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State of Utah

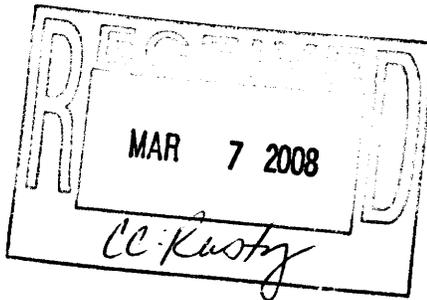
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Environmental Quality

Richard W. Sprott
Executive Director

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

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor



March 3, 2008

Qian Zhang, P.E.
U.S. EPA, Region VIII (8P-W-P)
1595 Wynkoop Street
Denver, CO 80202-1129

Dear Mr. Zhang:

Subject: Draft UPDES General Coal Mining Permit No. UTG040000.

Enclosed is a copy of the draft UPDES General Coal Mining Permit No. UTG040000, the Fact Sheet/Statement of Basis, and the Public Notice for this permit.

If you have any questions or comments with regards to this matter, please contact Jeff Studenka at (801) 538-6779 or jstudenka@utah.gov.

Sincerely,

Mike Herkimer, Manager
UPDES IES Section

MH:JS:ev

Enclosures

cc(w/encl): Claron D. Bjork, Southeastern Utah District Health Department
Dave Ariotti, SE District Engineer
Boyd Rhodes, Savage Coal Terminal
Mark Reynolds, CW Mining-Bear Canyon Mine
Bruce Hill, ANDALEX Resources-Wildcat Loadout
Earl Snow, PacifiCorp-Cottonwood Coal Prep. & Blend. Facility
Patrick Collins, NEICO Wellington Coal Prep. Plant
Vicky Miller, Canyon Fuel Co.,-Banning Loadout
Dennis Ware, Plateau Mining Corp.
Jay Marshall, UtahAmerican Energy-Lila Canyon Mine
Kit Pappas, Hidden Splendor Resources-Horizon Mine
Rusty Netz, Sunnyside Cogen.-Star Point Refuse Pile
Jonathan Pachter, Consolidation Coal Co.-Hidden Valley Mine
Mary Ann Wright, DOGM
Jim Karpowitz, Utah Division of Wildlife Resources (w/o encl)
Nathan Damall, U.S. Fish & Wildlife Services (w/o encl)

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State of Utah

Department of
Environmental Quality

Richard W. Sprott
Executive Director

DIVISION OF WATER QUALITY
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Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

March 3, 2008

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Division of Water Quality
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P.O. Box 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
UPDES IES Section

MH:JS:ev

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State of Utah

Department of
Environmental Quality

Richard W. Sprott
Executive Director

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

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
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March 3, 2008

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Salt Lake City, Utah 84114-4870

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UPDES IES Section

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State of Utah

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Environmental Quality

Richard W. Sprott
Executive Director

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

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

March 3, 2008

The Sun Advocate
845 East Main
Price, UT 84501

Email: legals@sunad.com

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

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State of Utah

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March 3, 2008

DIVISION OF WATER QUALITY
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
PUBLIC NOTICE OF REISSUANCE OF A UPDES PERMIT

PURPOSE OF PUBLIC NOTICE

THE PURPOSE OF THIS PUBLIC NOTICE IS TO DECLARE THE STATE OF UTAH'S INTENTION TO REISSUE 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:	General Permit for Coal Mining
MAILING ADDRESS:	P.O. Box 144870, Salt Lake City, UT 84114-4870
TELEPHONE NUMBER:	(801) 538-6146
FACILITY LOCATION:	288 North 1460 West, Salt Lake City, UT
UPDES PERMIT NO.:	UTG040000

BACKGROUND

Utah Administrative Code (UAC) Section R317-8-2.5 authorizes the issuance of general permits to categories of point sources within the same geographical area, which involve similar types of operations, discharge the same types of wastes, and require similar effluent limitations and pollution control measures. This general permit will cover discharges of treated wastewater from coal mining operations.

PUBLIC COMMENTS

Public comments are invited any time prior to close of business on April 9, 2008. 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.

FURTHER INFORMATION

The permit is available for public review under "Public Notices" at www.waterquality.utah.gov/. If internet access is not available, a copy may be obtained by calling Jeff Studenka at 801-538-6779. Written public comments can be submitted to: Walt Baker, Executive Secretary, Utah Water Quality Board, P.O. Box 144870, Salt Lake City, Utah 84114-4870 or by email at: wbaker@utah.gov. The deadline to receive comments is close of business April 9, 2008. After considering public comment the Utah Water Quality Board may execute the permit renewal, revise it, or abandon it.

**FACT SHEET STATEMENT OF BASIS
UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES)
GENERAL PERMIT FOR COAL MINING OPERATIONS
MINOR INDUSTRIAL FACILITIES RENEWAL
UPDES PERMIT No. UTG040000**

The State of Utah in compliance with the *Utah Water Quality Act, Title 19-5 Utah Code Annotated ("UCA") 1953, as amended, the "Act"*, will issue a general permit for coal mining operations in Utah.

APPROPRIATENESS OF THE GENERAL PERMIT

Utah Administrative Code (UAC) Section R317-8-2.5 authorizes the issuance of general permits to categories of point sources within the same geographical area, which involve similar types of operations, discharge the same types of wastes, and require similar effluent limitations and pollution control measures. There are currently eleven coal mining facilities that have applied for coverage under this general permit renewal. All eleven facilities are located in the Carbon and Emery Counties of Central Utah.

DESCRIPTION OF DISCHARGES

This general permit shall apply only to discharges of mine water, ground water, treated wastewater, and/or storm water from coal mining operations located in Utah. Coal mining operations, either new or existing in Utah, which include or will include in part or in whole, alkaline mine water drainage, storm water runoff from coal preparation plant and associated areas, active mining areas, and post mining areas. The discharge of coal preparation plant process water is prohibited under this general permit. The discharge data for each of the eleven facilities has been evaluated. The eleven facilities either do not discharge on a regular basis, or are generally able to meet the discharge requirements; therefore a separate data analysis table has not been generated.

