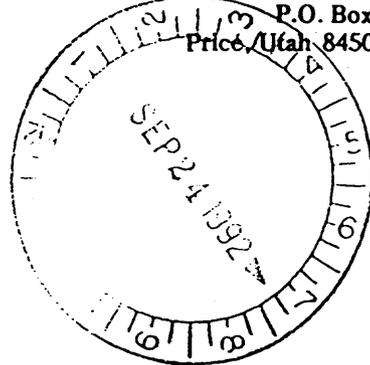


SC³ SOLDIER CREEK COAL CO.

Telephone (801) 637-6360

P.O. Box 1
Price, Utah 84501



September 1, 1992

Carbon County
Emma Kuykendall
Courthouse Building
Price, UT 84501

Dear Ms. Kuykendall:

You are the owner of record of County Road 53, passing through the following lands, which lie adjacent to the coal resources within Soldier Creek Coal Company's present "Permit Area":

Township 12 South, Range 12 East, SLB&M:

Section 28: SW 1/4 SW 1/4

Section 33: W 1/2 NW 1/4

The State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining regulations require us to enlarge our "Permit Area" to include a subsidence buffer zone (see the enclosed Figure 5.25-1). This buffer zone is intended to expand the mines area of responsibility to include all areas which could potentially be impacted by mine related subsidence. The addition of this buffer zone will not involve further access to either the surface or underground portions of the land.

While the remote possibility of actual surface subsidence is acknowledged, this subsidence would not affect the post mining land use. Soldier Creek Coal Company does not see any reason that the use of the land following mining would be any different from the pre-mining use, whether it be livestock grazing, wildlife habitat, recreation, or any other use.

We appreciate any comments you may have. If you have no comments, please signify by signing below and returning this letter in the enclosed envelope.

We sincerely appreciate your assistance in helping us fulfill our obligations under the regulations. Please don't hesitate to call with any questions.

Sincerely,
SOLDIER CREEK COAL COMPANY

REVISED

MAR 3 1 1993

J.T. Paluso
Chief Engineer

Signature

Date

Enclosure

SUBMITTED

MAR 3 1 1993

SC³ SOLDIER CREEK COAL CO.

Telephone (801) 637-6360

P.O. Box I
Price, Utah 84501

September 1, 1992

Mrs. Louise L. Iriart
503 East 100 North
Price, UT 84501



Dear Mrs. Iriart:

You are the owner of record of the following lands which lie adjacent to the coal resources within Soldier Creek Coal Company's present "Permit Area":

Township 13 South, Range 11 East, SLB&M:

Section 1: Lots 1, 2, 5, 6 & 7

Section 12: W 1/2 W 1/2

Section 13: NW 1/4 NW 1/4

Township 12 South, Range 12 East, SLB&M:

Section 28: SW 1/4 SW 1/4

Section 29: SW 1/4 SE 1/4

Section 31: NE 1/4 NE 1/4, S 1/2 SW 1/4

Section 32: NW 1/4 NE 1/4

The State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining regulations require us to enlarge our "Permit Area" to include a subsidence buffer zone (see the enclosed Figure 5.25-1). This buffer zone is intended to expand the mines area of responsibility to include all areas which could potentially be impacted by mine related subsidence. The addition of this buffer zone will not involve further access to either the surface or underground portions of the land.

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We appreciate any comments you may have. If you have no comments, please signify by signing below and returning this letter in the enclosed envelope.

We sincerely appreciate your assistance in helping us fulfill our obligations under the regulations. Please don't hesitate to call with any questions.

Sincerely,
SOLDIER CREEK COAL COMPANY

J.T. Paluso
Chief Engineer

REVISED
MAR 3 1 1993

Enclosure **SUBMITTED**

Louise L. Iriart 9-8-92
Signature Date

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2405

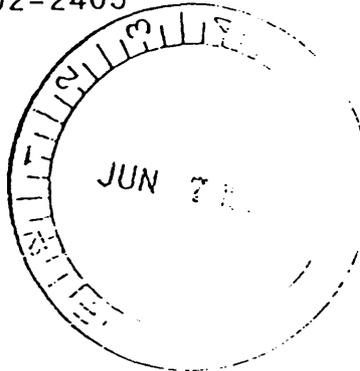
June 4, 1991



Ref: 8WM-C

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. J.T. Paluso
Chief Engineer
Soldier Creek Coal Company
P.O. Box I
Price, Utah 84501-0893



Dear Mr. Paluso:

Enclosed is the NPDES permit for Soldier Creek Coal Company,
UT-0023680. This permit shall become
effective upon the date specified unless, within thirty (30) days
following the date of receipt, you submit a request for an
evidentiary hearing in accordance with the provisions of 40 CFR
Section 124.74. Any evidentiary hearing request must be
addressed to:

Regional Administrator (8A)
U.S. Environmental Protection Agency
Region VIII, Denver Place
999 18th Street, Suite 500
Denver, Colorado 80202-2405

We have attached blank Discharge Monitoring Report (DMR)
forms. Your facility should use these forms to report all
discharge data at the frequency required in your permit.

