



State of Utah

Department of
Environmental Quality

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Executive Director

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Refer to Record No. 0063 Date 10/19/2004
In C 10070039 2004 Incoming

October 19, 2004

**CERTIFIED MAIL
(Return Receipt Requested)**

Mr. David Spillman
Canyon Fuel Company, LLC, Dugout Canyon Mine
P.O. Box 1029
Wellington, UT 84542

Dear Mr. Spillman:

Subject: UPDES Permit UT0025593, Canyon Fuel Company, LLC,
Dugout Canyon Mine.

Enclosed is a draft copy of the UPDES Permit No. UT0025593, the
Statement of Basis, and the Public Notice for your facility.

If you have any questions with regards to this matter, please contact Jeff
Studenka at (801) 538-6779.

Sincerely,

Mike Herkimer, Manager
Permits & Compliance Section

MH:JS:ev

Enclosure

cc: Qian Zhang, P.E., EPA Region VIII (W/encl)
Southeastern Health Department
Claron Bjork, Environmental Health Director
Vicky Miller, Canyon Fuel Co. (W/encl)
Mr. Chris Hansen, Environmental Coordinator
Pam Grubaugh-Littig, Division of Oil Gas & Mines

Gregg
C/007/0039 PK
(e-mail Gregg)

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OCT 22 2004

DIV. OF OIL, GAS & MINING

Utah!
Where ideas connect™



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October 19, 2004

The Sun Advocate
845 East Main
Price, UT 84501

ATTENTION: The Advertising Department

This letter will confirm authorization to publish the attached NOTICE in The Sun Advocate in the first available edition. Please mail the invoice and affidavit of publication to:

Department of Environmental Quality
Division of Water Quality
Attn: Stacy Carroll
P.O. 144870
Salt Lake City, Utah 84114-4870

If there are any questions, please contact Edith Van Vleet at (801) 538-7015.
Thank you for your assistance.

Sincerely,

Mike Herkimer, Manager
Permits & Compliance Section

MH:JS:ev

RECEIVED

OCT 22 2004

DIV. OF OIL, GAS & MINING



State of Utah

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October 19, 2004

DIVISION OF WATER QUALITY
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

PUBLIC NOTICE OF ISSUANCE OF A UPDES PERMIT

PURPOSE OF PUBLIC NOTICE

THE PURPOSE OF THIS PUBLIC NOTICE IS TO DECLARE THE STATE OF UTAH'S INTENTION TO ISSUE A UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) PERMIT UNDER AUTHORITY OF THE UTAH WATER QUALITY ACT, SECTION 19-5-104 AND 107, UTAH CODE ANNOTATED 1953, AS AMENDED. SAID "PERMIT " REFERS TO UPDES PERMIT AND THE STATEMENT OF BASIS. (INCLUDING THE TOTAL MAXIMUM DAILY LOADS (TMDL'S), IF APPLICABLE, AS PER SECTION 303 (d) OF THE FEDERAL CLEAN WATER ACT (CWA).

PERMIT INFORMATION

PERMITTEE NAME:	Canyon Fuel Co. LLC, Dugout Canyon Mine
MAILING ADDRESS	P.O. Box 1029 Wellington, UT 84542
TELEPHONE NUMBER:	(435) 636-2872
FACILITY LOCATION:	Dugout Canyon off Nine Mile Canyon Road.
UPDES PERMIT NO.:	UT0025593

BACKGROUND

Dugout mine is presently covered by a General Coal Mining Permit (UTG040020). However, due to total dissolved solids (TDS) and total iron (T-FE) in the mine water discharge, it has become more difficult to meet the general coal permit effluent limits. Therefore, Dugout has applied to the State of Utah, Division of Water Quality to obtain an individual permit.

PUBLIC COMMENTS

Public comments are invited any time prior to November 22, 2004. Comments may be directed to the Department of Environmental Quality, Division of Water Quality, 288 North 1460 West, P.O. Box 144870, Salt Lake City, Utah 84114-4870. All comments received prior to November 22, 2004 will be considered in the formulation of final determinations to be imposed in the renewal permit. A public hearing will be held if response to this Notice indicates significant public interest. A public hearing may be held if written requests are received within the first 15 days of this public comment period that demonstrate significant public interest and substantive issues exist to warrant holding a hearing.

FURTHER INFORMATION

Additional information may be obtained upon request by calling Jeff Studenka (801) 538-6779 or by writing the aforementioned address. All information appropriate to this permit renewal is available for review at the Division of Water Quality, 288 North 1460 West, Salt Lake City, Utah.

**STATEMENT OF BASIS
CANYON FUEL COMPANY, LLC
DUGOUT CANYON MINE
MINOR INDIVIDUAL PERMIT NUMBER UT0025593
OCTOBER 13, 2004**

CONTACTS:

Mr. David Spillman
Canyon Fuel Company, LLC
Dugout Canyon Mine
P. O. Box 1029
Wellington, Utah 84542
Phone: (435) 636-2872

Ms. Vicky Miller
Canyon Fuel Company, LLC
Dugout Canyon Mine
P. O. Box 1029
Wellington, Utah 84542
Phone: (435) 636-2869

Mr. Chris Hansen, Environmental Coordinator
Canyon Fuel Company, LLC
Skyline Mine
HC 35 Box 380
Helper, Utah 84526
Phone: (435) 448-2669

DESCRIPTION OF FACILITY AND DISCHARGE: Dugout Canyon Mine (Dugout) is an underground coal mining operation. The facility is located 12 ½ mile northeast of Wellington in Dugout Canyon just off Nine Mile Canyon Road. It is presently covered under the General Coal Mining Permit (UTG040020). However, due to total dissolved solids (TDS) and total iron (T-Fe) in the mine water discharge, it has become more difficult for Dugout to meet the general coal permit effluent limits. Therefore, Dugout has applied to the State of Utah, Division of Water Quality to obtain an individual permit.

In the development of the Gilson Coal Seam, Dugout came close to an old abandoned mine known as the Knight Mine. Mine Safety Health Administration (MSHA) required the old Knight Mine be dewatered enough to assure safety of the miners. This was done in August 2002 and again in June of 2003. At the present time the recharge rate of the Knight Mine is being determined. The Knight Mine along with their present operation (Gilson Seam) are pumped and discharged at 001. As a result of this additional pumping (from the Knight Mine) and the fact that as Dugout continues to develop the Gilson Seam, water is being encountered. It is anticipated the quantity of inflow water will increase with continued development.

The mine has a standard industrial classification of 1222. It has four discharge points; two mine water discharges and two sediment pond discharges. Discharges 001 and 003 are mine water discharges which go to Dugout Creek and 002 is a sedimentation pond which discharges to Dugout Creek. Discharge 004 is a sedimentation pond at the waste

rock disposal site, which is quite large and it is doubtful it will ever discharge. If discharge were to occur it would go to unnamed tributaries of Grassy Trail Creek. The main discharge from Dugout is 001, which is estimated to increase to 347 gpm by the end of the five-year permit period. Since July of 2000 outfall 002 has discharged six times and outfall 003 has discharged once, while outfall 004 has not discharged at all.

RECEIVING WATER STREAM CLASSIFICATION: Dugout Creek is the receiving water for outfalls 001, 002, and 003. An unnamed tributary to Grassy Trail Creek is the receiving water for 004. In the early 1900's Dugout Creek was diverted to Grassy Trail Creek. The classification for these receiving waters are the same and described below:

2B – protected for secondary contact recreation such as boating, wading, or similar uses.

3C – protected for nongame fish and other aquatic life, including the necessary aquatic organisms in their food chain.

4 – protected for agricultural uses including irrigation of crops and stock watering.

BASIS FOR EFFLUENT LIMITATIONS: Effluent limitations are taken from three primary sources: State secondary standards found in *Utah Administrative Code (UAC) R317-1-3*, 40 CFR Part 434 Coal Mining Point Sources Category and the Wasteload Analysis – Total Maximum Daily Load (TMDL), which is attached to this Statement of Basis.

Total Suspended Solids (TSS) at all discharge points shall be limited to 25 mg/L as a thirty day average and 35 mg/L as a seven-day average (UAC R317-1-3). TSS shall not exceed 70 mg/L as a daily maximum at all discharge points (40CFR part 434). The pH shall be in the range of 6.5 to 9.0 at all discharge points (UAC R317-1-3). Iron is limited to 1.1 mg/L as total iron (attached TMDL). Oil and grease is limited based on best professional judgment and if present shall be less than 10 mg/L at all discharge points.

The Colorado River Basin Salinity Control Forum limits the amount in pounds per day of total dissolved solids discharged to any water bodies, which are tributary to the Colorado River Basin. Industries are given several options which may apply to their facility:

1. There shall be no discharge of salt (TDS) whenever practical.
2. If not practical the no discharge requirement can be waived by the permit issuing authority and limited to one ton of TDS per day or 350 tons per year, whichever is less.
3. If the permittee cannot achieve one ton per day or less, the owner/permittee could complete an intercepted groundwater study.

4. If the permittee cannot achieve a one ton of TDS per day or less, the owner /permittee has the option of doing an economic analysis/study.
5. No tonnage limits are necessary if the concentration of TDS in the discharge is below 500 mg/L.
6. A pollution trading/offset project may be considered.

As indicated above, no tonnage limits are necessary if the concentration of TDS in the effluent discharge is less than 500 mg/L as a 30-day average. If the permittee cannot achieve the 500 mg/L TDS average at all active outfalls, then the permittee cannot discharge more than one (1) ton per day as a sum from all discharge points. If the permittee cannot meet the 500 mg/L 30-day average or the one (1) ton per day sum, then the permittee must participate in and/or fund a salinity trading or offset project.

The salinity offset project shall include TDS credits on a ton-for-ton basis for which the permittee is over the 1.0 ton per day loading limit. The tonnage reduction from the offset project must be calculated by a method similar to one used by the NRCS, Colorado River Basin Salinity Control Forum, or other applicable agency.

If the permittee will be participating in the construction and implementation of a salinity offset project, then a project description and implementation schedule shall be submitted to the Executive Secretary within six (6) months of the effective date of the permit, which will then be reviewed for approval. The salinity offset project description and implementation schedule must be approved by the Executive Secretary and shall be appended to this permit.

If the permittee is funding a salinity offset project through third parties the permittee shall provide satisfactory evidence to the Executive Secretary that the required funds have been deposited to the third party within six (6) months of the effective date of the permit. A monitoring and adjustment plan to track the TDS credits shall also be submitted to the Executive Secretary within six (6) months of the effective date of the permit, which will then be reviewed for approval. The monitoring and adjustment plan must be approved by the Executive Secretary and shall be appended to this permit.

In addition to limiting TDS by tonnage, it is also restricted by concentration based on UAC R317-2-14. This requirement indicates that TDS limits may be adjusted as long as this adjustment does not impair designated beneficial use. In a letter from a Mr. David Thayne dated December 31, 2003, which is attached to this Statement of Basis, it is indicated that the discharge from Dugout Mine has been used for stock watering and irrigation with no ill effect and it is desired by the farmer/rancher that the discharge continue to supply his needs. Furthermore, it has been noted that the discharge water is generally consumed in full by the local farming/ranching operations and does not reach the lower tributary of the Price River.

The suitability of using Dugout Mine discharge water for irrigation was addressed in a memorandum written by Dr. William Moellmer dated February 23, 2004, which is appended to the wasteload allocation TMDL and attached to this Statement of Basis.

This memorandum is a discussion of the application of the footnote associated with the TDS water quality standard, and supports a TDS effluent limit of 2400 mg/L as a daily maximum concentration. Also included in the wasteload allocation TMDL is the recommendation of the site specific standard TDS effluent limit of 3000 mg/L for this segment, as taken from the *Price River, San Rafael River and Muddy Creek TMDLs for Dissolved Solids – West Colorado Watershed Management Unit, Utah April 2004, p. A-25, Table A-12*, for which the proposed TDS effluent limit of 2400 mg/L as a daily maximum concentration is well below.

