

## Chapter NR 269

### STONE, GRAVEL AND SAND SEGMENT OF MINERAL MINING AND PROCESSING

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**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 ch. NR 205.

**History:** Cr. Register, June, 1977, No. 258, eff. 7-1-77.

**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.

**History:** Cr. Register, June, 1977, No. 258, eff. 7-1-77.

**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 ch. 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.

**History:** Cr. Register, June, 1977, No. 258, eff. 7-1-77.

**NR 269.04 Compliance with effluent limitations and standards.** Discharge of pollutants from facilities subject to the provisions of this chapter may 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, 1983 effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable;

(3) Pretreatment standards for discharges to publicly owned treatment works;

(4) Standards of performance for new sources.

**History:** Cr. Register, June, 1977, No. 258, eff. 7-1-77; r. and recr. Register, August, 1983, No. 332, eff. 9-1-83.

**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 sub. (3). 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 sub. (2) is:

Minerals for the Construction Industry, EPA 440/1-75-059-a, June 1976

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

**History:** Cr. Register, June, 1977, No. 258, eff. 7-1-77; correction made in (4) under s. 13.92 (4) (b) 6.

**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 s. 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 s. NR 205.05.

(7) In the case of a discharge into receiving waters for which the pH, if unaltered by human 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, and 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.

**History:** Cr. Register, June, 1977, No. 258, eff. 7-1-77.

**NR 269.10 Effluent limitations, best practicable treatment.** The following effluent limitations when applied in accordance with s. NR 269.06 establish, except as provided in s.

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.

**History:** Cr. Register, June, 1977, No. 258, eff. 7-1-77.

**NR 269.13 Pretreatment standards.** The pretreatment standards for discharges to publicly owned treatment works from sources subject to the provisions of this chapter shall be as set forth in ch. NR 211.

**History:** Cr. Register, August, 1983, No. 332, eff. 9-1-83.