

0005



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State of Utah
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY

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Reply to: State of Utah
Division of Water Quality
Department of Environmental Quality
Salt Lake City, Utah 84114-4870

November 25, 1991

DIVISION OF WATER QUALITY
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

PUBLIC NOTICE OF ISSUANCE OF UPDES PERMIT

PURPOSE OF PUBLIC NOTICE

THE PURPOSE OF THIS PUBLIC NOTICE IS TO DECLARE THE STATE OF UTAH'S INTENTION TO ISSUE A UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) PERMIT UNDER AUTHORITY OF THE UTAH WATER QUALITY ACT, SECTION 19-5-104(9) AND 107(2), UTAH CODE ANNOTATED 1953, AS AMENDED.

PERMIT INFORMATION

PERMITTEE NAME: Cyprus Plateau Mining Corp.
MAILING ADDRESS: P.O. Drawer PMC
Price, Utah 84501
TELEPHONE NUMBER: (801) 637-2875
FACILITY LOCATION: Section 8,10,16; Township 15 S; Range 8 East, Carbon County, Utah
UPDES PERMIT NO.: UT0023736

The proposed renewal permit is for Cyprus Plateau Mining Corp.'s underground coal mining operation. The receiving streams are Mud Water Canyon and Serviceberry Creek.

PUBLIC COMMENTS

Public comments are invited any time prior to December 25, 1991. Comments may be directed to the State of Utah, Division of Water Quality, Department of Environmental Quality, Salt Lake City, Utah 84114-4870. All comments received prior to December 25, 1991 will be considered in the formulation of final determinations to be imposed on the permit. A public hearing will be held if response to this Notice indicates significant public interest.

FURTHER INFORMATION

Additional information may be obtained upon request by calling (801) 538-6146 or by writing the aforementioned address. The complete application, issued permit, permittee's request for renewal of the permit, Statement of Basis, draft permit, and related documents are available for review at the Division of Water Quality, 288 North 1460 West, Salt Lake City, Utah.

STATEMENT OF BASIS
CYPRUS PLATEAU MINING CORPORATION
MINOR FACILITY

PERMIT NUMBER UT0023736

FACILITY CONTACT: Mr. Ben Grimes
Environmental Coordinator
Cyprus Plateau Mining Corp.
PO Drawer PMC
Price, Utah 84501
(801) 637-2875 Ext. 263

FACILITY TYPE: Underground coal mining operation

FACILITY LOCATION: The mine and associated discharge points are located near Wattis, Utah.

<u>Outfall Number</u>	<u>Latitude</u>	<u>Longitude</u>
001	39° 32' 15"	111° 02' 30"
002	39° 31' 30"	111° 01' 45"
003	39° 31' 30"	111° 01' 15"
004	39° 31' 57"	111° 00' 30"
005	39° 31' 45"	111° 00' 30"
006	39° 31' 45"	111° 00' 15"
007	39° 32' 00"	111° 00' 15"
008	39° 31' 31"	111° 00' 27"
009	39° 32' 20"	111° 03' 26"
010	39° 31' 47"	111° 00' 49"
011	39° 31' 40"	111° 01' 22"

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE: The SIC Code for Plateau Mining is 1222.

RECEIVING STREAM(S): Outfall 001 discharges to Mud Water Canyon which eventually empties into the Price River below Castle Gate. Outfalls 002 through 011 discharge to unnamed tributaries to Serviceberry Creek which also enters the Price River below Castle Gate. Both Mud Water Canyon and Serviceberry Creek are classified as 3C (protected for nongame fish and other aquatic life, including the necessary aquatic organisms in their food chain) and 4 (protected for agricultural uses including irrigation of crops and stock watering).

DESCRIPTION OF THE FACILITY: Cyprus Plateau is an underground coal mining operation. Eleven discharge points are associated with this operation. Discharge points 002 through 010 are sedimentation ponds. Discharge 011 is an overflow pipe from a mine water storage reservoir, and may receive on a limited basis treated water from the coal preparation plant. The exact amount of water is unknown. It is known that most of the water in the reservoir associated with 011 is recirculated and there has been no discharge from 011 since it was permitted. Discharge point 001 is mine water discharge which receives some treatment in the mine (settling ponds) before discharge. There are no surface treatment facilities at 001. There are no bypasses at any of these discharge points.

