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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 Voice  
(801) 538-6016 Fax  
(801) 536-4414 T.D.D.

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Chairman

Lynn F. Pett  
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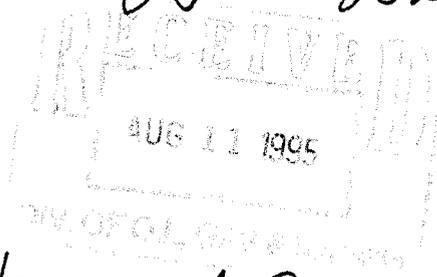
Leroy H. Wullstein, Ph.D.  
Don A. Ostler, P.E.  
Executive Secretary

August 7, 1995

CERTIFIED MAIL  
(Return Receipt Requested)

*Route to Austin  
Dave Darby*

Randolph B. Gainer, Env. Manager  
Genwal Resources, Inc.  
P.O. Box 1420  
Huntington, Utah 84528



Dear Mr. Gainer:

*Then filed  
ACT 1015/032 #3*

Subject: Permit UT0024368, Genwal Resources, Inc.

Enclosed is UPDES permit No. UT0024368 for your facility. Copies of EPA form 3320-1, Discharge Monitoring Report (DMR) forms, for reporting and self-monitoring requirements as specified in the permit, will be sent as soon as printed. This permit will become effective on September 1, 1995, 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 a Minor Coal Mining & Preparation category, Utah Pollutant Discharge Elimination System permit is \$ 3,600.00. Please remit \$ 3,600.00 within 30 days from receipt of this letter to:

Dept. of Environmental Quality  
Division of Water Quality  
Attn: Rose Griffin  
288 North 1460 West  
P.O. Box 144870  
Salt Lake City, Utah 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 and return it in the postage paid, self-addressed return envelope. The results will be used to improve our quality and responsiveness to our permittees and give us feedback on customer satisfaction. We will address the issues you have identified on an ongoing basis.

If you have any questions with regard to this matter, please contact Mark Schmitz at (801) 538-6097.

Sincerely,



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

KC/kc

Enclosures

cc: Judy Kobus-Fisk, EPA, Region VIII w/encl.  
Claron D. Bjork, Southeastern Utah District Health Dept. w/encl.  
Dave Ariotti, District Engineer w/encl.  
Division of Oil, Gas & Mining w/encl.

**STATEMENT OF BASIS  
GENWAL RESOURCES, INC.  
UPDES PERMIT NO. UT0024368  
RENEWAL PERMIT  
MINOR INDUSTRIAL**

**FACILITY CONTACT**

Randolph B. Gainer  
Environmental Manager  
Genwal Resources, Inc.  
P.O. Box 1420  
195 North 100 West  
Huntington, Utah 84528  
Phone: (801) 687-9813

**DESCRIPTION OF FACILITY**

Genwal Resources Incorporated (GRI) owns and operates the Crandall Canyon underground coal mine. The SIC code for this facility is 1222 (Bituminous Coal Underground Mining). The mine was purchased in January 1989 by Nevada Electric Investment Corporation / Nevada Power. In January of 1995, GRI was purchased by Andalex Resources and Intermountain Power Association. The mine produces about 2,500,000 tons of coal annually. The entire operation resides within the Manti-LaSal National Forest boundary, and is thus subject to antidegradation policy of Utah Administrative Code (UAC) R448-2-3. The mine is located approximately one and one half (1.5) miles south of Huntington Canyon (State Highway 31), up Crandall Canyon, Emery County. Outfall 001 is located at latitude 39° 27' 38" and longitude 111° 09' 59", discharging to Crandall Creek. Outfall 002 is located at latitude 39° 27' 38" and longitude 111° 09' 59", discharging to Crandall Creek with STORET number 493066. The mine has not discharged in the last five (5) years, so the facility should be adequate for the five-year permit life.