EFFLUENT LIMITS:

<u>Parameter</u>	<u>30- Day Ave.</u>	<u>7 Day Avg.</u>	<u>Daily Max.</u>	<u>Daily Min.</u>
TSS, mg/L	25	35	70	NA
T-Fe, mg/L	NA	NA	1.1	NA
Oil & Grease, mg/L	NA	NA	10 <u>a/</u>	NA
TDS, mg/L	500	NA	2400 <u>b/</u>	NA
TDS, tons/day	NA	NA	1.0 <u>b/</u>	NA
pH S.U.	NA	NA	9.0	6.5
Flow, gpd <u>c/</u>	NA	NA	NA	NA

a/ The effluent shall be visually examined at least twice per month. If an oil or grease sheen is observed a sample must be taken immediately and this sample concentration shall be less than or equal to 10 mg/L.

b/ The TDS concentration from each of the outfalls shall not exceed 2400 mg/L as a daily maximum limit. No tonnage limits are necessary if the concentration of TDS in the discharge is equal to or less than 500 mg/L, as a 30-day average. If the 30-day average concentration of TDS exceeds 500 mg/L, then the permittee cannot discharge more than 1.0 ton per day as a sum from all discharge points. Upon determination by the Executive Secretary that the permittee is not able to meet the 500 mg/L 30-day average or the 1.0 ton per day loading limit, the permittee is required to participate in and/or fund a salinity offset project within six (6) months of the effective date of this permit, as described previously.

c/ Intermittent discharges should be reported and samples taken if necessary.

ALTERNATIVE EFFLUENT LIMITS: Alternative effluent limits are taken from 40 CFR 434 Subpart F. Any discharge or increase in the volume of a discharge 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 otherwise applicable limitations:

<u>Effluent Characteristics</u>	<u>Daily Maximum</u>
Settleable Solids	0.5 mL/L
pH	6.5 to 9.0

In addition to the monitoring requirements specified in the permit, all effluent samples collected during storm water discharge events may also be analyzed for settleable solids. Such analyses shall be conducted twice per month by grab samples.

Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) may 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, all effluent samples collected at all surface runoff pond outfalls during storm water discharge events may be analyzed for settleable solids in addition to the parameters identified in the permit.

The permittee/operator shall have the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event described.

SIGNIFICANT CHANGES: There are some differences contained in this individual permit when compared with requirements of the general permit, such as the inclusion of stormwater requirements in the individual permit. Also, there is an inclusion of a TDS daily maximum concentration limit of 2400 mg/L, while the 30-day average and the 1.0 ton per day limits for TDS remains the same. There are also provisions in this individual permit, as previously stated, for participating in and/or funding a salinity offset project if Dugout is unable to meet the 30-day average and/or 1.0 ton per day limits for TDS.

SELF-MONITORING AND REPORTING REQUIREMENTS: Discharge monitoring report (DMR) forms shall be submitted on a monthly basis and are due on or before the 28th day of the month after each monitoring period. For example, the DMR form for February would be due by March 28th. Listed below are each permit parameter and the associated sampling frequency, type of sample and required units.

<u>Parameter</u>	<u>Frequency</u>	<u>Sample Type</u>	<u>Units</u>
TSS	2 X Month	Grab	mg/L
T-Fe	2 X Month	Grab	mg/L
Oil & Grease <u>a/</u>	2 X Month	Visual/Grab	NA
TDS	2 X Month	Grab	mg/L
pH	2 X Month	Grab	S.U.
Settleable Solids <u>b/</u>	2 X Month	Grab	mg/L
Flow <u>c/</u>	2 X Month	Instantaneous	gpd

a/ The effluent shall be visually examined at least twice per month. If an oil or grease sheen is observed a sample must be taken immediately and this sample concentration shall be less than or equal to 10 mg/L.

- b/ Settleable solids is an alternative effluent limit and should be monitored only at surface sedimentation pond discharges (not containing mine water) during rainfall or snowmelt runoff.
- c/ Intermittent discharges should be reported and samples taken if not previously taken in that sampling period.

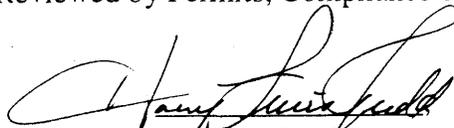
BIOMONITORING REQUIREMENTS: Authority to require whole effluent toxicity (WET) testing can be found in UAC R317-8-4.2 and UAC R713-8-5.3. Acute testing has previously been completed on the mine water discharge and no acute toxicity was found. This information along with the fact that the mine water has previously been used for irrigation and stock watering with no observable ill effects brings the conclusion that no toxicity is present in the effluent and it is not anticipated to change in the future. Therefore, no WET testing is required. However, the permit will contain a WET reopener provision.

STORMWATER REQUIREMENTS: This facility is required to obtain a stormwater permit according to UAC R317-8-3.9 and has previously been issued coverage under the general stormwater permit No. UTR000000. Accordingly, storm water permit provisions have been included in this individual permit to replace the provisions of the general permit. Therefore, coverage under the general stormwater permit is automatically terminated upon the effective date of this individual permit.

PERMIT DURATION: It is recommended that this permit be effective for a period of five years.

Drafted by Jeff Studenka
Environmental Scientist
Utah Division of Water Quality
Drafted October 13, 2004

Reviewed by Permits & Compliance Section Manager
Reviewed by Permits, Compliance & Monitoring Branch Manager


EIMDL Section

14 October 2004
Date



State of Utah

Department of
Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF WATER QUALITY
Don A. Ostler, P.E.
Director

OLENE S. WALKER
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GAYLE F. McKEACHNIE
Lieutenant Governor

MEMORANDUM

TO: Mike Herkimer
Environmental Scientist

FROM: William O. Moellmer, Ph.D. 
Environmental Scientist

DATE: February 23, 2007 ⁴

SUBJECT: Suitability of Dugout Mine Water for Irrigation

The chemical characteristics of the Dugout Mine water for use as an irrigation source has been evaluated.

The development and maintenance of successful irrigation projects involve not only the supplying of irrigation water to the land, but also the control of the salinity and alkali of the soil. Irrigation practices, drainage conditions, and quality of irrigation water are all involved in salinity and alkali control. Soil that was originally non-saline and non-alkaline may become unproductive if excessive soluble salts or exchangeable sodium are allowed to accumulate because of improper irrigation and soil management or inadequate drainage.

According to the U.S. Department of Agriculture, the relative activity of sodium ions in exchange reactions with soil is a good measure of the suitability of water for irrigation. The sodium-adsorption ratio (SAR) may be determined by the formula where the ionic concentrations are expressed in equivalents per million.

$$SAR = \frac{Na^+}{\sqrt{\frac{Ca^{++} + Mg^{++}}{2}}}$$

(1) The sodium adsorption ration (SAR) of the Dugout Mine water has an approximate value of 0.5, indicating it can be used for irrigation on almost all soils with little danger of developing

harmful levels of exchangeable sodium.

In general, water having electrical conductivity of less than 750 micromhos per centimeter is satisfactory for irrigation insofar as salt content is concerned, although salt-sensitive crops such as strawberries, green beans, and red clover may be adversely affected by water having an electrical conductivity in the range of 250 to 750 micromhos per centimeter. Water in the range of 750 to 2,250 micromhos per centimeter is widely used, and satisfactory crop growth is obtained under good management and favorable drainage conditions, but saline conditions will develop if leaching and drainage are inadequate. Waters having a value greater than 2,250 micromhos per centimeter have additional leaching considerations, but can be used and have been throughout Utah.

(2) The electrical conductivity of the Dugout Mine water has an approximate electrical conductivity value of 3750 umhos/cm (2,400 mg/l TDS), indicating this high salinity water can be used only on certain crops and then only if special practices are followed. Alfalfa raised with this water may experience a 25% yield reduction in 20 years due to the salinity of the source water.

(3) Another consideration to this discussion is the leaching requirement. Calculations indicate a leaching requirement value of 25%. What this means is that to maintain productivity of the alfalfa and other crops using the land, a use of 25% more than the normal amount of water is required to keep the soil free from accumulated salts. The 25% excessive water use for leaching therefore is necessary to maintain soil productivity. Additional use of spring runoff water with a lower TDS value would be beneficial to further remove accumulated salts from the soil.

Alfalfa (with some reduction of yield), grains such as wheat and barley, and sugar beets can be successfully raised with this water.

I recommend that those parties that are using or desire to use this water for irrigation consult with the appropriate governmental agencies with a solid understanding of the issues surrounding its use. An excellent source is Mark C. Quilter, Ph.D. of the Utah Department of Agriculture. Dr. Quilter's telephone number is 801-538-9905.

I see no significant impairment of the beneficial agricultural use (Class 4) for this water. The parties using it, however, must understand what crops are appropriate.

December 31, 2003

JAN - 7 2004

Division of Water Quality
288 North 1460 West
Salt Lake City, UT 84114-4870

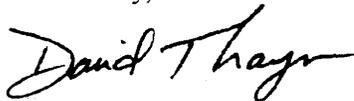
To Whom It May Concern:

The water being pumped from the Dugout Mine is being put to beneficial use by our family to irrigate fields and water cattle. To the best of our knowledge we diverted all the water discharged from the mine from first thaw to freezing during 2003. The water is collected in a reservoir for stock and wildlife watering prior to the growing/irrigation season. Due to the drought conditions the additional waters pumped by the mine in 2002 and 2003 was much appreciated. In fact the water discharged in August 2002 saved our alfalfa crop.

We improved the diversion to the reservoir and fields in 2000 and have been using the water since then to irrigate and water our cattle. Should Dugout Canyon Mine be allowed to discharge additional water, we would be able to irrigate an additional field.

Should you have additional questions, please contact David Thayn at (435) 636-0220.

Sincerely,



David Thayn

Utah Division of Water Quality
Salt Lake City, Utah

Wasteload Analysis - Total Maximum Daily Load (TMDL)
Addendum: Statement of Basis

10/13/04
4:00 PM

Facilities: Dugout Canyon Mine [001]
Discharging to: Dugout Creek

UPDES No: UT- 0025593

I. Introduction

Wasteload analyses are performed to determine point source effluent limitations necessary to maintain designated beneficial uses by evaluating projected effects of discharge concentrations on in-stream water quality. The wasteload analysis also takes into account downstream designated uses [R317-2-8, UAC]. Projected concentrations are compared to numeric water quality standards to determine acceptability. The anti-degradation policy and procedures are also considered. The primary in-stream parameters of concern may include metals (as a function of hardness), total dissolved solids (TDS), total residual chlorine (TRC), un-ionized ammonia (as a function of pH and temperature, measured and evaluated in terms of total ammonia), and dissolved oxygen.

Mathematical water quality modeling is employed to determine stream quality response to point source discharge. Models aid in the effort of anticipating stream quality at future effluent flows at critical environmental conditions (e.g., low stream flow, high temperature, high pH, etc).

The numeric criteria in this wasteload analysis may always be modified by narrative criteria and other conditions determined by staff of the Division of Water Quality.

