



Colorado Department  
of Public Health  
and Environment

# Pre Public Notice Stakeholders Meeting

## CDPS General Permit Renewals

Sand and Gravel Mining (non-metallic minerals)  
COR340000 and COG500000

**February 28<sup>th</sup>, 2014**

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Moderated by: Janet Kieler, Erin Scott, Kathy Rosow, and Al Stafford  
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# Meeting Agenda

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- Meeting logistics and goals
- Permit background
- Scope of permits subject to renewal
- Permit renewal process
- Substantive areas of review
- Discussion



# Meeting Logistics

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- Nuts and Bolts:
  - Copies of presentation
  - Cell phones on vibrate
  - Minimize side conversations
  - Mix of overview and discussion



# Meeting Goals

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- Increase awareness of permit renewal process
- Discuss substantive areas of review
- Obtain input for developing draft permit conditions
- Written (electronic) input accepted through

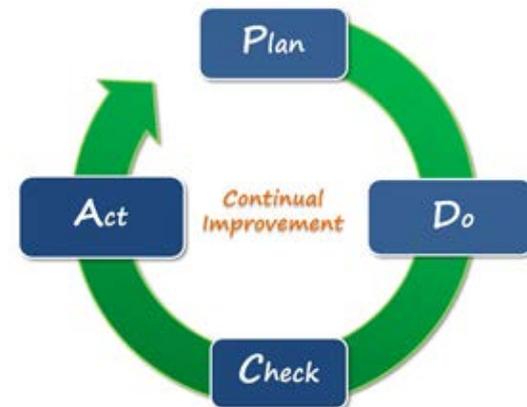
**March 15, 2014**

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# Permit Background

- Permit review, 5-year cycle
- Administratively Extended Permits
- Permit Term
  - Fact Sheet and Permit development
  - Public Notice process
  - Final Permit issued
    - Sampling, reporting, compliance schedules
    - Implement/Maintain Control Measures
  - Measurement
    - Annual report review, DMRs, inspections
  - Refine
    - Confirm compliance
    - Clarify requirements



# Factors that inform the process

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- Science
  - Published studies
  - Water body information
- Implementation experience
  - Sampling
  - Inspections
- Litigation
  - Problem solving
  - Clarification: e.g., requirements versus recordkeeping
- Level of public priority
  - Citizen engagement
  - Funding
  - National priorities



# Scope of current permits subject to renewal

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## □ **COR340000 – expired 9/30/2012**

- Stormwater discharges from Sand and Gravel mining
- No ELGs implemented in the permit
- No sampling required by the permit
  - Sampling in certifications issued early 2011 to present
- Practice-based effluent limitations

## □ **COG500000 – expired 6/30/2013**

- Process water and stormwater discharges from Sand and Gravel mining facilities
- Numeric effluent limitations – process water and some stormwater
- Practice-based effluent limitations – stormwater

# Renewal Process

COR340000 and COG500000 (slide 1 of 2)

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- Draft permit development
  - Permit and Fact Sheet
- Public Notice process for permit
  - Notification:
    - [www.coloradowaterpermits.com](http://www.coloradowaterpermits.com) (Public Notice link)
    - Water Quality Bulletin
    - Postcards to current permittees
    - Water Quality Forum updates
  - ***60 day comment period planned***
  - ***Outreach***
  - ***Application Supplement***



# Renewal Process

COR340000 and COG500000 (slide 2 of 2)

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- Final permit development
  - Review comments
  - Prepare responses to comments
  - Further develop permit conditions
- Issue permit: delayed effective date
  - Prepare and issue certifications
  - Entry into EPA database (ICIS)
  - Generate and send discharge monitoring reports (DMRs)
- Best guess at timeline:
  - PN Early April 2014
  - Permit Effective and certifications issued: October 1<sup>st</sup>, 2014



# Substantive areas of review

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1. Authorized SIC codes
2. Effluent Limitations
3. Impaired waterbodies
4. Stormwater discharge monitoring
5. Corrective actions
6. EPA's database of record – ICIS
7. Considerations for combining permits



