

KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM FORM eNOI-KYG04—INSTRUCTIONS

WHO MUST FILE A NOTICE OF INTENT (NOI) FORM

Pursuant to 401 KAR 5:060, Section 2 prohibits point source discharges associated with industrial activity to a water body of the Commonwealth of Kentucky without a Kentucky Pollutant Discharge Elimination System (KPDES) permit. The operator of a coal mining operation must submit a NOI-KYG04 to obtain coverage under the KPDES Coal Mining General Permit KYGE4 or KYGW4. If you have questions about whether you need a permit under the KPDES program, or if you need information as to whether a particular program is administered by the state agency, call the **Kentucky Division of Water, Surface Water Permits Branch at (502) 564-3410**.

For locations in the eastern coal field: Prior to submission of the permit application, the applicant shall submit for review and concurrence to the Division of Water (DOW), a Quality Assurance Project Plan (QAPP) that outlines the scope of the pre-mining survey that will determine background conditions. The pre-mining survey is required for new and expanded active surface mining areas draining to an in-stream sediment control structure, new and expanded coal preparation plants, and new or expanded underground mines.

WHERE TO FILE NOI FORM

The eForm eNOI-KYG04 is available at: (<https://dep.gateway.ky.gov/eForms/Default.aspx?FormID=XX>)

Operators seeking initial coverage for a new facility shall electronically submit the eNOI-KYG04 and required attachments (Mining Reclamation Plan (MRP) map, results of pre-mining survey if in-stream sediment structures are proposed in the eastern coal field, and a completed Socioeconomic Demonstration Alternatives Analysis (SDAA) form a minimum of 90 days prior to commencement of discharge.

Operators seeking modification of an existing coverage to address facility modifications shall electronically submit an updated eNOI-KYG04, and required attachments (MRP map, results of pre-mining survey if in-stream sediment structures are proposed in the eastern coal field, and a completed SDAA form) a minimum of 90 days prior to the modification of the facility.

Operators seeking renewal of existing coverages shall electronically submit an updated eNOI-KYG04 and MRP map within 90 days of the effective date of the permit. Failure to submit the updated eNOI-KYG04 within the specified timeframe may result in the termination of coverage.

COMPLETING THE FORM

Enter information in the appropriate areas only. (*) denotes a required field. If you have any questions regarding the completion of this form call the **Surface Water Permits Branch, at (502) 564-3410**.

Select appropriate action:-

For Applications for New Permit Coverage (holding current coverage under KYG04), and operations Previously Covered by an Individual Permit, enter the Agency Interest ID; the KPDES Permit ID field is not required.

For Applications for New Permit Coverage of a new facility, the Agency Interest ID and KPDES Permit ID fields are not required.

For Change to Existing Permit Coverage, Renewal of Existing Permit Coverage, and Response to Notice of Deficiency: enter the valid Agency Interest ID number if known, and the nine digit KYG04 KPDES Permit ID (this is a required field). Do not enter a KPDES ID for a different site as this may result in a Notice of Deficiency.

If request is for Change to Existing Permit Coverage, please describe the additions, changes in operations, deletions, etc. for which modification of coverage is being sought. This field is required if modification is selected.

For all selections, please enter the seven digit SMCRA permit ID and the Department for Natural Resources (DNR) Action. This field is required.

SECTION I - FACILITY OPERATOR INFORMATION

Enter the DNR Permittee, mailing address, a contact person at this company, eMail address and phone number. Alternate phone number is optional. No information in this field should be consultant related.

SECTION II - GENERAL SITE LOCATION INFORMATION

Provide the name and the physical address of the facility including the county, nearest community, and the latitude and longitude of the general site (in decimal degrees).

SECTION III – SPECIFIC SITE ACTIVITY INFORMATION

Describe all types of operation to be permitted at this site (e.g. Surface Mining, Prep Plant, Underground, etc.).

ACREAGE: Enter the DNR Permit Number and fill in the acreages as requested. The “Total” field is required. Describe Other Areas as (mine management areas, haul roads, etc.).

HOLLOW FILL INVENTORY: If site contains Hollow Fills (HF), this section is required. A hollow fill is defined as spoil storage structures consisting of rock and/or coal waste materials excluding residential waste, construction debris, and slurry, placed so as to encroach upon or obstruct any part of a watercourse or defined valley. These structures are characterized by rock underdrains and/or side (“groin”) drains and are constructed in compacted lifts from the toe to the upper surface in a manner to promote stability.