**DESCRIPTION OF DISCHARGE**

GRI's 001 discharge consists of storm water runoff from a sedimentation basin. GRI's 002 discharge consists of water which is pumped into the mine from Crandell Creek to suppress coal dust for fire control.

There is not any recent data, the last time GRI discharged was the first quarter 1989 and the second quarter of 1990. That data are listed below.

	Flow	TSS	TDS	Iron (Fe)	Oil&Grease	
<u>Date</u>	<u>MGD</u>	<u>mg/L</u>	<u>mg/L</u>	<u>mg/L</u>	<u>mg/L</u>	<u>pH</u>
Q1-89	---	8.0	670.0	0.02	1.0	8.0
Q2-90	---	9.0	240.0	0.04	<1.0	7.6

Because of the intermittent nature of the discharge, the State has been unable to collect samples when the facility was discharging.

### RECEIVING WATERS AND STREAM CLASSIFICATION

GRI discharges into Crandall Creek, a tributary of Huntington Creek, thence to Huntington Reservoir. Huntington Creek and its tributaries are classed, 2B, 3A and 4, according to *Utah Administrative Code (UAC) R317-2-13*:

- Class 2B      -protected for boating, water skiing, and similar uses, excluding recreational bathing (swimming).
- Class 3A      -protected for cold water species of game fish and other cold water aquatic life, including the necessary aquatic organisms in their food chain.
- Class 4        -protected for agricultural uses including irrigation of crops and stockwatering.

### BASIS FOR EFFLUENT LIMITATIONS

Applicable technology based standards for coal mining are found at 40 CFR 434.45. The daily maximum limit for total suspended solids (TSS) is a federal new source performance standard found at 40 CFR 434.45. The 30-day and 7-day limitations on TSS and pH limits are based on current Utah Secondary Treatment Standards, *UAC R317-1-3.2B*. The limit on total dissolved solids (TDS) has been established by the Colorado River Basin Salinity Control Forum and is a compromise by the States of the basin to limit TDS to 723 mg/L below the Hoover Dam. The 1 mg/L maximum for total iron (Fe) is based on Standards of Water Quality for Waters of the State, *UAC R317-2, Table 2.14.2. Numeric Criteria for Aquatic Wildlife*. The previous self monitoring data indicates that the facility should be able to comply with the permit limitation because when GRI has needed to discharge the Fe is well below the permit limits of 1 mg/L. The oil and grease (O&G) limits are based upon best professional judgement (BPJ). 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.

Except for dissolved oxygen (DO), the limitations are the same as those in the previous permit, and based on Wasteload Analysis (see ADDENDUM) indicates that this limitation should be sufficiently protective of water quality, in order to meet State water quality standards in the receiving waters, and based on effluent monitoring data, and the existing treatment facility, the permittee is expected to be able to comply with the limitations.

Effluent Limitations

<u>Parameter</u>	<u>30-day Average</u>	<u>7-day Average</u>	<u>Daily Min</u>	<u>Daily Max</u>
TDS, mg/L	NA	NA	NA	723.0
TSS, mg/L	25.0	35.0	NA	70.0
O&G, mg/L	NA	NA	NA	10.0
pH, standard units	NA	NA	6.5	9.0
Fe, mg/L	NA	NA	NA	1.0
NA -- Not Applicable				

The daily minimum for DO shall not be less than 4.8 mg/L and the 30 day average for DO shall not be less than 5.8 mg/L and shall be monitored as a monthly grab sample.

40 CFR 434.63 entitles this facility to a alternate effluent limitations for Total Settable Solids, and pH, during precipitation events. The alternative effluent limitations are:

Effluent Limitations

<u>Parameter</u>	<u>30-day Average</u>	<u>7-day Average</u>	<u>Daily Maximum</u>
Total Settable Solids	NA	NA	0.5mL/L

The pH shall not be less than 6.0 nor more than 9.0 in any monthly grab sample.

NA -- Not Applicable

In order to invoke this alternative, the conditions of 40 CFR 434.63(2) must be met.