If you have any legal questions with regard to this permit,
please contact the Regional Counsel's office at (303) 293-7568.
Questions regarding monitoring requirements, schedules and permit
limitations should be directed to the Compliance Branch at (303)
293-1588.

Sincerely yours,

Max H. Dodson
Director
Water Management Division

Enclosures

NPDES Discharge Permit
EPA Form 3320-1 for reporting DMR
Response to Comments

SUBMITTED

Permit No.: UT-0023680

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

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

Soldier Creek Coal Company - Soldier Canyon Mine

is authorized to discharge from its facility located in Section 18, Township 13
South, Range 12, Carbon County, Utah,

to Soldier 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 July 1, 1991.

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

Signed this 3rd day of June 1991.



Authorized Permitting Official


Max H. Dodson
Director
Water Management Division

Title

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I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Definitions.

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

A. Definitions (Continued)

- c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,
 - d. Continuous collection of sample, with sample collection rate proportional to flow rate.
5. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
 6. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
 7. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
 8. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
 9. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 10. "Director" means Director of the United States Environmental Protection Agency's Water Management Division.
 11. "EPA" means the United States Environmental Protection Agency.
 12. "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.

A. Definitions (Continued)

13. "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.
14. Mine drainage means any drainage, and any water pumped or syphoned, from an active mining area or a post mining area.
15. Alkaline mine drainage means mine drainage which before any treatment has a pH equal to or greater than 6.0 and total iron concentration less than 10 mg/L.
16. Post mining areas means : 1) a reclamation area or 2) the underground workings of an underground coal mine after extraction removal or recovery of coal from its natural deposit has ceased and prior to bond release.
17. The term "10-year, 24-hour precipitation event" shall mean the maximum 24-hour precipitation event with a probable recurrence 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.
18. 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.
19. 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.
20. The term "settleable solids" is that matter measured by the volumetric method specified below:

The following procedure and method detection limit 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 provision of 40 CFR Part 136, the method detection limit for measuring settleable solids under this procedure shall be 0.4 ml/L.

B. Description of Discharge Points

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 an NPDES permit is a violation of the Clean Water Act and could subject the person(s) responsible for such discharge to penalties under Section 309 of the Act. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge within a reasonable time from first learning of an unauthorized discharge could subject such person to criminal penalties as provided under the Clean Water Act.

<u>Outfall Serial Number(s)</u>	<u>Description of Discharge Point(s)</u>
001	Outfall from mine water discharge. There has been no discharge from this outfall for several years.
002	Outfall from the facility's existing sedimentation pond. The facility has never discharged from this outfall.
003	Outfall from mine water discharge.
004	Outfall for additional mine water discharge.
005	Outfall from proposed sedimentation pond for topsoil storage area.
006	Outfall from proposed sedimentation pond for waste rock storage area.
007	Outfall from proposed sedimentation pond for storage yard.

C. Specific Limitations and Monitoring Requirements

1. During the period beginning immediately and lasting through the life of this permit, the permittee is authorized to discharge from Outfalls 001, 002, 003 and 004. During the permit period, discharge from Outfalls 005, 006, and 007 is only authorized upon completion of a final construction inspection by the Utah Bureau of Water Pollution Control and authorization by the Bureau to place the facilities in operation. Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristics</u>	<u>Monthly Average</u>	<u>7-Day Average</u>	<u>Daily Maximum</u>	<u>Sample Type a/</u>	<u>Frequency</u>
Flow, M ³ /day, gpd	N/A	N/A	N/A	2/month	Measured <u>b/</u>
Total Suspended Solids, mg/L	25	35	70	2/month	Grab
Iron (Total), mg/L	N/A	N/A	2.0	1/month	Grab
Total Dissolved Solids, mg/L <u>c/</u>	N/A	N/A	1,200	2/month	Grab
Oil and Grease, mg/L	N/A	N/A	10	1/month	Grab

The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units and shall be monitored twice per month 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.

Samples taken for compliance with the monitoring requirements specified above shall be taken at the discharge points prior to mixing with the water in Soldier Creek.

a/ See Definitions, Part I.A.

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

c/ In addition to the concentration limitation, the total amount of Total Dissolved Solids (TDS) discharged from all outfalls is limited to five tons (10,000 pounds) per day.

