

Document Information Form

Mine Number: C1015/019

File Name: Incoming

To: DOGM

From:

Person N/A

Company N/A

Date Sent: FEBRUARY 6, 1978

Explanation:

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL
POLLUTANT DISCHARGE ELIMINATION SYSTEM

cc:

File in: C1015, 019, Incoming

Refer to:

- Confidential
- Shelf
- Expandable

Date _____ For additional information

File
Wilberg
UP&L

Mine
Act 10/15/1978

RECEIVED

FEB 6 1978

Permit No.

MI
UT-0022896

Jay
aka

SMC?
Mo

Utah State

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

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

the Utah Power & Light Company, Wilberg Mine,

is authorized to discharge from a facility located at Sections 22 and 27, Township 17 South,
Range 7 East, Emery County, Utah,

to receiving waters named Left Fork Grimes Wash, which is a tributary to the
San Rafael River,

in accordance with effluent limitations, monitoring requirements and other conditions set forth
in Parts I, II, and III hereof.

This permit shall become effective on the date of issuance.*

This permit and the authorization to discharge shall expire at midnight, March 31, 1980.

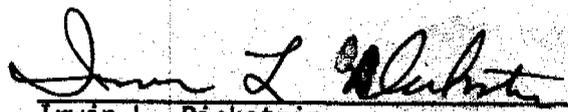
Signed this 1st day of February, 1978

File in:

- Confidential
- Shelf
- Expandable

Refer to Record No 0019 Date _____
In Cl 015, 019, Incoming

For additional information


Irwin L. Dickstein
Director, Enforcement Division

*
Thirty (30) days after the date of receipt of this permit by the Applicant.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Alkaline Mine Drainage, Coal Preparation Plant, and Associated Areas)

1. During the period beginning immediately and lasting through March 31, 1980, the permittee is authorized to discharge from all point sources associated with active mining operations indicated on the area maps submitted pursuant to Part III, A.1. Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u> b/	
	<u>Daily Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow - M ³ /Day, gpd	N/A	N/A	Monthly ²	Measured a/
Total Suspended Solids	25	30 mg/l	Monthly ²	Composite
Total Iron	N/A	(See Part III, A.2)	Monthly ²	Composite
Alkalinity - Acidity (At all times Alkalinity shall be greater than Acidity)			Monthly ²	Grab
Total Dissolved Solids	N/A	(See Part III, A.2)	Monthly ²	Composite

Oil and Grease shall not exceed 10 mg/l and shall be monitored monthly by a grab sample.

The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units and shall be monitored monthly by grab sample.²

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

There shall be no sanitary waste included in the discharge.

2. Normal sampling shall be monthly during periods of discharge. If no discharge occurs during any given month, then it should be reported as such.
3. See Schedule of Compliance. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At any point which is representative of each discharge prior to its mixing with the receiving stream and as indicated by the solid triangles on the current area maps submitted pursuant to Part III, A.1.

a/ See Part I, C.3.c.
b/ See Part III, A.2.

B. SCHEDULE OF COMPLIANCE

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

C. MONITORING AND REPORTING

1. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.
2. Monitoring results obtained during the previous 3 months shall be summarized for each discharge for each month and reported on a Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period. The first report is due on April 28, 1978. Duplicate signed copies of these, and all other reports required herein, shall be submitted to the Regional Administrator and the Director of the State of Utah Water Pollution Agency at the following addresses:

U.S. Environmental Protection Agency
Suite 103, 1860 Lincoln Street
Denver, Colorado 80295
Attention: Enforcement - Permits

Utah State Division of Health
Water Quality Bureau
150 West North Temple
P.O. Box 2500
Salt Lake City, Utah 84110

3. Definitions

- a. The "daily average" concentration means the arithmetic average of all the daily determinations of concentration made during a calendar month. Daily determinations of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily determination of concentration shall be the arithmetic average of all the samples collected during the calendar day.
- b. The "daily maximum" concentration means the daily determination of concentration for any calendar day.
- c. Measurement of flow shall be performed by a direct flow measurement technique such as a flow meter, weir, or gauge.
- d. A "composite sample" shall consist of at least three grab samples which is representative of the discharge.
- e. "Active mining area" means a place where work or other activity related to the extraction, removal, or recovery of coal is being conducted or carried on, except any land or area on or in which there has commenced or been completed reclamation work following the grading stage. (Subject to a more stringent definition pursuant to 401 state certification, see Part III, B.)

3. Definitions (Continued)

- f. The term "ten year, 24-hour, precipitation event" shall mean the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and subsequent amendments or equivalent regional or rainfall probability information developed therefrom.
- g. For additional definitions, see Part III, B and C.