**SELF-MONITORING AND REPORTING REQUIREMENTS**

The following effluent self-monitoring and reporting requirements are based on the *Utah Monitoring, Recording and Reporting Frequency Guidelines* as effective December 1, 1991, and are the same as those in the previous permit, except for monthly reporting instead quarterly reporting made on Discharge Monitoring Report (DMR) forms, and are due 28 days after the end of the month.

Self-Monitoring and Reporting Requirements

<u>Parameter</u>	<u>Frequency</u>	<u>Sample Type</u>	<u>Units</u>	<u>Reporting Frequency</u>
Total Flow	Continuous	Estimated	MGD	Monthly
TDS	Monthly	Grab	mg/L	Monthly
TSS	Monthly	Grab	mg/L	Monthly
pH	Monthly	Grab	standard units	Monthly
DO	Monthly	Grab	mg/L	Monthly
Visual, O&G	Monthly	Grab	mg/L	Monthly

(O&G will only need to be sampled when an oil sheen is observed or there is another reason to believe oil is present).

**BEST MANAGEMENT PRACTICES**

The facility must minimize the discharge of salt by using the largest practicable amount of saline water for process and dust control. There shall be no use of gypsum for rock dusting unless the permittee provides sufficient information to the Executive Secretary such that approval is granted based on the Colorado River Basin Salinity Control Forum policies and the fact that it will not significantly increase total dissolved solids concentrations.

**STORM WATER REQUIREMENTS**

Independent of any process wastewater discharge, the permittee would still require a UPDES permit for its storm water discharge. Rather than require that the permittee apply for an additional, separate storm water permit, the discharge of storm water shall be covered under this permit. Therefore, the permittee need not submit a Notice of Intent to be covered under the State industrial storm water General Permit.

The principal storm water requirement is the development of a Storm Water Pollution Prevention Plan (SWP3), as detailed in the permit.

**PRETREATMENT REQUIREMENTS**

Any process wastewater that the facility may discharge to a sanitary sewer, either as a direct discharge or as a hauled waste, is 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 section 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 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.

Since GRI is a minor facility and its discharge is not likely to be toxic. Therefore, biomonitoring of the effluent will not be required. A toxicity reopener will be included in the permit, and WET testing and limits can be required if found to be appropriate in the future.

### **PERMIT DURATION**

It is recommended that this permit be effective for a period of five (5) years.

Drafted by Mark Schmitz, Environmental Scientist  
Utah Division of Water Quality  
Drafted April 17, 1995

ADDENDUM  
Statement of Basis (Wasteload Analysis)

Date: May 11, 1995

Facilities: Genwall Coal Company  
Huntington, Utah

I. Introduction

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

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

The Utah stream classifications and numeric criteria used in this analysis include the following:

Receiving Water and Stream Classification

Crandall Creek 3A

Numeric Stream Standards<sup>1</sup>

Total Ammonia (mg/l)	Function of Temperature and pH
[April - September]	1.28 mg/l 7 Day Average
	5.60 mg/l Daily Maximum
	[@ pH = 8.0, @ Temp. = 20 °C]

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<sup>1</sup> N/A means "Not Applicable". N/A is used where it has been determined that the discharge does not need to be evaluated for a particular parameter. It is used when the effect of the discharge on the environment is known to be insignificant for the parameter with which it is associated. It is included to show that all parameters of concern are being considered.

[October - March]	1.54 mg/l	30 Day Average
	6.70 mg/l	Daily Maximum
	[@ pH = 7.9, @ Temp. = 12 °C.	
Total Residual Chlorine (TRC)	0.011 mg/l	30 Day Average
	0.019 mg/l	Daily Maximum
Dissolved Oxygen (DO)	5.5 mg/l	30 Day Average
	4.0 mg/l	7 Day Average
	3.0 mg/l	Daily Minimum
Total Dissolved Solids	N/A mg/l	
Heavy Metals	N/A mg/l	
Toxic Organics	N/A mg/l	

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

## II. Mathematical Modeling of Stream Quality

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

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

(1) *The Utah River Model*, Utah Division of Water Quality, 1992. Based upon *STREAMDO IV (Region VIII) and Supplemental Ammonia Toxicity Models*; EPA Region VIII, Sept. 1990 and QUAL2E (EPA, Athens, GA).

