0014

State of Utah
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY

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May 23, 1994

RECEIVED
MAY 23 1994
DIV. OF OIL, GAS & MINING

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mike Watson, Engineer
United States Fuel Company
P.O. Box 887
Price, Utah 84501

Route to Paul, Then file ACT/007/011 #2

RE: Permit UT0023094, United States Fuel Company

Dear Mr. Watson:

Enclosed is UPDES permit No. UT0023094 for your facility. Copies of EPA form 3320-1, Discharge Monitoring Report forms, for reporting and self-monitoring requirements as specified in the permit, will be sent as soon as printed. This permit will become effective on June 1, 1994, subject to the right of appeal in accordance with the provisions of *Utah Administrative Code*, Sections R317-8-6.11 and R317-8-6.13.

A fee schedule was included in the Utah Department of Environmental Quality Budget appropriation request at the direction of the Legislature and in accordance with *Utah Coded Annotated* 19-1-201. The fee schedule, as approved by the legislature, includes a prescribed fee for specific Industrial Categories. The prescribed fee for a Minor Coal Mining category, Utah Pollutant Discharge Elimination System permit is $ 3,600.00. Please remit $ 3,600.00 to:

Dept. of Environmental Quality
Division of Water Quality
288 North 1460 West
P.O. Box 144870
Salt Lake City, UT 84114-4870

Also, as the State agency charged with the administration of issuing UPDES Permits, we are continuously looking for ways to improve our quality of service to you. In effort to improve the State UPDES permitting process we are asking for your input. Since our customer permittee base is limited, your input is important. Please take a few moments to complete the enclosed questionnaire. The results will be used to improve our quality and responsiveness to our permittees and give us feed back on customer satisfaction. We will address the issues you have identified on an ongoing basis.

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If you have any questions with regard to this matter, please contact Shelly Chamberlain at (801) 538-6146.

Sincerely,

Donald A. Hilden, Ph.D., Manager
Permits and Compliance Section

KC/kc

Enclosures

cc: Claron D. Bjork, Southeastern Utah District Health Dept. w/encl.
Dave Ariotti, District Engineer w/encl.
Pam Grubaugh-Littig, Coal Reg. Program, DOGM w/encl.
Judy Kobus-Fisk, EPA, Region VIII w/encl.

STATEMENT OF BASIS
US FUEL COMPANY
UPDES PERMIT NO. UT0023094
RENEWAL PERMIT
MINOR INDUSTRIAL

FACILITY CONTACT

Mike Watson, Engineer
United States Fuel Company
P.O. Box 887
Price, Utah 84501
(801) 637-2252

DESCRIPTION OF FACILITY

This facility consists of an inoperative underground coal mine with 13 discharge points. It is located in Hiawatha, Utah, in Township 16 South, Range 8 East in Emery County and in Township 15 South, Range 8 East in Carbon County. It has Standard Industrial Classification (SIC) code 1221. There is no wastewater treatment system for the mine water discharges through outfalls 001, 002, 010, and 012. Each of the storm water discharges pass through a sedimentation basin.

Outfall Serial Number	Description of Discharge Point
001	Discharge of mine water at Latitude 39°-26'-30" Longitude 111°-02'-30", discharge into Cedar Creek
002	Discharge of mine water at Latitude 39°-28'-45" Longitude 111°-00'-45", discharge into Miller Creek
003	Discharge of storm water at Latitude 39°-29'-19" Longitude 111°-01'-07", discharge into Miller Creek
004	Discharge of storm water at Latitude 39°-29'-19" Longitude 111°-00'-37", discharge into Miller Creek
005	Discharge of storm water at Latitude 39°-29'-09" Longitude 111°-00'-04", discharge into Miller Creek
006	Discharge of storm water at Latitude 39°-28'-55" Longitude 111°-59'-52", discharge into Miller Creek
007	Discharge of storm water at Latitude 39°-28'-46" Longitude 111°-59'-52", discharge into Miller Creek
008	Discharge of storm water at Latitude 39°-29'-39" Longitude 111°-03'-21", discharge into Miller Creek

