

DIVISION OF MINED LAND RECLAMATION		PROCEDURE NO.	3.3.05
PROCEDURES MANUAL		ISSUE DATE	03/19/15
SUBJECT	NPDES Permits	Section	Reclamation Services
		Last Revised	8-18-00

OBJECTIVE AND INTENT:

To ensure the conditions of the National Pollution Discharge Elimination System (NPDES) permit are inspected and enforced by the Field Inspector pursuant to Section 45.1-254 of the Act.

PROCEDURES:

Violations of Effluent Limitations Identified and Documented by the Field Inspector:

Whenever the Inspector or other Division personnel suspects that a discharge originating from the permit site does not comply with the effluent limitation standard(s), a legal water sample should be taken of the discharge (including upstream and downstream samples). The Inspector should also document the nature and duration of the discharge in the inspection report (DMLR-ENF-044S).

If in doubt as to how to take a proper legal water sample, contact the Reclamation Water Specialist of the Water Quality section.

The water sample(s) must be analyzed by a DMLR approved contract laboratory. The analysis(es) will be evaluated by the Inspector, who shall take appropriate enforcement action, if necessary, per Procedure #3.3.01. (Note: If the discharge color is black and visibly changing the receiving stream's color, appropriate enforcement action should be taken immediately to mitigate/correct the discharge.)

Violations of Effluent Limitations Reported by the Permittee:

If the permittee reports the effluent violation(s) to the Division by phone or submittal of the "Notice of Effluent Non-Compliance" reporting form (DMLR-PT-084), violations determined to be serious by the Water Quality staff shall be promptly investigated by the Inspector. The Inspector shall require the permittee to abate those violations within the DMLR's jurisdiction as soon as possible.

Violations not deemed serious (or are included in the quarterly monitoring report compiled by the Water Quality staff) shall be evaluated and addressed by the Inspector upon the next inspection of the permit site. A copy of the inspection report will be provided to the Water Quality staff.

Effluent noncompliance's reported by the permittee on the "Discharge Monitoring Report" form (DMLR-PT-119) shall be compiled and encoded into the Dynaterm system by the Water Quality staff. The report shall be provided quarterly to the field Inspectors and Supervisors.

NPDES Monitoring Status Monthly Report:

Each discharge for which an effluent non-compliance was recorded shall be checked for compliance during the Inspector's next inspection of the permit. A copy of the inspection report shall be provided to the Water Quality staff.

To aid the Reclamation Services Section in determining which effluent violations are of such magnitude or duration that they should be considered among DMLR's priorities for regulatory review and

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possible enforcement action, the following notations will be made on **DMLR.TMBR.07**:

- The letters “**SNC**” in the comment column will indicate **Significant Non-Compliance**. **SNC** will be determined by the Water Quality staff and shall be based on the discharge’s continual failure to comply with the technical review criteria (**TRC**) limitation(s).

TRC = 1.4 x the effluent limitation established for the monthly average in the NPDES permit for any two months of any consecutive six month period.

SNC evaluations will be made only for total suspended solids (TSS), Iron, and Manganese. Settleable solids and pH have no monthly average limitations and therefore are not evaluated using this procedure. The TRC levels for the applicable parameters are:

Pollutant	Monthly Average Limit	TRC
TSS	35 mg/l	49 mg/l
Iron (existing source)	3.5 mg/l	4.9 mg/l
Iron (new source)	3.0mg/l	4.2 mg/l
Manganese	2.0 mg/l	2.8 mg/l

SNC is an effluent violation and must be addressed per Procedure #3.3.01.

- The letters “**CNC**” in the comment column will designate **Chronic Non-Compliance**.

CNC will be determined by the Water Quality staff and will be based on the discharge’s chronic failure to comply with the monthly average effluent limitation for any four months of any consecutive six month period. Violations of the pH or settleable solids limitations in four months of any consecutive six month period will also constitute **CNC**.

CNC is an effluent violation and must be addressed per Procedure #3.3.01.

It is important to note that **SNC** and **CNC** determinations are evaluated on outfall-by-outfall and parameter-by-parameter bases.

Violation of NPDES Permit Conditions:

Failure to submit water monitoring reports in accordance with the approved NPDES permit is a violation of the permit conditions and 4 VAC 25-130-816.42 or 4 VAC 25-130-817.42 of the regulations.

When a delinquency/deficiency **report**” appears by the permittee’s name, it will remain for a three-month period unless the report is submitted. On the next site inspection the Inspector shall contact the permittee who had a “no report” recorded. The Inspector shall determine the status of the permittee’s Discharge Monitoring and Reporting program (necessary compliance action shall be taken per Procedure #3.3.01).

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The Water Quality staff encodes into the Dynaterm system each water monitoring report submitted by the permittee. The Water Quality staff is available (by phone or radio) to respond to the Inspector's inquiry(is) concerning whether specific monitoring reports have been received by the Division.

Other violations of the NPDES permit conditions, such as unauthorized discharges, will be evaluated and handled by the Inspector as observed. The permittee may be required to submit a permit revision (refer to Procedure #2.3.01) to correct NPDES violations/problems.

Enforcement Procedures for NPDES “Only” Permits:

These sites must have at least one complete inspection per quarter. The Inspector must inspect all portions of the permit site which pertain to performance standard codes SS, WM, and EF.

The Inspection Report form “**DMLR-ENF-044S**” shall be completed to document the inspection findings.

1. Performance standards (SS, WM, and EF) must be checked with documentation in the Inspection Report.
2. Impoundment Certification (**DMLR-PT-092**) for sediment structures will be required.
3. Chapter 19 regulations and enforcement procedures will be used when citing violations (Procedure #3.3.01).

Removal of Sediment Structures:

The Inspector will evaluate pond discharges in accordance with Procedure # 3.3.16. When the pond removal requirements are met, the Inspector shall document in the inspection report as to when the sediment structure has been properly removed and the area stabilized. The inspector will forward the inspection report to the Water Quality Section so that the permit files can be updated.