4. Test Procedures

- a. Methods for the determination of Total Iron and Total Manganese shall be as prescribed in 38 FR 28758 promulgated on October 18, 1973, pursuant to Section 304(g) of the Act.
- b. Methods for the determination of other pollutant parameters shall be as prescribed in 41 FR 52781 promulgated on December 1, 1976, pursuant to Section 304(g) of the Act unless otherwise noted in the permit.
- c. Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304(g) of the Act, under which such procedures may be required.
- d. For the determination of Alkalinity and Acidity, the following test procedures as defined in ASTM Standards, Part 23, Water: Atmospheric Analysis, 1972 shall be used.
 - (1) Acidity - D1067, Method E
 - (2) Alkalinity - D1067, Method D (to end point pH 3.9)

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling;
- b. The dates the analyses were performed;
- c. The person(s) who performed the analyses;
- d. The analytical techniques or methods used; and
- e. The results of all required analyses.

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form (EPA No. 3320-1). Such increased frequency shall also be indicated.

7. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years, or longer if requested by the Regional Administrator or the State water pollution control agency.

A. MANAGEMENT REQUIREMENTS**1. Adverse Impact**

The permittee shall take all reasonable steps to minimize any adverse impact to navigable waters resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

2. Noncompliance Notification

If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit, the permittee shall provide the Regional Administrator and the State of Utah with the following information, in writing, within five (5) days of learning or being advised of such condition:

- a. A description of the discharge and cause of noncompliance; and
- b. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge. This written submission shall not be considered as excusing or justifying the failure to comply with the effluent limitations.

3. Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new NPDES application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit issuing authority of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

4. Facilities Operation

- a. The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.
- b. Dilution water shall not be added to comply with effluent requirements.

5. Bypassing

- a. Any diversion from or bypass of facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited, except (i) where essential to prevent loss of life or severe property damage or (ii) in cases of overflow from a structure designed and maintained to contain a 10-year, 24-hour precipitation event. The permittee shall furnish written notification to the Regional Administrator and the State of Utah for each such diversion or bypass explaining in detail how such diversion is allegedly justified for any of the above exceptions.
- b. Storm water runoff from undisturbed areas or reclaimed areas within the area delineated in Part III (Other Requirements) and diverted around the permittee's active operations and treatment facility is authorized to be discharged without numerical limitations or monitoring and reporting requirements.
- c. Any untreated overflow from facilities designed, constructed, and operated to treat the mine drainage, the wastewater from the coal preparation plant, or the wastewater from the associated areas, and the runoff at the treatment facility resulting from a 10-year, 24-hour, precipitation event, shall not be subject to the limitations set forth in Part I, A. of this permit. The 10-year, 24-hour, rainfall is 1.9 inches during any 24-hour period.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

7. Power Failures

No later than 30 days after the effective date of this permit, the permittee shall certify in writing to the permit issuing authority either that:

- a. An alternative mechanical or electrical power source sufficient to operate essential facilities utilized by the permittee to maintain compliance with the terms and conditions of the permit has been or will be installed or,
- b. Upon reduction, loss or failure of one or more of the primary sources of electrical power to essential facilities utilized by the permittee to maintain compliance with the terms and conditions of this permit, the permittee shall halt, reduce, or otherwise control production and/or all discharges in order to maintain compliance with the terms and conditions of this permit.

8. Delineated Discharges

Any discharge delineated in Part III (Other Requirements) (originating from operations covered by standard industrial classification codes 1211 and 1213) that commences after the effective date of this permit shall be in compliance with all effluent limitations, monitoring requirements, and other conditions contained herein upon initiation of discharge.

9. Contamination Control

The permittee shall be responsible for instituting management practices for the minimization and prevention of contamination of surface waters by contaminated runoff from disturbed areas. Those areas subject to the institution of these management practices shall include coal storage areas, refuse storage areas, coal preparation plants, and coal preparation plant ancillary areas.

B. RESPONSIBILITIES

1. Right of Entry

The permittee shall allow the head of the State water pollution control agency, the Regional Administrator, and/or their authorized representatives, upon the presentation of credentials:

- a. To enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; and
- b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any discharge of pollutants.

2. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Regional Administrator and the State water pollution control agency.

3. Availability of Reports

Except for data determined to be confidential under Section 308 of the Act, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Regional Administrator and the State water pollution control agency. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Act.

4. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

5. Toxic Pollutants

Notwithstanding Part II, B.4. above, if a toxic effluent standard or prohibition (including any Schedule of Compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

6. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" (Part II, A.5.) and "Power Failures" (Part II, A.7.), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

7. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

8. 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 regulations under authority preserved by Section 510 of the Act.

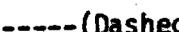
9. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, 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.

10. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

A. OTHER REQUIREMENTS**1. General Requirements****a. Area Maps (Mine Drainage, Coal Preparation Plant, and Associated Areas)**

- (1) Underground mines which have already identified the location of each discharge need not submit an area map.
- (2) The permittee shall submit revised Area Map(s) to show any changes, corrections, or other modifications or adjustments of the location of the point source discharges. The purpose of this requirement is to assure that the Regional Administrator and the State of Utah are kept fully advised as to the current location of such discharges.
- (3) The revised Area Map(s) shall be submitted in the form specified below and shall be made from USGS topographical maps (7.5 or 15-minute series) or other appropriate sources as approved by the Regional Administrator or his designee. Each revised Area Map shall be 8½ inches by 11 inches and shall be in black and white suitable to produce readable copies by rapid printing methods (Xerox, Dennison, Offset printing, etc.) or as approved by the Regional Administrator or his designee. Where additional 8½-inch by 11-inch maps are required to show the area of operation, they shall be numbered and a key shall be shown on the first map. The first map section shall have the company name, mine/job name, address, and NPDES number clearly printed thereon. Also, one line of latitude and one line of longitude shall be marked on each map section. The Area Map(s) shall delineate the following, using the graphics as indicated:
 - (a) Existing Area of Operation  (Solid Outline)
 - (b) Existing point source  (Solid Triangle)
 - (c) The projected area of operation for the 5-year life of an NPDES permit  (Dashed Outline)
 - (d) Projected point source for the 5-year life of an NPDES permit  (Opened Triangle)

A. OTHER REQUIREMENTS (Continued)**1. General Requirements (Continued)**

(e) The monitoring reports must indicate the active-inactive status of all discharge points which are listed on the current area maps. These discharge points shall be assigned numbers 001, 002, 003, etc.

b. Monitoring of a discharge may be terminated if either:

(1) Sufficient data has been accumulated to show to the satisfaction of the Regional Administrator or his designee that the untreated discharge from an area where active mining has ceased will meet the limitations herein; or

(2) The discharge emanates from an area on which the State of Utah has released the grading bond or has taken other similar action.

c. Permittee is not authorized to discharge after the expiration date of this permit. In order to receive authorization to discharge after the expiration date, the permittee shall, no later than 180 days prior to the expiration date of this permit, submit a new NPDES application and fees as required by the permit issuing authority.

2. Special Requirements

Federal law provides that any more stringent or additional limitations or conditions established pursuant to State law must be met by the permittee. The following limitations and monitoring requirements are state requirements included pursuant to Section 401(d) of the Act.

Additional Effluent Limitations

<u>Effluent Characteristic</u>	<u>Daily Maximum</u>
Total Iron	2.0 mg/l
Total Dissolved Solids	700 mg/l

A. OTHER REQUIREMENTS (Continued)

2. Special Requirements (Continued)

Additional Monitoring Requirements - Mine Drainage

<u>Effluent Characteristic</u>	<u>Monitoring Requirements</u>	
	<u>Measurement Frequency</u>	<u>Sample Type</u>
BOD ₅	Quarterly	Grab
Total Coliforms/100 ml	Quarterly	Grab
Fecal Coliforms/100 ml	Quarterly	Grab

B. ADDITIONAL INFORMATION CONCERNING DISCHARGES OF POLLUTANTS FROM COAL MINING OPERATIONS

Section 502 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1362) sets forth the following definitions:

1. "Pollutant" means: ". . . solid waste, incinerator residue, sewage, garbage, sewage sludge, . . . chemical wastes, biological materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water." 33 U.S.C. 1362(6)
2. "Discharge of pollutants" is the "addition of any pollutant to navigable waters from any point source . . ." 33 U.S.C. 1362(12)
3. A "point source" is "any discernible, confined, and discrete conveyance, including but not limited to, any pipe, channel, ditch, tunnel, conduit, well, discrete fissure, container . . . from which pollutants are or may be discharged." 33 U.S.C. 1362(14)
4. "Navigable waters" is all "waters of the United States . . ." 33 U.S.C. 1362(7)

Examples of discharges which are covered by Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1342) include, but are not limited to, the following:

1. Pumped or gravity drainage from the bench.
2. Pumped or gravity drainage from underground mines.
3. Discharges from silt basins.
4. Discharges resulting from preparation plant operations.
5. Discharges from sanitary waste treatment plants.
6. Discharges from other treatment facilities associated with coal operations.

C. ADDITIONAL DEFINITIONS

1. 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.
2. The term "coal preparation plant associated areas" means the coal preparation plant yards, immediate access roads, slurry ponds, drainage ponds, coal refuse piles, and coal storage piles and facilities.