II. Receiving Water and Stream Classification

Dugout Creek	2B, 3C, 4
Antidegradation Segment Classification	Yes

III. Numeric Stream Standards for Protection of Aquatic Wildlife

Total Ammonia (TNH3)	Varies as a function of Temperature and pH Rebound. See Water Quality Standards
Chronic Total Residual Chlorine (TRC)	0.011 mg/l (4 Day Average) 0.019 mg/l (1 Hour Average)
Chronic Dissolved Oxygen (DO)	5.00 mg/l (30 Day Average) N/A mg/l (7Day Average) 3.00 mg/l (1 Day Average)
Maximum Total Dissolved Solids [See Water Quality Standards for special provisions]	1200.0 mg/l - Agricultural Use 2000.0 mg/l - Stock Watering 723.0 mg/l [Salinity Forum - Parker Dam]

Utah Division of Water Quality
Salt Lake City, Utah

Acute and Chronic Heavy Metals (Dissolved)

Parameter	4 Day Average (Chronic) Standard		1 Hour Average (Acute) Standard		
	Concentration	Load*	Concentration		Load*
Aluminum	87.00 ug/l**	0.366 lbs/day	750.00	ug/l	3.152 lbs/day
Arsenic	190.00 ug/l	0.798 lbs/day	360.00	ug/l	1.513 lbs/day
Cadmium	0.61 ug/l	0.003 lbs/day	6.52	ug/l	0.027 lbs/day
Chromium III	211.92 ug/l	0.891 lbs/day	4433.71	ug/l	18.633 lbs/day
ChromiumVI	11.00 ug/l	0.046 lbs/day	16.00	ug/l	0.067 lbs/day
Copper	23.85 ug/l	0.100 lbs/day	39.41	ug/l	0.166 lbs/day
Iron			1000.00	ug/l	4.203 lbs/day
Lead	12.88 ug/l	0.054 lbs/day	330.60	ug/l	1.389 lbs/day
Mercury	0.0120 ug/l	0.000 lbs/day	2.40	ug/l	0.010 lbs/day
Nickel	132.13 ug/l	0.555 lbs/day	1188.44	ug/l	4.994 lbs/day
Selenium	5.00 ug/l	0.021 lbs/day	20.00	ug/l	0.084 lbs/day
Silver	N/A ug/l	N/A lbs/day	25.04	ug/l	0.105 lbs/day
Zinc	303.93 ug/l	1.277 lbs/day	303.93	ug/l	1.277 lbs/day

* Allowed below discharge

**Chronic Aluminum standard applies only to waters with a pH < 7.0 and a Hardness < 50 mg/l as

Metals Standards Based upon a Hardness of 300 mg/l as CaCO3

Organics [Pesticides]

Parameter	4 Day Average (Chronic) Standard		1 Hour Average (Acute) Standard		
	Concentration	Load*	Concentration		Load*
Aldrin			1.500	ug/l	0.006 lbs/day
Chlordane	0.0 ug/l	0.019 lbs/day	1.200	ug/l	0.005 lbs/day
DDT, DDE	0.0 ug/l	0.004 lbs/day	0.550	ug/l	0.002 lbs/day
Dieldrin	0.0 ug/l	0.008 lbs/day	1.250	ug/l	0.005 lbs/day
Endosulfan	0.1 ug/l	0.246 lbs/day	0.110	ug/l	0.000 lbs/day
Endrin	0.0 ug/l	0.010 lbs/day	0.090	ug/l	0.000 lbs/day
Guthion			0.010	ug/l	0.000 lbs/day
Heptachlor	0.0 ug/l	0.017 lbs/day	0.260	ug/l	0.001 lbs/day
Lindane	0.1 ug/l	0.352 lbs/day	1.000	ug/l	0.004 lbs/day
Methoxychlor			0.030	ug/l	0.000 lbs/day
Mirex			0.010	ug/l	0.000 lbs/day
Parathion			0.040	ug/l	0.000 lbs/day
PCB's	0.0 ug/l	0.062 lbs/day	2.000	ug/l	0.008 lbs/day
Pentachlorophenol	13.00 ug/l	57.155 lbs/day	20.000	ug/l	0.084 lbs/day
Toxephene	0.0 ug/l	0.001 lbs/day	0.730	ug/l	0.003 lbs/day

IV. Numeric Stream Standards for Protection of Agriculture

	4 Day Average (Chronic) Standard		1 Hour Average (Acute) Standard	
	Concentration	Load*	Concentration	Load*
TDS			1200.0 mg/l	2.52 tons/day
Arsenic			100.0 ug/l	lbs/day

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Boron	750.0 ug/l	lbs/day
Cadmium	10.0 ug/l	0.02 lbs/day
Chromium	100.0 ug/l	lbs/day
Copper	200.0 ug/l	lbs/day
Lead	100.0 ug/l	lbs/day
Selenium	50.0 ug/l	lbs/day

V. Numeric Stream Standards for Protection of Human Health (Class 1C Waters)

Metals	4 Day Average (Chronic) Standard		1 Hour Average (Acute) Standard	
	Concentration	Load*	Concentration	Load*
Arsenic			ug/l	lbs/day
Barium			ug/l	lbs/day
Cadmium			ug/l	lbs/day
Chromium			ug/l	lbs/day
Lead			ug/l	lbs/day
Mercury			ug/l	lbs/day
Selenium			ug/l	lbs/day
Silver			ug/l	lbs/day
Fluoride (3)			ug/l	lbs/day
to			ug/l	lbs/day
Nitrates as N			ug/l	lbs/day

Chlorophenoxy Herbicides

2,4-D	ug/l	lbs/day
2,4,5-TP	ug/l	lbs/day
Endrin	ug/l	lbs/day
cyclohexane (Lindane)	ug/l	lbs/day
Methoxychlor	ug/l	lbs/day
Toxaphene	ug/l	lbs/day

VI. Numeric Stream Standards the Protection of Human Health from Water & Fish Consumption [Toxics]

Toxic Organics	Maximum Conc., ug/l - Acute Standards			
	Class 1C [2 Liters/Day for 70 Kg Person over 70 Yr]		Class 3A, 3B [6.5 g for 70 Kg Person over 70 Yr.]	
Acenaphthene	ug/l	lbs/day	2700.0 ug/l	11.87 lbs/day
Acrolein	ug/l	lbs/day	780.0 ug/l	3.43 lbs/day
Acrylonitrile	ug/l	lbs/day	0.7 ug/l	0.00 lbs/day
Benzene	ug/l	lbs/day	71.0 ug/l	0.31 lbs/day
Benzidine	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
Carbon tetrachloride	ug/l	lbs/day	4.4 ug/l	0.02 lbs/day
Chlorobenzene	ug/l	lbs/day	21000.0 ug/l	92.33 lbs/day
1,2,4-Trichlorobenzene				
Hexachlorobenzene	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
1,2-Dichloroethane	ug/l	lbs/day	99.0 ug/l	0.44 lbs/day
1,1,1-Trichloroethane				
Hexachloroethane	ug/l	lbs/day	8.9 ug/l	0.04 lbs/day

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1,1-Dichloroethane				
1,1,2-Trichloroethane	ug/l	lbs/day	42.0 ug/l	0.18 lbs/day
1,1,2,2-Tetrachloroethane	ug/l	lbs/day	11.0 ug/l	0.05 lbs/day
Chloroethane			0.0 ug/l	0.00 lbs/day
Bis(2-chloroethyl) ether	ug/l	lbs/day	1.4 ug/l	0.01 lbs/day
2-Chloroethyl vinyl ether	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
2-Chloronaphthalene	ug/l	lbs/day	4300.0 ug/l	18.91 lbs/day
2,4,6-Trichlorophenol	ug/l	lbs/day	6.5 ug/l	0.03 lbs/day
p-Chloro-m-cresol			0.0 ug/l	0.00 lbs/day
Chloroform (HM)	ug/l	lbs/day	470.0 ug/l	2.07 lbs/day
2-Chlorophenol	ug/l	lbs/day	400.0 ug/l	1.76 lbs/day
1,2-Dichlorobenzene	ug/l	lbs/day	17000.0 ug/l	74.74 lbs/day
1,3-Dichlorobenzene	ug/l	lbs/day	2600.0 ug/l	11.43 lbs/day
1,4-Dichlorobenzene	ug/l	lbs/day	2600.0 ug/l	11.43 lbs/day
3,3'-Dichlorobenzidine	ug/l	lbs/day	0.1 ug/l	0.00 lbs/day
1,1-Dichloroethylene	ug/l	lbs/day	3.2 ug/l	0.01 lbs/day
1,2-trans-Dichloroethyl	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
2,4-Dichlorophenol	ug/l	lbs/day	790.0 ug/l	3.47 lbs/day
1,2-Dichloropropane	ug/l	lbs/day	39.0 ug/l	0.17 lbs/day
1,3-Dichloropropylene	ug/l	lbs/day	1700.0 ug/l	7.47 lbs/day
2,4-Dimethylphenol	ug/l	lbs/day	2300.0 ug/l	10.11 lbs/day
2,4-Dinitrotoluene	ug/l	lbs/day	9.1 ug/l	0.04 lbs/day
2,6-Dinitrotoluene	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
1,2-Diphenylhydrazine	ug/l	lbs/day	0.5 ug/l	0.00 lbs/day
Ethylbenzene	ug/l	lbs/day	29000.0 ug/l	127.50 lbs/day
Fluoranthene	ug/l	lbs/day	370.0 ug/l	1.63 lbs/day
4-Chlorophenyl phenyl ether				
4-Bromophenyl phenyl ether				
Bis(2-chloroisopropyl) ether	ug/l	lbs/day	170000.0 ug/l	747.41 lbs/day
Bis(2-chloroethoxy) methane	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
Methylene chloride (HM)	ug/l	lbs/day	1600.0 ug/l	7.03 lbs/day
Methyl chloride (HM)	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
Methyl bromide (HM)	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
Bromoform (HM)	ug/l	lbs/day	360.0 ug/l	1.58 lbs/day
Dichlorobromomethane	ug/l	lbs/day	22.0 ug/l	0.10 lbs/day
Chlorodibromomethane	ug/l	lbs/day	34.0 ug/l	0.15 lbs/day
Hexachlorobutadiene(cyclohexane)	ug/l	lbs/day	50.0 ug/l	0.22 lbs/day
Hexachlorocyclopentadiene	ug/l	lbs/day	17000.0 ug/l	74.74 lbs/day
Isophorone	ug/l	lbs/day	600.0 ug/l	2.64 lbs/day
Naphthalene				
Nitrobenzene	ug/l	lbs/day	1900.0 ug/l	8.35 lbs/day
2-Nitrophenol	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
4-Nitrophenol	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
2,4-Dinitrophenol	ug/l	lbs/day	14000.0 ug/l	61.55 lbs/day
4,6-Dinitro-o-cresol	ug/l	lbs/day	765.0 ug/l	3.36 lbs/day
N-Nitrosodimethylamine	ug/l	lbs/day	8.1 ug/l	0.04 lbs/day
N-Nitrosodiphenylamine	ug/l	lbs/day	16.0 ug/l	0.07 lbs/day
N-Nitrosodi-n-propylamine	ug/l	lbs/day	1.4 ug/l	0.01 lbs/day
Pentachlorophenol	ug/l	lbs/day	8.2 ug/l	0.04 lbs/day

