



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION VIII  
 999 18th STREET—SUITE 500  
 DENVER, COLORADO 80202-2405

*Rec'd  
 from  
 Mike Herkimer  
 Fred 1/24/88  
 Don H. Dodson  
 Steve*

January 22, 1988

Ref: 8WM-C

Mr. Don Ostler  
 Executive Secretary  
 Bureau of Water Pollution Control  
 Utah Department of Health  
 P.O. Box 16690  
 Salt Lake City, Utah 84116-0690



Dear Mr. Ostler:

Enclosed please find the permit(s) for discharge under the National Pollutant Discharge Elimination System (NPDES). If you have any questions as per enclosed permit(s), please contact Mr. Patrick J. Godsil of this Agency at (303) 293-1623.

Sincerely yours,

*Max H. Dodson*

Max H. Dodson  
 Director  
 Water Management Division

Enclosure(s)

Plateau Mining Company, UT-0023736 *mailed 2/2/88*  
 Orem City Corporation, UT-0020915 (Modification) } *mailed 2/8/88*  
 Salem City Corporation, UT-0020249 }  
 Valley Camp of Utah, Inc., UT-0022985 }

Permit No.: UT-0022985

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VIII  
DENVER PLACE  
999 18TH STREET, SUITE 500  
DENVER, COLORADO 80202-2405

AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended,  
(33 U.S.C. §1251 et seq; the "Act"),

Valley Camp of Utah, Inc.,

is authorized to discharge from a facility located in Sections 8, 17, and 30  
of Township 13 South, Range 7 East, Carbon County, Utah,

to receiving waters named Pleasant Valley Creek and Whiskey Creek, both  
tributaries to the Price River,

in accordance with discharge point(s), effluent limitations, monitoring  
requirements and other conditions set forth herein.

This permit shall become effective March 1, 1988.

This permit and the authorization to discharge shall expire at midnight,  
July 31, 1992.

Signed this 8th day of February 1988.



\_\_\_\_\_  
Authorized Permitting Official

Max H. Dodson  
Director  
Water Management Division  
\_\_\_\_\_  
Title

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## I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Definitions.

1. The "30-day (and monthly) average," other than for fecal coliform bacteria and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for fecal coliform bacteria and total coliform bacteria. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
2. The "7-day (and weekly) average," other than for fecal coliform bacteria and total coliform bacteria, is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. Geometric means shall be calculated for fecal coliform bacteria and total coliform bacteria. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.
3. "Daily Maximum" ("Daily Max.") is the maximum value allowable in any single sample or instantaneous measurement.
4. "Composite samples" shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:
  - a. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;
  - b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;

A. Definitions (Continued)

- c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,
  - d. Continuous collection of sample, with sample collection rate proportional to flow rate.
5. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
  6. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
  7. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
  8. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
  9. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
  10. "Active mining area" means the areas on and beneath land used or disturbed in activity related to the extraction, removal, or recovery of coal from its natural deposits. This term excludes coal preparation plants, coal preparation plant associated areas and post-mining areas.
  11. "Reclamation area" means the surface area of a coal mine which has been returned to required contour and on which revegetation (specifically, seeding or planting) work has commenced.

A. Definitions (Continued)

12. The term "10-year, 24-hour precipitation event" shall mean the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and subsequent amendments or equivalent regional or rainfall probability information developed therefrom.
13. The term "coal preparation plant" means a facility where coal is crushed, screened, sized, cleaned, dried, or otherwise prepared and loaded for transit to a consuming facility.
14. The term "coal preparation plant associated areas" means the coal preparation plant yards, immediate access roads, coal refuse piles, and coal storage piles and facilities.
15. The term "settleable solids" is that matter measured by the volumetric method specified below:

The following procedure is used to determine settleable solids:

Fill an Imhoff cone to the one-liter mark with a thoroughly mixed sample. Allow to settle undisturbed for 45 minutes. Gently stir along the inside surface of the cone with a stirring rod. Allow to settle undisturbed for 15 minutes longer. Record the volume of settled material in the cone as milliliters per liter. Where a separation of settleable and floating material occurs, do not include the floating material in the reading.

16. "Director" means Director of the United States Environmental Protection Agency's Water Management Division.
17. "EPA" means the United States Environmental Protection Agency.
18. Acute toxicity occurs when 20 percent or more mortality is observed for either test species at any effluent concentration. Mortality in the control must simultaneously be 10 percent or less for the results to be considered valid.
19. Outfall Description: Outfalls 001, 002, and 003 discharge intermittently from surface runoff settling ponds adjacent to the train loadout facility into Pleasant Valley Creek; 004 discharges intermittently from a surface runoff settling pond adjacent to the mine into Whiskey Creek and 005 discharges into Whiskey Creek from a filter pond which receives mine water from underground operations.