NOTICE OF INTENT FOR COVERAGE UNDER THE COAL MINING GENERAL PERMIT

Any facility, including those which presently have an individual UPDES permit, which desires coverage under the general permit for coal mining and meets the descriptions above, may be issued coverage by submitting a notice of intent (NOI). The Environmental Protection Agency Application (EPA form 3510-1) and the other NOI requirements can be obtained from:

Division of Water Quality
288 North 1460 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870
(801) 538-6146
www.waterquality.utah.gov

The following outline for submitting a NOI is taken from *Part I.B.* of the general permit:

Any facility which desires coverage under this general permit for coal mining and meets the requirements of Part I.A. may be issued general permit coverage by submitting a notice of intent (NOI) to Division of Water Quality. This can be a guide for renewal of the permit in the future, by completing the form and sending to the address above. The NOI shall include:

1. A completed Environmental Protection Agency Application (EPA Form 3510-1) or equivalent information.
2. Location and identification number (such as 001, 002, etc.) of each existing discharge and/or proposed discharge point(s). This includes the latitude and longitude to the nearest 15 seconds and the name of the receiving water(s).
3. A description of the source of the wastewater for each discharge point.
4. A description of the treatment given or proposed for the wastewater at each discharge point and if necessary a justification of why no treatment is required.
5. Flow characteristics for each discharge point such as whether flow is or will be continuous or intermittent and indicate projected and/or actual average and maximum flows in gallons per day (gpd), or million gallons per day (MGD).
6. Data for each discharge point for the following parameters:
 - a. Biochemical demand (BOD₅).
 - b. Chemical oxygen demand (COD).
 - c. Total organic carbon (TOC).
 - d. Total suspended solids (TSS).
 - e. Flow.
 - f. Ammonia (as N).
 - g. Oil and grease.
 - h. Temperature.
 - i. pH.
 - j. Total dissolved solids (TDS).
 - k. Total iron and metals, cyanide, phenols located in *Table III of UAC R317-8-3.12*.
 - l. For discharge(s) of mine water or mine water and mine water mixed with surface runoff one acute whole efficiency toxicity test (WET) using two

- species and full dilution series (five dilutions plus a control). Sediment pond discharges which have only surface runoff do not require WET tests.
- m. Date and time of sampling for each parameter.
 - n. Date and time of analysis for each parameter.
 - o. Utah certified laboratory which has completed the analysis for each parameter.

For each discharge point the presence or absence of any toxic and/or priority pollutants as listed in *Table II, UAC R317-8-3.13*. If no data is available, indicate why the data is not available. The Executive Secretary may waive the reporting requirements for any of these pollutants and parameters if the applicant submits a request for such a waiver before or when the NOI is submitted, which demonstrates that information adequate to support issuance of the permit can be obtained through less stringent reporting requirements. Additional information or clarification of information submitted in the NOI may be requested by the Executive Secretary at any time.

Any permittee holding a general UPDES permit may request to be excluded from coverage of the general permit by applying for an individual permit. If an individual permit is issued, the applicability of the general permit is automatically terminated on the effective date of the individual permit. In addition, the Executive Secretary may require any permittee authorized by a general permit to apply for and obtain an individual UPDES permit. Cases where an individual permit may be required include those listed in *UAC R317-8-2.5(2)(c)1*.

BASIS FOR EFFLUENT LIMITATIONS

The total suspended solids (TSS) limitations were determined using State of Utah secondary treatment standards as contained in *UAC R317-1-3.2 B*. These standards require that the arithmetic mean shall not exceed 25 mg/L during any 30-day period or 35 mg/L over a 7-day period. The daily maximum value of 70 mg/L was taken from *40 CFR 434 Subpart D*, which is entitled *Alkaline Mine Drainage*.

The pH is limited to a minimum of 6.5 and a maximum of 9.0 standard units by State secondary treatment standards as contained in *UAC R317-1-3.2D*.

There shall be no visible sheen or oil and grease present. If a sheen is visually observed or there is another reason to believe oil or grease is present in the discharge, then a sample for oil and grease is required to be taken. This sample shall be less than or equal to 10 mg/L. This requirement for oil and grease is based upon Best Professional Judgment.

The 1.0 mg/L maximum for total iron is based on *UAC R317-2-Table 2.14.2*. Data from Utah coal mine discharges indicate that the eleven permitted facilities should be able to continue complying

with this limitation because either they usually do not discharge on a regular basis, or the discharge has typically been less than 1.0 mg/L.

Limits on total dissolved solids (TDS) mass loading apply only to those permittees which discharge within the Colorado River Basin. Based on the current triennial review entitled "2005 Review Water Quality Standards For Salinity Colorado River System, Appendix B" as adopted by the Colorado River Basin Salinity Control Forum in October 2005; if a permittee's discharge at all outfalls is less than or equal to 500 mg/L TDS as a thirty day average concentration, no mass loading or tonnage limits for TDS will be required as a result of this program. If this is not possible, then the permittee will be limited to one ton per day as a sum from all discharge points.

Based on 40 CFR 434, Subpart F, special provisions are applicable to all discharges of alkaline mine drainage except discharges from underground workings of underground mines that are not commingled with other discharges eligible for these alternate limitations. 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 (i.e., TSS):

<u>Parameter</u>	<u>Effluent Limitations</u>
Settleable Solids	0.5 ml/L

Provisions for sampling during precipitation events either less than or greater than the 10-year, 24-hour storm event are included in Part I.E.3-4 of the permit. The operator shall have the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event.

MONITORING AND REPORTING REQUIREMENTS

The effluent self-monitoring and reporting requirements are based on the *Utah Monitoring, Recording and Reporting Frequency Guidelines effective December 1, 1991*. Discharge monitoring reports (DMR) are to be completed and submitted monthly.

Flow, pH, TSS, TDS, and total iron are to be sampled on a monthly basis by grab samples. Oil and grease shall be observed visually at least once per month. If a visual sheen is observed at any time, an oil and grease sample shall be taken immediately. The following table includes the monitoring requirements from Part I.E.1 of the permit:

<u>Effluent Characteristics</u>	<u>Discharge Limitations a/</u>			<u>Monitoring Requirements</u>	
	<u>Average</u>	<u>Daily</u>	<u>Maximum</u>	<u>Measurement</u>	<u>Sample Type</u>
	<u>30-Day</u>	<u>7-Day</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Type</u>
Flow, MGD	N/A	N/A	NA	Monthly	Measured b/
Oil & Grease, mg/L	N/A	N/A	10 c/	Monthly	Visual/Grab c/
Total Iron, mg/L	N/A	N/A	1.0	Monthly	Grab e/
Total Suspended Solids, mg/L	25	35	70	Monthly	Grab e/
Total Dissolved Solids, mg/L	500 d/	N/A	Report	Monthly	Grab e/

The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units in any sample and shall be monitored monthly by a grab sample.