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Phenol	ug/l	lbs/day	4.6E+06 ug/l	2.02E+04 lbs/day
Bis(2-ethylhexyl)phthalate	ug/l	lbs/day	5.9 ug/l	0.03 lbs/day
Butyl benzyl phthalate	ug/l	lbs/day	5200.0 ug/l	22.86 lbs/day
Di-n-butyl phthalate	ug/l	lbs/day	12000.0 ug/l	52.76 lbs/day
Di-n-octyl phthalate				
Diethyl phthalate	ug/l	lbs/day	120000.0 ug/l	527.59 lbs/day
Dimethyl phthalate	ug/l	lbs/day	2.9E+06 ug/l	1.28E+04 lbs/day
Benzo(a)anthracene (P)	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
Benzo(a)pyrene (PAH)	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
Benzo(b)fluoranthene (ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
Benzo(k)fluoranthene (ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
Chrysene (PAH)	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
Acenaphthylene (PAH)				
Anthracene (PAH)	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
Dibenzo(a,h)anthracene	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
Indeno(1,2,3-cd)pyrene	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
Pyrene (PAH)	ug/l	lbs/day	11000.0 ug/l	48.36 lbs/day
Tetrachloroethylene	ug/l	lbs/day	8.9 ug/l	0.04 lbs/day
Toluene	ug/l	lbs/day	200000.0 ug/l	879.31 lbs/day
Trichloroethylene	ug/l	lbs/day	81.0 ug/l	0.36 lbs/day
Vinyl chloride	ug/l	lbs/day	525.0 ug/l	2.31 lbs/day
				lbs/day
				lbs/day
Pesticides				
Aldrin	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
Dieldrin	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
Chlordane	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
4,4'-DDT	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
4,4'-DDE	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
4,4'-DDD	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
alpha-Endosulfan	ug/l	lbs/day	2.0 ug/l	0.01 lbs/day
beta-Endosulfan	ug/l	lbs/day	2.0 ug/l	0.01 lbs/day
Endosulfan sulfate	ug/l	lbs/day	2.0 ug/l	0.01 lbs/day
Endrin	ug/l	lbs/day	0.8 ug/l	0.00 lbs/day
Endrin aldehyde	ug/l	lbs/day	0.8 ug/l	0.00 lbs/day
Heptachlor	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
Heptachlor epoxide				
PCB's				
PCB 1242 (Arochlor 12)	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
PCB-1254 (Arochlor 12)	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
PCB-1221 (Arochlor 12)	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
PCB-1232 (Arochlor 12)	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
PCB-1248 (Arochlor 12)	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
PCB-1260 (Arochlor 12)	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
PCB-1016 (Arochlor 10)	ug/l	lbs/day	0.0 ug/l	0.00 lbs/day
Pesticide				
Toxaphene	ug/l		0.0 ug/l	0.00 lbs/day

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Dioxin

Dioxin (2,3,7,8-TCDD)	ug/l	lbs/day		
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Metals

Antimony	ug/l	lbs/day		
Arsenic	ug/l	lbs/day	4300.00 ug/l	18.91 lbs/day
Asbestos	ug/l	lbs/day		
Beryllium				
Cadmium				
Chromium (III)				
Chromium (VI)				
Copper				
Cyanide	ug/l	lbs/day	2.2E+05 ug/l	967.24 lbs/day
Lead	ug/l	lbs/day		
Mercury			0.15 ug/l	0.00 lbs/day
Nickel			4600.00 ug/l	20.22 lbs/day
Selenium	ug/l	lbs/day		
Silver	ug/l	lbs/day		
Thallium			6.30 ug/l	0.03 lbs/day
Zinc				

There are additional standards that apply to this receiving water, but were not considered in this modeling/waste load allocation analysis.

VII. Mathematical Modeling of Stream Quality

Model configuration was accomplished utilizing standard modeling procedures. Data points were plotted and coefficients adjusted as required to match observed data as closely as possible.

The modeling approach used in this analysis included one or a combination of the following models.

- (1) The Utah River Model, Utah Division of Water Quality, 1992. Based upon STREAMDO IV (Region VIII) and Supplemental Ammonia Toxicity Models; EPA Region VIII, Sept. 1990 and QUAL2E (EPA, Athens, GA).
- (2) Utah Ammonia/Chlorine Model, Utah Division of Water Quality, 1992.
- (3) AMMTOX Model, University of Colorado, Center of Limnology, and EPA Region 8
- (4) Principles of Surface Water Quality Modeling and Control. Robert V. Thomann, et.al. Harper Collins Publisher, Inc. 1987, pp. 644.

Coefficients used in the model were based, in part, upon the following references:

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(1) Rates, Constants, and Kinetics Formulations in Surface Water Quality Modeling. Environmental Research Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Athens Georgia. EPA/600/3-85/040 June 1985.

(2) Principles of Surface Water Quality Modeling and Control. Robert V. Thomann, et.al. Harper Collins Publisher, Inc. 1987, pp. 644.

VIII. Modeling Information

The required information for the model may include the following information for both the upstream conditions at low flow and the effluent conditions:

Flow, Q, (cfs or MGD)	D.O. mg/l
Temperature, Deg. C	Total Residual Chlorine (TRC), mg/l
pH	Total NH3-N, mg/l
BOD5, mg/l	Total Dissolved Solids (TDS), mg/l
Metals, ug/l	Toxic Organics of Concern, ug/l

Other Conditions

In addition to the upstream and effluent conditions, the models require a variety of physical and biological coefficients and other technical information. In the process of actually establishing the permit limits for an effluent, values are used based upon the available data, model calibration, literature values, site visits and best professional judgement.

Model Inputs

The following is upstream and discharge information that was utilized as inputs for the analysis. Dry washes are considered to have an upstream flow equal to the flow of the discharge.

Upstream Information

	Stream	Flow	Temp.	pH	T-NH3	BOD	DO	TRC	TDS
	cfs	Deg. C		mg/l as N	mg/l	mg/l	mg/l	mg/l	mg/l
Summer	0.0	20.0	8.2	0.05	0.10	6.24	0.00	300.0	
Fall/Spring	0.0	12.0	8.1	0.05	0.10	---	0.00	300.0	
Winter	0.0	8.0	8.0	0.05	0.10	---	0.00	300.0	
Dissolved Metals	Al	As	Cd	CrIII	CrVI	Copper	Fe	Pb	
All Seasons	ug/l	ug/l	ug/l	ug/l	ug/l	ug/l	ug/l	ug/l	
	1.59*	0.53*	0.053*	0.53*	2.65*	0.53*	0.83*	0.53*	
Dissolved Metals	Hg	Ni	Se	Ag	Zn	Boron			
All Seasons	ug/l	ug/l	ug/l	ug/l	ug/l	ug/l			
	0.0001	0.53*	1.06*	0.1*	0.053*	10.0			* 1/2 MDL

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Discharge Information

Season	Flow, MGD	Temp.
Summer	0.50400	17.0
Fall/Spring	0.50400	15.0
Winter	0.50400	12.0

All model numerical inputs, intermediate calculations, outputs and graphs are available for discussion, inspection and copy at the Division of Water Quality.

IX. Effluent Limitations

Current State water quality standards are required to be met under a variety of conditions including in-stream flows targeted to the 7-day, 10-year low flow (R317-2-9).

Other conditions used in the modeling effort coincide with the environmental conditions expected at low stream flows.

Effluent Limitation for Flow based upon Water Quality Standards

In-stream criteria of downstream segments will be met with an effluent flow maximum value as follows:

All Seasons

Not to Exceed:	0.504 MGD	Daily Average
	0.780 cfs	Daily Average

Flow Requirement or Loading Requirement

The calculations in this wasteload analysis utilize the maximum effluent discharge flow of 0.504 MGD. If the discharger is allowed to have a flow greater than 0.504 MGD during 7Q10 conditions, and effluent limit concentrations as indicated, then water quality standards will be violated. In order to prevent this from occur the permit writers must include the discharge flow limitation as indicated above; or, include loading effluent limits in the permit.

Effluent Limitation for Whole Effluent Toxicity (WET) based upon WET Policy

Effluent Toxicity will not occur in downstream segments if the values below are met.

WET Requirements	LC50 >	EOP Effluent	[Acute]
	IC25 >	95.6% Effluent	[Chronic]

Effluent Limitation for Biological Oxygen Demand (BOD) based upon Water Quality Standards or Regulations

In-stream criteria of downstream segments for Dissolved Oxygen will be met with an effluent BOD

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limitation as follows:

Season	Concentration	Load
Summer	25.0 mg/l as BOD5	105.1 lbs/day
Fall/Spring	25.0 mg/l as BOD6	105.1 lbs/day
Winter	25.0 mg/l as BOD7	105.1 lbs/day

Effluent Limitation for Dissolved Oxygen (DO) based upon Water Quality Standards

In-stream criteria of downstream segments for Dissolved Oxygen will be met with an effluent D.O. limitation as follows:

Season	Concentration
Summer	5.50
Fall/Spring	5.50
Winter	5.50

Effluent Limitation for Total Ammonia based upon Water Quality Standards

In-stream criteria of downstream segments for Total Ammonia will be met with an effluent limitation (expressed as Total Ammonia as N) as follows:

Season	Concentration	Load
Summer	4 Day Avg. - Chronic	N/A mg/l as N N/A lbs/day
	1 Hour Avg. - Acute	55.5 mg/l as N 233.1 lbs/day
Fall/Spring	4 Day Avg. - Chronic	N/A mg/l as N N/A lbs/day
	1 Hour Avg. - Acute	54.5 mg/l as N 229.0 lbs/day
Winter	4 Day Avg. - Chronic	N/A mg/l as N N/A lbs/day
	1 Hour Avg. - Acute	53.9 mg/l as N 226.7 lbs/day

Acute limit calculated with an Acute Zone of Initial Dilution (ZID) to be equal to 100%.

Effluent Limitation for Total Residual Chlorine based upon Water Quality Standards

In-stream criteria of downstream segments for Total Residual Chlorine will be met with an effluent limitation as follows:

Season	Concentration	Load
Summer	4 Day Avg. - Chronic 0.012 mg/l	0.05 lbs/day

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	1 Hour Avg. - Acute	0.019	mg/l	0.08	lbs/day
Fall/Spring	4 Day Avg. - Chronic	0.012	mg/l	0.05	lbs/day
	1 Hour Avg. - Acute	0.019	mg/l	0.08	lbs/day
Winter	4 Day Avg. - Chronic	0.012	mg/l	0.05	lbs/day
	1 Hour Avg. - Acute	0.019	mg/l	0.08	lbs/day

**Effluent Limitations for Total Recoverable Metals based upon
Water Quality Standards**

In-stream criteria of downstream segments for Dissolved Metals will be met with an effluent limitation as follows (based upon a hardness of 300 mg/l):

	4 Day Average		1 Hour Average		
	Concentration	Load	Concentration	Load	
Aluminum	N/A	N/A	784.5	ug/l	3.3 lbs/day
Arsenic	198.74 ug/l	0.5 lbs/day	376.6	ug/l	1.6 lbs/day
Cadmium	0.64 ug/l	0.0 lbs/day	6.8	ug/l	0.0 lbs/day
Chromium III	221.66 ug/l	0.6 lbs/day	4,638.4	ug/l	19.5 lbs/day
Chromium VI	11.32 ug/l	0.0 lbs/day	16.6	ug/l	0.1 lbs/day
Copper	24.92 ug/l	0.1 lbs/day	41.2	ug/l	0.2 lbs/day
Iron	N/A	N/A	1,046.1	ug/l	4.4 lbs/day
Lead	13.44 ug/l	0.0 lbs/day	345.8	ug/l	1.5 lbs/day
Mercury	0.01 ug/l	0.0 lbs/day	2.5	ug/l	0.0 lbs/day
Nickel	138.20 ug/l	0.4 lbs/day	1,243.3	ug/l	5.2 lbs/day
Selenium	5.16 ug/l	0.0 lbs/day	20.9	ug/l	0.1 lbs/day
Silver	N/A ug/l	N/A lbs/day	26.2	ug/l	0.1 lbs/day
Zinc	317.96 ug/l	0.9 lbs/day	318.0	ug/l	1.3 lbs/day
Cyanide	5.44 mg/l	0.0 lbs/day	4.2	ug/l	0.0 lbs/day
TDS, mg/l	Permit Effluent Limit		2,400.0	mg/l	

- [1. See attached memo dated Feb. 23, 2004 for justification of this higher permit limit.
- [2. TMDL - Price River, San Rafael River and Muddy Creek TMDLs for Dissolved Solids - West Colorado Watershed Management Unit, Utah April 2004, recommends that a site specific standard of 3,000 mg/l be adopted for this segment. See Table A-12, p. A-25.