US FUEL COMPANY
STATEMENT OF BASIS
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SELF MONITORING DATA SUMMARY OUTFALL 001

Qtr - Yr	Flow MGD	pH, S.U.	TSS, mg/L			O & G, mg/L	IRON, mg/L	TDS, mg/L	
	Daily Average	Daily Max	30-Day Avg	7-Day Avg	Daily Max	Instantaneous Max	Daily Max	Quarterly Ave	Daily Max
Limit	N.A.	6.5 - 9.0	25	35	70	10.0	1.0	723	850
3rd - 1993	1.037	6.95	0	3.5	15	<1.0	0.33	718	735
2nd - 1993	0.855	7.38	6.0	7.5	9.0	1.3	**1.33**	**729**	757
1st - 1993	NR	NR	NR	NR	NR	NR	NR	NR	NR
4th - 1992	0.707	7.14	4.5	5.0	5.0	1.3	0.09	691	741
3rd - 1992	0.541	6.98	3.7	9.0	9.0	2.3	0.07	680	701
2nd - 1992	0.561	7.05	3.5	5.8	8.0	1.4	0.19	690	730
1st - 1992	0.35	7.13	2.0	3.5	5.0	2.1	0.04	702	720
4th - 1991	0.558	7.60	<0.5	<1.0	<1.0	2.8	0.12	624	696
3rd - 1991	0.422	8.00	<1.0	1.5	4.7	4.7	0.83	**728**	**887**
2nd - 1991	0.505	7.57	<1.0	1.5	3.0	2.3	0.56	681	734
1st - 1991	0.306	6.87	<1.0	2.5	5.0	1.6	0.10	NR	694

S.U. = Standard Units
O&G = Oil and Grease
TSS = Total Suspended Solids
TDS = Total Dissolved Solids
NA = Not Applicable
NR = Not Reported

US FUEL COMPANY
STATEMENT OF BASIS
PAGE 4
SELF MONITORING DATA SUMMARY OUTFALL 002

Qtr - Yr	Flow MGD	pH, S.U.	TSS, mg/L			O & G, mg/L	IRON, mg/L	TDS, mg/L	
	Daily Average	Daily Max	30-Day Avg	7-Day Avg	Daily Max	Instantaneous Max	Daily Max	Quarterly Ave	Daily Max
Limit	N.A.	6.5 - 9.0	25	35	70	10.0	1.0	723	850
3rd - 1993	No Discharge								
2nd - 1993	No Discharge								
1st - 1993	No Discharge								
4th - 1992	0.107	8.45	5.0	5.0	5.0	0.8	<0.02	628	628
3rd - 1992	0.193	8.33	3.3	6.0	6.0	2.1	0.05	635	665
2nd - 1992	0.217	8.23	9.5	11.3	13.0	1.0	0.15	652	706
1st - 1992	0.286	8.06	1.0	2.5	4.0	3.3	0.03	684	704
4th - 1991	0.174	7.80	<0.5	3.5	7.0	1.8	<0.02	648	670
3rd - 1991	0.170	8.10	7.0	32	32	<1.0	0.39	650	688
2nd - 1991	0.432	7.85	<1.0	2.0	3.0	2.0	<0.02	645	668
1st - 1991	0.146	7.30	2.0	3.2	5.0	<1.0	0.34	NR	618

S.U. = Standard Units
O&G = Oil and Grease
TSS = Total Suspended Solids
TDS = Total Dissolved Solids
NA = Not Applicable
NR = Not Reported

