

0045



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

C/007011 Incoming

CC: April

Steve D.

OK

December 14, 2009

CERTIFIED MAIL
(Return Receipt Requested)

Elliot Finley, President
Hiawatha Coal Company
P.O. Box 1240
Huntington, UT 84528

Dear Mr. Finley:

Subject: UPDES Permit No. UT0023094, Hiawatha Coal Company

Enclosed is UPDES permit No.UT0023094 for your facility. Copies of EPA form 3320-1, Discharge Monitoring Report (DMR) 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 January 1, 2010, subject to the right of appeal in accordance with the provisions of *Utah Administrative Code*, Section R317-9.

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 Code 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 Coal Mining and Preparation category, Utah Pollutant Discharge Elimination System permit is \$3,600. Please remit \$3,600 within 30 days from receipt of this letter to:

Dept. of Environmental Quality
Division of Water Quality
Attn: Jalynn Knudsen
288 North 1460 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870

Also, the Utah Division of Water Quality values your feedback as a customer. DWQ Director, Walter L. Baker, is committed to continuously assessing and improving the level and quality of services

288 North 1460 West • Salt Lake City, UT
Mailing Address: P.O. Box 144870 • Salt Lake City, UT 84114-4870
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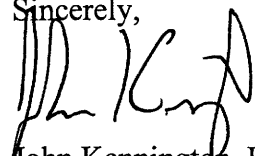
DEPT OF ENVIRONMENTAL QUALITY

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provided to you. Please take a few minutes to comment on the quality of service you received by completing the feedback form located on DWQ's webpage at www.waterquality.utah.gov. Thank you for assisting us in improving our service to you.

If you have any questions with regard to this matter, please contact Kim Shelley at 801-538-6065.

Sincerely,



John Kennington, P.E., Manager
UPDES Engineering Section

JK:KS:mc

Enclosures

cc: Qian Zhang, P.E., EPA Region VIII (w/ encl)
Claron Bjork, Southeastern Health Department (w/o encl)
April Abate, Division of Gas Oil and Mining (w/ encl)
David Ariotti, District Engineer (w/o encl)
Jalynn Knudsen, DWQ Accounts (w/o encl)
Mark Reynolds, Hiawatha Coal, (w/ encl)

**FACT SHEET STATEMENT OF BASIS
HIAWATHA COAL COMPANY
RENEWAL PERMIT: DISCHARGE AND STORMWATER
UPDES PERMIT NUMBER: UT0023094
MINOR INDUSTRIAL**

FACILITY CONTACT

Elliot Finley, President
Hiawatha Coal Company
P.O. Box 1240
Huntington, UT 84528

Phone: (435) 687-5777

DESCRIPTION OF FACILITY

This facility consists of an inactive underground coal mine. 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 a Standard Industrial Classification (SIC) code 1221. The facility has 13 outfalls. Discharge of mine water drainage occurs continuously from outfall 001. A portion of that mine water from Outfall 001 is piped to Hiawatha for drinking water. The surplus drinking water that is not used is discharged from outfall 002. The remaining discharge points, outfalls 003 to 013, are at the overflows from sediment ponds that collect storm water. These outfalls are designed to contain and prevent a discharge of up to a 100 year storm event.

SUMMARY OF CHANGES FROM PREVIOUS PERMIT

The effluent limitation for TDS has been changed from 350 tons per year in the previous permit to a daily max of 1 ton per day or 366 tons per year in the renewal permit in accordance with the Colorado River Basin Salinity Control Forum (CRBSCF).

TOTAL MAXIMUM DAILY LOAD CONSIDERATIONS

Due to high concentrations of total dissolved solids (TDS) several portions and/or tributaries of the Price River are non-supporting or partially supportive of their beneficial use classifications. As a result, a total daily maximum load (TMDL) was developed by the Division of Water Quality for the West Colorado Watershed and approved by EPA in 2004. This TMDL allocates an annual TDS load of 941 tons and a daily maximum effluent concentration of 981 mg/L TDS for Hiawatha Coal.

DESCRIPTION OF DISCHARGE

The discharge consists of intercepted ground water and storm water, when there is a storm large enough to fill the sediment ponds. Ground water is not treated prior to discharge. Storm water is treated via settling ponds prior to being discharged.

Three years of self-monitoring data are included as an addendum to this permit.