**Effluent Limitations for Organics [Pesticides]
Based upon Water Quality Standards**

In-stream criteria of downstream segments for Organics [Pesticides] will be met with an effluent limit as follows:

	4 Day Average		1 Hour Average		
	Concentration	Load	Concentration	Load	

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Aldrin			1.5E+00	ug/l	9.75E-03 lbs/day
Chlordane	4.30E-03 ug/l	1.81E-02 lbs/day	1.2E+00	ug/l	7.80E-03 lbs/day
DDT, DDE	1.00E-03 ug/l	4.20E-03 lbs/day	5.5E-01	ug/l	3.58E-03 lbs/day
Dieldrin	1.90E-03 ug/l	7.98E-03 lbs/day	1.3E+00	ug/l	8.13E-03 lbs/day
Endosulfan	5.60E-02 ug/l	2.35E-01 lbs/day	1.1E-01	ug/l	7.15E-04 lbs/day
Endrin	2.30E-03 ug/l	9.67E-03 lbs/day	9.0E-02	ug/l	5.85E-04 lbs/day
Guthion	0.00E+00 ug/l	0.00E+00 lbs/day	1.0E-02	ug/l	6.50E-05 lbs/day
Heptachlor	3.80E-03 ug/l	1.60E-02 lbs/day	2.6E-01	ug/l	1.69E-03 lbs/day
Lindane	8.00E-02 ug/l	3.36E-01 lbs/day	1.0E+00	ug/l	6.50E-03 lbs/day
Methoxychlor	0.00E+00 ug/l	0.00E+00 lbs/day	3.0E-02	ug/l	1.95E-04 lbs/day
Mirex	0.00E+00 ug/l	0.00E+00 lbs/day	1.0E-02	ug/l	6.50E-05 lbs/day
Parathion	0.00E+00 ug/l	0.00E+00 lbs/day	4.0E-02	ug/l	2.60E-04 lbs/day
PCB's	1.40E-02 ug/l	5.88E-02 lbs/day	2.0E+00	ug/l	1.30E-02 lbs/day
Pentachlorophenol	1.30E+01 ug/l	5.46E+01 lbs/day	2.0E+01	ug/l	1.30E-01 lbs/day
Toxephene	2.00E-04 ug/l	8.41E-04 lbs/day	7.3E-01	ug/l	4.75E-03 lbs/day

**Effluent Targets for Pollution Indicators
Based upon Water Quality Standards**

In-stream criteria of downstream segments for Pollution Indicators will be met with an effluent limit as follows:

	1 Hour Average	
	Concentration	Loading
Gross Beta (pCi/l)	50.0 pCi/L	
BOD (mg/l)	5.0 mg/l	21.0 lbs/day
Nitrates as N	4.0 mg/l	16.8 lbs/day
Total Phosphorus as P	0.05 mg/l	0.2 lbs/day
Total Suspended Solids	90.0 mg/l	378.2 lbs/day

Note: Pollution indicator targets are for information purposes only.

**Effluent Limitations for Protection of Human Health [Toxics Rule]
Based upon Water Quality Standards (Most stringent of 1C or 3A & 3B as appropriate.)**

In-stream criteria of downstream segments for Protection of Human Health [Toxics] will be met with an effluent limit as follows:

	Maximum Concentration	
	Concentration	Load
Toxic Organics		
Acenaphthene	2.82E+03 ug/l	1.19E+01 lbs/day
Acrolein	8.16E+02 ug/l	3.43E+00 lbs/day
Acrylonitrile	6.90E-01 ug/l	2.90E-03 lbs/day
Benzene	7.43E+01 ug/l	3.12E-01 lbs/day
Benzidine	ug/l	lbs/day
Carbon tetrachloride	4.60E+00 ug/l	1.93E-02 lbs/day

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Chlorobenzene	2.20E+04 ug/l	9.23E+01 lbs/day
1,2,4-Trichlorobenzene		
Hexachlorobenzene	8.06E-04 ug/l	3.39E-06 lbs/day
1,2-Dichloroethane	1.04E+02 ug/l	4.35E-01 lbs/day
1,1,1-Trichloroethane		
Hexachloroethane	9.31E+00 ug/l	3.91E-02 lbs/day
1,1-Dichloroethane		
1,1,2-Trichloroethane	4.39E+01 ug/l	1.85E-01 lbs/day
1,1,2,2-Tetrachloroethane	1.15E+01 ug/l	4.84E-02 lbs/day
Chloroethane		
Bis(2-chloroethyl) ether	1.46E+00 ug/l	6.16E-03 lbs/day
2-Chloroethyl vinyl ether		
2-Chloronaphthalene	4.50E+03 ug/l	1.89E+01 lbs/day
2,4,6-Trichlorophenol	6.80E+00 ug/l	2.86E-02 lbs/day
p-Chloro-m-cresol		
Chloroform (HM)	4.92E+02 ug/l	2.07E+00 lbs/day
2-Chlorophenol	4.18E+02 ug/l	1.76E+00 lbs/day
1,2-Dichlorobenzene	1.78E+04 ug/l	7.47E+01 lbs/day
1,3-Dichlorobenzene	2.72E+03 ug/l	1.14E+01 lbs/day
1,4-Dichlorobenzene	2.72E+03 ug/l	1.14E+01 lbs/day
3,3'-Dichlorobenzidine	8.06E-02 ug/l	3.39E-04 lbs/day
1,1-Dichloroethylene	3.35E+00 ug/l	1.41E-02 lbs/day
1,2-trans-Dichloroethylene ¹		
2,4-Dichlorophenol	8.26E+02 ug/l	3.47E+00 lbs/day
1,2-Dichloropropane	4.08E+01 ug/l	1.71E-01 lbs/day
1,3-Dichloropropylene	1.78E+03 ug/l	7.47E+00 lbs/day
2,4-Dimethylphenol	2.41E+03 ug/l	1.01E+01 lbs/day
2,4-Dinitrotoluene	9.52E+00 ug/l	4.00E-02 lbs/day
2,6-Dinitrotoluene		
1,2-Diphenylhydrazine	5.65E-01 ug/l	2.37E-03 lbs/day
Ethylbenzene	3.03E+04 ug/l	1.28E+02 lbs/day
Fluoranthene	3.87E+02 ug/l	1.63E+00 lbs/day
4-Chlorophenyl phenyl ether		
4-Bromophenyl phenyl ether		
Bis(2-chloroisopropyl) ether	1.78E+05 ug/l	7.47E+02 lbs/day
Bis(2-chloroethoxy) methane		
Methylene chloride (HM)	1.67E+03 ug/l	7.03E+00 lbs/day
Methyl chloride (HM)		
Methyl bromide (HM)		
Bromoform (HM)	3.77E+02 ug/l	1.58E+00 lbs/day
Dichlorobromomethane(HM)	2.30E+01 ug/l	9.67E-02 lbs/day
Chlorodibromomethane (HM)	3.56E+01 ug/l	1.49E-01 lbs/day
Hexachlorocyclopentadiene	1.78E+04 ug/l	7.47E+01 lbs/day
Isophorone	6.28E+02 ug/l	2.64E+00 lbs/day
Naphthalene		
Nitrobenzene	1.99E+03 ug/l	8.35E+00 lbs/day
2-Nitrophenol		
4-Nitrophenol		
2,4-Dinitrophenol	1.46E+04 ug/l	6.16E+01 lbs/day

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4,6-Dinitro-o-cresol	8.00E+02 ug/l	3.36E+00 lbs/day
N-Nitrosodimethylamine	8.47E+00 ug/l	3.56E-02 lbs/day
N-Nitrosodiphenylamine	1.67E+01 ug/l	7.03E-02 lbs/day
N-Nitrosodi-n-propylamine	1.46E+00 ug/l	6.16E-03 lbs/day
Pentachlorophenol	8.58E+00 ug/l	3.61E-02 lbs/day
Phenol	4.81E+06 ug/l	2.02E+04 lbs/day
Bis(2-ethylhexyl)phthalate	6.17E+00 ug/l	2.59E-02 lbs/day
Butyl benzyl phthalate	5.44E+03 ug/l	2.29E+01 lbs/day
Di-n-butyl phthalate	1.26E+04 ug/l	5.28E+01 lbs/day
Di-n-octyl phthlate		
Diethyl phthalate	1.26E+05 ug/l	5.28E+02 lbs/day
Dimethyl phthlate	3.03E+06 ug/l	1.28E+04 lbs/day
Benzo(a)anthracene (PAH)	3.24E-02 ug/l	1.36E-04 lbs/day
Benzo(a)pyrene (PAH)	3.24E-02 ug/l	1.36E-04 lbs/day
Benzo(b)fluoranthene (PAH)	3.24E-02 ug/l	1.36E-04 lbs/day
Benzo(k)fluoranthene (PAH)	3.24E-02 ug/l	1.36E-04 lbs/day
Chrysene (PAH)	3.24E-02 ug/l	1.36E-04 lbs/day
Acenaphthylene (PAH)		
Anthracene (PAH)		
Dibenzo(a,h)anthracene (PAH)	3.24E-02 ug/l	1.36E-04 lbs/day
Indeno(1,2,3-cd)pyrene (PAH)	3.24E-02 ug/l	1.36E-04 lbs/day
Pyrene (PAH)	1.15E+04 ug/l	4.84E+01 lbs/day
Tetrachloroethylene	9.31E+00 ug/l	3.91E-02 lbs/day
Toluene	2.09E+05 ug/l	8.79E+02 lbs/day
Trichloroethylene	8.47E+01 ug/l	3.56E-01 lbs/day
Vinyl chloride	5.49E+02 ug/l	2.31E+00 lbs/day

Pesticides

Aldrin	1.46E-04 ug/l	6.16E-07 lbs/day
Dieldrin	1.46E-04 ug/l	6.16E-07 lbs/day
Chlordane	6.17E-04 ug/l	2.59E-06 lbs/day
4,4'-DDT	6.17E-04 ug/l	2.59E-06 lbs/day
4,4'-DDE	6.17E-04 ug/l	2.59E-06 lbs/day
4,4'-DDD	8.79E-04 ug/l	3.69E-06 lbs/day
alpha-Endosulfan	2.09E+00 ug/l	8.79E-03 lbs/day
beta-Endosulfan	2.09E+00 ug/l	8.79E-03 lbs/day
Endosulfan sulfate	2.09E+00 ug/l	8.79E-03 lbs/day
Endrin	8.47E-01 ug/l	3.56E-03 lbs/day
Endrin aldehyde	8.47E-01 ug/l	3.56E-03 lbs/day
Heptachlor	2.20E-04 ug/l	9.23E-07 lbs/day
Heptachlor epoxide		

PCB's

PCB 1242 (Arochlor 1242)	4.71E-05 ug/l	1.98E-07 lbs/day
PCB-1254 (Arochlor 1254)	4.71E-05 ug/l	1.98E-07 lbs/day
PCB-1221 (Arochlor 1221)	4.71E-05 ug/l	1.98E-07 lbs/day
PCB-1232 (Arochlor 1232)	4.71E-05 ug/l	1.98E-07 lbs/day
PCB-1248 (Arochlor 1248)	4.71E-05 ug/l	1.98E-07 lbs/day
PCB-1260 (Arochlor 1260)	4.71E-05 ug/l	1.98E-07 lbs/day