B. Specific Limitations and Self-Monitoring Requirements

1. During the period beginning immediately and lasting through June 30, 1992, the permittee is authorized to discharge from Outfalls 001, 002, 003, 004 and 005 associated with active mining operations indicated on the area maps submitted and approved pursuant to Part IV, Q.1. Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristics</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>				
	30-Day Average	a/	7-Day Average	a/	Daily Maximum	a/	Measurement Frequency	Sample Type	a/
Flow, gpd	N/A		N/A		N/A		2 x Month	Measured	a/ c/
Total Suspended Solids, mg/L	25		35		70		2 x Month	Grab	
Total Iron, mg/L	N/A		N/A		2.0	b/	Monthly	Grab	
Total Dissolved Solids, mg/L	N/A		N/A		700	d/	Monthly	Grab	

Oil and Grease shall not exceed 10 mg/L and shall be monitored monthly by a grab sample.

The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units and shall be monitored monthly by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

There shall be no discharge of sanitary wastes.

2. See Schedule of Compliance. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at any point which is representative of each discharge prior to its mixing with the receiving stream and as indicated by the solid triangles on the current area maps submitted pursuant to Part IV, P.1.

a/ See Definitions, Part I.A. for definition of terms.

b/ If any Iron analysis exceeds this limitation, the State of Utah and the permittee shall review the actions necessary to achieve compliance with the limitation and the continued appropriateness of the limitation. In no event shall the discharge exceed a daily maximum limitation for Total Iron of seven (7) milligrams per liter.

c/ For the intermittent discharges, the duration of the discharge shall be reported.

d/ The total amount of Total Dissolved Solids (TDS) discharged from all outfalls is limited to one ton (2,000 pounds) per day of TDS.

B. Specific Limitations and Self-Monitoring Requirements (Active Mining Operations) (Continued)

3. Effective July 1, 1991, there shall be no acute toxicity in the discharge from outfall 005, the mine water filter pond discharge. (See Acute Toxicity definition Part I.A.)
4. Any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitation instead of the Total Suspended Solids limitations contained in Part I, B.1.

Effluent CharacteristicDaily Maximum

Settleable Solids

0.5 mL/L

Settleable Solids shall be monitored weekly during periods of precipitation.

5. Any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of the otherwise applicable limitations:

The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units.

6. The operator shall have the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event described in Parts I, B.4. and B.5. The alternate limitations in Parts I, B.4. and B.5. shall not apply to treatment systems that treat underground mine water only.

B. Specific Limitations and Self-Monitoring Requirements

## 7. Whole Effluent Testing

Starting in the fourth quarter of calendar year 1988, the permittee shall, once each calendar quarter, conduct acute static replacement toxicity tests on a grab sample of the final effluent of outfall 005.

The replacement static toxicity tests shall be conducted in general accordance with the procedures set out in the latest revision of "Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms", EPA-600/4-85-013 (Rev. March 1985) and the "Region VIII EPA NPDES recommended acute test conditions". The permittee shall conduct an acute 48-hour static toxicity test using Ceriodaphnia sp. and an acute 96-hour static replacement toxicity test using fathead minnows five days (+ 2 days) of age. After each 24 hours of the test period, the dilutions shall be replaced with freshly prepared dilutions of the original effluent sample. If more than 10 percent control mortality occurs, the test shall be repeated until satisfactory control survival is achieved.

*ALL PPP  
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If acute toxicity occurs in a routine test, an additional test shall be conducted within four weeks of the date of the initial sample. Should acute toxicity occur in the second test, testing shall occur once a month until further notified by the permit issuing authority.

Test results shall be reported along with the Discharge Monitoring Report (DMR) submitted for the end of the reporting calendar quarter (e.g., biomonitoring results for the calendar quarter ending March 31 shall be reported with the DMR due April 28, with the remaining biomonitoring reports submitted with DMRs due each July 28, October 28, and January 28). The format for the report shall be consistent with the February 1987 Region VIII Guidance for Biomonitoring Reporting, or its latest revision, and shall include all chemical and physical data as specified for the tests. If monthly testing is implemented, results shall be submitted with each monthly discharge monitoring report (e.g., the DMR and toxicity testing data for each month would be due by the 28th day of the following month).

If the results for the first four consecutive quarters of testing indicate no acute toxicity, the permittee may request the permit issuing authority to allow a reduction to quarterly acute toxicity testing on only one species. The permittee is to specify which species would be used in the testing. The permit issuing authority may approve or deny the request based on the biomonitoring results and other available information without an additional public notice. If the request is approved, the test procedures are to be the same as specified above for the test species.