Enter the total number of HF associated with this application, then click “Enter” to expand the fields.

For each table: Enter the hollow fill identifying number, status (Existing, Proposed, or Expanded), the total current permitted design size of the hollow fill, and if expanded, enter the proposed design size (in acres). Enter the KPDES outfall number associated with each fill. For purposes of this section, existing is defined as constructed or under construction to the currently permitted design size.

SECTION IV – OUTFALL INFORMATION

Enter the total number of outfalls currently permitted and proposed, then click “Enter” to expand the fields. If application is for a haul road only or other site without outfalls, enter 0 for Number of Outfalls and no additional information will be required.

For each Section IV: Enter the outfall’s three digit identifying number starting with 001 (or as previously assigned), the DNR Permit and Pond Number and the status of the outfall (Existing, Proposed, Deleted from Plan, Outfall Removed, or Expanded), and the date the pond was certified by DNR. Existing is defined as constructed and certified by DNR.

For KYGE4 only, select type of outfall (Bench or In-Stream). For the purposes of this permit, in-stream sediment control structures (outfalls) are those sediment control structures that are constructed within the natural drainage way of a water body, have a continuous discharge or have an average discharge duration of 96 hours or more. Bench or non in-stream sediment control structures are sediment control structures that do not meet the definition of an in-stream sediment control structure.

Provide the latitude and longitude of the outfall (in decimal degrees). These coordinates shall be identical to the latest DNR application and MRP map. Provide the current drainage area to the outfall, and if expanded, enter the proposed drainage area (in acres).

Indicate the type of drainage received by the outfall. If more than one type of drainage is received, select the additional type(s). Types include:

- 1. UGNC** - Discharges from underground workings of underground mines not commingled. “Commingled” means two or more types of drainage that are combined for treatment or discharge.
- 2. UGC** - Discharges from underground workings of underground mines commingled. “Commingled” means two or more types of drainage that are combined for treatment or discharge.
- 3. CSMD** - Controlled surface mine drainage (except steep slope and mountaintop removal). “Controlled surface mine drainage” means any surface mine drainage that is pumped or siphoned from the active mining area. “Steep slope” means surface mining activities conducted on slopes greater than 20%. “Mountaintop removal” means surface coal mining and reclamation operations that remove entire coal seams running through the upper fraction of a mountain, ridge, or hill by removing all of the overburden and creating a level plateau or gently rolling contour with no highwalls remaining.
- 4. NSMD** - Non-controlled surface mine drainage (except steep slope and mountaintop removal). “Steep slope” means surface mining activities conducted on slopes greater than 20%. “Mountaintop removal” means surface coal mining and reclamation operations that remove entire coal seams running through the upper fraction of a mountain, ridge, or hill by removing all of the overburden and creating a level plateau or gently rolling contour with no highwalls remaining.

5. **SSMR** - Discharges from steep slope and mountaintop removal areas. "Steep slope" means surface mining activities conducted on slopes greater than 20%. "Mountaintop removal" means surface coal mining and reclamation operations that remove entire coal seams running through the upper fraction of a mountain, ridge, or hill by removing all of the overburden and creating a level plateau or gently rolling contour with no highwalls remaining.
6. **PPAA** - Discharges from coal preparation plant and coal preparation plant associated areas (excluding coal refuse disposal piles). "Coal preparation plant" means a facility where coal is subjected to cleaning, concentrating, or other processing or preparation in order to separate coal from its impurities and then loaded for transit to a consuming facility. Includes all pipes, channels, basins, tanks and all other structures and equipment that convey, contain, treat, or process any water that is used in the coal preparation plant (including slurry sediment control structures, freshwater sediment control structures, and conveyances). "Coal preparation associated areas" means coal preparation plant yards, immediate access roads, coal refuse piles, and coal storage piles and facilities.
7. **RA** - Reclamation Areas. "Reclamation area" means the surface area of a coal mine which has been returned to required contour and on which revegetation (specially, seeding or planting) work has commenced.
8. **SANITARY** – Sanitary wastewaters are comprised of wastewaters from bathhouses, mine offices, etc.

