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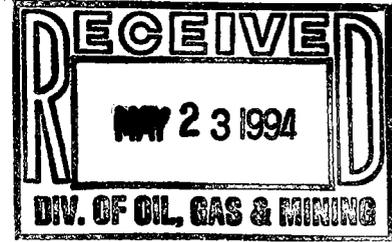


State of Utah  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WATER QUALITY

Michael O. Leavitt  
Governor  
Dianne R. Nielson, Ph.D.  
Executive Director  
Don A. Ostler, P.E.  
Director

288 North 1460 West  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870  
(801) 538-6146  
(801) 538-6016 Fax  
(801) 536-4414 T.D.D.

May 23, 1994



CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

*Route to Ken/Tom ✓  
Ken file Act 1015/018  
#2*

Rodger C. Fry  
PacifiCorp  
201 South Main, Suite 2100  
Salt Lake City, Utah 84114-0021

RE: Permit Modification for UT0023604, PacifiCorp,  
Deer Creek Mine

Dear Mr. Fry:

Enclosed is the modified UPDES permit No. UT0023604 for your facility. Copies of EPA form 3320-1, Discharge Monitoring Report forms, for reporting and self-monitoring requirements as specified in the permit, will be sent as soon as printed. This modified permit will become effective on June 1, 1994, subject to the right of appeal in accordance with the provisions of *Utah Administrative Code*, Sections R317-8-6.11 and R317-8-6.13.

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 Coded Annotated* 19-1-201. The fee schedule, as approved by the legislature, includes a prescribed fee for specific Industrial Categories. The prescribed fee for Minor Coal Mining category is \$3,600 for a five year period. The pro-rated fee for this modified permit is \$ 2,160.00 (\$720 x 3) for the remaining three years. Please remit \$ 2,160.00 to:

Dept. of Environmental Quality  
Division of Water Quality  
288 North 1460 West  
P.O. Box 144870  
Salt Lake City, UT 84114-4870

Also, as the State 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.

Mr. Rodger Fry  
May 23, 1994  
Page 2

If you have any questions with regard to this matter, please contact Shelly Chamberlain at (801) 538-6146.

Sincerely,



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

KC/kc

Enclosures

cc: Judy Kobus-Fisk, EPA, Region VIII w/encl.  
Pam Grubaugh-Littig, Coal Reg. Program, DOGM w/encl.  
Claron D. Bjork, Southeastern Utah District Health Dept. w/encl.  
Dave Ariotti, District Engineer w/encl.

**STATEMENT OF BASIS  
PERMIT MODIFICATION  
PACIFICORP  
DEER CREEK MINE**

**UPDES No. UT0023604  
MINOR INDUSTRIAL**

**FACILITY CONTACT:**

Rodger C. Fry  
Exploration Administrator  
201 South Main Suite 2100  
Salt Lake City, Utah 84114-0021  
Phone: (801)-220-4610

**PURPOSE OF PERMIT MODIFICATION:**

The reason for this modified Statement of Basis is because the existing permit is undergoing a major modification in order to add a second discharge point as per *Utah Administrative Code (UAC) R317-8-5.6*.

A second discharge point, Outfall 002, has been experiencing a temporary bypass flow since early 1990. Outfall 002 has not previously been permitted because it was located on National Forest Service lands, and as such was subject to an anti-degradation limitation. On April 18, 1990 Pacificorp requested an amendment to the *UAC* in order to permit this new outfall.

Recent changes in *UAC R317-2-12.2.1* effective February, 1994 allow a portion of the Deer Creek located within the National Forest Service lands to become exempt from anti-degradation restrictions, thus permitting a discharge at Outfall 002.

**DESCRIPTION OF FACILITY:**

Pacificorp Deer Creek Mine is located in section 11, township 17 south, range 7 east in Emery County, Utah in Huntington Canyon off U.S. 31 approximately eight miles west of the Town of Huntington. It has Standard Industrial Classification code 1222, Bituminous Coal Underground Mining.

This facility mines coal underground for utilization at the Huntington Power Plant. The Deer Creek mine produces approximately 3.5 million tons of coal each year.

**DESCRIPTION OF DISCHARGE:**

Outfall 001, located at latitude 39° 21' 36" and longitude 111° 06' 35", consists of mine water discharged from a settling pond into the Deer Creek.