Table I contains flow data for the last four years. Historical flow data (1984 to present) is available in Table II. Over the last four to five years this area has experienced drought conditions (as can be observed from Table I), whereas between 1984 and 1987 more substantial discharges of water occurred.

Because the only data in the files covers approximately the last four years (drought conditions) limited water quality data on the discharge points is available. What data is available is shown in Table III.

BASIS FOR EFFLUENT LIMITATIONS: Based on Utah Administrative Code (UAC) R448-1-3.2 which contains State secondary treatment standards, total suspended solids (TSS) will be limited to a 30-day average of 25 mg/l and a 7-day average of 35 mg/L. Based on 40 CFR 434 Subpart D a daily maximum of 70 mg/L TSS will be included in the permit. In addition, pH will be limited to the range of 6.5 to 9.0 based on State secondary treatment standards (UAC R448-1-3.2).

A daily maximum of 2.0 mg/L for total iron will be included in the permit. This is based upon the fact that the previous permit contained this limitation and the Company was able to meet this limitation (with one exception at 009) over the duration of the last permit period.

In December of 1986 Plateau Mine completed an, "Application for Modification to NPDES Discharge Permit for Plateau Mining Company", prepared by Vaughan Hansen Associates, Inc. This report indicated that the groundwater to be intercepted would normally reach the Colorado River system in a reasonable time frame and would contain approximately the same or greater salt load than if intercepted. After review of the report the State determined that Plateau Mine met the requirements of Part II of the Intercepted Groundwater Policy. Therefore, a total dissolved solids (TDS) concentration of 1300 mg/L will be retained from the previous permit for discharge points 001 and 011. Discharge points 002 thru 010 will be limited to one ton (2000 pounds) of TDS per day total from all the discharges. Again, this tonage limit is based on the Colorado River Basin Salinity Control Forum requirements. Based upon historical data from 1984 through 1987 the Utah General Permit for coal mining was not used because it was felt that Plateau Mine may not be able to meet the TDS requirements of the General Permit.

Oil and Grease will be limited to 10 mg/L based on best professional judgement (BPJ) and the fact that the Company was able to meet this limitation over the duration of the last permit period.

As based on 40 CFR part 434 Subpart F, provisions for alternate effluent limitations for precipitation events will be included in the permit for discharge points 002 through 010.

One discharge has occurred at point 009 which was during the period of 4/88 to 6/88. This discharge resulted in a violation of TSS for the thirty day average and daily maximum for total iron.

There shall be no discharge of sanitary waste from any of these discharge points.

The Company will be required to develop best management practices to control road salt storage runoff. In addition, Cyprus Plateau must develop a pollution prevention plan which shall consist of the best technology currently available to cut down and if possible eliminate pollution runoff from small areas not covered by the UPDES permit.

Total and fecal coliform are not included in this permit because none of the wastewater permitted is of a domestic nature. In addition, biochemical oxygen demand (BOD) will not be included in the permit because previous sampling at Cyprus Plateau and other mines in the area indicates that in general for all coal mines BOD is not a concern to the receiving water based upon its low concentration.

BIOMONITORING REQUIREMENTS: As part of a nationwide effort to control toxics, biomonitoring requirements are being included in permits for facilities where effluent toxicity is an existing or potential concern. The "reasonable potential" for toxicity in the Company's discharge is "deminimus". Therefore, there will be no biomonitoring requirements in this permit.

STORM WATER REQUIREMENTS: Storm water runoff in the disturbed areas (which is where it may come into contact with overburden, raw materials, intermediate or finished products, byproducts, or waste products located on site) is covered by this UPDES permit.

MONITORING REQUIREMENTS: Flow shall be measured twice per month at 001 and 011 and once per month at 002 through 010 and reported in unit of gallons per day. TSS shall be monitored twice per month by grab sample at 001 and 011 and once per month at 002 through 010. Iron, TDS, pH, and oil and grease shall all be monitored by grab sample once per month at all discharge points.

Permit drafted by Mike Herkimer, Environmental Health Scientist, Division of Water Quality, September 19, 1991.