<u>Outfall</u>	<u>Description of Discharge Point</u>
001	Mohrland Portal Discharge: T16S, R8E SLBM, Sec. 8, at approximately longitude 111° 03' 0" and latitude 39° 27' 50". The discharge is from mine water seepage.
002	Culinary Water Overflow: T15S, R8E SLBM, Sec. 34, at approximately longitude 111° 01' 0" and latitude 39° 28' 50". The discharge is overflow from the Hiawatha drinking water system. Hiawatha drinking water is from the Mohrland Portal discharge.
003	Hiawatha Sediment Pond D003: T15S, R8E SLBM, Sec 27, at approximately longitude 111° 0' 50" and latitude 39° 29' 0". The discharge is surface runoff from the Upper Rail Storage Yard Borrow area.
004	Slurry Pond #1 Sediment Pond: T15S, R8E SLBM, Sec 26, at approximately 111° 0' 10" and latitude 39° 29' 20". The discharge is surface runoff from the disturbed area of the Ridge Borrow area.
005	Slurry Pond #4 Sediment Pond: T15S, R8E SLBM, Sec 27, at approximately 111° 0' 30" and latitude 39° 28' 45". The discharge is surface runoff from slurry pond #4.
006	Hiawatha Sediment Pond D006: T15S, R8E SLBM, Sec 34, at approximately 111° 0' 15" and latitude 39° 28' 35". The discharge is surface runoff from slurry pond #5 cell 5A.
007	Hiawatha Sediment Pond D007: T15S, R8E SLBM, Sec 34, at approximately 111° 0' 10" and

latitude 39° 28' 20". The discharge is surface runoff from slurry pond #5 main cell.

- 008 Middle Fork Sediment Pond: T15S, R8E SLBM, Sec 29, at approximately 111° 02' 40" and latitude 39° 29' 0". The discharge is surface runoff from the Middle Fork Mine Yard.
- 009 South Fork Mine Yard: T15S, R8E SLBM, Sec 19, at approximately 111° 02' 35" and latitude 39° 28' 50". The Discharge is surface runoff from the South Fork Mine Yard.
- 010 King 4 Mine Discharge: T15S, R7E SLBM, Sec 32, at approximately 111° 03' 45" and latitude 39° 32' 15". The Discharge is from sump locations within the mine.
- 011 South Fork Truck Loading Facility: T15S, R8E SLBM, Sec 33, at approximately 111° 02' 28" and latitude 39° 28' 47". The Discharge is surface runoff from the South Fork Loading facility.
- 012 Mohrland Pipeline Drain: T15S, R8E SLBM, Sec 10, at approximately 111° 0' 45" and latitude 39° 26' 30". The discharge is from a valve on the Mohrland Pipeline.
- 013 King 6 Water Tank Overflow: T15S, R8E SLBM, Sec 32, at approximately 111° 03' 07" and latitude 39° 29' 0". The discharge is from an overflow pipe from the King 6 water tank in South Fork Canyon.

RECEIVING WATERS AND STREAM CLASSIFICATION

Outfall 001 discharges to Cedar Creek which flows to Huntington Creek. Outfall 002 discharges to Miller Creek, then to the Price River. Outfalls 003 through 013 discharge to Miller Creek but did not discharge during the last permit cycle. The receiving waters as designated by *Utah Administrative Code (UAC) R317-2-13* are as follows:

Cedar Creek:	Class 2B, 3C and 4
Huntington Creek:	Class 2B, 3C and 4
Miller Creek:	Class 2B, 3C and 4
Price River:	Class 2B, 3C and 4

Class 2B -Protected for secondary contact recreation (boating, wading and similar uses).

Class 3C -Protected for nongame fish and other aquatic life, including the necessary aquatic organisms in their food chain.

Class 4 -Protected for agricultural uses including irrigation of crops and stock watering.

BASIS FOR EFFLUENT LIMITATIONS

The settleable solids limitation is based on applicable technology based standards in the Coal Mining Point Source Category, 40 CFR 434. The oil and grease and no visible sheen limitations are based on best professional judgment. The iron limit is based on Utah Water Quality Standards for a 3C water body. The total suspended solids (TSS) monthly and weekly average limits are based on secondary standards. The daily max effluent of 70 mg/L is based on the effluent guidelines in 40 CFR 434. The pH limits are based on current Utah Secondary Treatment Standards. The TDS concentration limitation is based on the West Colorado Watershed TMDL.