**Self-Monitoring Data (Outfall 001)**

<u>Date</u>	<u>Flow MGD</u>	<u>TSS mg/L</u>	<u>TDS lbs/day</u>	<u>Fe mg/L</u>	<u>Oil &amp; Grease mg/L</u>	<u>pH</u>
7-91	0.03	14	433	0.02	3.5	7.9-8.4
8-91	0.05	12	327	0.29	0.8	7.6-8.2
9-91	--	--	916	0.33	2.6	8.2-8.6
10-91	No Discharge					
11-91	No Discharge					
12-91	No Discharge					
1-92	0.02	31	960	0.09	2.4	7.8-8.2
2-92	0.01	--	187	0.09	0.0	7.5-7.5
3-92	0.03	30	1385	0.09	0.0	6.9-7.5
4-92	0.02	19	299	0.11	1.1	7.6-8.2
5-92	0.04	12	809	0.17	0.5	7.4-8.2
6-92	0.04	31	408	0.36	0.4	7.4-8.0
average	0.02	12	477	0.01	0.9	7.4-8.6
permitted	---	25	2000	2.0	10.0	6.5-9.0

**State-Monitoring Data Outfall 001  
(grab samples)**

<u>Date</u>	<u>Flow MGD</u>	<u>TSS mg/L</u>	<u>TDS mg/L</u>	<u>Fe mg/L</u>	<u>Oil &amp; Grease mg/L</u>	<u>pH</u>
2-91	0.06	7	2602	0.2	<5.0	7.9
3-91	0.06	22	7082	0.3	<5.0	7.9
5-91	0.01	12	1836	0.1	<5.0	8.4
7-91	0.30	21	1672	0.2	<5.0	7.9
1-92	0.01	33	1380	0.2	9.0	7.6
3-92	0.02	13	5315	0.1	17.0	7.2 ✓
4-92	0.02	8	1054	0.1	<5.0	7.7
6-92	0.02	53	1246	--	<5.0	7.4
average	0.06	21	----	0.2	<7.0	7.2-8.4
permitted	---	70	----	2.0	10.0	6.5-9.0

permit violations are in **BOLD**

**EFFLUENT LIMITATIONS:**

Applicable technology based standards for Coal Mining Point Source Category are found in *40 CFR 434*. *40 CFR 434* also contains the basis for the settleable solids limitation.

The oil and grease and no visible sheen limitations are based on best professional judgement (BPJ).

The 30-day and 7-day limitations on total suspended solids (TSS) and pH limitations are based on current Utah Secondary Treatment Standards *UAC R448-1-3.2B*. The daily maximum limitation for TSS is a federal requirement found in *40 CFR 434.45*.

The mass limitations on total dissolved solids (TDS) are based upon criteria established by the Colorado River Basin Salinity Control Forum. The TDS concentration limitations, while lower than the Wasteload Analysis maximum limitation, are based on the release of high quality water, and were derived using BPJ.

The iron limitation is based upon the State's numeric criteria of a Class 3A water. The pH limitations are based on current Utah Secondary Standards, *UAC R317-1-3.2D*.

The use of gypsum in the mine for rock dusting is prohibited in the areas draining into outfall 002 unless the permittee adequately demonstrates that its use will not significantly increase the TDS discharge concentration.

Wasteload Analysis (see ADDENDUM) indicates that these limitations should be sufficiently protective of water quality, in order to meet State water quality standards in the receiving waters.

Based on the effluent monitoring data the permittee is expected to be able to comply with these limitations.

**Effluent Limitations Outfall 001**

<u>Parameter</u>	<u>30-day Average</u>	<u>7-Day Average</u>	<u>Daily Maximum</u>
Total Suspended Solids	25 mg/L	35 mg/L	70 mg/L
Total Dissolved Solids (a)	N.A.	N.A.	2000 lbs/d
Iron	N.A.	N.A.	1.0 mg/L
Oil and Grease	N.A.	N.A.	10 mg/L

The pH of the discharge shall not be less than 6.5 nor greater than 9.0 in any sample.

<u>Parameter</u>	<u>Frequency</u>	<u>Sample Type</u>	<u>Units</u>
Total Flow (a),(b)	Monthly	Estimated	MGD
Total Suspended Solids	Monthly	Grab	mg/L
Total Dissolved Solids	Monthly	Grab	mg/L
Iron	Monthly	Grab	mg/L
Oil and Grease (c)	Weekly	Visual	yes/no
Oil and Grease (d)	Monthly	Grab	mg/L
pH	Monthly	Grab	S.U.