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

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

N/A - Not Applicable.

- a/ See Definitions, *Part V.A* for definition of terms.
- b/ For intermittent discharge, the duration of the discharge shall also be reported.
- c/ If a visual sheen for oil and grease is observed, or there is another reason to believe oil and/or grease may be present in the discharge, then a grab sample must be taken immediately and the results shall not exceed 10 mg/L.
- d/ If each outfall cannot achieve a 30-day average of 500 mg/L, then the permittee is limited to one ton (2000 lbs) per day as a sum from all outfalls.
- e/ These samples may also be a composite sample.

WASTE LOAD ANALYSIS AND ANTIDegradation REVIEW

Effluent limitations are also derived using a waste load analysis (WLA), which is appended to this statement of basis as ADDENDUM. The WLA incorporates Secondary Treatment Standards, Water Quality Standards, Antidegradation Reviews (ADR), as appropriate and designated uses into a water quality model that projects the effects of discharge concentrations on receiving water quality. Effluent limitations are those that the model demonstrates are sufficient to meet State water quality standards in the receiving waters. During this UPDES renewal permit development, a WLA and ADR were performed. The WLA resulted in a Finding of No Significant Impact – Negative Declaration for all of the coal mining facilities so long as they continue to meet the effluent limitations specified in the permit. An ADR Level I review was performed and concluded that an ADR Level II review was not required. The potential discharges were evaluated and determined not to cause a violation of State Water Quality Standards in downstream receiving waters.

STORM WATER REQUIREMENTS

It has been determined that facilities covered under this general permit have a regulated storm water discharge as per *UAC R317-8-3.9.*, and conditions governing storm water discharges apply. Therefore, the appropriate storm water provisions have been included in *Part I.F* of the general permit. The storm water requirements are based on the UPDES Multi-Sector General Permit (MSGP) for Storm Water Discharges for Industrial Activity, General Permit No. UTR000000. All sections of the MSGP that pertain to discharges from the permitted facilities have been included and sections which are redundant or do not pertain have been deleted. The permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan for all facilities covered under this general permit.

PRETREATMENT REQUIREMENTS

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).

BIOMONITORING REQUIREMENTS

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

The coal mining operations covered under this general permit are categorized as minor industrial facilities, from which the discharges of mine water and storm water runoff is neither considered to be, nor likely to be toxic. Therefore, biomonitoring of the effluent will not be required. A toxicity reopener provision will once again be included in the permit so that WET testing and WET limitation requirements can be incorporated at any time if determined to be appropriate in the future.

SIGNIFICANT CHANGES FROM PREVIOUS PERMIT

The only proposed change is that additional monitoring shall be required for facilities that discharge into waters or watersheds on the Utah 303(d) list of impaired waters. These facilities shall also be required to monitor for the pollutant(s) that cause the impairment for these waters, as stated in *Part I.E.6.* of the permit. There are no other significant changes from the previous permit and all effluent limitations remain in full.

PERMIT DURATION: This permit is drafted to expire at midnight on April 30, 2013.

Drafted by Jeff Studenka, Environmental Scientist
Utah Division of Water Quality
January 10, 2008

Utah Division of Water Quality
Salt Lake City, Utah

ADDENDUM

**Statement of Basis (Wasteload Analysis & TMDL)
Finding of No Significant Impact – Negative Declaration
Level I Antidegradation Review**

Date: January 25, 2008

Facilities:	Permit No.	Receiving Water:	Classification:
Savage Coal Terminal	UTG040005	Unnamed Ditch (Price River)	2B, 3C, 4
CW Mining – Bear Cny.	UTG040006	Bear Cr. Cny. (Huntington Creek)	1C, 2B, 3A, 4
Andalex Wildcat Prep.	UTG040007	Wildcat Wash (Price)	2B, 3C, 4
Hunter Prep. Plant	UTG040009	Johnson Bench Wash (Cottonwood Cr.)	2B, 3C, 4
NEICO Prep. Plant	UTG040010	Price River	2B, 3C, 4
Banning Loadout	UTG040011	Unnamed Trib. (Grassy Trail Cr.)	1C, 2B, 3C, 4
Willow Cr. Mine	UTG040012	Willow Creek (Price River)	2B, 3C, 4
Horizon Mine	UTG040019	Jewkes Creek (Price River)	2B, 3C, 4
Lila Canyon Mine	UTG040024	Unnamed Trib. (Grassy Trail Cr.)	1C, 2B, 3C, 4
Sunnyside Co-Gen.	UTG040025	Serviceberry Cr. (Price River)	2B, 3C, 4
Hidden Valley Mine	UTG040026	Unnamed Trib. (Ivie Creek)	2B, 3C, 4

The discharge from each of the above listed facilities was evaluated for its impact to its receiving water. It was determined that each discharge will not cause a violation of water quality standards (Utah Water Quality Standards, R317-2 Utah Administrative Code) in its downstream receiving water. Therefore, a wasteload allocation based upon water quality numeric criteria is not required.

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

Antidegradation Level I Review

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

Changing Conditions:

If the discharge conditions of any of the above facilities are changed, a new wasteload analysis shall be done; and the facility will be re-evaluated.

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



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

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

GENERAL PERMIT FOR COAL MINING

In compliance with provisions of the *Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated ("UCA") 1953, as amended* (the "Act"), the coal company identified in the application (Notice of Intent) is authorized to discharge to waters of the State as identified in the application in accordance with discharge point (s), effluent limitations, monitoring requirements and other conditions as set forth herein.

This permit shall become effective on May 1, 2008.

This permit and the authorization to discharge shall expire at midnight, April 30, 2013.

Signed this day of April, 2008

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

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)

GENERAL PERMIT FOR COAL MINING

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

as identified in the application No. UTG0400 is authorized to discharge from outfall(s) to receiving waters named:

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

This permit shall become effective on , 20__.

This permit and the authorization to discharge shall expire at midnight, April 30, 2013.

Signed this day of , 20__

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

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EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Criteria for Inclusion in the General Permit for Coal Mining

This General permit shall apply only to the discharge of treated wastewater from:

Coal mining operations either new or existing in Utah which include or will include in part, or in whole, alkaline mine water drainage, storm water runoff from coal preparation plant associated areas, active mining areas, and post mining areas until the performance bond is released. The total dissolved solids (TDS) are limited to a concentration of 500 mg/L at all discharge points, or one ton per day as a sum from all discharges.