(2) *Utah Ammonia/Chlorine Model*, Utah Division of Water Quality, 1992.

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

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

## III. Modeling Information

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

Flow, Q, (cfs)	DO (mg/l)
Temperature	Total Residual Chlorine, mg/l (TRC)
pH	Total NH <sub>3</sub> -N (mg/l)
BOD <sub>5</sub> (mg/l)	Total Dissolved Solids (TDS)
Metals of Concern	Toxic Organics of Concern

Other Conditions

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

Model Inputs

The following is receiving water (stream) information that was utilized as inputs for the analysis.

Season	Stream Flow,cfs	Temp. Deg. C.	pH	T-NH <sub>3</sub> mg/l	BOD mg/l	DO mg/l
<b>Crandall Creek</b>						
April-Sept	0.1	20.	8.0	0.1	0.5	90% Sat.
Oct-March	0.1	12.	7.9	0.1	0.5	90% Sat.
Season	TRC mg/l	TDS mg/l	Metals mg/l	Toxic Organics		
April-Sept	0.000	N/A	N/A	N/A		
Oct-March	0.000	N/A	N/A	N/A		

The following is discharge/effluent information that was utilized as inputs for the analysis.

Season	Flow MGD	Temp. Deg. C.	pH	T-NH <sub>3</sub> mg/l	BOD mg/l	DO mg/l
June-Sept	1.0	20.0	8.0	Calc.	Calc.	80% Sat. [or forced]
Oct-May	1.0	12.0	7.9	Calc	Calc.	80% Sat. [or forced]
Season	TRC mg/l	TDS mg/l	Metals mg/l	Toxic Organics		
Summer	Calc.	N/A	Calc.	N/A		
Fall/Spring	Calc.	N/A	Calc.	N/A		

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

#### IV. Effluent Limitations

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

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

##### Effluent Limitation for Total Ammonia (T-NH<sub>3</sub>) based upon Water Quality Standards

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

	April-Sept	Oct-March	
7 Day Average:	1.0	1.0	mg/l as N
Daily Maximum:	5.6	5.8	mg/l as N

Acute limits are theoretical values based upon a 10% zone of initial dilution (ZID). Where acute limits are less than the chronic limits, the chronic limit controls.

Total Ammonia limits are determined by mass-balance mixing equations and take into consideration decay for the protection of downstream segments.

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

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

	All Seasons
30 Day Average:	5.8 mg/l
Daily Minimum:	4.8 mg/l [Best Professional Judgement]

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

In-stream criteria of downstream segments for Biological Oxygen Demand will be met with an effluent limitation as follows:

	April - Sept	Oct - March
30 Day Average:	2.43 mg/l	2.43 mg/l [Secondary Limit]

Effluent Limitations for Total Residual Chlorine (TRC) based upon Water Quality Standards

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

	April - Sept	Oct - March
Daily Maximum:	0.012 mg/l	0.019 mg/l

TRC limits are determined by mass-balance mixing equations and take into consideration decay for the protection of downstream segments.

Effluent Limitations for Total Dissolved Solids (TDS), Heavy Metals, and Toxic Organics based upon Water Quality Standards.

Effluent limitations for the above mentioned parameters are not given. There is no evidence that the effluent will have these parameters at levels sufficient to warrant a wasteload analysis and effluent limitations.

However, if monitoring indicates an exceedance of water quality standards for any metals or toxic organics a waste load analysis will need to be done for that parameter and incorporated into the permit.

Other Effluent Limitations

The permit writers will utilize other information to determine other limits based upon best available technology and other considerations.

