

MINE WASTES THAT ARE EXEMPT FROM SOLID WASTE PERMITTING REQUIREMENTS AND DEFINITIONS OF SURFACE AND HARD ROCK MINING

Hard rock mine waste includes tailings from spent or processed ores. The last page of this guidance document lists definitions of surface and hard rock mining.

There are some instances where a mine waste or material does not require a solid waste monofill disposal permit from the Department of Environmental Conservation unless there is a public health threat or an environmental problem associated with the disposal of the waste or material, or the waste or material is being managed in a manner that causes or contributes to a nuisance. For example, waste rock is exempt from the requirements of 18 AAC 60, unless it has been determined that the waste rock could generate acid rock drainage. It is up to the applicant proposing a hard rock mine operation to determine whether a permit is required to dispose of mine waste.

If you determine that a permit is not required, you must submit a storage plan to the department at least 30 days before operations are planned to begin. All owners and operators of mine waste disposal facilities must meet these storage, operating, containment and monitoring requirements.

The following mine wastes are exempt from the requirements of 18 AAC 60:

Waste rock from a mining operation (18 AAC 60.005(b)(8));

Tailings from placer mining that have not been amalgamated or chemically treated; other mine tailings are regulated unless specifically exempted. See 18 AAC 60.005(b)(9);

Any mine wastes associated with projects listed in 18 AAC 60.200(a), although an activity generating solid waste such as a mining operation may require certification under 33 USC 1344 (Clean Water Act, Sec. 404). The department will enforce conditions attached to a Section 404 certification in the same way it enforces permit conditions (see 18 AAC 60.200(b)). Also, an impoundment for mine waste tailings can be located in a floodplain provided certain conditions are met and the impoundment is operated according to site-specific stipulations contained in permits issued by the department. See 18 AAC 60.410(b);

Any mine waste associated with a treatment works designed to treat less than 5 tons of waste daily or up to 10 tons in a single batch unless it causes or contributes to a threat to public health or the environment, or the treatment works is operated in a manner that causes or contributes to a nuisance. Refer to 18 AAC 60.005(c);

Mine waste regulated under 18 AAC 72.010 and 18 AAC 72.220, Wastewater Disposal;

Mine waste within a contaminated site for which a contaminated site cleanup plan has been approved;

Mine waste for which disposal is governed by a hazardous waste permit issued under 40 CFR 264 or 265;

Ore beneficiation fluids that are collected, stored, or treated in a processing facility for continual re-use,

Mine waste not otherwise exempt which has been treated in such a manner that the potential for contaminant releases is eliminated (18 AAC 60.400(d)). The department may then allow the treated waste to be managed either as an inert waste under 18 AAC 60.460 or as a construction material, provided it is appropriate for the application, not mixed with nonexempt waste, does not cause a public health threat or environmental problem, and is managed in a location where it is not likely to cause a nuisance;

Less than 20 cubic yards of mine waste held in transfer sites designed to hold this amount. Owners or operators of transfer sites designed for 20 cubic yards of waste or more must meet requirements listed in 18 AAC 60.010(f). Solid waste of any amount held in a transfer site of any size must meet requirements found in 18 AAC 60.010(g) if the department finds that the waste is causing a nuisance or a risk to human health or the environment;

Except as provided for drilling waste in 18 AAC 60.430, facilities must meet the requirements found in 18 AAC 60.010(h) if they are used to store more than 50 tons of materials for reuse, recycling, resource recovery, or before disposal and are causing or contributing to a nuisance or are posing a risk to public health or the environment;

Mine waste from certain facilities that may qualify for a general permit provided those facilities meet the following conditions:

- are involved with the same type of waste handling system;
- are disposing of the same type of solid waste;
- will not threaten human health or the environment; and
- are, in the department's judgment, best regulated under a general permit.

The department will restrict the general permit to a specific area or set of physical conditions and can modify, revoke, reissue, or terminate a general permit without opportunity for hearing. The department will require a facility to obtain an individual permit if that facility is operating in a manner that might threaten human health or the environment, is not in compliance with the general permit, undergoes a material change in the operation or in the type or quantity of waste, or if the facility's general permit was procured under misrepresented or undisclosed material facts. See 18 AAC 60.255.

Following are definitions relating to surface and hard rock mining:

Hard rock mining: This term generally refers to underground mining but may also apply to in-situ and heap leaching, stoping, and open pit mining in consolidated material or rock having a strong bonded structure.

Surface mining: Mining done in unconsolidated material or soft rock at or near the surface, generally where the overburden can be removed with little expense or with little blasting. It is also called strip mining, placer mining, opencast, open cut, or open pit mining. Disposal of solid waste from surface mining is regulated under the federal Surface Mining Control and Reclamation Act of 1977 and not under this chapter.

Ore beneficiation: Methods applied to ore to upgrade, concentrate, or prepare for processing and the extraction of materials of economic value.

Mineral processing: Methods applied to mineral ore concentrate to extract materials of economic value. The terms processing and beneficiation may be seen as interchangeable when describing wastes generated by extracting resources from ore. However, these terms are also used to differentiate certain wastes that are - and are not - exempt from RCRA hazardous waste requirements. See 40 CFR 261.4(b)(7).