



U. S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
DIRECTIVES SYSTEM

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Subject: Sediment Control Using the Best Technology Currently Available

Approval:

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Title: Director

1. Purpose. This directive provides guidance for evaluating permit applications that include sediment control measures that represent best technology currently available.

2. Definitions.

a. Additional contributions of suspended solids means an increase in suspended solids leaving a permit area during mining and reclamation activities, above the level that would be expected from the area should no mining have occurred.

b. Siltation structure means a sedimentation pond, a series of sedimentation ponds, or some other treatment facility as defined in 30 CFR 816.46(a)(3).

c. Other sediment control measures means the equipment, devices, systems, methods or techniques, such as those outlined in 816.45(b) and excluding siltation structures, that are determined to be the best technology currently available in accordance with 816.46(b)(1).

d. The following terms have the meanings specified in 30 CFR 701.5.

- (1) Best technology currently available (BTCA).
- (2) Sedimentation pond.
- (3) Suspended solids.

3. Policy/Procedures. 30 CFR 816.46(b)(2) and 817.46(b)(2) have been suspended by the Office of Surface Mining Reclamation and Enforcement (OSMRE). Therefore, the definition of BTCA contained in 30 CFR 701.5 is controlling. The standard for evaluating BTCA is the prevention, to the extent possible, of additional contributions of suspended solids to streamflow or runoff outside the permit area. In no event shall additional contribution of suspended solids be in excess of requirements set by applicable State or Federal law. Within the constraints of the applicable program, the regulatory authority (RA) has the discretion to determine BTCA on a case-by-case basis.

The Office of Surface Mining Reclamation and Enforcement will follow this policy in administering a Federal program in States without approved State regulatory programs, and in regulating coal mining operations on Indian lands and on Federal lands in States without a cooperative agreement, and in conducting oversight and evaluation of State programs.

a. Siltation structures as BTCA.

OSMRE anticipates that in most cases sedimentation ponds or some other siltation structure will be BTCA. In those instances the performance standards in 30 CFR 816.46(b), (c) and (d) and 817.46(b), (c) and (d) will continue to apply. Where BTCA includes a discharge from a point source, effluent limits will continue to apply in accordance with 30 CFR 816.42, 817.42, 816.45(a)(2) and 817.45(a)(2).

b. Other sediment control measures as BTCA.

Other sediment control measures may be found by the regulatory authority to constitute BTCA. In those situations, the performance standards of 30 CFR 816.45 and 817.45 will control.

c. Monitoring.

Surface-water monitoring plans of all permit applications must meet applicable provisions of 30 CFR 780.21(j) or 784.14(i).

d. Relationship to approved State programs.

The RA has the discretion to define BTCA or to require that all runoff pass through sediment ponds or siltation structures pursuant to its approved program. In the oversight of an approved State program or when applying these provisions to Federal land permit applications, OSMRE will apply the approved State program standards.

e. Point source determination.

The decision of what is or is not a point source is not a determination made under the Surface Mining Control and Reclamation Act (SMCRA); rather, such a determination is made under the provisions of the Clean Water Act by the agency responsible for implementing that Act.

4. Reporting Requirements. None.
5. References.
 - a. SMCRA, 30 USC 1265(b)(10)(B)(i)
 - b. 30 CFR 701.5, 780.21, 784.14, 816.41, 816.42, 816.45, 816.46, 817.41, 817.42, 817.45, and 817.46.
 - c. Clean Water Act, 33 USC 1251 et seq.
 - d. U.S. Department of Agriculture, Soil Conservation Service, Engineering Field Manual for Conservation Practices, 1975.
 - e. Handbook of Alternative Sediment Control Methodologies for Mined Land, Mining and Reclamation Council of America, Washington, D.C., 1985.
6. Effect on Other Documents. Supersedes memorandum dated Sept. 17, 1986, from Deputy Director, Operations and Technical Services, to the Assistant Directors, Field Operations, and Field Office Directors.
7. Effective Date. Upon issuance.
8. Contact. Division of Technical Services, (202) 343-1480.