B. Notice of Intent for a General Permit for Coal Mining

Any facility which desires coverage under this general permit for coal mining and meets the requirements of Part I.A. may be issued general permit coverage by submitting a notice of intent (NOI) to the Division of Water Quality.

The NOI shall include:

1. A completed Environmental Protection Agency Application (EPA Form 3510-1) or equivalent information.
2. Location and identification number (such as 001, 002, etc.) of each existing discharge and/or proposed discharge point(s). This includes the latitude and longitude to the nearest 15 seconds and the name of the receiving water(s).
3. A description of the source of the wastewater for each discharge point.
4. A description of the treatment given or proposed for the wastewater at each discharge point and if necessary a justification of why no treatment is required.
5. Flow characteristics for each discharge point such as whether flow is or will be continuous or intermittent and indicate projected and/or actual average and maximum flows in gallons per day (gpd), or million gallons per day (MGD).
6. Data for each discharge point for the following parameters:
 - a. Biochemical demand (BOD₅).
 - b. Chemical oxygen demand (COD).
 - c. Total organic carbon (TOC).
 - d. Total suspended solids (TSS).
 - e. Flow.
 - f. Ammonia (as N).
 - g. Oil and grease.
 - h. Temperature.
 - i. pH.
 - j. Total dissolved solids (TDS).
 - k. Total iron and metals, cyanide, phenols located in *Table III of UAC R317-8-3.12*.
 - l. For discharge(s) of mine water or mine water and mine water mixed with surface runoff one acute whole efficiency toxicity test (WET) using two species and full dilution series

(five dilutions plus a control). Sediment pond discharges which have only surface runoff do not require WET tests.

- m. Date and time of sampling for each parameter.
- n. Date and time of analysis for each parameter.
- o. Utah certified laboratory which has completed the analysis for each parameter.

For each discharge point the presence or absence of any toxic and/or priority pollutants as listed in *Table II, UAC R317-8-3.13*.

C. 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> 001 (example)	<u>Location of Discharge Point(s)</u> (Put in a narrative description of the location of each outfalls - plus the longitude and latitude of each outfall.)
--	--

D. 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.

E. Specific Limitations and Self-monitoring Requirements.

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

<u>Effluent Characteristics</u>	<u>Discharge Limitations a/</u>			<u>Monitoring Requirements</u>	
	Average <u>30-Day</u>	Daily <u>7-Day</u>	Daily <u>Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow, gpd or MGD	N/A	N/A	NA	Monthly	Measured <u>b/</u>
Oil & Grease, mg/L	N/A	N/A	10 <u>c/</u>	Monthly	Visual/Grab
Total Iron, mg/L	N/A	N/A	1.0	Monthly	Grab <u>e/</u>
Total Suspended Solids, mg/L	25	35	70	Monthly	Grab <u>e/</u>
Total Dissolved Solids, mg/L	500 <u>d/</u>	N/A	NA	Monthly	Grab <u>e/</u>

The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units in any sample and shall be monitored monthly by a grab sample.

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

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

N.A. - Not Applicable.

- a/ See Definitions, *Part I.A* for definition of terms.
- b/ For intermittent discharge, the duration of the discharge shall also be reported.
- c/ If a visual sheen for oil and grease is observed then a grab sample must be taken immediately and the results shall not exceed 10 mg/L.
- d/ If each outfall cannot achieve a 30-day average of 500 mg/L, then the permittee is limited to one ton (2000 lbs) per day as a sum from all outfalls.
- e/ These samples may also be a composite sample.

2. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): in the final effluent before mixing with the receiving water.
3. 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) at outfall(s) (from approved decant procedures only) may comply with the following limitations instead of the otherwise applicable limitations for TSS in Part I.E.1:

<u>Effluent Characteristics</u>	<u>Daily Maximum</u>
Settleable Solids	0.5 ml/L

In addition to the monitoring requirements specified under Part I.E.1 all effluent samples collected during storm water discharge events shall also be analyzed for settleable solids. Such analyses shall be conducted monthly 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 outfall(s) from sedimentation ponds 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.E.3, all effluent samples collected during storm-water discharge events shall be analyzed for settleable solids and parameters identified under Part I.E.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.E.3 and 4. The alternate limitations in Parts I.E.3 and 4 shall not apply to treatment systems that treat underground mine water only.
6. Additional monitoring shall be required for facilities that discharge into waters or watersheds on the Utah 303(d) list of impaired waters. These facilities shall be required to monitor for the pollutant(s) that cause the impairment for these waters. The Division of Water Quality will incorporate any additional sampling requirements for parameters of concern.

F. Storm Water Requirements. It has been determined that the aforementioned permittee 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 this permitted facility, subject to effluent limitations listed in Part I.E. of this permit.

1) Site Coverage. Storm water discharges from the following portions of this permitted facility 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 (DOG M) 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

The permittee shall prepare, implement and/or update a plan in compliance with the provisions of this section within 270 days of the effective date of this permit.

b) Keeping Plans Current

The permittee 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 the facility 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. The permittee shall develop a description of storm water management controls appropriate for the facility and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the permitted facility. 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.F.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 the permittee 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.F.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. The permittee 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). The permittee 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, the permittee 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 the permittee'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 exceedence of a benchmark value does not, in and of itself, constitute a violation of this permit. While exceedences 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. The permittee 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 the permittee 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 the permittee 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, the permittee may waive monitoring and reporting requirements for the fourth year monitoring period. The permittee 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 the permittee 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. The permittee 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 permittee 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, the permittee 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 the permittee 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 the permittee 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. The permittee 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. The Permittee 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, the permittee must submit the certification along with the monitoring reports required under paragraph b. below. If the permittee 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. The permittee 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. The permittee 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 monthly 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 for the May 2008 monitoring period is due on June 28, 2008. 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.I.3*.
- K. Inspection and Entry. The permittee shall allow the Executive Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the *Act*, any substances or parameters at any location.

I. 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 parts 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 (6) 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).

GENERAL REQUIREMENTS

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

3. Changes to authorization. If an authorization under paragraph IV.G.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.G.2 must be submitted to the Executive Secretary prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- H. Penalties for Falsification of Reports. The *Act* provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both.
- I. Availability of Reports. Except for data determined to be confidential under *UAC 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 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.