If sanitary discharge is selected, is discharge of treated sanitary wastewaters to other treatment system or direct discharge to a water of the Commonwealth?

Select if outfall discharges to an unnamed tributary (UT) and enter the first "named" receiving water the unnamed tributary(ies) eventually flow(s) into (Please click the link for a list of possible receiving waters).

Select the current or proposed treatment (Sedimentation, Sedimentation & Flocculation, Sedimentation & Flotation, Sedimentation & Neutralization, or Sedimentation & Other). If treatment of Sedimentation & Other was selected, describe treatment. List all chemicals used in product processing and sedimentation control treatments.

Please attach MSDS sheets for all chemicals used or proposed to be used in product processing and all treatments of sediment structures.

For the purposes of this permit to determine if discharge is chronic or acute, continuous discharge is defined as a discharge that occurs without interruption or has an average discharge duration of 96 hours or more. Please indicate if this outfall has an average discharge duration of 96 hours or more.

Substantially Identical / Representative Outfalls (RO):

Substantially identical or representative outfalls are outfalls that receive drainage from the same type of activities, utilize the same type of sediment control structures, are within the same watershed, are expected to produce similar effluents and would be subject to the same effluent limitations.

To request monitoring of an outfall as representative of two or more substantially identical outfalls, document the following in an attached justification statement:

- 1) Location of each of the substantially identical outfalls;
- 2) The KPDES permit outfall number assigned to each outfall;
- 3) The types of activities taking place within the contributing drainage area of each outfall, including the coal seams mined, overburden characteristics, mining methods, etc;
- 4) Description of the sediment control structures for each outfall;
- 5) The expected frequency and volume of flow for each outfall;
- 6) Why the permittee expects the outfalls to produce similar effluents;
- 7) The outfall the permittee requests as the representative outfall;
- 8) The basis for selecting the representative outfall; and
- 9) Attach lab sheets if used for data to support estimates.

For the purposes of Reasonable Potential Analysis (RPA) required for this application: The permittee is required to collect, analyze and report at least one sample of effluent from each outfall for the parameters listed in the Effluent Data table. For:

1. renewing KYG04 coverage, at least one sample must be taken no more than 4 years from the date of this submittal.

2. submitting an application for a new or expanded facility, samples must be taken within 12 months of submittal.

If the permittee can demonstrate the discharges are or will be substantially identical as outlined above, then the DOW may authorize the permittee to use a substantial identical RO to provide this data. Indicate here if this outfall will be submitted as a RO and if a sample will be submitted from this outfall for RPA purposes. If “Yes” is selected for sample submitted, hit “Enter” and the Effluent Data table will drop down. Report the numerical results of the analysis for the pollutant or pollutant characteristics in the units provided along with the Required Reporting Level (RRL). All fields are required, and Lab Sheets must be attached. As of January 1, 2015, all laboratory analyses and tests required to demonstrate compliance with the conditions of this permit shall be performed by an EEC certified general wastewater laboratory. List the associated outfalls.

If this outfall is being represented by another outfall for RPA, provide the outfall number of that RO.

For the purposes of permit compliance: Discharge samples and measurements shall be collected at the compliance point for each KPDES Outfall identified in the KYG04 Coverage Letter. Each sample shall be representative of the volume and nature of the monitored discharge.

If the permittee can demonstrate the discharges are or will be substantially identical as outlined above, then the DOW may authorize the permittee to monitor representative outfalls for compliance purposes. Indicate if this outfall is being submitted as a compliance representative outfall (CRO), and list all associated outfalls.

If this outfall is being represented by another outfall, provide the outfall number of that CRO.

SECTION V – OTHER EFFLUENT DATA

To provide a sample for RPA when there are no existing discharges on the proposed activity, the permittee may use data from an adjacent existing activity which is substantially identical. If there are no existing discharges or substantially identical adjacent activities, then the permittee shall estimate the expected discharge levels. If submitting a substantially identical RO sample from an adjacent existing activity, or an estimated effluent sample, complete this section and attach a justification statement as outlined above.

Enter the number of total samples to be submitted, and then click “Enter” to expand the fields. At least one sample of effluent from each outfall must be provided.