US FUEL COMPANY
STATEMENT OF BASIS
PAGE 5

SELF MONITORING DATA SUMMARY OUTFALL 010

Qtr - Yr	Flow MGD	pH, S.U.	TSS, mg/L			O & G, mg/L	IRON, mg/L	TDS, mg/L	
	Daily Average	Daily Max	30-Day Avg	7-Day Avg	Daily Max	Instantaneous Max	Daily Max	Quarterly Ave	Daily Max
Limit	N.A.	6.5 - 9.0	25	35	70	10.0	1.0	723	850
3rd - 1993	0.0025	8.0	0	1.7	4.0	<1.0	0.18	416	424
2nd - 1993	0.0035	7.96	0	2.0	4.0	1.5	0.24	504	568
1st - 1993	NR	NR	NR	NR	NR	NR	NR	NR	NR
4th - 1992	No Discharge								
3rd - 1992	No Discharge								
2nd - 1992	0.001	7.95	1.5	1.75	2.0	0.04	<0.02	364	369
1st - 1992	NR	NR	NR	NR	NR	NR	NR	NR	NR
4th - 1991	NR	NR	NR	NR	NR	NR	NR	NR	NR
3rd - 1991	0.0015	7.67	1.0	2.0	2.0	4.4	0.41	420	428
2nd - 1991	0.002	7.19	<1.0	<1.0	<1.0	1.2	0.09	553	667
1st - 1991	No Discharge								

S.U. = Standard Units
O&G = Oil and Grease
TSS = Total Suspended Solids
TDS = Total Dissolved Solids
NA = Not Applicable
NR = Not Reported

BASIS FOR EFFLUENT LIMITATIONS

Applicable technology based standards for Coal Mining Point Source Category are found in 40 CFR 434. The iron, oil and grease limits, and no visible sheen, are based on best professional judgment and anti-backsliding policy. 40 CFR 434 also contains the basis for the settleable solids limitation.

The total suspended solids (TSS) limits of 25 mg/L as a monthly average and 35 mg/L as a weekly average are required by *UAC R448-1-3.2B*. The effluent guidelines at 40 CFR 434 also require a daily maximum of 70 mg/L.

The pH limits are based on current Utah Secondary Treatment Standards, *UAC R317-1-3.2D*. The total dissolved solids (TDS) limitation in the permit is based on the Colorado River Basin Salinity Control Forum's 1977 and 1982 policies in concert with present performance of the facility.

The use of gypsum in the mine for rock dusting is restricted unless the permittee adequately demonstrates that its use will not significantly increase the TDS discharge concentration.

Wasteload Analysis (see ADDENDUM) indicates that these limitations should be sufficiently protective of water quality, in order to meet State water quality standards in the receiving waters.

Based on effluent monitoring data and the existing treatment facility, the permittee is expected to be able to comply with the limitations.

Effluent Limitations

Parameter	30-day Average	7-day Average	Daily Min	Daily Max
TSS, mg/L	25	35	N.A.	70
Oil and Grease, mg/L	N.A.	N.A.	N.A.	10
pH, standard units	N.A.	N.A.	6.5	9.0
Iron, mg/L	N.A.	N.A.	N.A.	1.0
TDS, mg/L	N.A.	N.A.	N.A.	1000

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) at all surface runoff pond (outfalls) shall comply with the following limitation instead of the total suspended solids limitations contained above.

Effluent Characteristics	Daily Maximum
Settleable Solids	0.5 mL/L

STORM WATER REQUIREMENTS

U.S. Fuels shall continue to implement the existing sediment runoff control plan. Within 270 days of permit issuance, the permittee shall develop and implement a stormwater pollution prevention plan (Plan) as required in the permit. The Plan shall identify the pollution prevention team, responsibilities, potential pollution sources, control measures,and regular inspections.

A report summarizing the investigations shall be retained as part of the storm water pollution prevention plan for at least one year after coverage under this permit terminates. The report shall identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit.

U.S. Fuel Company shall implement and maintain best management practices for the control of road salt storage for areas discharging to waters of the State. This shall include enclosure or coverage to prevent exposure to precipitation, except exposure resulting from adding or removing materials from the pile. Dischargers shall demonstrate compliance with the enclosure provision as expeditiously as practicable, but in no event later than October 1, 1995.

PRETREATMENT REQUIREMENTS

U.S. Fuels does not discharge process wastewater to any public sanitary sewer system. Any process wastewater that the facility may discharge to the sanitary sewer, either as direct discharge or as a hauled waste, is subject to federal, state and local pretreatment regulations. Pursuant to section 307 of the Clean Water Act, the permittee shall comply with all applicable Federal General Pretreatment Regulations promulgated, found in 40 CFR section 403, the State Pretreatment Requirements found in UAC R317-8-8, and any specific local discharge limitations developed by the Publicly Owned Treatment Works (POTW) accepting the waste.