GLOSSARY OF TERMS

A. Definitions.

1. The "30-day (and monthly) average" is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
2. The "7-day (and weekly) average" is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.
3. "Daily Maximum" ("Daily Max.") is the maximum value allowable in any single sample or instantaneous measurement.
4. "Composite samples" shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the composite sample period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:
 - a. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;
 - b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;
 - c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,
 - d. Continuous collection of sample, with sample collection rate proportional to flow rate.
5. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
6. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
7. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

8. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
9. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
10. "Executive Secretary" means Executive Secretary of the Utah Water Quality Board.
11. "EPA" means the United States Environmental Protection Agency.
12. "Act" means the "*Utah Water Quality Act*".
13. "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.
14. "Coal pile runoff" means the rainfall runoff from or through any coal storage pile.
15. "*CWA*" means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
16. "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.
17. "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 *40CFR 110.10* and *40 CFR 117.21*) or *Section 102* of the *CERCLA* (see *40 CFR 302.4*).
18. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
19. "Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.
20. "10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available in *Weather Bureau Technical Paper no. 40*, May 1961 and *NOAA Atlas 2*, 1973 for the 11 Western States, and may be obtained from the National Climatic center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.
21. The term "coal preparation plant" means a facility where coal is crushed, screened, sized and cleaned, dried, or otherwise prepared and loaded for transit to a consuming facility.
22. The term "coal preparation plant associated areas" means the coal preparation plant yards, immediate access roads, coal refuse piles, and coal storage piles and facilities.



State of Utah

Department of
Environmental Quality

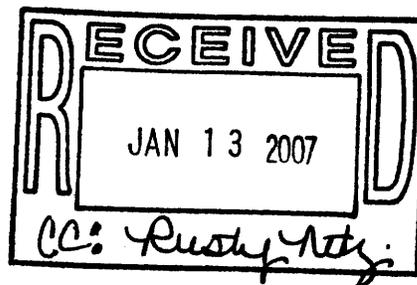
Dianne R. Nielson, Ph.D.
Executive Director

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

Water Quality Board
Joe Piccolo, *Chair*
Paula Doughty, *Vice-Chair*
David F. Echols
Neil K. Kochenour
Darrell H. Mensel
LeLand J. Myers
Dianne R. Nielson
Jay Ivan Olsen
Gregory L. Rowley
Ronald C. Sims
Daniel C. Snarr
Walter L. Baker,
Executive Secretary

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor



January 09, 2007

Mr. Michael J. Blakey
Plant Manager
Sunnyside Cogeneration Associates
One Power Plant Road
Sunnyside, UT 84539

Dear Mr. Blakey:

Subject: Utah Pollutant Discharge Elimination System (UPDES)
Multi-Sector General Permit for Storm Water Discharges Associated with Industrial
Activity, Coverage No. **UTR000604**.

Our office received your "notice of intent" (NOI) for **Sunnyside Cogeneration Associates** to obtain coverage under the *UPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity, General Permit No. UTR000000* on June 08, 2006. The received NOI is for the Star Point Refuse Pile facility located at, 23 Miles Southwest of Price, Utah, Price, Utah, Carbon County. This letter confirms your coverage under the general permit; the permit coverage number for the facility is **No. UTR000604**. Please use this number in any future correspondence associated with this project.

This coverage is effective **January 01, 2007** and expires at midnight, **December 31, 2011**.

The permit requires a Storm Water Pollution Prevention Plan (SWP3). Maintaining a current copy of the SWP3 at the site is a requirement of the permit. Monitoring is also required as outlined in appendix II requirements. Please review these requirements if you are not familiar with them. A copy of the general permit and appendix requirements can be found on our website at <http://www.waterquality.utah.gov/updes/stormwater.htm>.

Storm water discharge monitoring report (SWDMR) forms are enclosed for your convenience. These forms may be used to record visual and/or analytical monitoring results.

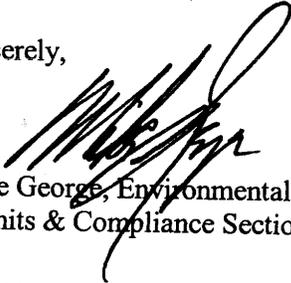
As the agency charged with the administration of issuing UPDES Permits, we are

Page 2

continuously looking for ways to improve our quality of service to you. Please take a few moments to complete the enclosed questionnaire, and return it in the enclosed, self-addressed, postage paid, envelope. The results will be used to improve our quality and responsiveness and give us feed back on customer satisfaction.

If you have any questions concerning this letter or your permit coverage please do not hesitate to contact me by phone at (801) 538-9325 or by e-mail at mmgeorge@utah.gov. Thank you.