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Salt Lake City, Utah

PCB-1016 (Arochlor 1016)	4.71E-05 ug/l	1.98E-07 lbs/day
Pesticide		
Toxaphene	7.85E-04 ug/l	3.30E-06 lbs/day
Metals		
Antimony	ug/l	lbs/day
Arsenic	ug/l	lbs/day
Asbestos	ug/l	lbs/day
Beryllium		
Cadmium		
Chromium (III)		
Chromium (VI)		
Copper	ug/l	lbs/day
Cyanide	ug/l	lbs/day
Lead		
Mercury	ug/l	lbs/day
Nickel	ug/l	lbs/day
Selenium		
Silver		
Thallium	ug/l	lbs/day
Zinc		
Dioxin		
Dioxin (2,3,7,8-TCDD)	1.46E-08 ug/l	6.16E-11 lbs/day

**Metals Effluent Limitations for Protection of All Beneficial Uses
Based upon Water Quality Standards and Toxics Rule**

	Class 4 Acute Agricultur al ug/l	Class 3 Acute Aquatic Wildlife ug/l	Acute Toxics Drinking Water Source ug/l	Acute Toxics Wildlife ug/l	1C Acute Health Criteria ug/l	Acute Most Stringent ug/l	Class 3 Chronic Aquatic Wildlife ug/l
Aluminum		784.5				784.5	N/A
Antimony				4498.5		4498.5	
Arsenic	104.6	376.6			0.0	104.6	198.7
Asbestos						0.00E+00	
Barium						0.0	
Beryllium						0.0	
Cadmium	10.5	6.8			0.0	6.8	0.6
Chromium (III)		4638.4			0.0	4638.4	221.7
Chromium (VI)	104.6	16.6			0.0	16.56	11.32
Copper	209.2	41.2				41.2	24.9
Cyanide			230157.9			230157.9	
Iron		1046.1				1046.1	

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Lead	104.6	345.8		0.0	104.6	13.4
Mercury		2.51	0.16	0.0	0.16	0.013
Nickel		1243.3	4812.4		1243.3	138.2
Selenium	52.2	20.9		0.0	20.9	5.2
Silver		26.2		0.0	26.2	
Thallium			6.6		6.6	
Zinc		318.0			318.0	318.0
Boron	784.6				784.6	

Summary Effluent Limitations for Metals [Wasteload Allocation, TMDL]

[If Acute is more stringent than Chronic, then the Chronic takes on the Acute value.]

	WLA Acute ug/l	WLA Chronic ug/l	
Aluminum	784.5	N/A	
Antimony	4498.54		
Arsenic	104.6	198.7	Acute Controls
Asbestos	0.00E+00		
Barium			
Beryllium			
Cadmium	6.8	0.6	
Chromium (III)	4638.4	222	
Chromium (VI)	16.6	11.3	
Copper	41.2	24.9	
Cyanide	230157.9		
Iron	1046.1		
Lead	104.6	13.4	
Mercury	0.157	0.013	
Nickel	1243.3	138	
Selenium	20.9	5.2	
Silver	26.2	N/A	
Thallium	6.6		
Zinc	318.0	318.0	
Boron	784.63		

Other Effluent Limitations are based upon R317-1.

X. Antidegradation Considerations

The Utah Antidegradation Policy allows for degradation of existing quality where it is determined that such lowering of water quality is necessary to accommodate important economic or social development in the area in which the waters are protected [R317-2-3]. It has been determined that certain chemical parameters introduced by this discharge will cause an increase of the concentration of said parameters in the receiving waters. Under no conditions will the increase in concentration be allowed to interfere with existing instream water uses.

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Salt Lake City, Utah**

The antidegradation rules and procedures allow for modification of effluent limits less than those based strictly upon mass balance equations utilizing 100% of the assimilative capacity of the receiving water. Additional factors include considerations for "Blue-ribbon" fisheries, special recreational areas, threatened and endangered species, and drinking water sources.

XI. Colorado River Salinity Forum Considerations

Discharges in the Colorado River Basin are required to have their discharge at a TDS loading of less than 1.00 tons/day unless certain exemptions apply. Refer to the Forum's Guidelines for additional information allowing for an exceedence of this value.

XII. Summary Comments

The mathematical modeling and best professional judgement indicate that violations of receiving water beneficial uses with their associated water quality standards, including important downstream segments, will not occur for the evaluated parameters of concern as discussed above if the effluent limitations indicated above are met.

XIII. Notice of UPDES Requirement

This Addendum to the Statement of Basis does not authorize any entity or party to discharge to the waters of the State of Utah. That authority is granted through a UPDES permit issued by the Utah Division of Water Quality. The numbers presented here may be changed as a function of other factors. Dischargers are strongly urged to contact the Permits Section for further information. Permit writers may utilize other information to adjust these limits and/or to determine other limits based upon best available technology and other considerations provided that the values in this wasteload analysis [TMDL] are not compromised. See special provisions in Utah Water Quality Standards for adjustments in the Total Dissolved Solids values based upon background concentration.

Prepared by:
William O. Moellmer, Ph.D.
Utah Division of Water Quality
801-538-6329

File Name: Dugout Canyon Mine 2004

Permit No. UT0025593
Minor Industrial
Draft 10-13-04

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"),

CANYON FUEL COMPANY, LLC – DUGOUT CANYON MINE

is hereby authorized to discharge from its facility located near Wellington, Utah, with the outfall(s) located as indicated in this permit, to receiving waters named

Dugout Creek and an unnamed tributary of Grassy Trail Creek.

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

This permit shall become effective on xx xx , 2004.

This permit and the authorization to discharge shall expire at midnight, xx xx, 2009

Signed this day of , 2004.

Authorized Permitting Official
Executive Secretary
Utah Water Quality Board

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I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Definitions.

1. The "30-day (and monthly) average" is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
2. The "7-day (and weekly) average" is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.
3. "Daily Maximum" ("Daily Max.") is the maximum value allowable in any single sample or instantaneous measurement.
4. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
5. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
6. "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.
7. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
8. "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.
9. "Executive Secretary" means Executive Secretary of the Utah Water Quality

Board.

10. "EPA" means the United States Environmental Protection Agency.
11. "Act" means the "*Utah Water Quality Act*".
12. "Best Management Practices" ("*BMPs*") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. *BMPs* also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
13. "Coal pile runoff" means the rainfall runoff from or through any coal storage pile.
14. "CWA" means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
15. "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a *UPDES* permit (other than the *UPDES* permit for discharges from the municipal separate storm sewer) and discharges from fire fighting activities, fire hydrant flushings, potable water sources including waterline flushings, uncontaminated ground water (including dewatering ground water infiltration), foundation or footing drains where flows are not contaminated with process materials such as solvents, springs, riparian habitats, wetlands, irrigation water, exterior building washdown where there are no chemical or abrasive additives, pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred and where detergents are not used, and air conditioning condensate.
16. "Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.
17. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharges. This term does not include return flows from irrigated agriculture or agriculture storm water runoff.
18. "Runoff coefficient" means the fraction of total rainfall that will appear at a conveyance as runoff.
19. "Section 313 water priority chemical" means a chemical or chemical categories which:

- a. are listed at 40 CFR 372.65 pursuant to Section 313 of Title III of the *Emergency Planning and Community Right-to-Know Act (EPCRA)* (also known as Title III of the *Superfund Amendments and Reauthorization Act (SARA)* of 1986);
 - b. are present at or above threshold levels at a facility subject to *EPCRA, Section 313* reporting requirements, and
 - c. meet at least one of the following criteria:
 - (1) are listed in *Appendix D* of 40 CFR 122 on either *Table II* (organic priority pollutants), *Table III* (certain metals, cyanides, and phenols) or *Table IV* (certain toxic pollutants and hazardous substances);
 - (2) are listed as a hazardous substance pursuant to *Section 311(b)(2)(A)* of the *CWA* at 40 CFR 116.4; or
 - (3) are pollutants for which EPA has published acute or chronic toxicity criteria.
20. "Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under *Section 101(14)* of *CERCLA*; any chemical the facility is required to report pursuant to *EPCRA Section 313*; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
21. "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).
22. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
23. "Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.
24. "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.

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*.

<u>Outfall Number</u>	<u>Location of Discharge Point(s)</u>
001	Mine water discharge to Dugout Creek. Latitude 39E 41' 01", Longitude 110E 32' 44".
002	Sedimentation pond discharge to Dugout Creek. Latitude 39E 40' 56", Longitude 110E 32' 52"
003	Mine water discharge to Dugout Creek. Latitude 39E 41' 18", Longitude 110E 32' 29".
004	Sedimentation pond (waste rock site) discharge to an unknown tributary of Grassy Trail Creek. Latitude 39E 36' 40", Longitude 110E 36' 43".

C. Narrative Standard.

It shall be unlawful, and a violation of this permit, for the permittee to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste, or cause conditions which produce undesirable aquatic life or which produce objectionable tastes in edible aquatic organisms; or result in 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, 002, 003, and 004. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristics	Discharge Limitations <i>a/</i>			Monitoring Requirements	
	Average 30-Day	7-Day	Daily Maximum	Measurement Frequency	Sample Type
Flow, mgd	NA	NA	NA	2 X Monthly	Instantaneous
Total Iron, mg/L	NA	NA	1.1	2 X Monthly	Grab
Oil & Grease, mg/L	NA	NA	10	2 X Monthly	Visual/Grab <i>b/</i>
Total Suspended Solids, mg/L	25	35	70	2 X Monthly	Grab
Total Dissolved Solids, mg/L <i>c/</i>	500	NA	2400	2 X Monthly	Grab
Total Dissolved Solids, tons/day <i>c/</i>	NA	NA	1.0	2 X Monthly	Grab

The pH shall not be less than 6.5 standard units (S.U.) nor greater than 9.0 S.U. in any sample and shall be monitored 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.

N.A. - Not Applicable.

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

b/ Oil and grease shall be a visual test. If any oil and grease sheens are observed visually, then a sample of the effluent must be taken and this sample shall not exceed 10 mg/L.

c/ The TDS concentration from each of the outfalls shall not exceed 2400 mg/L as a daily maximum limit. No tons per day loading limit will be applied if the concentration of TDS in the discharge is equal to or less than 500 mg/L as a thirty-day average. However, if the 30-day average concentration exceeds 500 mg/L, then the permittee cannot discharge more than 1.0 ton per day as a sum from all discharge points. Upon determination by the Executive Secretary that the permittee is not able to meet the 500 mg/L 30-day average or the 1.0 ton per day loading limit, the permittee is required to participate in and/or fund a salinity offset project to include TDS offset credits, within six (6) months of the effective date of this permit.

The salinity offset project shall include TDS credits on a ton-for-ton basis for which the permittee is over the 1.0 ton per day loading limit. The tonnage reduction from the offset project must be calculated by a method similar to one used by the NRCS, Colorado River Basin Salinity Control Forum, or other applicable agency.

PART I
Permit No. UT0025593

If the permittee will be participating in the construction and implementation of a salinity offset project, then a project description and implementation schedule shall be submitted to the Executive Secretary within six (6) months of the effective date of the permit, which will then be reviewed for approval. The salinity offset project description and implementation schedule must be approved by the Executive Secretary and shall be appended to this permit.

If the permittee is funding a salinity offset project through third parties, the permittee shall provide satisfactory evidence to the Executive Secretary that the required funds have been deposited to the third party within six (6) months of the effective date of the permit. A monitoring and adjustment plan to track the TDS credits shall also be submitted to the Executive Secretary within six (6) months of the effective date of the permit, which will then be reviewed for approval. The monitoring and adjustment plan must be approved by the Executive Secretary and shall be appended to this permit.

2. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following locations: at all outfalls prior to mixing with the receiving water.
3. Any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within a 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snow-melt of equivalent volume) at outfalls 002 and 004 may comply with the following limitation instead of the otherwise applicable limitations contained in Part I.D.1:

<u>Effluent Characteristic</u>	<u>Daily Maximum</u>
Settleable Solids	0.5 mL/L
pH	6.5 to 9.0 S.U.