S:CYPRUS.SOB

TABLE I
PLATEAU MINING DISCHARGE FLOWS (DMR DATA)
 From 9-1-87 to 6-30-91
 All flows in gallon per day

Outfall	001	002	003	004	005	006	007	008	009	010
	ND	1,500	ND	3,200	ND	ND	ND	21,326	3,600	2,500
				4,320				4,000		7,100
								4,320		7,200
Ave.	ND	1,500	ND	3,760	ND	ND	ND	9,882	3,600	7,150
Max.	ND	1,500	ND	4,320	ND	ND	ND	21,326	3,600	7,200

* ND = no discharge

There has been no discharge from outfall 011 since it was permitted (January 9, 1991).

TABLE II
PLATEAU MINING HISTORICAL DISCHARGE FLOWS (DMR DATA)

From 4-1-84 to present
 All flows in gallon per day

Outfall	001	002	003	004	005	006	007	008	009	010
	500	1,500		3,200	20,000	14,400		21,326	3,600	2,500
	82,450	400		4,320	24,000	28,000		4,000		7,100
	82,450			30,000	28,800	28,800		4,320		7,200
	168,000			25,000	72,000	72,000		26,000		
	28,800			72,000	450,000	380,000		78,600		
	288,000			385,000	935,128	690,074		72,000		
	288,000			586,492				390,000		
	144,000									
	144,000									
	144,000									
	144,000									
	144,000									
	144,000									
Ave.	138,631	950	ND	158,000	255,000	202,000	ND	85,178	3,600	5,600
Max.	288,000	1,500	ND	586,492	935,128	690,074	ND	390,000	3,600	7,200

ND = no discharge. There has been no discharge from outfall 011 since it was permitted (January 9, 1991).

TABLE III
PLATEAU MINING CORP.
DMR DATA FOR DISCHARGE POINT 001
30-DAY AVERAGE VALUES

(All data is in mg/L except pH which is S.U. and TDS which is lbs/day)

DATE	TSS	T-Fe	O&G	pH	TDS
4/91-6/91	ND*				
1/91-3/91	ND				
10/90-12/90	ND				
7/90-9/90	ND				
4/90-6/90	ND				
1/90-3/90	ND				
10/89-12/89	ND				
7/89-9/89	ND				
4/89-6/89	ND				
1/89-3/89	ND				
10/88-12/88	ND				
4/88-6/88	ND				

* ND = no discharge

Table III continued

PLATEAU MINING CORP.
DMR DATA FOR DISCHARGE POINT 002
30-DAY AVERAGE VALUES

(All data is in mg/L except pH which is S.U. and TDS which is lbs/day)

DATE	TSS	T-Fe	O&G	pH	TDS
4/91-6/91	20	0.08	5.0	8.4	21.7
1/91-3/91	ND*				
10/90-12/90	ND				
7/90-9/90	ND				
4/90-6/90	ND				
1/90-3/90	ND				
10/89-12/89	ND				
7/89-9/89	ND				
4/89-6/89	ND				
1/89-3/89	ND				
10/88-12/88	ND				
4/88-6/88	ND				

* ND = no discharge

Table III continued

**PLATEAU MINING CORP.
DMR DATA FOR DISCHARGE POINT 003
30-DAY AVERAGE VALUES**

(All data is in mg/L except pH which is S.U. and TDS which is lbs/day)

DATE	TSS	T-Fe	O&G	pH	TDS
4/91-6/91	ND*				
1/91-3/91	ND				
10/90-12/90	ND				
7/90-9/90	ND				
4/90-6/90	ND				
1/90-3/90	ND				
10/89-12/89	ND				
7/89-9/89	ND				
4/89-6/89	ND				
1/89-3/89	ND				
10/88-12/88	ND				
4/88-6/88	ND				

* ND = no discharge

Table III continued

**PLATEAU MINING CORP.
DMR DATA FOR DISCHARGE POINT 004
30-DAY AVERAGE VALUES**

(All data is in mg/L except pH which is S.U. and TDS which is lbs/day)

DATE	TSS	T-Fe	O&G	pH	TDS
4/91-6/91	ND*				
1/91-3/91	ND				
10/90-12/90	ND				
7/90-9/90	30	0.68	1.0	7.93	18.2
4/90-6/90	ND				
1/90-3/90	ND				
10/89-12/89	ND				
7/89-9/89	ND				
4/89-6/89	ND				
1/89-3/89	ND				
10/88-12/88	ND				
4/88-6/88	22	0.55	1.0	7.6	4.86