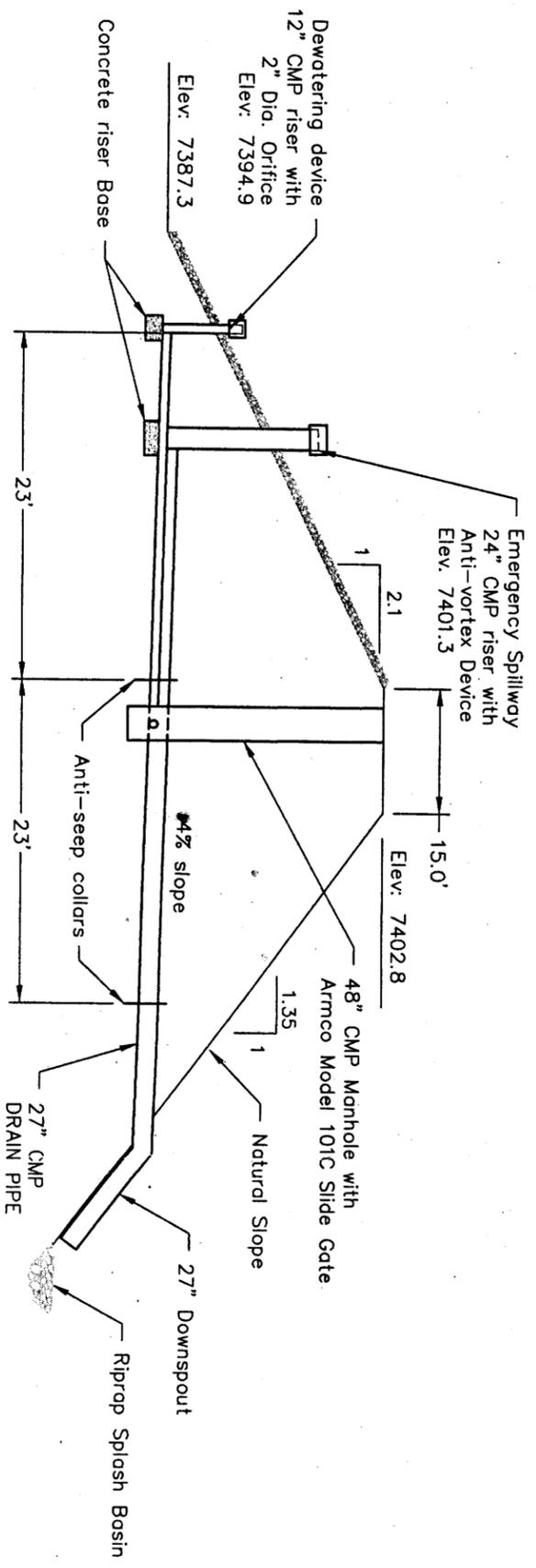
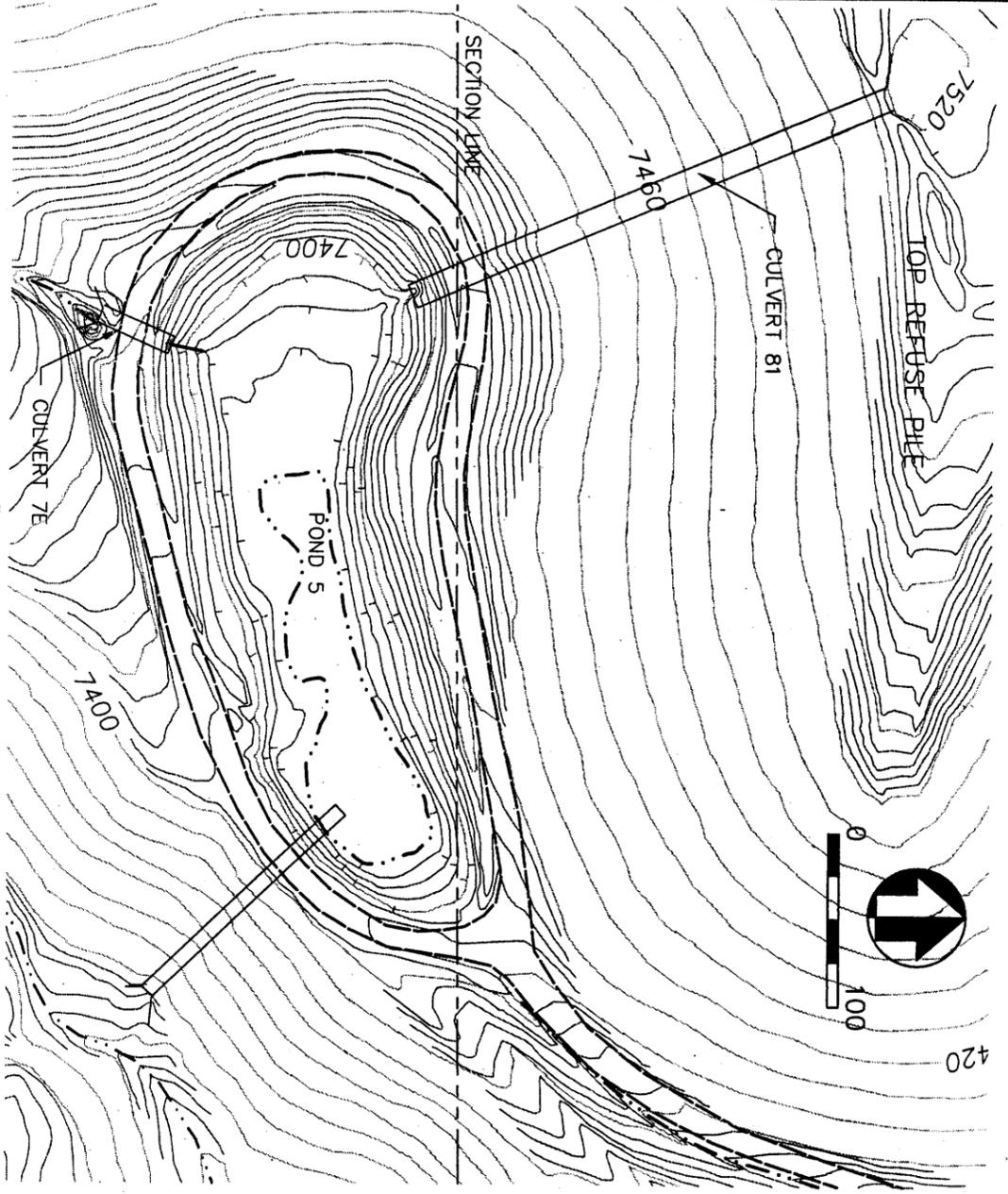
Sincerely,



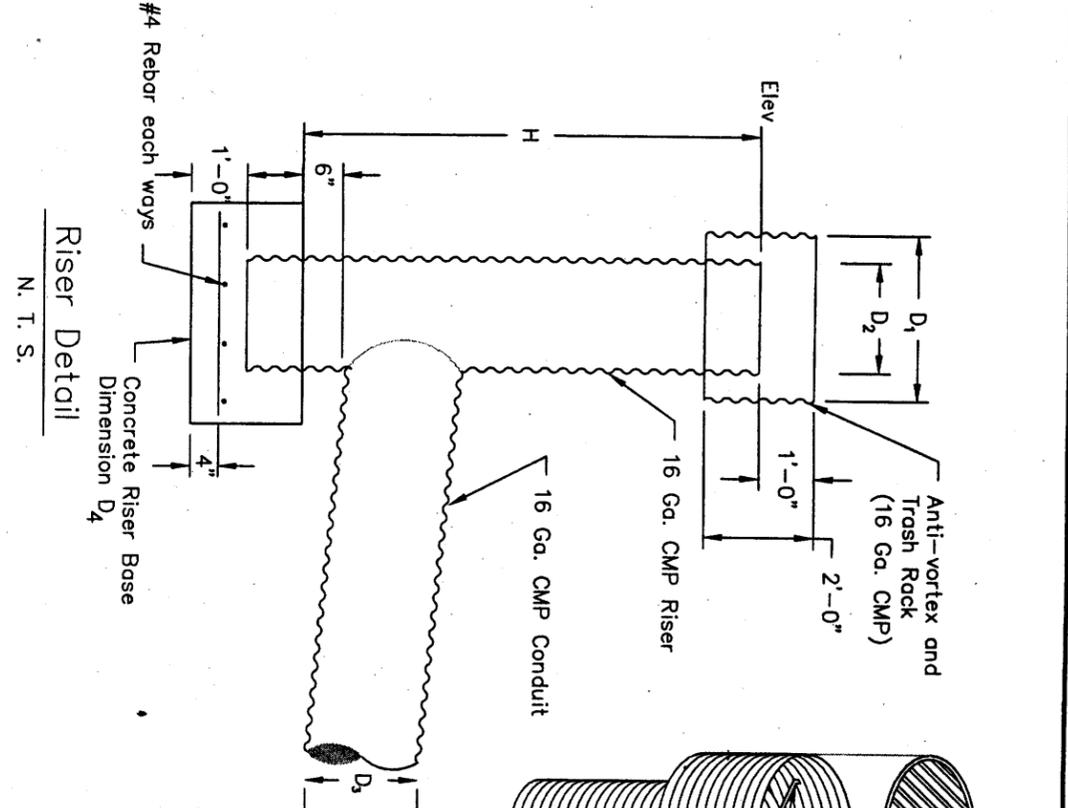
Mike George, Environmental Scientist
Permits & Compliance Section