# Authorized SIC Codes

## Currently Authorized

COG500000	COR340000
Crushed Stone (1422, 1423, 1429)	Crushed Stone (1422, 1423, 1429)
Construction Sand and Gravel (1442)	Construction Sand and Gravel (1442)
Industrial Sand (1446)	Industrial Sand (1446)
Phosphate Rock (1475)	Phosphate Rock (1475)
Graphite (1499)	Clay, Ceramic, and Refractory Minerals (1459)
	Potash, Soda, and Borate Minerals (1474)
	Kaolin and Ball Clay (1455)
	Chemical and Fertilizer Mineral Mining (1479)
	Nonmetallic Mineral Services, Except Fuels (1481)
	Miscellaneous Nonmetallic Minerals, Except Fuels (1499)

## Considerations

Dimension Stone (1411)  
Clays (1453, 1454, 1459)



# Effluent Limitations

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- Technology-Based effluent limitations
  - Numeric/narrative Federal Effluent Limitation Guidelines (ELGs)
  - Practice based effluent limitations
  
- Water quality-based effluent limitations
  - Numeric WQBELs for “process water” and mine dewatering
  - Narrative WQBEL for stormwater



# Application of Federal ELGs

Discharge Source	Does the ELG Apply?
Mine Dewatering	Yes
“Process Water”	Yes
Stormwater -Detained -Sheet flow -Concentrated flow	No

***Mine Dewatering*** is ...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 ...

***ELG parameters*** include: pH, TSS, Fluoride (Industrial Sand using HF Flotation), and Iron (Graphite mining)

# Water Quality Based Effluent Limitations

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- Mine Dewatering and Process Water Considerations:  
No change (aside from TMDL implementation)
  - No detailed analysis of receiving water, e.g. flows and concentrations
  - Potential Pollutants of Concern
- Stormwater Considerations:  
Narrative WQBEL
  - “Stormwater discharges authorized under this permit must be controlled as necessary to meet applicable water quality standards”

# Additional requirements for Impaired Waters with a TMDL

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- The Division is required to implement the TMDL
  - In general, the Division has found Sand and Gravel sites with dewatering in selenium rich groundwater areas to be significant contributors and are therefore included in the TMDL
    - Facilities influence the concentration, rate, and timing of pollutant loading
- 15 operating COG500000 facilities on segments with TMDL WLAs
  - 10 facilities reported only 'No Discharge' conditions

# Additional requirements for Impaired Waters without a TMDL

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- New TMDL in development
  - Lower Arkansas
- 40 COG500000 facilities on impaired segments without a TMDL
  - 33 facilities were required to sample for selenium in the previous permit term
  - 10 facilities reported only 'No Discharge' conditions
  - Some data submitted in incorrect units
- At a minimum, the Division will (continue to) require monitoring for discharges to impaired waters

# Additional requirements for discharges to reviewable waters (antidegradation)

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## □ Process water

- Considering similar process as current permit.
  - Considering potential for exclusion/other limitation options on a case by case basis

## □ Stormwater

- Current: No additional requirements
- Considerations:
  - Similar to current Non-Extractive Stormwater permit

# Stormwater discharge monitoring

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- Current Permit:
  - none required
- Considerations:
  - Visual evaluation
  - Benchmark sampling
    - EPA approach



# Corrective Actions: Stormwater Discharges

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- Current Permits:
  - None required
- Considerations:
  - Include corrective action requirements.
    - Triggers for corrective action
    - Failure to take required corrective actions is a permit violation



# ICIS

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- All facilities will be entered into EPA's database (ICIS)
- Date-based narrative conditions
- NetDMRs (where necessary)

# Considerations for Combining Permits

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- Comprehensive approach
- Consistency of requirements
  - Stormwater Management Plan
  - Practice Based Effluent Limitations
- Clear termination requirements
  - No need for conversion to a stormwater-only permit and then termination
- One permit renewal process
  - Efficiency for the Division and the stakeholders



# Discussion

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- Name and Organization
- Focus on Permit Development
  - TMDL Development questions : Restoration and Protection Unit Manager, Tammi Allen ([tamara.allen@state.co.us](mailto:tamara.allen@state.co.us))
- Framing comment
  - Environmental Outcomes
  - Balance between Environmental Benefit and Implementation
  - Regulatory framework
  - Best alternatives