* ND = no discharge

Table III continued

**PLATEAU MINING CORP.
DMR DATA FOR DISCHARGE POINT 005
30-DAY AVERAGE VALUES**

(All data is in mg/L except pH which is S.U. and TDS which is lbs/day)

DATE	TSS	T-Fe	O&G	pH	TDS
4/91-6/91	ND*				
1/91-3/91	ND				
10/90-12/90	ND				
7/90-9/90	ND				
4/90-6/90	ND				
1/90-3/90	ND				
10/89-12/89	ND				
7/89-9/89	ND				
4/89-6/89	ND				
1/89-3/89	ND				
10/88-12/88	ND				
4/88-6/88	ND				

* ND = no discharge

Table III continued

**PLATEAU MINING CORP.
DMR DATA FOR DISCHARGE POINT 006
30-DAY AVERAGE VALUES**

(All data is in mg/L except pH which is S.U. and TDS which is lbs/day)

DATE	TSS	T-Fe	O&G	pH	TDS
4/91-6/91	ND*				
1/91-3/91	ND				
10/90-12/90	ND				
7/90-9/90	ND				
4/90-6/90	ND				
1/90-3/90	ND				
10/89-12/89	ND				
7/89-9/89	ND				
4/89-6/89	ND				
1/89-3/89	ND				
10/88-12/88	ND				
4/88-6/88	ND				

* ND = no discharge

Table III continued

**PLATEAU MINING CORP.
DMR DATA FOR DISCHARGE POINT 007
30-DAY AVERAGE VALUES**

(All data is in mg/L except pH which is S.U. and TDS which is lbs/day)

DATE	TSS	T-Fe	O&G	pH	TDS
4/91-6/91	ND*				
1/91-3/91	ND				
10/90-12/90	ND				
7/90-9/90	ND				
4/90-6/90	ND				
1/90-3/90	ND				
10/89-12/89	ND				
7/89-9/89	ND				
4/89-6/89	ND				
1/89-3/89	ND				
10/88-12/88	ND				
4/88-6/88	ND				

* ND = no discharge

Table III continued

**PLATEAU MINING CORP.
DMR DATA FOR DISCHARGE POINT 008
30-DAY AVERAGE VALUES**

(All data is in mg/L except pH which is S.U. and TDS which is lbs/day)

DATE	TSS	T-Fe	O&G	pH	TDS
4/91-6/91	ND*				
1/91-3/91	ND				
10/90-12/90	ND				
7/90-9/90	20	0.47	1.0	7.79	103
4/90-6/90	ND				
1/90-3/90	ND				
10/89-12/89	ND				
7/89-9/89	14	0.19	1.0	7.6	40
4/89-6/89	ND				
1/89-3/89	ND				
10/88-12/88	ND				
4/88-6/88	14	0.31	1.0	7.4	9

* ND = no discharge

Table III continued

**PLATEAU MINING CORP.
DMR DATA FOR DISCHARGE POINT 009
30-DAY AVERAGE VALUES**

(All data is in mg/L except pH which is S.U. and TDS which is lbs/day)

DATE	TSS	T-Fe	O&G	pH	TDS
4/91-6/91	ND*				
1/91-3/91	ND				
10/90-12/90	ND				
7/90-9/90	ND				
4/90-6/90	ND				
1/90-3/90	ND				
10/89-12/89	ND				
7/89-9/89	ND				
4/89-6/89	ND				
1/89-3/89	ND				
10/88-12/88	ND				
4/88-6/88	64	2.64	1.0	7.5	16

* ND = no discharge

Table III continued

**PLATEAU MINING CORP.
DMR DATA FOR DISCHARGE POINT 010
30-DAY AVERAGE VALUES**

(All data is in mg/L except pH which is S.U. and TDS which is lbs/day)

DATE	TSS	T-Fe	O&G	pH	TDS
4/91-6/91	ND*				
1/91-3/91	ND				
10/90-12/90	ND				
7/90-9/90	30	0.77	1.0	8.08	54
4/90-6/90	ND				
1/90-3/90	20	0.12	1.0	8.04	62
10/89-12/89	ND				
7/89-9/89	ND				
4/89-6/89	ND				
1/89-3/89	ND				
10/88-12/88	ND				
4/88-6/88	ND				

