0014

015/017

State of Utah
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY

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Governor
Dianne R. Nielson, Ph.D.
Executive Director
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JUN 11 1998
DIV. OF OIL, GAS & MINING

Water Quality Board
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Executive Secretary

June 9, 1998

CERTIFIED MAIL
(Return Receipt Requested)

Rodger C. Fry, Exploration Administrator
Interwest Mining Co.
One Utah Center, Suite 2000
Salt Lake City, Utah 84140-0020

Copy Gina
ACT/015/017 #2

Dear Mr. Fry:

Subject: UPDES General Coal Mining Permit No. UTG040022, Interwest Mining Co.
Des Bee Dove

Enclosed is your copy of the signed general permit. Coverage became effective on June 1, 1998 and all the requirements and conditions of the permit are in effect since that time. Preprinted Discharge Monitoring Report Forms (EPA Form 3320-1), for self-monitoring and reporting requirements as specified in the permit, will be sent to you as soon as possible.

This is a reminder that as soon as the facility discharges, a representative sample of water must be taken and analyzed for the metals as indicated in the original notice of intent (NOI) sent to you several months ago. The results shall be submitted to the Executive Secretary at the address indicated in the issued permit for submitting discharge monitoring reports.

We will also provided your staff the multi-sector general storm water permit NOI. Please be advised that you may need to obtain this general permit. For more information please contact Harry Campbell at (801) 538-6923.

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

A fee schedule was included in the Utah Department of Environmental Quality budget appropriation request at the direction of the Legislature and in accordance with Utah Code Annotated 19-1-201. The fee schedule, as approved by the Legislature, includes a charge for the issuance of a UPDES permit. Please remit $1,800.00 within 30 days of receipt of this letter to:

Department of Environmental Quality
Division of Water Quality
ATTN: Wendy Maxell
P.O. Box 144870
Salt Lake City, Utah 84114-4870

If you have any questions, please contact Steven McNeal at (801) 538-6075.

Sincerely,

Donald A. Hilden

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

SM/ja

Enclosure

cc: Division of Oil, Gas & Mining (w/encl)
Claron D. Bjork, Southeasetern Utah District Health Dept. (w/encl)
Dave Ariotti, District Engineer (w/encl)
Wendy Maxell, DWQ Accounts (w/o encl)

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Permit No. UTG040000
Industrial

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

AUTHORIZATION TO DISCHARGE UNDER THE

UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM
(UPDES)

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"*),

Interwest Mining Co. Des Bee Dove

located seven (7) miles northeast of Castle Dale, Utah as identified in the application No. UTG040022 is authorized to discharge from outfall 001 located at latitude **39°18'18"** and longitude **111°05'43"**

to Grimes Wash

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

This permit became effective on June 1, 1998.

This general permit and the authorization to discharge shall expire at midnight, April 30, 2003.

Signed this 9th day of June, 1998

Authorized Permitting Official
Executive Secretary
Utah Water Quality Board

I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Definitions.

1. The "30-day (and monthly) average" is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.

2. The "7-day (and weekly) average" is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.

3. "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. "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

19. "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.

20. The term "coal preparation plant" means a facility where coal is crushed, screened, sized, cleaned, dried, or otherwise prepared and loaded for transit to a consuming facility.

21. 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.

22. "Alkaline mine drainage" means mine drainage which before any treatment has a pH equal to or greater than 6.0 and total iron concentration less than 10 mg/L.

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

    Fill an Imhoff cone to the one-liter mark with a thoroughly mixed sample. Allow to settle undisturbed for 45 minutes. Gently stir along the inside surface of the cone with a stirring rod. Allow to settle undisturbed for 15 minutes longer. Record the volume of settled material in the cone as milliliters per liter. Where a separation of settleable and floating material occurs, do not include the floating material in the reading.

B. 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 amount of total dissolved solids discharged from all mine water and decant operations is limited to one ton per day.

C. 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.B. can be issued general permit coverage by submitting a notice of intent (NOI) to the Division of Water Quality at the addresses listed on page -- of this permit.

The NOI shall include:

g. For each discharge point the presence or absence of any toxic and/or priority pollutants as listed Table II, UAC R317-8-3.12.

D Description of Discharge Point(s).

The authorization to discharge provided under this permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under a UPDES permit is a violation of the *Act* and may be subject to penalties under the *Act*. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge may be subject to criminal penalties as provided under the *Act*.

Outfall Number	Location of Discharge Point(s)
001	Sediment pond outfall to Grimes Wash latitude 39°18'18" and longitude 111°05'43"

E. 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.

F. Specific Limitations and Self-monitoring Requirements.

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

Effluent	Discharge Limitations a/			Monitoring Requirements	
	Average		Daily	Measurement	Sample
Characteristics	30-Day	7-Day	Maximum	Frequency	Type
Flow, gpd	NA	NA	NA	Monthly	Measured b/
Oil & Grease, mg/L	NA	NA	10 c/	Monthly	Grab
Total Suspended Solids,mg/L	25	35	70	Monthly	Grab e/
Total Iron, mg/L	NA	NA	1.0	Monthly	Grab e/
Total Diss. Solids,lbs/day	NA	NA	d/	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.

pond outfalls 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 under Part I.F.3, all effluent samples collected at all surface runoff pond outfalls during storm water discharge events shall be analyzed for settleable solids and the parameters identified under Part I.F.1.

5. The permittee/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.F.3. and F.4. The alternate limitation in Parts I.F.4. and F.5. shall not apply to treatment systems that treat underground mine water only.

6. Best Management Practices.

   All requirements for best management practices are covered by the Multi-Sector General Storm Water Permit.

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,

III. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Executive Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

B. Penalties for Violations of Permit Conditions. The *Act* provides that any person who violates a permit condition implementing provisions of the *Act* is subject to a civil penalty not to exceed $10,000 per day of such violation. Any person who willfully or negligently violates permit conditions of the Act is subject to a fine not exceeding $25,000 per day of violation; Any person convicted under *UCA 19-5-115(2)* a second time shall be punished by a fine not exceeding $50,000 per day. Except as provided at *Part III.G, Bypass of Treatment Facilities* and *Part III.H, Upset Conditions*, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Removed Substances. Collected screening, grit, solids, sludge, 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 the provisions of paragraphs 2 and 3 of this section. Return of removed

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":

IV. GENERAL REQUIREMENTS

A. Planned Changes. The permittee shall give notice to the Executive Secretary as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit. In addition, if there are any planned substantial changes to the permittee's existing sludge facilities or their manner of operation or to current sludge management practices of storage and disposal, the permittee shall give notice to the Executive Secretary of any planned changes at least 30 days prior to their implementation.

B. Anticipated Noncompliance. The permittee shall give advance notice to the Executive Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

C. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

D. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for coverage under the new general permit. The NOI shall be submitted at least 60 days before the expiration date of this permit. An application shall be submitted at least 180 days before the expiration date of this permit if an individual permit is necessary.

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

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.