Discharges from the facility could potentially reach the Colorado River, which places it under the requirements of the Colorado River Basin Salinity Control Forum (CRBSCF). TDS loading is limited by the CRBSCF pursuant to the February 1977 "Policy for Implementation of Colorado River Salinity Standards through the NPDES Permit Program" (Policy). In accordance with the CRBSCF, the effluent will be limited to a maximum discharge of 1.0 ton per day or 366 tons per year. The permit limitations are as follows:

Effluent Limitations for Outfalls 001 through 013				
Parameter	Monthly Average	Weekly Average	Daily Minimum	Daily Maximum
TSS, mg/L	25	35	NA	70
pH, SU	NA	NA	6.5	9.0
Oil and Grease, mg/L	NA	NA	NA	10
TDS, mg/L	NA	NA	NA	981
TDS, tons/day/year a/	NA	NA	NA	1.0 / 366
Iron, mg/L	NA	NA	NA	1.0

NA – Not Applicable

a/ In addition to the TDS effluent concentration limitation, TDS effluent loading is limited to one-ton/day. If the 1 ton/day effluent loading limitation cannot be met, then the permittee is limited to 366-tons/year total TDS effluent loading from the facility. It is the responsibility of the permittee to maintain annual TDS loading information and submit to the Executive Secretary the annual TDS loading information.

For outfalls 003 through 013, 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) may comply with the

following limitations instead of the total suspended solids limitations contained above.

Effluent Limitations for Outfalls 003 through 013		
Effluent Characteristics	Daily Maximum	Daily Minimum
Settleable Solids, ml/L	0.5	NA

SELF-MONITORING AND REPORTING REQUIREMENTS

The following effluent self-monitoring and reporting requirements are the same as in the previous permit. Reports shall be made on Discharge Monitoring Report (DMR) forms and are due 28 days after the end of the monitoring quarter.

Self-Monitoring and Reporting Requirements for Outfalls 001 Through 013				
Parameter	Frequency	Sample Type	Units	Reporting Frequency
Total Flow	Quarterly	Instantaneous	MGD	Quarterly
TSS	Quarterly	Grab	mg/L	Quarterly
pH	Quarterly	Grab	mg/L	Quarterly
Oil and Grease	Quarterly	Grab	mg/L	Quarterly
TDS	Quarterly	Grab	mg/L	Quarterly
TDS	Annually	Calculated	tons/year	Yearly
Iron	Quarterly	Grab	mg/L	Quarterly

STORM WATER REQUIREMENTS

The renewal permit will contain provisions for storm water discharges as in the previous permit. The storm water requirements are based on the UPDES Multi-Sector General Permit for Storm Water Discharges.

PRETREATMENT REQUIREMENTS

This facility does not discharge process wastewater to a sanitary sewer system. Any process wastewater that the facility may discharge to the sanitary sewer, either as a 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 403, the state's 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 toxic discharges, biomonitoring requirements are being included in permits for facilities where effluent toxicity is an existing or potential concern. In Utah, this is done in accordance with the *State of Utah Permitting and Enforcement Guidance Document*

for *Whole Effluent Toxicity (WET) Control (biomonitoring)*. Authority to require effluent biomonitoring is provided in *Permit Conditions, UAC R317-8-4.2, Permit Provisions, UAC R317-8-5.3 and Water Quality Standards, UAC R317-2-5 and R317 -2-7.2.*

The permittee is a minor industrial discharger that will be contributing a relatively small volume of effluent, when compared to the flows of existing receiving waters, in which toxicity is not an existing concern and not likely to be present as long as the effluent limitations are met. Also, the mine water discharge has been a source of drinking water for many years and the result of the wasteload analysis was a finding of no significant impact. Based on these considerations, and that the facility is not classified as a major or a significant minor facility, there is no reasonable potential for toxicity in the Hiawatha Coal's discharge (*per State of Utah Permitting and Enforcement Guidance Document for WET Control*). As such, there will be no numerical WET limitations or WET monitoring requirements in this permit. However, the permit will contain a toxicity limitation re-opener provision that allows for modification of the permit should additional information indicate the presence of toxicity in the discharge.

PERMIT DURATION

It is recommended that this permit be effective for a duration of five (5) years.

Drafted by:

Kim Shelley, Discharge

Jeff Studenka, Biomonitoring and Colorado River Salinity

Mike George, Storm Water

Utah Division of Water Quality

PUBLIC NOTICE

Began: November 3, 2009

Ended: December 3, 2009

Public Noticed in The Sun Advocate.

There were no comments received during the public notice period.