Enclosure

U:\WQ\PERMITS\Mgeorge\wp\storm water\group 4\sunnysidecogenstarpoit.doc



Note: 2" \emptyset automatic dewatering orifice is for gradual release of stored water



SPILLWAY DIMENSIONS	
D ₁	24"
D ₂	12"
D ₃	12"
D ₄	3' x 3' x 1.5'
ELEV	* 7394.9
H	15.5'

- NOTES:
1. Cylinder should be welded to top of the riser.
 2. Support bars and trash rack are #6 rebar.
 3. Trash rack for spillway should be welded to cylinder.

Note:
 Psomas did not inspect existing pond installation. It is assumed that the pond embankments were installed in accordance with the original design standards and specifications contained in UMC Plateau Mine Runoff control plan prepared by Vaughn Hansen and associates, December, 1979.



RECEIVED

MAR 27 2008

DIV. OF OIL, GAS & MINING
 INDEPENDENT REGULATION

DEC 29 2004

DIVISION OF OIL, GAS & MINING

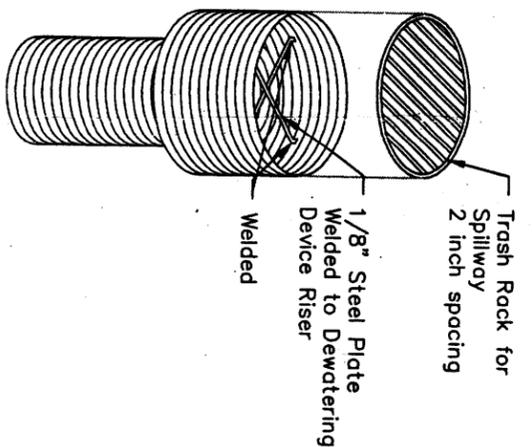
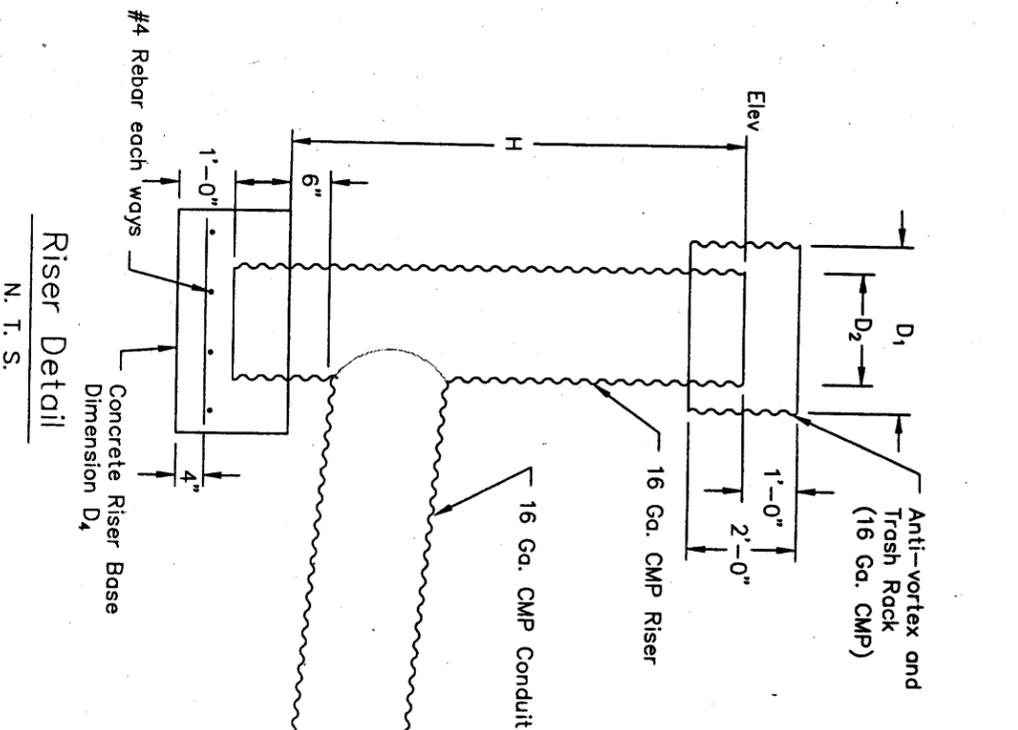
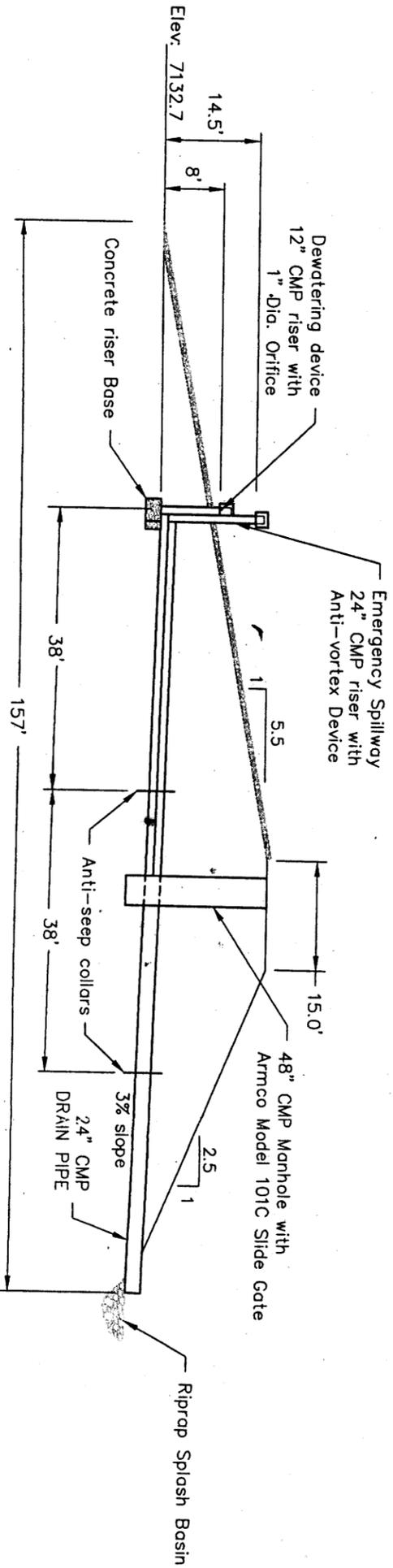
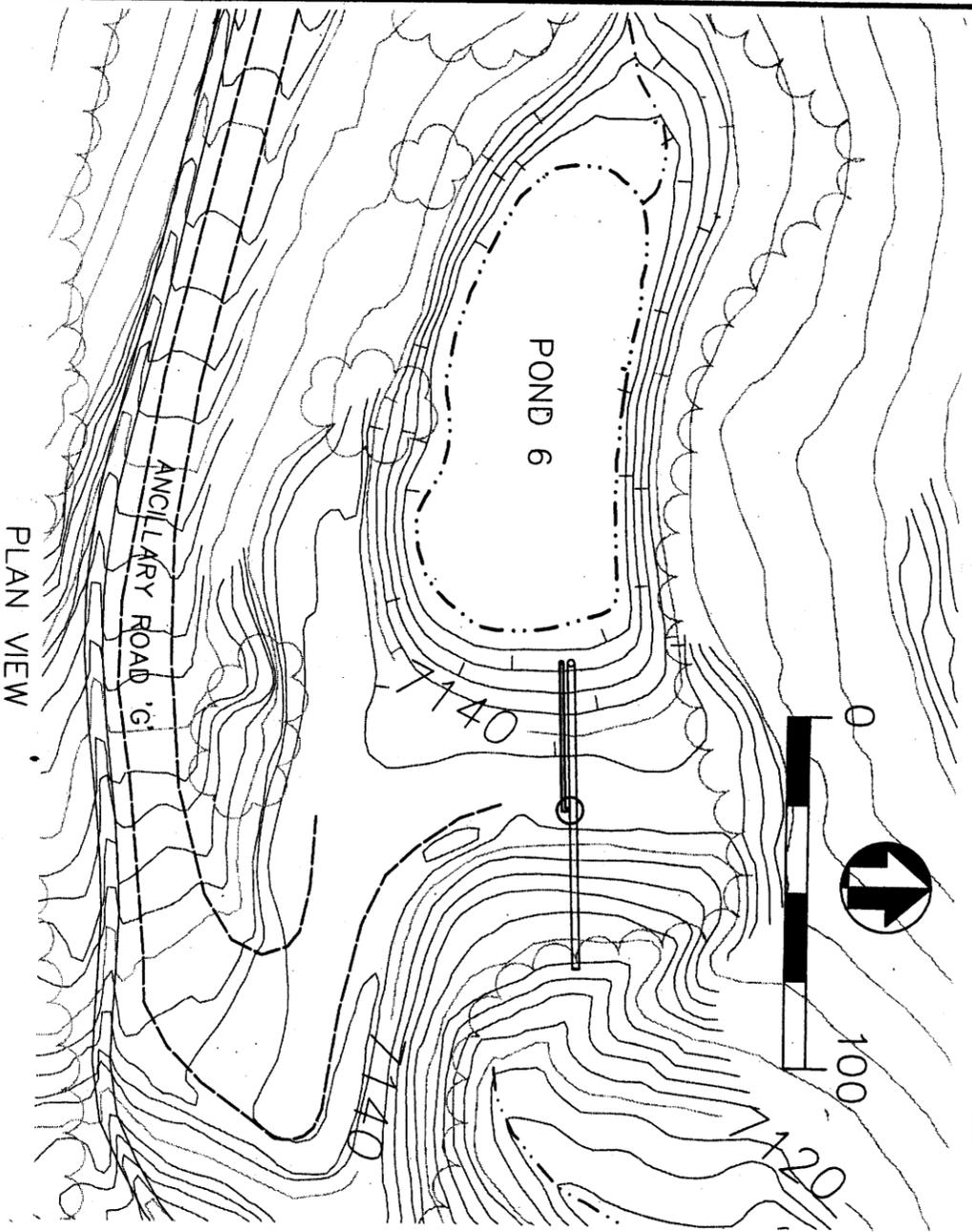
DATE	02-15-02
PLAN SHEET	
SCALE	SEE SCALE BAR
PROJECT NUMBER	85UN010600

SCA / STAR POINT WASTE FUEL
 SEDIMENT POND NO. 5 WITH DETAILS

PSOMAS
 2925 East Cottonwood Parkway, Suite 120
 Salt Lake City, Utah 84121