* ND = no discharge

Table III continued

PLATEAU MINING CORP.
DMR DATA FOR DISCHARGE POINT 011
30-DAY AVERAGE VALUES

(All data is in mg/L except pH which is S.U. and TDS which is lbs/day)

DATE	TSS	T-Fe	O&G	pH	TDS
4/91-6/91	ND*				
1/91-3/91	ND				
10/90-12/90	ND				
7/90-9/90	ND				
4/90-6/90	ND				
1/90-3/90	ND				
10/89-12/89	ND				
7/89-9/89	ND				
4/89-6/89	ND				
1/89-3/89	ND				
10/88-12/88	ND				
4/88-6/88	ND				

* ND = no discharge

Permit No.: UT0023736
Minor Industrial

STATE OF UTAH
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY
SALT LAKE CITY, UTAH

AUTHORIZATION TO DISCHARGE UNDER THE
UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM
(UPDES)

In compliance with provisions of the *Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated ("UCA") 1953, as amended (the "Act")*,

Cyprus Plateau Mining Corporation

is hereby authorized to discharge from its facility located at Wattis, Utah with the outfall(s) located as indicated in Part I.B, to receiving waters named Mud Water Canyon and Serviceberry Creek in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on January 1, 1992.

This permit and the authorization to discharge shall expire at midnight, December 31, 1996.

Signed this day of

Authorized Permitting Official
Executive Secretary
Utah Water Quality Board

TABLE OF CONTENTS

Cover Sheet--Issuance and Expiration Dates	Page No.
I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS	3
A. Definitions	3
B. Description of Discharge Point(s)	4
C. Narrative Standard	5
D. Specific Limitations and Self-monitoring Requirements	5
II. MONITORING, RECORDING AND REPORTING REQUIREMENTS	8
A. Representative Sampling	8
B. Monitoring Procedures	8
C. Penalties for Tampering	8
D. Reporting of Monitoring Results	8
E. Compliance Schedules	8
F. Additional Monitoring by the Permittee	8
G. Records Content	9
H. Retention of Records	9
I. Twenty-four Hour Notice of Noncompliance Reporting	9
J. Other Noncompliance Reporting	10
K. Inspection and Entry	10
III. COMPLIANCE RESPONSIBILITIES	11
A. Duty to Comply	11
B. Penalties for Violations of Permit Conditions	11
C. Need to Halt or Reduce Activity not a Defense	11
D. Duty to Mitigate	11
E. Proper Operation and Maintenance	11
F. Removed Substances	11
G. Bypass of Treatment Facilities	11
H. Upset Conditions	12
I. Toxic Pollutants	13
J. Changes in Discharge of Toxic Substances	13
K. Industrial Pretreatment	13
IV. GENERAL REQUIREMENTS	14
A. Planned Changes	14
B. Anticipated Noncompliance	14
C. Permit Actions	14
D. Duty to Reapply	14
E. Duty to Provide Information	14
F. Other Information	14
G. Signatory Requirements	14
H. Penalties for Falsification of Reports	15
I. Availability of Reports	15
J. Oil and Hazardous Substance Liability	15
K. Property Rights	15
L. Severability	15
M. Transfers	15
N. State Laws	16
O. Water Quality-Reopener Provision	16

I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Definitions.

1. The "30-day (and monthly) average" is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. 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" is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. 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 composite sample 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;
 - 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.
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. Notwithstanding any provisions of 40 CFR Part 136, the method detection limit for measuring settleable solids under this part shall be 0.4 ml/L.
16. "Executive Secretary" means Executive Secretary of the Utah Water Quality Board.
17. "EPA" means the United States Environmental Protection Agency.

B. Description of Discharge Point(s).

The authorization to discharge provided under this permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under a UPDES permit is a violation of the *Act* and may be subject to penalties under the *Act*. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge may be subject to criminal penalties as provided under the *Act*.