- (a) Flow measurements of effluent volume shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained.
- (b) If the rate of discharge is controlled, the rate and duration of discharge shall be reported.
- (c) In the effluent, there shall be no visible sheen or floating solids or visible foam in other than trace amounts.
- (d) Sample oil and grease only when a sheen is observed or there is another reason to believe oil is present.

**PRETREATMENT REQUIREMENTS:**

Any wastewater that Deer Creek Mine discharges 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 Clean Water Act*, the permittee shall comply with all applicable Federal General Pretreatment Regulations promulgated, found in *40 CFR 403*, the State Pretreatment Requirements found in *UAC R317-8-8*, and any specific local discharge limitations developed by the Publicly Owned Treatment Works (POTW) accepting the waste.

**BIOMONITORING REQUIREMENTS:**

As part of a nationwide effort to control toxics, biomonitoring requirements are being included in permits for facilities where effluent toxicity is an existing or potential concern. In Utah, in accordance with the *State of Utah Permitting and Enforcement Guidance Document for Whole Effluent Toxicity Control (Biomonitoring)* this includes all major and significant minor permittees that are thought to have a potential to discharge toxics. Since Deer Creek does not meet any of these requirements, biomonitoring of the effluent will not be required. The permit will contain a reopener for the inclusion of Whole Effluent Toxicity testing in the event it becomes necessary.

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

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

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

PACIFICORP DEER CREEK COAL MINE

is hereby authorized to discharge from its facility located eight (8) miles west of Huntington, Utah, with the outfall 001 located at latitude 39° 21' 36" and longitude 111° 06' 35" and outfall 002 located at latitude 39° 21' 29" and longitude 111° 06' 57", to receiving waters named

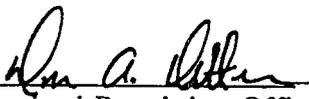
DEER CREEK

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

This permit modification shall become effective on June 1, 1994.

This permit and the authorization to discharge shall expire at midnight,  
November 30, 1997

Signed this 23 rd day of May, 1994.

  
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. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
5. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
6. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
7. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
8. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
9. "Executive Secretary" means Executive Secretary of the Utah Water Quality Board.
10. "EPA" means the United States Environmental Protection Agency.
11. "Sludge" is any solid, semi-solid or liquid residue that contains materials removed during treatment. Sludge includes, but is not limited to, primary and secondary solids and sewage products.
12. 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.



II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under *Part I* shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. Sludge samples shall be collected at a location representative of the quality of sludge immediately prior to the use-disposal practice.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under *Utah Administrative Code ("UAC") R317-2-10*, unless other test procedures have been specified in this permit.
- C. Penalties for Tampering. The *Act* provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. Reporting of Monitoring Results. Monitoring results obtained during the previous month shall be summarized for each month and reported on a Discharge Monitoring Report (DMR) Form (EPA No. 3320-1), post-marked no later than the 28th day of the month following the completed reporting period. The first report is due on **January 28, 1993**. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other 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 and to EPA at the following addresses:

original to: Department of Environmental Quality  
Division of Water Quality  
288 North 1460 West  
PO Box 144870  
Salt Lake City, Utah 84114-4870

copy to: United States Environmental Protection Agency Region VIII  
Denver Place  
999 18th Street, Suite 500  
Denver, Colorado 80202-2466

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

- 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*.
- I. 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.H.3*.
  - J. 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,

III. COMPLIANCE RESPONSIBILITIES

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

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 III, 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);

IV. GENERAL REQUIREMENTS

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

- 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*.

Mr. Rodger Fry  
May 23, 1994  
Page 2

If you have any questions with regard to this matter, please contact Shelly Chamberlain at (801) 538-6146.

Sincerely,



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

KC/kc

Enclosures

cc: Judy Kobus-Fisk, EPA, Region VIII w/encl.  
Pam Grubaugh-Littig, Coal Reg. Program, DOGM w/encl.  
Claron D. Bjork, Southeastern Utah District Health Dept. w/encl.  
Dave Ariotti, District Engineer w/encl.