 (801) 270-5777 (801) 270-5782 (FAX)

DESIGNED	BH
DRAWN	AH
CHECKED	SSC

MAP NUMBER
 733.120a



SPILLWAY DIMENSIONS	
Dewatering Device	Emergency
D ₁	24"
D ₂	12"
D ₃	12"
D ₄	3' x 3' x 1.5'
ELEV	* 7140.7
H	10.0'

- NOTES:
1. Cylinder should be welded to top of the riser.
 2. Support bars and trash rock are #6 rebar.
 3. Trash rock for spillway should be welded to cylinder.

Note:
Psomas did not inspect existing pond installation. It is assumed that the pond embankments were installed in accordance with the original design standards and specifications contained in UMC Plateau Mine Runoff control plan prepared by Vaughn Hansen and associates, December, 1979.



RECEIVED
MAR 27 2008

DIV. OF OIL, GAS & MINING

INCORPORATED

DEC 29 2004

DIV OF OIL, GAS & MINING

02-15-02
SCALE
SEE SCALE BAR
8SUN010600

SCA / STAR POINT WASTE FUEL
SEDIMENT POND NO. 6 WITH DETAILS

PSOMAS
2825 East Cottonwood Parkway, Suite 120
Salt Lake City, Utah 84121
(801) 270-5777 (801) 270-5782 (FAX)

BH
AH
SSC
MAP NUMBER

733.120b

Exhibit 322.210a

Wildlife Correspondence

Removed to

MRP Confidential Binder

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Wildlife Habitat Types

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