Outfall Serial Number	Description of Discharge		
001	Mine discharge,	latitude 39° 32' 15"	longitude 111° 02' 30"
002	Sed. Pond,	latitude 39° 31' 30"	longitude 111° 01' 45"
003	Sed. Pond,	latitude 39° 31' 30"	longitude 111° 01' 15"
004	Sed. Pond,	latitude 39° 31' 57"	longitude 111° 00' 30"
005	Sed. Pond,	latitude 39° 31' 45"	longitude 111° 00' 30"
006	Sed. Pond,	latitude 39° 31' 45"	longitude 111° 00' 30"
007	Sed. Pond,	latitude 39° 32' 00"	longitude 111° 00' 15"
008	Sed. Pond,	latitude 39° 31' 31"	longitude 111° 00' 27"
009	Sed. Pond,	latitude 39° 32' 20"	longitude 111° 03' 26"
010	Sed. Pond,	latitude 39° 31' 47"	longitude 111° 00' 49"
011	Overflow from water storage reservoir,	latitude 39° 31' 40"	longitude 111° 01' 22"

C. Narrative Standard.

It shall be unlawful, and a violation of this permit, for the permittee to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste, or conditions which produce undesirable aquatic life or which produces objectionable tastes in edible aquatic organisms; or concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by bioassay or other tests performed in accordance with standard procedures.

D. Specific Limitations and Self-monitoring Requirements.

- Effective immediately and lasting the duration of this permit, the permittee is authorized to discharge from Outfall 001 and 011. Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristics</u>	<u>Discharge Limitations a/</u>			<u>Monitoring Requirements</u>	
	<u>Average 30-Day</u>	<u>7-Day</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow - gpd	N/A	N/A	N/A	2 X Month	Measured 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	1300	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 in any sample and shall be monitored monthly by a 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. 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.

N.A. - Not Applicable.

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.

2. Effective immediately and lasting the duration of this permit, the permittee is authorized to discharge from Outfalls 002 through 010. Such discharges shall be limited and monitored by the permittee as specified below:

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

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 Outfalls 002 through 010 (sedimentation pond discharges) is limited to one ton (2,000 pounds) per day of TDS.
3. 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, D.2.

Effluent Characteristics

Daily Maximum

Settleable Solids

0.5 mL/L

Settleable Solids shall be monitored weekly during periods of precipitation.

4. 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.

5. 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, D.3. and D.4. The alternate limitations in Parts I, D.3. and D.4. shall not apply to treatment systems that treat underground mine water only.
6. The permittee shall minimize the salt discharge by using the largest practical amount of saline water for process and dust control.
7. Best management practices shall be implemented and maintained for the control of road salt storage runoff and for the prevention of discharge of coal preparation plant process water.
8. The company's required to develop and implement a pollution prevention plan which shall consist of the best technology currently available in order to cut down and if possible eliminate pollution runoff from small areas not covered by the UPDES permit.

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. Sludge samples shall be collected at a location representative of the quality of sludge immediately prior to the use-disposal practice.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under *Utah Administrative Code ("UAC") R448-2-10*, 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 six months per violation, or by both.
- D. Reporting of Monitoring Results. Monitoring results obtained during the previous month shall be summarized for each month and reported quarterly on a Discharge Monitoring Report Form (EPA No. 3320-1), post-marked no later than the 28th day of the month following the completed reporting period. In such cases where the monitoring is monthly but the reporting is required quarterly, the monitoring results obtained during each month of the previous quarter shall be summarized on separate Discharge Monitoring Reports (DMRs). All three DMRs for the quarter shall be post-marked no later than the 28th day of the month following the completed monitoring quarter. The first report is due on April 28, 1992. 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.G)*, and submitted to the Director, Division of Water Quality and to EPA at the following addresses:
- original to: State of Utah
Division of Water Quality
Department of Environmental Quality
Salt Lake City, Utah 84114-4870
- copy 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)
- 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 parameter more frequently than required by this permit, using test procedures approved under *UAC R448-2-10* 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. Only those parameters required by the permit need to be reported.