In addition to the monitoring requirements specified under Part I.D.1., all effluent samples collected during storm water discharge events may also be analyzed for settleable solids. Such analyses shall be conducted twice per month by grab samples.

4. Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) at outfalls 002 and 004 may 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 in Part I.D.3, all effluent samples collected during storm-water discharge events may be analyzed for settleable solids in addition to the parameters identified under Part I.D.1.

5. The operator shall have the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event described in Parts

I.D.3 and 4. The alternate limitations in Parts I.D.3 and 4 shall not apply to treatment systems that treat underground mine water only.

E. Storm Water Requirements. . It has been determined that Dugout Mine has a regulated storm water discharge as per UAC R317-8-3.9., therefore, the following permit conditions governing storm water discharges apply.

1. Coverage of This Section.

a. Discharges Covered Under This Section. The requirements listed under this section shall apply to storm water discharges from Dugout Mine, subject to effluent limitations listed in Part I.D. of this permit.

1) Site Coverage. Storm water discharges from the following portions of Dugout may be eligible for this permit: haul roads (nonpublic roads on which coal or coal refuse is conveyed), access roads (nonpublic roads providing light vehicular traffic within the facility property and to public roadways), 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), conveyor belts, chutes, and aerial tramway haulage areas (areas under and around coal or refuse conveyor areas, including transfer stations), equipment storage and maintenance yards, coal handling buildings and structures, and inactive coal mines and related areas (abandoned and other inactive mines, refuse disposal sites and other mining-related areas on private lands).

2. Prohibition of Non-storm Water Discharges.

a. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharge is in compliance with this section; fire fighting activities; fire hydrant flushings; potable water sources including waterline flushings; drinking fountain water; irrigation drainage, lawn watering; routine external building washdown water where detergents or other compounds have not been used in the process; pavement washwaters where spills or leaks of toxic or hazardous materials (including oils and fuels) have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated compressor condensate; uncontaminated springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

3. Storm Water Pollution Prevention Plan Requirements. Most of the active coal mining-related areas, described in paragraph 1. above, are subject to sediment and erosion control regulations of the U.S. Office of Surface Mining (OSM) that enforces the Surface Mining Control and Reclamation Act (SMCRA). OSM has

granted authority to the Utah Division of Oil Gas and Mining (DOGM) to implement SMCRA through State SMCRA regulations. All SMCRA requirements regarding control of erosion, siltation and other pollutants resulting from storm water runoff, including road dust resulting from erosion, shall be primary requirements of the pollution prevention plan and shall be included in the contents of the plan directly, or by reference. Where determined to be appropriate for protection of water quality, additional sedimentation and erosion controls may be warranted.

- a. Contents of Plan. The plan shall include at a minimum, the following items:
 - 1) Pollution Prevention Team. Each plan shall identify a specific individual or individuals within the facility organization as members of a storm water Pollution Prevention Team that are responsible for developing the storm water pollution prevention plan and assisting the facility manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.
 - 2) Description of Potential Pollutant Sources. Each plan shall provide a description of potential sources that may reasonably be expected to add significant amounts of pollutants to storm water discharges or that may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials that may potentially be significant pollutant sources. Each plan shall include, at a minimum:
 - a) Deadlines for Plan Preparation and Compliance
Dugout Mine shall prepare and implement a plan in compliance with the provisions of this section within 270 days of the effective date of this permit.
 - b) Keeping Plans Current

Dugout Mine shall amend the plan whenever there is a change in design, construction, operation, or maintenance, that has a significant effect on the potential for the discharge of pollutants to the waters of the State or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified by the plan, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with the activities at the mine.

c) Drainage.

- (1) 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:
 - (a) Drainage direction and discharge points from all applicable mining-related areas described in paragraph 1.a(1). (Site Coverage) above, 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.
 - (b) Location of each existing erosion and sedimentation control structure or other control measures for reducing pollutants in storm water runoff.
 - (c) Receiving streams or other surface water bodies.
 - (d) Locations exposed to precipitation that contain acidic spoil, refuse or unreclaimed disturbed areas.
 - (e) Locations where major spills or leaks of toxic or hazardous pollutants have occurred.
 - (f) Locations where liquid storage tanks containing potential pollutants, such as caustics, hydraulic fluids and lubricants, are exposed to precipitation.
 - (g) Locations where fueling stations, vehicle and equipment maintenance areas are exposed to precipitation.
 - (h) Locations of outfalls and the types of discharges contained in the drainage areas of the outfalls.
- (2) For each area of the facility that generates storm

water discharges associated with the mining-related activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants that are likely to be present in storm water discharges associated with the activity. Factors to consider include the toxicity of the pollutant; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

- d) Inventory of Exposed Materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water method and location of onsite storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.
- e) Spills and Leaks. A list of significant spills and leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility beginning 3 years prior to the effective date of this permit. Such list shall be updated as appropriate during the term of the permit.
- f) Sampling Data. A summary of any existing discharge sampling data describing pollutants in storm water discharges from the portions of Dugout covered by this permit, including a summary of any sampling data collected during the term of this permit.
- g) 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.

- 3) Measures and Controls. Dugout Mine 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 Dugout Mine. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls.
- a) Good Housekeeping. Good housekeeping requires the maintenance of areas that may contribute pollutants to storm water discharges in a clean, orderly manner. These are 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 or other equivalent measures would include the following: sweepers and covered storage to minimize dust generation and storm runoff; conservation of vegetation where possible to minimize erosion; watering of haul roads to minimize dust generation; collection, removal, and proper disposal of waste oils and other fluids resulting from vehicle and equipment maintenance; or other equivalent measures.
 - b) Preventive Maintenance. A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems. Where applicable, such measures would include the following: removal and proper disposal of settled solids in catch basins to allow sufficient retention capacity; periodic replacement of siltation control measures subject to deterioration such as straw bales; inspections of storage tanks and pressure lines for fuels, lubricants, hydraulic fluid or slurry to prevent leaks due to deterioration or faulty connections; or other equivalent measures.
 - c) Spill Prevention and Response Procedures. Areas where potential spills that can contribute pollutants to storm water discharges can occur, and their accompanying drainage points shall be identified clearly in the storm

water pollution prevention plan. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean up shall be available to personnel.

- d) Inspections. In addition to or as part of the comprehensive site evaluation required under paragraph 3.a.(4) of this section, qualified facility personnel shall be identified to inspect designated areas of the facility at appropriate intervals specified in the plan. The following shall be included in the plan:
- (1) Active Mining-Related Areas and Those Inactive Areas Under SMCRA Bond Authority. The plan shall require quarterly inspections by the facility personnel for areas of the facility covered by pollution prevention plan requirements. This inspection interval corresponds with the quarterly inspections for the entire facility required to be provided by SMCRA authority inspectors for all mining-related areas under SMCRA authority, 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. Records of inspections of the SMCRA authority facility representative shall be maintained.
 - (2) Inactive Mining-Related Areas Not Under SMCRA Bond. The plan shall require annual inspections by the facility representative except in situations referred to in paragraph 3.a.(4)(d) below.
 - (3) 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.
- e) 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. The pollution prevention plan shall identify periodic dates for such training.

- f) Record keeping 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.
- g) Non-storm Water Discharges.
- (1) Certification. The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges such as drainage from underground portions of inactive mines or floor drains from maintenance or coal handling buildings. The certification shall include the identification of potential significant sources of non-storm water discharges at the site, a description of the results of any test and/or evaluation, a description of the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the onsite drainage points that were directly observed during the test. Certifications shall be signed in accordance with Part IV.G.4. of this permit.
 - (2) Exceptions. Except for flows from fire fighting activities, authorized sources of non-storm water listed in Part I.E.2.a. that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.
 - (3) Failure to Certify. If Dugout Mine is unable to provide the certification required (testing or other evaluation for non-storm water discharges), the

Executive Secretary must be notified within 180 days after the effective date of this permit. If the failure to certify is caused by the inability to perform adequate tests or evaluations, such notification shall describe: the procedure of any test conducted for the presence of non-storm water discharges; the results of such test or other relevant observations; potential sources of non-storm water to the storm discharge lines; and why adequate tests for such storm discharge lines were not feasible. Non-storm water discharges to waters of the State that are not authorized by a UPDES permit are unlawful, and must be terminated.

- h) Sediment and Erosion Control. The plan shall identify areas that, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion and reduce sediment concentrations in storm water discharges. As indicated in paragraph I.E.3. above, SMCRA requirements regarding sediment and erosion control measures are primary requirements of the pollution prevention plan for mining-related areas subject to SMCRA authority. The following sediment and erosion control measures or other equivalent measures, should be included in the plan where reasonable and appropriate for all areas subject to storm water runoff:
- (1) 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 road surfacing material; and protective trees.
 - (2) 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.

- i) Management of Flow. 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; treatment; or other equivalent measures.

- 4) Comprehensive Site Compliance Evaluation. Qualified personnel shall conduct site compliance evaluations at intervals specified in the plan, but in no case less than once a year. Such evaluations shall provide:
 - a) Areas contributing to a storm water discharge associated with coal mining-related areas shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. These areas include haul and access roads; railroad spurs, sidings, and internal haulage lines; conveyor belts, chutes and aerial tramways; equipment storage and maintenance yards; coal handling buildings and structures; and inactive mines and related areas. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures, as indicated in paragraphs 3.a.(3)(h) and 3.a.(3)(i) above and where identified in the plan, shall be observed to ensure that they are operating correctly. A visual evaluation of any equipment needed to implement the plan, such as spill response equipment, shall be made.

 - b) Based on the results of the evaluation, the description of potential pollutant sources identified in the plan, in accordance with paragraph 3.a.(2) of this section, and pollution prevention measures and controls identified in the plan, in accordance with paragraph 3.a.(3) of this

section, shall be revised as appropriate within 2 weeks of such evaluation and shall provide for implementation of any changes to the plan in a timely manner. For inactive mines, such revisions may be extended to a maximum of 12 weeks after the evaluation.

- c) A report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with paragraph 3.a.(4)(b) above shall be made and retained as part of the storm water pollution prevention plan for at least 3 years after the date of the evaluation. The report shall identify any incidents of noncompliance. Where a report does not 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.4. (Signatory Requirements) of this permit.
 - d) Where compliance evaluation schedules overlap with inspections required under 3.a.(3)(d), the compliance evaluation may be conducted in place of one such inspection. Where annual site compliance evaluations 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.
4. Numeric Effluent Limitations. There are no additional numeric effluent limitations beyond those described in Part I.E. of this permit.
5. Monitoring and Reporting Requirements.
- a. Benchmark Analytical Monitoring Requirements. Dugout Mine must monitor their storm water discharges associated with industrial activity at least quarterly (4 times per year) during years 2 and 4 of the permit cycle except as provided in paragraphs 5.a.(3) (Sampling Waiver), 5.a.(4) (Representative Discharge), and 5.a.(5) (Alternative Certification). Dugout Mine is required to monitor their storm water discharges for the pollutants of concern listed in Table E. below. Reports must be made in accordance with 5.b. (Reporting). In addition to the parameters listed in Table E. below, Dugout Mine must provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the

duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.

The results of benchmark monitoring are primarily for Dugout Mine's use to determine the overall effectiveness of the SWPPP in controlling the discharge of pollutants to receiving waters. Benchmark values are not viewed as permit limitations. An exceedance of a benchmark value does not, in and of itself, constitute a violation of this permit. While exceedance of a benchmark value does not automatically indicate a violation of a water quality standard has occurred, it does signal that modifications to the SWPPP or more specific pollution prevention controls may be necessary.