V. Antidegradation Considerations

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

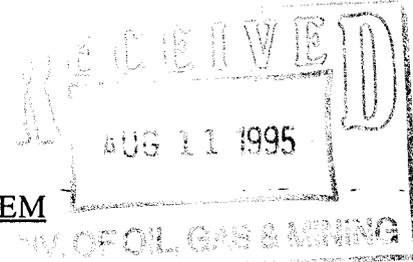
VI. Summary Comments

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

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)



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

**GENWAL RESOURCES INCORPORATED**

is hereby authorized to discharge from its facility located at **CRANDELL CANYON**, Utah, with the outfall(s) located at latitude 39°27' 38" and longitude 111° 09' 59", to receiving waters named

**CRANDELL CREEK**

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

This permit shall become effective on September 1, 1995.

This permit and the authorization to discharge shall expire at midnight, August 31, 2000.

Signed this 7th day of August, 1995.

Authorized Permitting Official  
Executive Secretary  
Utah Water Quality Board

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I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Definitions.

1. The "30-day (and monthly) average" is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
2. The "7-day (and weekly) average" is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.
3. The term "active mining area" means the area, on and beneath land, used or disturbed in activity related to the extraction, removal, or recovery of coal from its natural deposits. This term excludes coal preparation plants, coal preparation plant associated areas and post-mining areas.
4. "Daily Maximum" ("Daily Max.") is the maximum value allowable in any single sample or instantaneous measurement.
5. The term "coal preparation plant" means a facility where coal is subjected to cleaning, concentrating, or other processing or preparation in order to separate coal from its impurities and then is loaded for transit to a consuming facility.
6. "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.
7. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
8. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.

9. "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.
10. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
11. "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.
12. "Executive Secretary" means Executive Secretary of the Utah Water Quality Board.
13. "EPA" means the United States Environmental Protection Agency.
14. "Act" means the "*Utah Water Quality Act*".
15. "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.
16. "Coal pile runoff" means the rainfall runoff from or through any coal storage pile.
17. "CWA" means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
18. "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.
19. "Runoff coefficient" means the fraction of total rainfall that will appear at a conveyance as runoff.
20. "Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under *Section 101(14)* of *CERCLA*; any chemical the facility is required to report pursuant to *EPCRA Section 313*; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.
21. "Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under *Section 311* of the *Clean Water Act* (see *40 CFR 110.10* and *40 CFR 117.21*) or *Section 102* of *CERCLA* (see *40 CFR 302.4*).

22. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
23. "Time-weighted composite" means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.
24. "Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.
25. "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.
26. 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. 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

A 6 inch discharge pipe on the north side of the settlement pond. Located at latitude 39° 27' 38" and longitude 111° 09' 59".

002

A 4 inch discharge pipe on the north side of the settlement pond. Located at latitude 39° 27' 38" and longitude 111° 09' 59".

C. Narrative Standard.

It shall be unlawful, and a violation of this permit, for the permittee to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste, or conditions which produce undesirable aquatic life or which produces objectionable tastes in edible aquatic organisms; or concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by bioassay or other tests performed in accordance with standard procedures.

D. Specific Limitations and Self-monitoring Requirements.

1. Effective immediately and lasting the duration of this permit, the permittee is authorized to discharge from Outfalls 001 and 002. 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>	
	<u>Average 30-Day</u>	<u>7-Day</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow, MGD	NA	NA	NA	Monthly	Record <u>b/</u>
TSS, mg/L	25.0	35.0	70.0	Monthly	Grab <u>d/</u>
Total Fe, mg/L	NA	NA	1.0	Monthly	Grab <u>d/</u>
O&G, mg/L	NA	NA	10.0	Monthly <u>c/</u>	Grab <u>c/</u>
TDS, mg/L	NA	NA	723.0	Monthly	Grab <u>d/</u>

The daily minimum for DO shall not be less than 4.8 mg/L and the 30 day average for DO shall not be less than 5.8 mg/L and shall be monitored as a monthly grab sample.

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 and no discharge of process wastewater from a coal preparation plant except as provided for upsets as per part III.H in this permit .