December 7, 2009

Outfall 001

Date	Flow		TSS		pH		Oil/Grease	TDS	TDS	Iron	
	MGD	30 Day Avg	mg/L	7 Day Avg	SU	Daily Min					SU
3/31/06	0.4392	5	5	5	6.83	6.83	7.14	No sheen	750	124	0.05
6/30/06	0.2872	7	7	7	6.9	6.9	7.25	No sheen	731	202	0.05
9/30/06	0.4614	5	5	5	69.2	69.2	72.9	No sheen	715	326	0.07
12/31/06	0.3354	5	5	5	7.1	7.1	7.4	No sheen	765	423	0.1
3/31/07	0.3343	8	8	8	6.86	6.86	7.6	No sheen	743	93	0.07
6/30/07	0.5496				7.1	7.1	8.1	No sheen	766	251	0.07
9/30/07	0.1789	5	5	5	6.3	6.3	7.1	No sheen	751	302	0.03
12/31/07	0.1156	0.5	0.5	0.5	6.8	6.8	7.4	No sheen	755	334	0.1
3/31/08	0.3989	7	7	7	7.3	7.3	7.5	No sheen	765	115	0.1
6/30/08	0.3613	0.5	0.5	0.5	7	7	7.6	0.2	756.33	217	0.07
9/30/08	0.1319	5	5	5	7.35	7.35	7.35	No sheen	764	255	0.05
12/31/08	0.1374	5	5	5	7.4	7.4	7.08	No sheen	770	295	0.05

Outfall 002

Date	Flow		TSS		pH		Oil/Grease	TDS	TDS	Iron	
	MGD	30 Day Avg	mg/L	7 Day Avg	SU	Daily Min					SU
3/31/06	0.0792	5	5	5	4.97	4.97	7.27	No sheen	752	22	0.05
6/30/06	0.0672	5	5	5	7.1	7.1	7.76	No sheen	729	41	0.05
9/30/06	0.0552	5	5	5	6.9	6.9	7.14	No sheen	709	55	0.06
12/31/06	0.084	5	5	5	7.1	7.1	7.3	No sheen	740	79	0.05
3/31/07	0.0768	5	5	5	7	7	7.9	No sheen	748	22	0.08
6/30/07	0.2472				7.4	7.4	7.4	No sheen	744	167	0.03
9/30/07	0.223	5	5	5	7.3	7.3	7.4	No sheen	750	292	0.09
12/31/07	0.444	0.5	0.5	0.5	6.3	6.3	7.3	No sheen	767	30	0.11
3/31/08	0.1032	18	18	18	7.3	7.3	7.5	2	759.67	74	0.2
6/30/08	0.155	5	5	5	7.5	7.5	7.6	2	753	93	0.3
9/30/08	0.0672	134	134	134	7.65	7.65	7.65	No sheen	769	130	0.05
12/31/08	0.087	5	5	5	7.7	7.7	7.82	No sheen			

Outfalls 003-013 did not discharge during this time frame.
 DMR submitted for second quarter 2007 was incomplete.
 Facility has not submitted any DMRs in 2009.
Bold indicates an effluent violation.

Utah Division of Water Quality
Salt Lake City, Utah

ADDENDUM

**Statement of Basis (Wasteload Analysis & TMDL)
Level I Antidegradation Review**

Date: July 6, 2009

Facilities: Hiawatha Coal Co. [UT-00139094]
Hiawatha Town Tank – Miller Creek
Moreland Mine Portal
Hiawatha, Utah

Receiving water: Dry Wash, Price Water Drainage

Finding of Insignificant Impact – Negative Declaration

The discharge from the above listed facility was evaluated for impact to its receiving water.

It has been determined that this discharge will not cause a violation of water quality standards (Utah Water Quality Standards, R317-2-3.5.3.b. Utah Administrative Code in downstream receiving waters. Therefore, a wasteload allocation based upon water quality numeric criteria is not required.

Permit limits should be set according to rules found in R-317-1.

Antidegradation Level I Review

An Anti-degradation Level II review is not required since the water quality of the receiving water will not be degraded by the proposed activity (e.g., a discharge to a dry wash where the effluent will not reach a stream or river; or, a UPDES permit is being renewed and the proposed effluent concentration value and pollutant loading is equal to or less than the existing effluent concentrations value and pollutant loading. [R317-2-3.4.1b.1])

Prepared by:
William O. Moellmer, Ph.D.
Utah Division of Water Quality



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"),

HIAWATHA COAL COMPANY

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 points, effluent limitations, monitoring requirements and other conditions set forth herein.

This permit will become effective on January 1, 2010

This permit expires at midnight, December 31, 2014.

Signed the 14th day of December, 2009

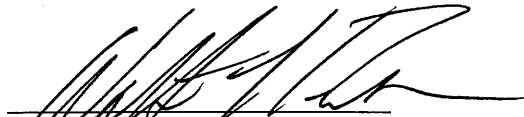

Walter L. Baker, P.E.
Executive Secretary
Utah Water Quality Board

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