Table E.
Monitoring Requirements for Coal Mining Facilities

Pollutants of Concern	Cut-Off Concentration
Total Recoverable Aluminum	0.75 mg/L
Total Recoverable Iron	1.0 mg/L
Total Suspended Solids	100 mg/L

- 1) Monitoring Periods. Dugout Mine shall monitor samples collected during the sampling periods of: January through March, April through June, July through September, and October through December during the second and fourth years of this permit cycle.

- 2) Sample Type. A minimum of one grab sample shall be taken. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where Dugout Mine documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. If storm water discharges associated with industrial activity commingle with process or nonprocess water, then where practicable permittees must attempt to sample the storm water discharge before it mixes with the non-storm water discharge.

- 3) Sampling Waiver.
- a) Adverse Conditions. If Dugout Mine is unable to collect samples within a specified sampling period due to adverse climatic conditions, thus a substitute sample shall be collected from a separate qualifying event in the next monitoring period and the data submitted along with the data for the routine sample in that period. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricanes, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).
 - b) Low Concentration Waiver. When the average concentration for a pollutant calculated from all monitoring data collected from an outfall during the second year monitoring is less than the corresponding value for that pollutant listed in Table E. under the column Monitoring Cut-Off Concentration, Dugout Mine may waive monitoring and reporting requirements for the fourth year monitoring period. Dugout Mine must submit to the Executive Secretary, in lieu of the monitoring data, a certification that there has not been a significant change in industrial activity or the pollution prevention measures in area of the facility that drains to the outfall for which sampling was waived.
 - c) Inactive and Unstaffed Site. If Dugout Mine is unable to conduct quarterly chemical storm water sampling at an inactive and unstaffed site, the operator of the facility may exercise a waiver of the monitoring requirements as long as the facility remains inactive and unstaffed. Dugout Mine must submit to the Executive Secretary, in lieu of monitoring data, a certification statement on the Storm Water Discharge Monitoring Report (SWDMR) stating that the site is inactive and unstaffed so that collecting a sample during a qualifying event is not possible.
- 4) Representative Discharge. If the facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, discharge substantially identical effluents, Dugout Mine may test the effluent of one of such outfalls and report that the quantitative data also applies to the

substantially identical outfall(s) provided that Dugout Mine includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that Dugout Mine believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area [e.g., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)] shall be provided in the plan. Dugout Mine shall include the description of the location of the outfalls, explanation of why outfalls are expected to discharge substantially identical effluents, and estimate of the size of the drainage area and runoff coefficient with the SWDMR.

- 5) Alternative Certification. Dugout Mine is not subject to the monitoring requirements of this section provided that certification is made for a given outfall or on a pollutant-by-pollutant basis in lieu of monitoring reports required under paragraph b. below, under penalty of law, signed in accordance with Part IV.G.4. (Signatory Requirements). The Certification shall state that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial machinery or operations, or significant materials from past industrial activity that are located in areas of the facility within the drainage area of the outfall are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period. Such certification must be retained in the storm water pollution prevention plan, and submitted to DWQ in accordance with Part II.D. of this permit. In the case of certifying that a pollutant is not present, Dugout Mine must submit the certification along with the monitoring reports required under paragraph b. below. If Dugout Miner cannot certify for an entire period, they must submit the date exposure was eliminated and any monitoring required up until that date. This certification option is not applicable to compliance monitoring requirements associated with effluent limitations.

- b. Reporting. Dugout Mine shall submit monitoring results for each outfall associated with industrial activity [or a certification in accordance with Sections (3), (4), or (5) above] obtained during the second year reporting period, on Storm Water Discharge Monitoring Report (SWDMR) form(s) postmarked no later than the 31st day of the following March. Monitoring results [or a certification in accordance with Sections (3), (4), or (5) above] obtained during the fourth year reporting period shall be submitted on SWDMR form(s) postmarked no later than the 31st day of the following March. For each outfall, one signed SWDMR form must be submitted to the Executive Secretary per storm event sampled. Signed

copies of SWDMRs, or said certifications, shall be submitted to the Executive Secretary at the address listed in Part II.D. of the permit.

- c. Visual Examination of Storm Water Quality. Dugout shall perform and document a visual examination of a representative storm water discharge at the following frequencies: quarterly for active areas under SMCRA bond located in areas with average annual precipitation over 20 inches; semi-annually for inactive areas under SMCRA bond, and active areas under SMCRA bond located in areas with average annual precipitation of 20 inches or less; visual examinations are not required at inactive areas not under SMCRA bond.
- 1) Visual Monitoring Periods. Examinations shall be conducted in each of the following periods for the purposes of visually inspecting storm water runoff or snow melt: Quarterly-January through March; April through June; July through September; and October through December. Semi-annually—January through June and July through December.
 - 2) Sample and Data Collection. Examinations shall be made of samples collected within the first 60 minutes (or as soon thereafter as practical, but not to exceed two hours) of when the runoff or snowmelt begins discharging. The examinations shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well-lit area. No analytical tests are required to be performed on the samples. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where practicable, the same individual will carry out the collection and examination of discharges for the life of the permit.
 - 3) Visual Storm Water Discharge Examination Reports. Visual examination reports must be maintained onsite in the pollution prevention plan. The report shall include the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling Samples taken in compliance with the monitoring requirements established under *Part I* shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. Sludge samples shall be collected at a location representative of the quality of sludge immediately prior to the use-disposal practice.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under *Utah Administrative Code ("UAC") R317-2-10*, unless other test procedures have been specified in this permit.
- C. Penalties for Tampering. The *Act* provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. Reporting of Monitoring Results. Monitoring results obtained during the previous month shall be summarized for each month and reported on a Discharge Monitoring Report Form (EPA No. 3320-1), post-marked no later than the 28th day of the month following the completed reporting period. The first report is due on December 28, 2004. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other reports including whole effluent toxicity (WET) test reports required herein, shall be signed and certified in accordance with the requirements of *Signatory Requirements (see Part IV.G)*, and submitted to the Director, Division of Water Quality at the following address:
- original to: Department of Environmental Quality
Division of Water Quality
288 North 1460 West
PO Box 144870
Salt Lake City, Utah 84114-4870
- E. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- F. Additional Monitoring by the Permittee. If the permittee monitors any parameter more frequently than required by this permit, using test procedures approved under *UAC 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.*);
 - c. Any upset which exceeds any effluent limitation in the permit (See *Part III.H, Upset Conditions.*); or,
 - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit.
 3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;

- c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 - e. Steps taken, if any, to mitigate the adverse impacts on the environment and human health during the noncompliance period.
4. The Executive Secretary may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Division of Water Quality, (801) 538-6146.
 5. Reports shall be submitted to the addresses in *Part II.D, Reporting of Monitoring Results*.
- J. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for *Part II.D* are submitted. The reports shall contain the information listed in *Part II.1.3*.
- K. Inspection and Entry. The permittee shall allow the Executive Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the *Act*, any substances or parameters at any location.

III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Executive Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The Act provides that any person who violates a permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions of the Act is subject to a fine not exceeding \$25,000 per day of violation; Any person convicted under UCA 19-5-115(2) a second time shall be punished by a fine not exceeding \$50,000 per day. Except as provided at Part III.G, *Bypass of Treatment Facilities* and Part III.H, *Upset Conditions*, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Collected screening, grit, solids, sludges, or other pollutants removed in the course of treatment shall be buried or disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter backwash shall not directly enter either the final effluent or waters of the state by any other direct route.
- G. Bypass of Treatment Facilities.
1. Bypass Not Exceeding Limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation.

These bypasses are not subject to 2. and 3. of this section.

2. Prohibition of Bypass.

- a. Bypass is prohibited, and the Executive Secretary may taken enforcement action against a permittee for bypass, unless:
- (1) Bypass was unavoidable to prevent loss of human life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to 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 backup 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 section G.3.
- 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 in sections G.2a. (1), (2) and (3).

3. Notice.

- a. Anticipated bypass. Except as provided above in section G.2. and below in section G. 3.b, if the permittee knows in advance of the need for a bypass, it shall submit prior notice, at least ninety days before the date of bypass. The prior notice shall include the following unless otherwise waived by the Executive Secretary:
- (1) Evaluation of alternative to bypass, including cost-benefit analysis containing an assessment of anticipated resource damages;
 - (2) A specific bypass plan describing the work to be performed including scheduled dates and times. The permittee must notify the Executive Secretary in advance of any changes to the bypass schedule;
 - (3) Description of specific measures to be taken to minimize environmental and public health impacts;
 - (4) A notification plan sufficient to alert all downstream users, the public and others reasonably expected to be impacted by the bypass;

- (5) A water quality assessment plan to include sufficient monitoring of the receiving water before, during and following the bypass to enable evaluation of public health risks and environmental impacts; and
 - (6) Any additional information requested by the Executive Secretary.
- b. Emergency Bypass. Where ninety days advance notice is not possible, the permittee must notify the Executive Secretary, and the Director of the Department of Natural Resources, as soon as it becomes aware of the need to bypass and provide to the Executive Secretary the information in section G.3.a.(1) through (6i) to the extent practicable.
 - c. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass to the Executive Secretary as required under Part II.I., Twenty Four Hour Reporting. The permittee shall also immediately notify the Director of the Department of Natural Resources, the public and downstream users and shall implement measures to minimize impacts to public health and environment to the extent practicable.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph 2. of this section are met. Executive Secretary's administrative determination regarding a claim of upset cannot be judiciously challenged by the permittee until such time as an action is initiated for noncompliance.
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under Part 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 Water Quality Act of 1987* for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- J. Changes in Discharge of Toxic Substances. Notification shall be provided to the Executive Secretary as soon as the permittee knows of, or has reason to believe:
 1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - a. One hundred micrograms per liter (100 ug/L);
 - b. Two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/L) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC 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).

IV. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Executive Secretary as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit. In addition, if there are any planned substantial changes to the permittee's existing sludge facilities or their manner of operation or to current sludge management practices of storage and disposal, the permittee shall give notice to the Executive Secretary of any planned changes at least 30 days prior to their implementation.
- B. Anticipated Noncompliance. The permittee shall give advance notice to the Executive Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit.
- E. Duty to Provide Information. The permittee shall furnish to the Executive Secretary, within a reasonable time, any information which the Executive Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Executive Secretary, upon request, copies of records required to be kept by this permit.
- F. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Executive Secretary, it shall promptly submit such facts or information.
- G. Signatory Requirements. All applications, reports or information submitted to the Executive Secretary shall be signed and certified.
 - 1. All permit applications shall be signed by either a principal executive officer or ranking elected official
 - 2. All reports required by the permit and other information requested by the Executive Secretary shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

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- a. The authorization is made in writing by a person described above and submitted to the Executive Secretary, and,
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to authorization. If an authorization under paragraph IV.G.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.G.2 must be submitted to the Executive Secretary prior to or together with any reports, information, or applications to be signed by an authorized representative.
 4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- H. Penalties for Falsification of Reports. The *Act* provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both.
- I. Availability of Reports. Except for data determined to be confidential under *UAC R317-8-3.2*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of Executive Secretary. As required by the *Act*, permit applications, permits and effluent data shall not be considered confidential
- J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the permittee of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the *Act*.
- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any

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invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

- L. Severability. The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Executive Secretary at least 20 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
 3. The Executive Secretary does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- N. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by *UCA 19-5-117*.
- O. Water Quality-Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations and compliance schedule, if necessary, if one or more of the following events occurs:
1. Water Quality Standards for the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
 2. A final wasteload allocation is developed and approved by the State and/or EPA for incorporation in this permit.
 3. A revision to the current Water Quality Management Plan is approved and adopted which calls for different effluent limitations than contained in this permit.
- 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.