B. Specific Limitations and Self-Monitoring Requirements

8. Toxicity Reduction Evaluation (TRE)

If acute toxicity is detected prior to July 1, 1991, and it is determined by the permit issuing authority that a TRE is necessary, the permittee shall be so notified and shall initiate a TRE immediately thereafter. The purpose of the TRE will be to establish the cause of the toxicity, locate the source(s) of the toxicity, and control or provide treatment for the toxicity prior to the deadline for compliance contained in Part I.B.3. of this permit.

If the TRE establishes that the toxicity cannot be eliminated by the deadline contained in this permit, the permittee shall submit a proposed compliance plan to the permit issuing authority. The plan shall include the proposed approach to control toxicity and a proposed compliance schedule for achieving control. If the approach and schedule are acceptable to the permit issuing authority, this permit may be reopened and modified.

If the TRE shows that the toxicity is caused by a toxicant(s) that may be controlled with specific numerical limitations, the permittee may:

- a. Submit an alternative control program for compliance with the numerical requirements.
- b. If necessary, provide a modified biomonitoring protocol which compensates for the pollutant(s) being controlled numerically.

If acceptable to the permit issuing authority, this permit may be reopened and modified to incorporate any additional numerical limitations, a modified compliance schedule if judged necessary by the permit issuing authority, and/or a modified biomonitoring protocol.

Failure to conduct an adequate TRE, or failure to submit a plan or program as described above, or the submittal of a plan or program judged inadequate by the permit issuing authority, shall in no way relieve the permittee from the deadline for compliance contained in Part I.B.3. of this permit.

B. Specific Limitations and Self-Monitoring Requirements

## 9. Schedule of Compliance

- a. The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:
  - (1) If there are any changes, corrections, or other modifications or adjustments of the location of the point source discharges, the Permittee shall submit a revised Area Map(s) as described in Part IV.Q. Such maps must be submitted 60 days prior to commencement of the discharge.
  - (2) If the required biomonitoring establishes toxicity, as determined by the permit issuing authority, an elimination of whole effluent toxicity must be achieved by July 1, 1991.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- C. Penalties for Tampering. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both.
- D. Reporting of Monitoring Results. Effluent monitoring results obtained during the previous month shall be summarized and reported on a Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the requirements of Signatory Requirements (see Part IV), and submitted to the Director, Water Management Division and the State agency at the following addresses:

original to: United States Environmental Protection Agency  
Region VIII  
Denver Place  
999 18th Street, Suite 500  
Denver, Colorado 80202-2405

Attention: Water Management Division  
Compliance Branch (8WM-C)

copy to: Utah Department of Health  
Bureau of Water Pollution Control  
P.O. Box 16690  
Salt Lake City, Utah 84116-0690

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- E. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- F. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.
- G. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
  2. The individual(s) who performed the sampling or measurements;
  3. The date(s) analyses were performed;
  4. The individual(s) who performed the analyses;
  5. The analytical techniques or methods used; and,
  6. The results of such analyses.
- H. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. Data collected on site, copies of Discharge Monitoring Reports, and a copy of this NPDES permit must be maintained on site during the duration of activity at the permitted location.
- I. Twenty-four Hour Notice of Noncompliance Reporting.
1. The permittee shall report any noncompliance which may seriously endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the EPA, Region VIII, Emergency Response Branch at (303) 293-1788.
  2. The following occurrences of noncompliance shall be reported by telephone to the EPA, Region VIII, Compliance Branch at (303) 293-1589 by the first workday (8:00 a.m. - 4:30 p.m. Mountain Time) following the day the permittee became aware of the circumstances:
    - a. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G., Bypass of Treatment Facilities.);
    - b. Any upset which exceeds any effluent limitation in the permit (See Part III.H., Upset Conditions.); or,

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- c. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.
3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
  - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
4. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Compliance Branch, Water Management Division, Denver, Colorado, by phone, (303) 293-1589.
5. Reports shall be submitted to the addresses in Part II.D., Reporting of Monitoring Results.
- J. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.D. are submitted. The reports shall contain the information listed in Part II.I.2.
- K. Inspection and Entry. The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
  1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
  2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
  4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

## III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed \$25,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than \$5,000, nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both. Except as provided in permit conditions on Part III.G., Bypass of Treatment Facilities and Part III.H., Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. However, the permittee shall operate, as a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.
- F. Removed Substances. Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be buried or disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter backwash shall not directly enter either the final effluent or waters of the United States by any other direct route.