C. Specific Limitations and Self-Monitoring Requirements (Continued)

2. 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 Outfall 002 shall comply with the following limitation instead of the Total Suspended Solids limitations contained in Part I.C.1.:

<u>Effluent Characteristic</u>	<u>Effluent Limitation</u>
Settleable Solids	0.5 mg/L maximum not to be exceeded a/

Settleable Solid shall be monitored weekly by a grab sample during periods of precipitation.

- a/ See Definitions, Part I.A.20. for procedures and method detection limit for measurement of settleable solids.

3. 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. However, as stated under Part I.C.2., all effluent samples collected at Outfall(s) 002, 005, 006 and 007 during storm water discharge events shall be analyzed for settleable solids and the parameters identified under Part I.C.1.

4. The alternate limitations provided in Parts I.C.2. and I.C.3. shall apply only if:
 - a. The treatment facility is designed, constructed operated, and maintained to contain at a minimum the volume of water which would drain into the treatment facility during the 10-year, 24-hour, precipitation event (or snowmelt of equivalent volume);
 - b. The treatment facility is designed, constructed, operated, and maintained to consistently achieve the effluent limitations set forth in Part I.C.1. during periods of no precipitation (or snowmelt).
5. The operator shall have the burden of proof that the preceding conditions have been met in order to qualify for the alternate limitations in Parts I.C.2. and I.C.3. The alternate limitations in Parts I.C.2. and I.C.3. shall not apply to treatment systems that treat underground mine water only.

C. Specific Limitations and Self-Monitoring Requirements

6. Schedule of Compliance

- a. The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:
 - (1) If the permittee has not previously submitted Area Map(s) described in Part IV, P., such Area Map(s) shall be submitted within 30 days of the effective date of this permit.
 - (2) Revised Area Map(s) as described in Part IV, P., must be submitted 60 days prior to commencement of the discharge.
- b. No later than fourteen (14) calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

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 use-disposal practice.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. See Part I.C. for any applicable sludge monitoring procedures.
- C. Penalties for Tampering. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both.
- D. Reporting of Monitoring Results. Effluent monitoring results obtained during the previous month shall be reported on a Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period. If no discharge occurs during the reporting period, "no discharge" shall be reported. Until further notice, sludge monitoring results may be reported in the testing laboratory's normal format (there is no EPA standard form at this time), but should be on letter size pages. Whole effluent toxicity (biomonitoring) results must be reported on the most recent version of EPA Region VIII's Guidance For Whole Effluent Reporting. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the Signatory Requirements (see Part IV), and submitted to the Director, Water Management Division and the State water pollution control agency at the following addresses:

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

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

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

PART II

Page 12 of 24

Permit No.: UT-0023680

- E. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- F. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.
- G. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
 2. The initials or name(s) of the individual(s) who performed the sampling or measurements;
 3. The date(s) and time(s) analyses were performed;
 4. The time(s) analyses were initiated;
 5. The initials or name(s) of individual(s) who performed the analyses;
 6. References and written procedures, when available, for the analytical techniques or methods used; and,
 7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.
- H. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. Data collected on site, copies of Discharge Monitoring Reports, and a copy of this NPDES permit must be maintained on site during the duration of activity at the permitted location.

PART II

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Permit No.: UT-0023680

I. Twenty-four Hour Notice of Noncompliance Reporting.

1. The permittee shall report any noncompliance which may seriously endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the EPA, Region VIII, Emergency Response Branch at (303) 293-1788 and the State of Utah at (801) 538-6333.
2. The following occurrences of noncompliance shall be reported by telephone to the EPA, Region VIII, Compliance Branch at (303) 293-1589 and the State of Utah at (801) 538-6146 by the first workday (8:00 a.m. - 4:30 p.m. Mountain Time) following the day the permittee became aware of the circumstances:
 - a. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G., Bypass of Treatment Facilities.);
 - b. Any upset which exceeds any effluent limitation in the permit (See Part III.H., Upset Conditions.); or,
 - c. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.
3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
4. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Compliance Branch, Water Management Division, Denver, Colorado, by phone, (303) 293-1589.
5. Reports shall be submitted to the addresses in Part II.D., Reporting of Monitoring Results.

PART II

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Permit No.: UT-0023680

- J. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.D. are submitted. The reports shall contain the information listed in Part II.I.2.
- K. Inspection and Entry. The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

III. COMPLIANCE RESPONSIBILITIES

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

- F. Removed Substances. Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be buried or disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the United States.
- 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.
 2. Notice:
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 60 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.I., Twenty-four Hour Reporting.
 3. Prohibition of bypass.
 - a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
 - (3) The permittee submitted notices as required under paragraph 2. of this section.
 - b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a. of this section.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph 2. of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with technology-based permit effluent limitations).
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under Part II.I., Twenty-four Hour Notice of Noncompliance Reporting; and,
 - d. The permittee complied with any remedial measures required under Part III.D., Duty to Mitigate.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

- I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

PART III

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Permit No.: UT-0023680

- J. Changes in Discharge of Toxic Substances. Notification shall be provided to the Director 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 40 CFR 122.21(g)(7); or,
 - d. The level established by the Director in accordance with 40 CFR 122.44(f).
 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 40 CFR 122.21(g)(7); or,
 - d. The level established by the Director in accordance with 40 CFR 122.44(f).