- a/ See Definitions, *Part I.A* for definition of terms. NA - Not Applicable.
- b/ Pump readings may be used during freezing weather to measure flow.
- c/ Sample oil and grease only when a sheen is observed or there is another reason to believe oil is present.
- d/ 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): at the outfall prior to mixing with any receiving water.
3. Any overflow, increase in volume of a discharge or discharge from a bypass system 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 all surface runoff pond (outfalls) may comply with the following limitation instead of the total suspended solids limitations contained in Part I.D.1:

Effluent Characteristics

Daily Maximum

Settleable Solids

0.5 mL/L

In addition to the monitoring requirements specified under Part I.D.1, all effluent samples collected during storm water discharge events shall also be analyzed for settleable solids. Such analyses shall be conducted on either grab or composite samples.

4. Any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) at all surface runoff 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.D.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.D.1.

5. The operator shall have the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event described in Parts I.D.3. and D.4. The alternate limitation in Parts I.D.3. and D.4. shall not apply to treatment systems that treat underground mine water only.

6. The facility must minimize the discharge of salt by using the largest practicable amount of saline water for process and dust control. There shall be no use of gypsum for rock dusting unless the permittee provides sufficient information to the Executive Secretary such that approval is granted based upon the Colorado River Basin Salinity Control Forum Policies and the fact that it will not significantly increase total dissolved solids concentrations.

7. Prohibition of Non-Storm Water Discharges. Except for mine water discharges and the discharges identified later in this paragraph, discharges from this facility are limited to storm water only. The following non-storm water discharges may be authorized by this permit to be discharged with storm water discharges provided the non-storm water component of the discharge is in compliance with *Part I.E.5.c.(7)*. (Measures and Controls for Non-storm Water Discharges): discharges from fire fighting activities; fire hydrant flushings; potable water sources including waterline flushings; irrigation drainage; lawn watering; routine external building washdown which does not use detergents or other compounds; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

E. Storm Water Pollution Prevention Plan. It has been determined that the permittee has a regulated storm water discharge as per UAC R317.8. Therefore, the following permit conditions governing storm water discharges apply. The permittee shall develop a storm water pollution prevention plan.

1. Areas of the facility covered by this part.
  - a. All areas considered to be "active mining" areas, part of the "coal preparation plant" area, or part of the "coal preparation plant associated areas as defined in 40 CFR 434.11.
  - b. Haul roads - Nonpublic roads on which coal or coal refuse is conveyed.

- c. Access roads - Nonpublic roads providing light vehicular traffic within the facility property and to public roadways.
  - d. 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.
  - e. Conveyor Belts, Chutes, and Aerial Tramway Haulage Areas - Areas under and around coal or refuse conveyor areas, including transfer stations.
  - f. Equipment Storage and Maintenance Yards.
  - g. Inactive Coal Mines and Related Areas - Abandoned and other inactive mines, refuse disposal sites and other mining-related areas.
  - h. All areas regulated by the federal Surface Mining Control and Reclamation Act (SMCRA).
2. Deadlines for Plan Preparation and Compliance. The existing sediment runoff control plan shall continue to be implemented in the interim. The storm water pollution prevention plan required under *Part I.E.* shall be prepared and implemented by 270 days after issuance of this permit, unless the *Executive Secretary* gives written approval extending the time for parts of the plan.
3. Signature and Plan Review
- a. The plan shall be signed in accordance with *Part IV.G.* (Signatory Requirements), and be retained on site at the facility which generates the storm water discharge.
  - b. The permittee shall make plans available upon request to the *Executive Secretary*, or authorized representative.
  - c. Required modifications. The *Executive Secretary* may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit that are not being met by the plan, and identify which provisions of the plan requires modifications in order to meet the minimum requirements of this part. Within 30 days of such notification from the *Executive Secretary* the permittee shall make the required changes to the plan and shall submit to *Executive Secretary* a written certification that the requested changes have been made.
4. SMCRA Required in the Storm Water Pollution Prevention Plan. The U.S. Office of Surface Mining (OSM) enforces storm water erosion problems through SMCRA. In the State of Utah, the Division of Oil Gas and Mining is the authorized agency to enforce SMCRA. All SMCRA requirements regarding control of erosion, siltation and other pollutants resulting from storm water runoff, including road dust resulting from erosion, shall be minimum requirements of the pollution prevention plan and shall be included in the contents of the plan directly, or by reference.
5. Contents of Plan. The plan shall include, at a minimum, the following items:

- a. Pollution Prevention Team. The 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 or plant 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.
  
- b. Description of Potential Pollutant Sources. The plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. The plan shall identify all activities and significant materials that may potentially be significant pollutant sources. The plan shall include, at a minimum:
  - (1) Drainage.
    - (a) 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:
      - i) Drainage direction and discharge points from all applicable mining-related areas described in *Part I.E.1.* (Areas of the facility covered by this part), 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.
      - ii) Location of each existing erosion and sedimentation control structure or other control measures for reducing pollutants in storm water runoff.
      - iii) Receiving streams or other surface water bodies.
      - iv) Locations exposed to precipitation that contain acidic spoil, refuse or unreclaimed disturbed areas.
      - v) Locations where major spills or leaks of toxic or hazardous pollutants have occurred.
      - vi) Locations where liquid storage tanks containing potential pollutants, such as caustics, hydraulic fluids and lubricants, are exposed to precipitation.
      - vii) Locations where fueling stations, vehicle and equipment maintenance areas are exposed to precipitation.
    - (b) For each area of the facility that generates storm water discharges associated with 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 which are likely to be present in storm water discharges associated with the activity. Factors to consider include the toxicity of chemical; 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.

- (2) 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 between the time of 3 years prior to the date of the issuance of this permit and the present; method and location of onsite storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of 3 years prior to the date of the issuance of this permit and the present; the location and 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.
  - (3) Spills and Leaks. A list of significant spills and significant 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 after the date of 3 years prior to the effective date of this permit. Such list shall be updated as appropriate during the term of the permit.
  - (4) Sampling Data. A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.
  - (5) 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.
- c. 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 facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls.
- (1) Good Housekeeping. Good housekeeping requires the maintenance of areas that may contribute pollutants to storm water discharges in a clean, orderly manner. These would be 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 would include the following:

- (a) Sweepers and covered storage to minimize dust generation and storm runoff
  - (b) Conservation of vegetation where possible to minimize erosion
  - (c) Watering of haul roads to minimize dust generation
  - (d) Collection, removal, and proper disposal of waste oils and other fluids resulting from vehicle and equipment maintenance.
- (2) 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:
- (a) Removal and proper disposal of settled solids in catch basins to allow sufficient retention capacity.
  - (b) Periodic replacement of siltation control measures subject to deterioration such as straw bales.
  - (c) Inspections of storage tanks and pressure lines for fuels, lubricants, hydraulic fluid or slurry to prevent leaks due to deterioration or faulty connections.
- (3) Spill Prevention and Response Procedures. Areas where potential spills which 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 should be available to personnel.
- (4) Inspections. In addition to or as part of the comprehensive site evaluation required under *Part I.E.5.d.* of this section, qualified facility or plant personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan. The following shall be included in the plan:
- (a) 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. At least one inspection shall be performed during a storm period of at least 0.1 inch rainfall where the effectiveness of the sediment and erosion control measures can be observed. During that inspection, a narrative evaluation of the control measures under storm conditions shall be made as well as visual impacts on the receiving stream. Records of inspections of the SMCRA authority facility representative shall be maintained.

- (b) Inactive mining-related areas not under SMCRA bond. The plan shall require annual inspections by the facility representative except in situations referred to in *Part I.E.5.d.(4)*.
  - (c) 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.
- (5) 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. A pollution prevention plan shall identify periodic dates for such training.
- (6) Recordkeeping 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. All records shall be kept for a period of not less than 3 years.
- (7) Non-storm Water Discharges.
- (a) 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.* of this permit.