BIOMONITORING REQUIREMENTS

As part of a nationwide effort to control toxics, biomonitoring requirements are being included in all major permits and in minor permits for facilities where effluent toxicity is an existing or potential concern. Authorization for requiring effluent biomonitoring is provided for in *UAC R317-8-4.2* and *R317-8-5.3*. *The Whole Effluent Toxicity (WET) Control Guidance Document*, February 15, 1991, outlines guidance to be used by Utah Division of Water Quality staff and by permittees for implementation of WET control through the UPDES discharge permit program.

US Fuels is a minor facility and its discharge is not likely to be toxic. Therefore, biomonitoring of the effluent will not be required. A toxicity reopener will be included in the permit, and WET testing and limits can be required if found to be appropriate in the future.

Permit No. UT0023094
Minor Industrial

STATE OF UTAH
DIVISION OF WATER QUALITY
DEPARTMENT OF ENVIRONMENTAL 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"*),

United States Fuel Company, King Mines

is hereby authorized to discharge from its facility located in Township 16 South, Range 8 East, in Emery County and in Township 15 South, Range 8 East in Carbon County, Utah

to receiving waters named Cedar Creek, a tributary of Huntington Creek and Miller Creek, a tributary of the Price River

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein. Authorization for discharge is limited to those outfalls specifically listed in the permit.

This permit shall become effective on June 1, 1994

This permit and the authorization to discharge shall expire at midnight, May 31, 1999.

Signed this 23 rd day of May, 1994.

Authorized Permitting Official
Executive Secretary
Utah Water Quality Board

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. The term "active mining area means the area, 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 ares and post-mining areas.

4 "Daily Maximum" ("Daily Max.") is the maximum value allowable in any single sample or instantaneous measurement.

5. The term "coal preparation plant" means a facility where coal is subjected to cleaning, concentrating, or other processing or preparation in order to separate coal from its impurities and then is loaded for transit to a consuming facility.

6. The term "coal preparation plant associated areas" means the col preparation plant yards, immediate access roads, coal refuse piles and coal storage piles and facilities.

7. "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;

landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharges.

18. "Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under *Section 311* of the *Clean Water Act* (see *40 CFR 110.10* and *40 CFR 117.21*) or *Section 102* of *CERCLA* (see *40 CFR 302.4*).

19. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

20. "10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available in *Weather Bureau Technical Paper No. 40*, May 1961 and *NOAA Atlas 2*, 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

21. The term "settleable solids" is that matter measured by the volumetric method specified below:

    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.

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 Number	Location of Discharge Point(s)
001	Discharge of mine water at Latitude 39°-26'-30" Longitude 111°-02'-30" into Cedar Creek
002	Discharge of mine water at Latitude 39°-28'-45" Longitude 111°-00'-45" into Miller Creek

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.

1. Effective immediately and lasting the duration of this permit, the permittee is authorized to discharge from Outfalls 001 through 013. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent	Discharge Limitations a/			Monitoring Requirements	
	Average		Maximum	Measurement	Sample
Characteristics	30-Day	7-Day	Day	Frequency	Type
Flow, MGD	NA	NA	NA	2 x Month b/	Recorder
Iron, mg/L	NA	NA	1.0	2 x Month	Grab d/
Oil & Grease, mg/L	NA	NA	10	2 x Month c/	Grab d/
Total Suspended Solids, mg/L	25	35	70	2 x Month	Grab d/
Total Dissolved Solids, mg/L	NA	NA	1000	2 x Month	Grab d/

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 twice monthly by a grab sample.

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

There shall be no discharge of sanitary wastes or any process waste from coal preparation plants.

The total amount of total dissolved solids (TDS) discharged from all decant operations is limited to one ton (2000 pounds) per day.

NA - Not Applicable.

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

b/ Sampling shall be performed twice each month when conditions permit access to the discharge locations.

c/ Sample oil and grease only when a sheen is observed or there is another reason to believe oil is present.

d/ These samples may also be a composite sample.

2. Samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge pipes prior to mixing with the receiving waters.

the discharge is in compliance with *Part I.E.5.c.(7)* (*Measures and Controls for Non-Storm Water Discharges*): discharges from fire fighting activities; fire hydrant flushings; potable water sources including waterline flushings; irrigation drainage; lawn watering; routine external building washdown which does not use detergents or other compounds; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

E. Storm Water Pollution Prevention Plan. It has been determined that the permittee has a regulated storm water discharge as per UAC R317.8. Therefore, the following permit conditions governing storm water discharges apply. The permittee shall develop a storm water pollution prevention plan.

1. Areas of the facility covered by this part.

   a. All areas considered to be "active mining" areas, part of the "coal preparation plant" area, or part of the "coal preparation plant associated areas as defined in 40 CFR 434.11.

   b. Haul roads - Nonpublic roads on which coal or coal refuse is conveyed.

   c. Access roads - Nonpublic roads providing light vehicular traffic within the facility property and to public roadways.

   d. Railroad Spurs, Sidings, and Internal Haulage Lines - Rail lines used for hauling coal within the facility property and to offsite commercial railroad lines or loading areas.

   e. Conveyor Belts, Chutes, and Aerial Tramway Haulage Areas - Areas under and around coal or refuse conveyor areas, including transfer stations.

   f. Equipment Storage and Maintenance Yards.

   g. Inactive Coal Mines and Related Areas - Abandoned and other inactive mines, refuse disposal sites and other mining-related areas.

   h. All areas regulated by the federal Surface Mining Control and Reclamation Act (SMCRA).

and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

b. Description of Potential Pollutant Sources. The plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. The plan shall identify all activities and significant materials that may potentially be significant pollutant sources. The plan shall include, at a minimum:

(1) Drainage.

(a) A site map, such as a drainage map required for SMCRA permit applications, that indicate drainage areas and storm water outfalls. These shall include but not be limited to the following:

i) Drainage direction and discharge points from all applicable mining-related areas described in *Part I.E.1.* (Areas of the facility covered by this part), including culvert and sump discharges from roads and rail beds and also from equipment and maintenance areas subject to storm runoff of fuel, lubricants and other potentially harmful liquids.

ii) Location of each existing erosion and sedimentation control structure or other control measures for reducing pollutants in storm water runoff.

iii) Receiving streams or other surface water bodies.

iv) Locations exposed to precipitation that contain acidic spoil, refuse or unreclaimed disturbed areas.

v) Locations where major spills or leaks of toxic or hazardous pollutants have occurred.

vi) Locations where liquid storage tanks containing potential pollutants, such as

(4) Sampling Data. A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

(5) Risk Identification and Summary of Potential Pollutant Sources. A narrative description of the potential pollutant sources from the following activities: truck traffic on haul roads and resulting generation of sediment subject to runoff and dust generation; fuel or other liquid storage; pressure lines containing slurry, hydraulic fluid or other potential harmful liquids; and loading or temporary storage of acidic refuse or spoil. Specific potential pollutants shall be identified, where known.

c. Measures and Controls. The permittee shall develop a description of storm water management controls appropriate for the facility and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls.

(1) Good Housekeeping. Good housekeeping requires the maintenance of areas that may contribute pollutants to storm water discharges in a clean, orderly manner. These would be practices that would minimize the generation of pollutants at the source or before it would be necessary to employ sediment ponds or other control measures at the discharge outlets. Where applicable, such measures would include the following:

(a) Sweepers and covered storage to minimize dust generation and storm runoff

(b) Conservation of vegetation where possible to minimize erosion

(c) Watering of haul roads to minimize dust generation

(d) Collection, removal, and proper disposal of waste oils and other fluids resulting from vehicle and equipment maintenance.

(2) Preventive Maintenance. A preventive maintenance program shall involve timely inspection and maintenance of

including sediment and erosion control measures. Inspections by the facility representative may be done at the same time as the mandatory inspections performed by SMCRA inspectors. At least one inspection shall be performed during a storm period of at least 0.1 inch rainfall where the effectiveness of the sediment and erosion control measures can be observed. During that inspection, a narrative evaluation of the control measures under storm conditions shall be made as well as visual impacts on the receiving stream. Records of inspections of the SMCRA authority facility representative shall be maintained.

