3) the coverage recipient submitted notices per ACT 15, T-17 and/or T-18; and 4) the coverage recipient took remedial measures as required under ACT 15, T-2. In any enforcement proceeding, the coverage recipient has the burden of proof that an upset occurred. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance is initiated, will be considered a final administrative action subject to judicial review. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-15	INSPECTION AND ENTRY: The owner or operator shall allow the Permit Board staff or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to: (1) Enter upon the owner's or operator's premises where a regulated activity is located or conducted or where records must be kept under the conditions of this permit; (2) Have access to and copy at reasonable times any records that must be kept under the conditions of this permit; and (3) Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and (4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT15 (continued):

Narrative Requirements:

Condition No.	Condition
T-16	PERMIT ACTIONS: This permit may be modified, revoked and reissued, or terminated for cause. A request by the owner or operator for permit or coverage modification, revocation and reissuance, or termination, or a certification of planned changes or anticipated noncompliance does not stay any permit condition. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-17	ANTICIPATED NONCOMPLIANCE: The owner or operator shall give at least 10 days advance notice, if possible, before any planned noncompliance with permit requirements. Giving notice of planned or anticipated noncompliance does not immunize the coverage recipient from enforcement action for that noncompliance. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-18	UNANTICIPATED NONCOMPLIANCE: The owner or operator shall notify MDEQ orally within 24 hours from the time he or she becomes aware of unanticipated noncompliance, which may endanger health or the environment. A written report shall be provided to MDEQ within five (5) working days of the time he or she becomes aware of the circumstances leading to the unanticipated noncompliance. The report shall describe the cause, the exact dates and times, steps taken or planned to reduce, eliminate, or prevent reoccurrence and, if the noncompliance has not ceased, the anticipated time for correction. MDEQ may waive the written report on a case-by-case basis, if the oral report is received within 24 hours. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-19	REOPENER CLAUSE: If there is evidence indicating potential or realized impacts on water quality due to discharges covered by this permit, the owner or operator may be required to obtain an individual permit or an alternative general permit in accordance with ACT 3, S-2, or the permit may be modified to include different limitations and/or requirements. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-20	PERMIT MODIFICATION: Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT15 (continued):

Narrative Requirements:

Condition No.	Condition
T-21	CONTINUATION OF EXPIRED GENERAL PERMIT: If this permit is not reissued prior to the expiration date, it will be administratively continued and remain in force and effect. Permit coverage will remain until the earliest of: (1) Recoverage under the reissued general permit; (2) Submittal of a Request for Termination and receipt of written concurrence; (3) Issuance of an individual permit for the project's discharge; or (4) A formal permit decision by the Permit Board to not reissue the general permit, at which time the coverage recipient must seek coverage under an alternative general permit or an individual permit. [11 Miss. Admin. Code Pt. 6, Ch. 1]
T-22	FALSIFYING REPORTS: Any coverage recipient who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required by the Permit Board to be maintained as a condition in a permit, or who alters or falsifies the results obtained by such devices or methods and/or any written report required by or in response to a permit condition, shall be deemed to have violated a permit condition and shall be subject to the penalties provided for a violation of a permit condition pursuant to Miss. Code Ann. Section 49-17-43. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-23	CIVIL AND CRIMINAL LIABILITY: (1) Any person who violates a term, condition or schedule of compliance contained within this permit or the Mississippi Air and Water Pollution Control Law is subject to the actions defined by the Mississippi Air and Water Pollution Control Law (Miss. Code Ann. Sections 49-17-1 through 49-17-43). (2) Except as provided in permit conditions on "Bypassing" and "Upsets," nothing in this permit shall be construed to relieve the coverage recipient from civil or criminal penalties for noncompliance. (3) It shall not be the defense of the coverage recipient in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT16 (Mining) Definitions:

Narrative Requirements:

Condition No.	Condition
T-1	BEST MANAGEMENT PRACTICES (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	BUFFER ZONE, as used in this permit, means a strip of dense undisturbed perennial vegetation, either original or reestablished, that borders perennial streams and rivers, ponds and lakes and wetlands. Buffer zones are established for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the upland area and reaching surface waters. Buffer zones are most effective when storm water runoff is flowing into and through the buffer zone as shallow sheet flow, rather than in concentrated form such as in channels, gullies, or wet weather conveyances. Therefore, it is critical that the design of any development include management practices, to the maximum extent practical, that will result in storm water runoff flowing into and through the buffer zone as shallow sheet flow. [11 Miss. Admin. Code Pt. 6, Ch. 1]
T-3	BYPASS means the intentional diversion of wastestreams from any portion of the coverage recipient's treatment facility. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-4	CFR means the Code of Federal Regulations. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-5	CLEAN WATER ACT (CWA) refers to the Federal Water Pollution Control Act, 33 U.S.C. Section 1251 et seq. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-6	COMMISSION means the Mississippi Commission on Environmental Quality. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-7	CONSTRUCTION EXIT is a stone-base pad designed to provide a buffer area where mud-and caked-soil can be removed from the tires of vehicles to avoid transporting it onto public roads. This practice applies anywhere traffic will be leaving a mining site and moving directly onto a paved public road or street. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-8	CONTROL MEASURE as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-9	EXECUTIVE DIRECTOR means the Executive Director of the Department of Environmental Quality. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT16 (continued):

Narrative Requirements:

Condition No.	Condition
T-10	EXEMPT OPERATIONS (as provided by Mississippi's Surface Mining and Reclamation Rules and Regulations) mean a mining operation with an area equal to or less than four (4) acres and is greater than one thousand three hundred and twenty (1320) feet from any other affected area if: (1) The operation began before July 1, 2002, and the operator notified the Department of the commencement, expansion or resumption of the operation before July 1, 2002; or (2) The operation commenced after July 1, 2002, and the operator notified the Department at least seven (7) calendar days before commencement or expansion of the operation. The seven day notice prior to mining requirement shall be waived and the operator may begin mining immediately after notifying the Department if: (A) The operator agrees, in the notification, to reclaim the mine site in accordance with the minimum standards adopted by the Commission on Environmental Quality (Commission); or (B) The exempted operation is conducted for Mississippi Department of Transportation (MDOT) projects or state aid road construction projects funded in whole or in part by public funds. [11 Miss. Admin. Code Pt. 8, Ch. 1.]
T-11	FACILITY, ACTIVITY or OPERATIONS means any NPDES "point source" or "No Discharge" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program or State No Discharge Requirements. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-12	FINAL STABILIZATION means all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of at least 70% for the area has been established or equivalent measures have been employed. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-13	INACTIVE MINING OPERATIONS means mining sites that are not being actively mined, but have an identifiable owner/operator. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-14	INFEASIBLE means not technologically possible, or not economically practicable and achievable in light of best industry practices. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-15	LOCALLY AVAILABLE means that the SWPPP is able to be produced within an hour of being requested by an inspector. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT16 (continued):

Narrative Requirements:

Condition No.	Condition
T-16	MINE DEWATERING means any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. For sand and gravel mines, this term shall also include wet pit overflows caused solely by direct rainfall and ground water seepage. However, if a mine is also used for treatment of process generated wastewater, discharges of commingled water from the facilities shall be deemed discharges of process generated wastewater. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-17	MINE PROCESS GENERATED WASTEWATER means any wastewater used in the slurry transport of mined material, wastewater generated from the dredging and/or washing of mined material, air emissions control (excluding water used for dust suppression on roads which is evaporated or absorbed by soils such that no runoff to a receiving stream occurs), or processing exclusive of mining. The term shall also include any other water that becomes commingled with such wastewater in a pit, pond, lagoon, mine or other facility used for treatment of such wastewater. The term does not include wastewater used for the suction dredging of deposits in a body of water and returned directly to the body of water without being used for other purposes or combined with other wastewater. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-18	MINING OPERATIONS include clearing, grading, excavating and other land disturbing activities. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-19	MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, (ii) Designed or used for collecting or conveying storm water, (iii) Which is not a combined sewer, and (iv) Which is not part of a Publicly Owned Treatment Works (POTW). [11 Miss. Admin. Code Pt. 6, Ch. 1]
T-20	NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) means the regulations under the Clean Water Act which prohibits discharge of pollutants into waters of the United States unless a special permit is issued. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-21	OFFICE OF GEOLOGY, MINING AND RECLAMATION DIVISION means the state agency regulating all surface mines in Mississippi in accordance with the provisions of the Mississippi Surface Mining and Reclamation Law (Miss. Code Ann. Section 53-7-1 et seq.,). [11 Miss. Admin. Code Pt. 8, Ch. 1.]
T-22	PERMIT BOARD means the Mississippi Environmental Quality Permit Board established pursuant to Miss. Code Ann. Section 49-17-28. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT16 (continued):

Narrative Requirements:

Condition No.	Condition
T-23	POLLUTANT is defined at 40 CFR 122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, sediment, silt, cellar dirt, and industrial or municipal waste. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-24	STEEP SLOPES, as used in this permit, means slopes or grades steeper than (3:1). [11 Miss. Admin. Code Pt. 6, Ch. 1]
T-25	STORM WATER means rainfall runoff, snowmelt runoff, and surface runoff. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-26	STORM WATER POLLUTION PREVENTION PLAN (SWPPP) means a plan that includes site map(s), an identification of mining-related activities that could cause pollutants in the storm water, and a description of measures or practices to control these pollutants. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-27	TOTAL MAXIMUM DAILY LOAD (TMDL) means the maximum daily amount of a pollutant that can enter a water body so that the water body will meet and continue to meet state water quality standards. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-28	UPSET means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the coverage recipient. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-29	WATERS OF THE STATE means all waters within the jurisdiction of this State, including all streams, lakes, ponds, wetlands, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, situated wholly or partly within or bordering upon the State, and such coastal waters as are within the jurisdiction of the State, except lakes, ponds, or other surface waters which are wholly landlocked and privately owned, and which are not regulated under the Federal Clean Water Act (33 U.S.C. Section 1251 et seq.). [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-30	11 Miss. Admin. Code Pt. 6, Ch. 1. Means the State of Mississippi's Wastewater Regulations for National Pollutant Discharge Elimination System (NPDES) Permits, Underground Injection Control (UIC) Permits, State Permits, Water Quality Based Effluent Limitations and Water Quality Certifications. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-31	11 MISS. ADMIN. CODE PT. 8, CH. 1. means the regulations promulgated by the Commission pursuant to the Mississippi Surface Mining and Reclamation Act (Miss. Code Ann. Section 53-7-1 et seq.). [11 Miss. Admin. Code Pt. 8, Ch. 1.]