



NR 268

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Anthony S. Earl
Secretary

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: _____

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Anthony S. Earl, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. EL-107-76e was duly approved and adopted by this Department on December 16, 1976.

I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

RECEIVED
MAY 11 1977
2:40 pm
REVISOR OF STATUTES
BUREAU GHP

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at Pyare Square Building in the Village of Shorewood Hills, this 9TH day of May, 1977.

Anthony S. Earl
Anthony S. Earl, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

.....
IN THE MATTER of creating chapter NR 268 .
of the Wisconsin Administrative Code .
pertaining to coal mining .
.....

EL-107-76e

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

CREATING RULES

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by sections 147.02, 147.021 and 147.04(2)(a) and chapter 227, Wisconsin Statutes, the State of Wisconsin Natural Resources Board hereby creates rules as follows:

Chapter NR 268

COAL MINING

NR 268.01 Purpose. The purpose of this chapter is to establish effluent limitations, standards of performance, and pretreatment standards for discharges of process wastes from the coal mining category of point sources and subcategories thereof.

NOTE: The authority for promulgation of this chapter is set forth in Wis. Adm. Code chapter NR 205.

NR 268.02 Applicability. The effluent limitations, standards of performance, pretreatment standards, and other provisions in this chapter are applicable to pollutants or pollutant properties in discharges of process waste resulting from activities in any or a combination of the following subcategories.

- (1) Coal preparation plant.
- (2) Coal preparation plant ancillary area.
- (3) Acid or ferruginous mine drainage.
- (4) Alkaline mine drainage.

NR 268.03 Definitions. The following definitions are applicable to terms used in this chapter. Definitions of other terms, including a 10-year, 24-hour precipitation event, and meanings of abbreviations are set forth in Wis. Adm. Code chapter NR 205.

(1) "Coal" means coal of any rank including but not limited to bituminous, lignite, and anthracite coal.

(2) "Coal preparation plant" means a facility where coal is crushed, screened, sized, cleaned, dried, or otherwise prepared and loaded prior to the final handling or sizing in transit to or at a consuming facility.

(3) "Coal preparation plant ancillary area" means the areas associated with a coal preparation plant including; yards, access roads, coal storage, refuse storage, and other immediately associated areas where coal or refuse, either purposefully or accidentally, is allowed to come in contact with precipitation runoff or plant wash down.

(4) "Mine" means an active mining area of land with all property placed upon, under, or above the surface of such area used in or resulting from the work of extracting coal from its natural deposits by any means or method including secondary recovery of coal from refuse or other storage piles derived from the mining, cleaning, or preparation of coal.

(5) "Active mining area" means a place where work or other activity related to the extraction, removal, or recovery of coal is being conducted or carried on, except any area of land on or in which there has been commenced or been completed reclamation work following the grading stage.

(6) "Acid or ferruginous mine drainage" means mine drainage which before any treatment has either a pH less than 6.0 or a total iron concentration of more than 10 mg/l.

(7) "Alkaline mine drainage" means mine drainage which before any treatment has a pH of more than 6.0 and a total iron concentration of less than 10 mg/l.

(8) "Mine drainage" means any water drained, pumped or siphoned from a coal mine.

(9) "Final contour" means the surface shape or contour of a surface mine or section thereof after all mining and earth moving operations have been completed.

(10) "Process waste" means, as appropriate:

(a) Discharges from a coal preparation plant, or

(b) Discharges which are pumped, siphoned, or drained from a coal preparation plant ancillary area.

NR 268.04 Compliance with effluent limitations and standards. Discharge of pollutants from facilities subject to the provisions of this chapter shall not exceed, as appropriate:

(1) By July 1, 1977 effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available;

(2) By July 1, 1977 pretreatment standards for existing discharges to publicly owned treatment works;

(3) By July 1, 1983 effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable;

(4) Standards of performance for new sources; or

(5) Pretreatment standards for new sources discharging to publicly owned treatment works.