IV. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b);
 2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Part IV.A.1.; or,
 3. There are any planned substantial changes to the existing sewage sludge facilities, the manner of its operation, or to current sewage sludge management practices of storage and disposal. The permittee shall give the Director notice of any planned changes at least 30 days prior to their implementation.
- B. Anticipated Noncompliance. The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- E. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- F. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.

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

G. Signatory Requirements (Continued)

gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- H. Penalties for Falsification of Reports. The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both.
- I. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution control agency and the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.
- J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.
- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- L. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,

M. Transfers (Continued)

3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2. above.

N. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

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

1. Water Quality Standards: The water quality standards of 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. Wasteload Allocation: A wasteload allocation is developed and approved by the State and/or EPA for incorporation in this permit.
3. Water Quality Management Plan: 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. Other Requirements

1. Area Maps (Active Mining Operations)

- a. Facilities which have already identified the location of each discharge need not submit an area map.
- b. The permittee shall submit revised Area Map(s) to show any changes, corrections, or other modifications or adjustments of the location of the point source discharges. The purpose of this requirement is to assure that the Regional Administrator and the State of Utah are kept fully advised as to the current location of such discharges.
- c. The revised Area Map(s) shall be submitted in the form specified below and shall be made from USGS topographical maps (7.5 or 15-minute series) or other appropriate sources as approved by the Regional Administrator or his designee. Each revised Area Map shall be 8 1/2 inches by 11 inches and shall be in black and white suitable to produce readable copies by rapid printing methods (Xerox, Dennison, Offset printing, etc.) or as approved by the Regional Administrator or his designee. Where additional 8 1/2 inch by 11 inch maps are required to show the area of operation, they shall be numbered and a key shall be shown on the first map. The first map section shall have the company name, mine/job name, address, and NPDES number clearly printed thereon. Also, one line of latitude and one line of longitude shall be marked on each map section. The Area Map(s) shall delineate the following, using the graphics as indicated:
 - (1) Existing Area of Operation (Solid Outline)
 - (2) Existing point source (Solid Triangle)
 - (3) The projected area of operation for the next five years (Dashed Outline)
 - (4) Project point source for the next five years (Opened Triangle)
 - (5) The monitoring reports must indicate the active-inactive status of all discharge points which are listed on the current area maps. These discharge points shall be assigned numbers 001, 002, 003, 004, etc.
 - (6) The permittee shall provide notification to the U.S. Environmental Protection Agency and the Utah Department of Health at the addresses in Part II.D. of this permit within 15 days of the date(s). Outfalls 005, 006, and 007 are placed in operation.

P. Other Requirements (Continued)

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

RESPONSE TO COMMENTS
Soldier Creek Coal Co.
UT-0023680

Summary of Comments Received

Soldier Creek Coal Company, through a letter from Johnny Pappas, Environmental Coordinator, requested a higher TDS limitation (tons/day) with the justification of exceeding the proposed limitation twice, in March and April 1991.

Response to Comments

The permit will be issued as is, with an effective date of July 1, 1991. If conditions at the facility change such that the characteristics of the discharge are different, then a request for modification can be made to the State of Utah. There is not enough information available to make that determination at this time.

Robert B. Brobst
Joel Webster
USEPA
May 30, 1991

PERMIT BOUNDARY
AREA OF OPERATION

NORTH

N.P.D.E.S. PERMIT NUMBER

UT-0023680

ATTITUDE 39 40'

PERMIT BOUNDARY
AREA OF OPERATION

POINT SOURCES

- 001-EXISTING MINE WATER DISCHARGE POINT
- 002-EXISTING SEDIMENT POND DISCHARGE POINT
- 003-EXISTING MINE WATER DISCHARGE POINT
- 004-EXISTING MINE WATER DISCHARGE POINT
- 005-REQUESTED SEDIMENT POND DISCHARGE POINT
- 006-REQUESTED SEDIMENT POND DISCHARGE POINT
- 007-REQUESTED SEDIMENT POND DISCHARGE POINT

USGS 15 MINUTE SERIES (TOPOGRAPHIC)

REVISIONS		
NO.	DATE	BY
	10/30/90	J.P.
3		



Soldier Creek Coal Company

P.O. BOX 1

PRICE, UTAH 84501

SOLDIER CANYON MINE

SCALE: 1:62,500

TITLE: N.P.D.E.S. DISCHARGE POINTS

DRAWING NO.