Complete for each RO sample: Enter the KPDES outfall number, DNR pond number, date sample was taken, the receiving water name, and the latitude and longitude (in decimal degrees) of where the sample was collected. (Please click the link for a list of possible receiving waters).

For each estimated sample, list all associated outfalls.

Report the numerical results of the analysis for the pollutant or pollutant characteristics in the units provided along with the Required Reporting Level (RRL). All fields are required, and Lab Sheets must be attached.

SECTION VI – IN-STREAM MONITORING LOCATIONS

In-Stream Monitoring is required for new and expanded active surface mining areas draining to an in-stream sediment control structure, new and expanded coal preparation plants, and new or expanded underground mines in the eastern coal field. If In-Stream Monitoring is required, complete this section.

Prior to submission of the permit application, the applicant shall submit for review and concurrence to DOW, a QAPP that outlines the scope of the pre-mining survey that will determine background conditions. The purpose of the QAPP is to establish the location of the in-stream monitoring points necessary to determine background physical, chemical and biological conditions for all affected receiving waters. The QAPP also provides documentation that data collection and analysis were performed in accordance with acceptable standards and the persons performing the collection and analysis met the necessary qualifications. The pre-mining survey consists of a single sampling event at each in-stream monitoring point identified in the QAPP during the appropriate biological index period to determine the physical, chemical, and biological background conditions. List the results of this analysis under the Background Water Quality section. Enter the number of in-stream monitoring locations, and then hit “Enter” to expand the fields.

For each in-stream section: Enter the in-stream monitoring location identifier, latitude and longitude (in decimal degrees), stream name, and list all KPDES outfalls associated with this in-stream monitoring location. The in-stream monitoring location identifier is a 3 digit number starting with "I01" (I as in In-stream).

SECTION VII - OTHER ENVIRONMENTAL APPROVALS AND PERMIT INFORMATION

Please provide existing or required Clean Water Act Section 404 Permit and Underground Injection Control UIC number or application date.

SECTION VIII - DISCHARGE MONITORING REPORT (DMR) CONTACT INFORMATION

DMR Official: KPDES permit holders are required to submit DMRs electronically to the Division of Water on a regular schedule (as defined by the KPDES permit). Information in this section serves to specifically identify the name and contact information of the DMR official. Please provide the name, mailing address, eMail address and telephone number (alternate phone number is optional) of the DMR signatory authority, i.e. the company official responsible for signing DMRs (see **SIGNATURE REQUIREMENTS** below).

SECTION IX - NOI PREPARER INFORMATION

Provide the name, mailing address, eMail address and telephone number (alternate phone number is optional) of the person preparing the NOI.

SECTION X- ATTACHMENTS

Required: Attach the most current signed and stamped MRP map submitted to the Division of Mine Permits (DMP) for each SMCRA number and Action; a KPDES Map showing the total permit boundary including acreage, location of outfalls for the entire KPDES permit area, flow lines, all adjacent DNR permits including boundaries of any overlapping or shared ponds, and shall be in a scale of 1":400'; and a USGS topographic map clearly indicating the location of the activity and the proposed discharge points.

Submit a SDAA if NOI is for a new or expanded operation.

If Effluent Sample is required, attach effluent data lab sheets.

Attach justification statements if required.

Other File(s): Attach any additional files required for review.

SECTION XI - CERTIFICATION

Provide the Signature, title, printed name, eMail address, and telephone number (alternate phone number is optional), and Signature Date of the responsible party.

Signature: Provide full name of the responsible party. This will constitute a signature.

SIGNATURE REQUIREMENTS - The NOI must be signed as follows:

Corporation: by a principal executive officer of at least the level of vice president

Partnership or sole proprietorship: by a general partner or the proprietor respectively

Click to Save Values for Future Retrieval: If additional information is required and submittal of application is not complete, click here to save entries for future retrieval. **You will receive a new Transaction ID each time you save the document. Be sure to record this number, you will need it to retrieval your application for completion.**

Click to Submit to DEP: When application is complete, click here to submit application. **You will receive a Submittal ID number when the application is accepted, be sure to record this number. Dow will require this number if you have questions concerning your submittal.**

Once you have successfully submitted a completed eNOI, you will automatically be sent to DEP's ePay site where you can make an ePayment for your filing fee. The application will not be complete until you have included your filing fee.