G. Bypass of Treatment Facilities:

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2. and 3. of this section. Return of removed substances, as described in Part III.F., to the discharge stream shall not be considered a bypass under the provisions of this paragraph.
2. Notice:
  - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 60 days before the date of the bypass.
  - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.I., Twenty-four Hour Reporting.
3. Prohibition of bypass.
  - a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:
    - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
    - (3) The permittee submitted notices as required under paragraph 2. of this section.
  - b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this section.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph 2. of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
  2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
    - b. The permitted facility was at the time being properly operated;
    - c. The permittee submitted notice of the upset as required under Part II.I., Twenty-four Hour Notice of Noncompliance Reporting; and,
    - d. The permittee complied with any remedial measures required under Part III.D., Duty to Mitigate.
  3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

IV. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or,
  2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Part IV.A.1.
- B. Anticipated Noncompliance. The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- E. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- F. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.

- G. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.
1. All permit applications shall be signed as follows:
    - a. For a corporation: by a responsible corporate officer;
    - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
    - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
  2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
    - a. The authorization is made in writing by a person described above and submitted to the Director, and,
    - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
  3. Changes to authorization. If an authorization under paragraph IV.G.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.G.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

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4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- H. Penalties for Falsification of Reports. The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both.
- I. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution control agency and the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.
- J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

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- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- L. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
  2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
  3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2. above.
- N. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

O. Water Quality Standard Requirement - Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations and compliance schedule, if necessary, if one or more of the following events occurs:

1. Water Quality Standards for the receiving water(s) to which the permittee discharges are modified in such a manner as to produce different effluent limits than contained in this permit.
2. A final wasteload allocation is developed and approved by the State and/or EPA for incorporation in this permit.
3. A revision to the current 208 plan is approved and adopted which calls for different effluent limitations than contained in this permit.

P. Toxicity Limitation-Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include a new compliance date, additional or modified numerical limitations, a new or different compliance schedule, a change in the biomonitoring protocol, or any other conditions related to the control of toxicants if one or more of the following events occur:

- a. Toxicity was detected late in the life of the permit near or past the deadline for compliance.
- b. The TRE results indicate that compliance with the toxic limits will require an implementation schedule past the date for compliance and the permit issuing authority agrees with the conclusion.
- c. The TRE results indicate that the toxicant(s) represent pollutant(s) that may be controlled with specific numerical limits, and the permit issuing authority agrees that numerical controls are the most appropriate course of action.
- d. Following the implementation of numerical controls on toxicants, the permit issuing authority agrees that a modified biomonitoring protocol is necessary to compensate for those toxicants that are controlled numerically.
- e. The TRE reveals other unique conditions or characteristics which, in the opinion of the permit issuing authority, justify the incorporation of unanticipated special conditions in the permits.

## Q. OTHER REQUIREMENTS

## 1. Area Maps (Active Mining Operations)

- a. Facilities which have already identified the location of each discharge need not submit an area map.
- b. The permittee shall submit revised Area Map(s) to show any changes, corrections, or other modifications or adjustments of the location of the point source discharges. The purpose of this requirement is to assure that the Regional Administrator and the State of Utah are kept fully advised as to the current location of such discharges.
- c. The revised Area Map(s) shall be submitted in the form specified below and shall be made from USGS topographical maps (7.5 or 15-minute series) or other appropriate sources as approved by the Regional Administrator or his designee. Each revised Area Map shall be 8 1/2 inches by 11 inches and shall be in black and white suitable to produce readable copies by rapid printing methods (Xerox, Dennison, Offset printing, etc.) or as approved by the Regional Administrator or his designee. Where additional 8 1/2 inch by 11 inch maps are required to show the area of operation, they shall be numbered and a key shall be shown on the first map. The first map section shall have the company name, mine/job name, address, and NPDES number clearly printed thereon. Also, one line of latitude and one line of longitude shall be marked on each map section. The Area Map(s) shall delineate the following, using the graphics as indicated:

- (1) Existing Area of Operation  (Solid Outline)
- (2) Existing point source  (Solid Triangle)
- (3) The projected area of operation for the next five years  (Dashed Outline)
- (4) Project point source for the next five years  (Opened Triangle)
- (5) The monitoring reports must indicate the active-inactive status of all discharge points which are listed on the current area maps. These discharge points shall be assigned numbers 001, 002, 003, etc.

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2. Monitoring of a discharge may be terminated if either:
  - (a) Sufficient data has been accumulated to show to the satisfaction of the Regional Administrator or his designee that the untreated discharge from an area where active mining has ceased will meet the limitations herein; or,
  - (b) The discharge emanates from an area on which the State of Utah has released the grading bond or has taken other similar action.