



NR 269

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-107-76f 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 *cdh*

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, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

.....
IN THE MATTER of creating chapter NR 269 .
of the Wisconsin Administrative Code .
pertaining to stone, gravel and sand .
segment of mineral mining and processing .
.....

EL-107-76f

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 269

STONE, GRAVEL AND SAND SEGMENT OF
MINERAL MINING AND PROCESSING

NR 269.01 Purpose. The purpose of this chapter is to establish effluent limitations, standards of performance, and pretreatment standards for discharges of process wastes from the stone, gravel and sand segment of the mineral mining and processing 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 269.02 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 operations or activities in any of the following product subcategories.

- (1) Dimension stone. (Reserved)
- (2) Crushed stone.
- (3) Construction sand and gravel.
- (4) Industrial sand.

NR 269.03 Definitions. The following definitions are applicable to terms used in this chapter. Definitions of other terms and meanings of abbreviations are set forth in Wis. Adm. Code chapter NR 205.

(1) "Mine" means an area of land, surface or underground, activity used for or resulting from the extraction of a mineral from natural deposits.

(2) "Mine dewatering discharge" means any water that is pumped, drained or otherwise removed from a mine through direct action of the mining operator and, for subcategories (3) and (4) only, any wet pit overflow caused solely by direct rainfall and groundwater seepage.

(3) "Process generated wastewater" means any wastewater resulting from the slurry transport of ore or intermediate product, air emissions control, or processing exclusive of mining.

NR 269.04 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 269.05 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 segment title, by EPA document number, and by publication date, applicable in accordance with subsection (2) above is:

Minerals for the Construction Industry, EPA 440/1-75-059-a, June 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 269.06 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;

(a) They may be modified in accordance with section NR 269.05,

(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 provisions of this chapter with respect to subcategory (2) are applicable to the mining or quarrying and the processing of crushed and broken stone and riprap. This includes all types of rock and stone and specifically the processing of calcite in conjunction with the processing of crushed and broken limestone of dolomite. Rock and stone that is crushed or broken prior to the extraction of another mineral is excluded, however.

(3) The provisions of this chapter with respect to subcategory (3) are applicable to the mining and the processing of sand and gravel for construction or fill uses, exclusive of sand and gravel removed from navigable waters by dredging operations and return flows therefrom.

(4) The provisions of this chapter with respect to subcategory (4) are applicable to the mining and the processing of sand and gravel for uses other than construction and fill including, but not limited to, glass making, molding, abrasives, filtration, refractories and refractory bonding.

(5) In the event that waste streams from various sources within subcategory (3) or within subcategory (4) are combined for treatment and discharge, the quantity and quality of each pollutant or pollutant property in the combined discharge shall not exceed the quantity and quality of each pollutant or pollutant property allowed had each stream been treated separately.

(6) The limitations of this chapter are not applicable to any overflow from facilities designed, constructed and operated to treat to the applicable limitations the precipitation and runoff from a 10-year 24-hour precipitation event as defined in Wis. Adm. Code section NR 205.05.

(7) In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards approved under the act authorize such lower pH, the pH limitation for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range of 5.0 to 9.0 be permitted.

NR 269.10 Effluent limitations, best practicable treatment. The following effluent limitations when applied in accordance with section NR 269.06 establish, except as provided in section NR 269.05, 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 process generated wastewater pollutants, except that from hydrofluoric acid flotation facilities in subcategory (4) which shall be limited so that:

(a) The pH of the discharge is within the range of 6.0 to 9.0.

(b) The total suspended solids does not exceed a 30-day average or daily maximum of 0.023 or 0.046 lb/1000 lbs, or kg/1000 kg, respectively, and

(c) The total fluoride does not exceed a 30-day average or daily maximum of 0.003 or 0.006 lbs/1000 lbs, or kg/1000 kg, respectively.

(2) Mine dewatering discharges shall have a pH within the range of 6.0 to 9.0 and the concentration of total suspended solids shall not exceed 30 mg/l.

NR 269.11 Effluent limitations, best available treatment. (Reserved)

NR 269.12 Standards of performance. (Reserved)

NR 269.13 Pretreatment standards for new sources. (Reserved)

NR 269.14 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

By Anthony S. Earl
Anthony S. Earl, Secretary

(SEAL)