G. Records Content.

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) and time(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 Executive Secretary at any time. A copy of this UPDES 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 (orally) report any noncompliance which may seriously endanger health or environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of circumstances. The report shall be made to the Division of Water Quality, (801) 538-6146, or 24 hour answering service (801) 538-6333.
2. The following occurrences of noncompliance shall be reported by telephone (801) 538-6333 as soon as possible but no later than 24 hours from the time the permittee becomes aware of the circumstances:
 - a. Any noncompliance which may endanger health or the environment;
 - b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See *Part III.G., Bypass of Treatment Facilities.*);
 - c. Any upset which exceeds any effluent limitation in the permit (See *Part III.H., Upset Conditions.*); or,
 - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit.
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.
 - e. Steps taken, if any, to mitigate the adverse impacts on the environment and human health during the noncompliance period.
4. The Executive Secretary may waive the written report on a case-by- case basis if the oral report has been received within 24 hours by the Division of Water Quality, (801) 538-6146.
 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.3.*
- K. Inspection and Entry. The permittee shall allow the Executive Secretary, 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 the 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 Executive Secretary 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 provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions of the Act is subject to a fine not exceeding \$25,000 per day of violation; Any person convicted under UCA 19-5-115(2) a second time shall be punished by a fine not exceeding \$50,000 per day. Except as provided at 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 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.
- F. Removed Substances. Collected screening, 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 state 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 ten (10) days before the date of the bypass.

- b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under *Part III., Twenty-four Hour Reporting*.
3. Prohibition of bypass.
 - a. Bypass is prohibited and the Executive Secretary 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 judgment 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 Executive Secretary may approve an anticipated bypass, after considering its adverse effects, if the Executive Secretary 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. Executive Secretary's administrative determination regarding a claim of upset cannot be judiciously challenged by the permittee until such time as an action is initiated for noncompliance.
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 III., 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 Water Quality Act of 1987* 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.
- J. Changes in Discharge of Toxic Substances. Notification shall be provided to the Executive Secretary as soon as the permittee knows of, or has reason to believe:
1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - a. One hundred micrograms per liter (100 ug/L);
 - b. Two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/L) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC R448-8-3.4(7)* or (10); or,
 - d. The level established by the Executive Secretary in accordance with *UAC R448-8-4.2(6)*.
 2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - a. Five hundred micrograms per liter (500 ug/L);
 - b. One milligram per liter (1 mg/L) for antimony;
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC R448-8-3.4(9)*; or,
 - d. The level established by the Executive Secretary in accordance with *UAC R448-8-4.2(6)*.
- K. Industrial Pretreatment. Any wastewaters discharged to the sanitary sewer, either as a direct discharge or as a hauled waste, are subject to Federal, State and local pretreatment regulations. Pursuant to Section 307 of *The Water Quality Act of 1987*, the permittee shall comply with all applicable federal General Pretreatment Regulations promulgated at *40 CFR 403*, the State Pretreatment Requirements at *UAC R448-8-8*, and any specific local discharge limitations developed by the Publicly Owned Treatment Works (POTW) accepting the wastewaters.

In addition, in accordance with *40 CFR 403.12(p)(1)*, the permittee must notify the POTW, the EPA Regional Waste Management Director, and the State hazardous waste authorities, in writing, if they discharge any substance into a POTW which if otherwise disposed of would be considered a hazardous waste under *40 CFR 261*. This notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous or batch).

IV. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Executive Secretary as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit. In addition, if there are any planned substantial changes to the permittee's existing sludge facilities or their manner of operation or to current sludge management practices of storage and disposal, the permittee shall give notice to the Executive Secretary of any planned changes at least 30 days prior to their implementation.
- B. Anticipated Noncompliance. The permittee shall give advance notice to the Executive Secretary 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 shall apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit.
- E. Duty to Provide Information. The permittee shall furnish to the Executive Secretary, within a reasonable time, any information which the Executive Secretary 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 Executive Secretary, 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 Executive Secretary, it shall promptly submit such facts or information.
- G. Signatory Requirements. All applications, reports or information submitted to the Executive Secretary shall be signed and certified.
1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
 2. All reports required by the permit and other information requested by the Executive Secretary 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 Executive Secretary, and,
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (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 Executive Secretary prior to or together with any reports, information, or applications to be signed by an authorized representative.
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 \$10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both.
- I. **Availability of Reports.** Except for data determined to be confidential under *UAC R448-8-3.2*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of Executive Secretary. 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 permittee of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the *Act*.
- 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 provisions 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:
 - I. The current permittee notifies the Executive Secretary at least 20 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 Executive Secretary 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 *UCA 19-5-117*.
- O. Water Quality-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 require 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 Water Quality Management Plan is approved and adopted which calls for different effluent limitations than contained in this permit.