NR 268.05 Modification of effluent limitations. (1) Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available may be modified in accordance with this section.

(2) An individual discharger or other interested person may submit evidence to the department that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the effluent limitations. On the basis of such evidence or other available information the department will make a written determination that such factors are or are not fundamentally different for that facility compared to those specified in the applicable sections of the EPA development document identified in subsection (3) below. If such fundamentally different factors are found to exist, the department shall establish for the discharge effluent limitations in the WPDES permit either more or less stringent than the limitations in this chapter, to the extent dictated by such fundamentally different factors. Such limitations must be approved by EPA which may approve, disapprove, or specify other limitations.

(3) The EPA development document for effluent limitations guidelines and new source performance standards, identified by category title, by EPA document number, and by publication date, applicable in accordance with subsection (2) above is:

Coal Mining, EPA 440/1-76/057-a, May 1976

(4) Copies of the development document identified in subsection (3) above are available for inspection at the office of the department of natural resources, the secretary of state's office, and the office of the revisor of statutes, and may be obtained for personal use from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20460.

NR 268.06 Application of effluent limitations and standards. (1) The effluent limitations and standards set forth in this chapter shall be used in accordance with this section to establish the quantity or quality of pollutants

or pollutant properties which may be discharged by a point source subject to the provisions of this chapter, except as provided in subsections (2) and (3) of this section and as;

(a) They may be modified in accordance with section NR 268.05,

(b) They may be superseded by more stringent limitations and standards necessary to achieve water quality standards or meet other legal requirements, or

(c) They may be supplemented or superseded by standards or prohibitions for toxic pollutants or by additional limitations for other pollutants required to achieve water quality.

(2) The effluent limitations and standards of performance of this chapter shall not apply to any overflow discharged from a facility designed, constructed, and operated to:

(a) Contain process waste generated by a coal preparation plant and the runoff to the containment facility resulting from a 10-year 24-hour precipitation event,

(b) Treat process waste from coal preparation plant ancillary areas and the runoff to the treatment facility resulting from a 10-year 24-hour precipitation event, or

(c) Treat mine drainage and the runoff to the treatment facility resulting from a 10-year 24-hour precipitation event.

(3) In the event that coal preparation plant process waste is combined for treatment or discharge with waste from other subcategories subject to the provisions of this chapter the quantity of pollutants in the combined discharge shall not exceed the quantity specified for such other subcategories.

NR 268.10 Effluent limitations, best practicable treatment. The following effluent limitations for all or specific subcategories establish, except as

provided in section NR 268.05, the quantity or quality of pollutants or pollutant properties which may be discharged by a facility subject to the provisions of this chapter after application to process wastes of the best practicable control technology currently available.

(1) There shall be no discharge of pollutants resulting from activities in subcategory (1).

(2) The pH of discharges from subcategories (2), (3) and (4) shall be within the range of 6.0 to 9.0.

(3) The concentration of pollutants in discharges from subcategories (2), (3) and (4) shall not exceed 30 day average and daily maximum values of:

(a) 3.5 and 7.0 respectively for total iron, and

(b) 35 and 70 mg/l respectively for total suspended solids.

(4) The concentration of dissolved iron in discharges from subcategory (3) shall not exceed 30 day average and daily maximum values of 0.30 and 0.60 mg/l respectively.

(5) The concentration of total manganese in discharges from subcategories (2) and (3) shall not exceed 30 day average and daily maximum values of 2.0 and 4.0 mg/l respectively.

NR 268.11 Effluent limitations, best available treatment. (Reserved)

NR 268.12 Standards of performance. (Reserved)

NR 268.13 Pretreatment standards for new sources. (Reserved)

NR 268.14 Pretreatment standards for existing sources. (Reserved)

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on December 16, 1976.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin 9 May 1977

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

(SEAL)

By Anthony S. Earl
Anthony S. Earl, Secretary