(b) Inactive mining-related areas not under SMCRA bond. The plan shall require annual inspections by the facility representative except in situations referred to in *Part I.E.5.d.(4)*.

(c) Inspection records. The plan shall require that inspection records of the facility representative and those of the SMCRA authority inspector shall be maintained. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections.

(5) Employee Training. Employee training programs shall inform personnel responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.

(6) Recordkeeping and Internal Reporting Procedures. A description of incidents (such as spills, or other discharges), along with other information describing the quality and quantity of storm water discharges shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan. All records shall be kept for a period of not less than 3 years.

(7) Non-storm Water Discharges.

to be used to limit erosion and reduce sediment concentrations in storm water discharges. As indicated in *Part I.E.4.* above, SMCRA requirements regarding sediment and erosion control measures are minimum requirements of the pollution prevention plan for mining-related areas subject to SMCRA authority. The following sediment and erosion control measures should be included in the plan where reasonable and appropriate for all areas subject to storm water runoff:

(a) Stabilization measures. Interim and permanent stabilization measures to minimize erosion and lessen amount of structural sediment control measures needed, including: Mature vegetation preservation; temporary seeding; permanent seeding and planting; temporary mulching, matting, and netting; sod stabilization; vegetative buffer strips; temporary chemical mulch, soil binders, and soil palliatives; nonacidic roadsurfacing material; and protective trees.

(b) Structural measures. Structural measures to lessen erosion and reduce sediment discharges, including: Silt fences; earth dikes; straw dikes; gradient terraces; drainage swales; sediment traps; pipe slope drains; porous rock check dams; sedimentation ponds; riprap channel protection; capping of contaminated sources; and physical/chemical treatment of storm water.

(9) Management of Runoff. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (other than those as sediment and erosion control measures listed above) used to manage storm water runoff in a manner that reduces pollutants in storm water runoff from the site. The plan shall provide that the measures, which the permittee determines to be reasonable and appropriate, shall be implemented and maintained. Appropriate measures may include: discharge diversions; drainage/storm water conveyances; runoff dispersion; sediment control and collection; vegetation/soil stabilization; capping of contaminated sources; and treatment.

(10) Salt Control Measures.

(3) A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, and major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with *Part I.E.5.d(2).* (above) shall be made and retained as part of the storm water pollution prevention plan for at least 1 year after coverage under this permit terminates. The report shall identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with *Part IV.G.* (Signatory Requirements) of this permit.

(4) Where compliance evaluation schedules overlap with inspections required under *Part I.E.5.c(4)*, the compliance evaluation may be conducted in place of one such inspection. Where annual site inspections are shown in the plan to be impractical for inactive mining sites due to the remote location and inaccessibility of the site, site inspections required under this part shall be conducted at appropriate intervals specified in the plan, but, in no case less than once in 3 years.

6. Consistency with other Plans. Plans may reflect requirements for *Spill Prevention Control and Countermeasure ("SPCC")* plans developed for the facility under *Section 311* of the *CWA* or *Best Management Practices ("BMP")* otherwise required by this permit for the facility as long as such requirement is incorporated into the plan.

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 R317-2-10* or as otherwise 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 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) 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) 536-4123.

2. The following occurrences of noncompliance shall be reported by telephone (801) 536-4123 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.*);

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.

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 II.I*, *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.

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 R317-8-3.4(7)* or (10); or,

d. The level established by the Executive Secretary in accordance with *UAC R317-8-4.2(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 R317-8-3.4(9)*; or,

d. The level established by the Executive Secretary in accordance with *UAC R317-8-4.2(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 R317-8-8*, 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).

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

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.

P. Toxicity Limitation-Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include whole effluent toxicity (WET) testing, a WET limitation, a compliance schedule, a compliance date, additional or modified numerical limitations, or any other conditions related to the control of toxicants if toxicity is detected during the life of this permit.

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