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	U.S. DEPARTMENT OF THE INTERIOR **OFFICE OF SURFACE MINING** **RECLAMATION AND ENFORCEMENT** **DIRECTIVES SYSTEM**	**Subject Number:** AML-4-1 **Transmittal Number:** 771 **Date:** MAR 12 1993

Subject: Procedures for Emergency and Federal High Priority Reclamation Program Projects

Approval: [signature] **Title:** Director

The Office of Surface Mining Reclamation and Enforcement Directive AML-4, dated July 30, 1992, is changed to provide guidance about storm water discharge permits.

CHANGES

Paragraph 2. Summary of Changes

Paragraph 2.f. is modified to include the Clean Water Act.

2.f. Requirements on compliance with the Clean Water Act (CWA), the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) when conducting emergency and Federal high priority projects have been added to the steps to be followed when addressing emergency and high priority projects.

Paragraph 4. Policy/Procedures

A paragraph 4.a.(4)(b)1.e. is added.

4.a.(4)(b)1.e. A description of what must be contained in the storm water pollution prevention plan, if applicable. AML projects must meet both State and local storm water discharge permit requirements. Therefore, what is required in a storm water prevention plan depends on the State and locality in which the project is located. The EPA publication, "Storm Water Management For Construction Activities; Developing Pollution Plans and Best Management Practices, Summary Guidance (EPA 833-R-92-001, October 1992)" gives a good description of what is required when the U.S. EPA is responsible for issuing a storm water discharge permit.

CHANGE NOTICE

A paragraph 4.a.(4)(c)7. is added.

4.a.(4)(c)7. Assure compliance with CWA. Section 402(p) of CWA clarifies that storm water discharges associated with industrial activity to waters of the United States must be authorized by a National Pollutant Discharge Elimination System (NPDES) permit. On November 16, 1990, the United States Environmental Protection Agency (EPA) published (55 FR 48062) regulations under the NPDES program which defined storm water discharges associated with industrial activity. One type of industrial activity is construction. On September 9 and 30, 1992, EPA issued final NPDES General Permits for Storm Water Discharges from Construction Sites (57 FR 41176 and 57 FR 44412). These general permits are for States that do not have their own NPDES programs (Alaska, Arizona, District of Columbia, Florida, Idaho, Louisiana, Maine, Massachusetts, New Hampshire, New Mexico, Oklahoma, South Dakota, and Texas) and Indian lands. These general permits establish Notice of Intent requirements, special conditions, requirements to develop and implement storm water pollution prevention plans, requirements to conduct site inspections for facilities with discharges authorized by the permit, and how to terminate coverage when the project is completed. States having their own NPDES programs are responsible for issuing storm water discharge permits.

In most cases AML projects should be considered construction projects when determining the applicability, if any, of the storm water discharge program. If required, obtain coverage under an existing general storm water discharge permit (usually by filing a Notice of Intent) or if there is no existing permit, obtain a permit, except that in no event will an emergency action necessary to prevent substantial physical harm to the health, safety, or general welfare of people be delayed by the procedures for obtaining coverage under a storm water discharge permit. Such emergency work can normally be accomplished in several days. When coverage under a storm water discharge permit is required, additional work will only be undertaken after such coverage is obtained.

Paragraph 4.a.(6)(c)1.h. is modified.

4.a.(6)(c)1.h. Documentation of compliance with CWA, NEPA and NHPA, if appropriate.