- (b) Except for flows from fire fighting activities, sources of non-storm water listed in *Part I.D.7. (Prohibition of Non-storm Water Discharges)* of this permit 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.
  - (c) Failure to Certify. If the permittee is unable to provide the certification required (testing for non-storm water discharges), the permittee must notify the *Executive Secretary* by March 1, 1995. 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 discharges to the storm sewer; and why adequate tests for such storm sewers were not feasible. Non-storm water discharges to waters of the State which are not authorized by a UPDES permit are unlawful, and must be terminated.
- (8) 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 *Part I.E.4.* above, SMCRA requirements regarding sediment and erosion control measures are minimum requirements of the pollution prevention plan for mining-related areas subject to SMCRA authority. The following sediment and erosion control measures should be included in the plan where reasonable and appropriate for all areas subject to storm water runoff:
- (a) 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 roadsurfacing material; and protective trees.
  - (b) 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.
- (9) Management of Runoff. 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; and treatment.

(10) Salt Control Measures.

The company shall implement and maintain best management practices for the control of road salt storage for areas discharging to waters of the State. This shall include enclosure or coverage to prevent exposure to precipitation, except exposure resulting from adding or removing materials from the pile. Dischargers shall demonstrate compliance with the enclosure provision as expeditiously as practicable, but in no event later than October 1, 1995.

d. Comprehensive Site Compliance Evaluation. Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the plan, but in no case less than once a year. Such evaluations shall provide:

- (1) 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 identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.
- (2) Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with *Part I.E.5.b.* of this section (Description of Potential Pollutant Sources) and pollution prevention measures and controls identified in the plan in accordance with *Part I.E.5.c.* of this section (Measures and Controls) shall be revised as appropriate within 2 weeks of such inspection 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 inspection.
- (3) A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, and major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with *Part I.E.5.d(2)*. (above) shall be made and retained as part of the storm water pollution prevention plan for at least 1 year after coverage under this permit terminates. The report shall 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.* (Signatory Requirements) of this permit.

- (4) Where compliance evaluation schedules overlap with inspections required under *Part I.E.5.c(4)*, the compliance evaluation may be conducted in place of one such inspection. Where annual site inspections 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.
6. Consistency with other Plans. Plans may reflect requirements for *Spill Prevention Control and Countermeasure ("SPCC")* plans developed for the facility under *Section 311* of the CWA or *Best Management Practices ("BMP")* otherwise required by this permit for the facility as long as such requirement is incorporated into the plan.

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 October 28, 1995. 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 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)

- 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.

III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Executive Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The Act provides that any person who violates a permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions of the Act is subject to a fine not exceeding \$25,000 per day of violation; Any person convicted under UCA 19-5-115(2) a second time shall be punished by a fine not exceeding \$50,000 per day. Except as provided at Part III.G, Bypass of Treatment Facilities and Part III.H, Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Collected screening, grit, solids, sludges, or other pollutants removed in the course of treatment shall be buried or disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter backwash shall not directly enter either the final effluent or waters of the state by any other direct route.
- G. Bypass of Treatment Facilities.
1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section. Return of removed substances, as described in Part III.F, to the discharge stream shall not be considered a bypass under the provisions of this paragraph.
  2. Notice:
    - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

- b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under *Part II.I, Twenty-four Hour Reporting*.
3. Prohibition of bypass.
    - a. Bypass is prohibited and the Executive Secretary may take enforcement action against a permittee for a bypass, unless:
      - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage ;
      - (2) There were no feasible alternatives to the 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 back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
      - (3) The permittee submitted notices as required under paragraph 2 of this section.
    - 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 above in paragraph 3.a of this section.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph 2. of this section are met. Executive Secretary's administrative determination regarding a claim of upset cannot be judiciously challenged by the permittee until such time as an action is initiated for noncompliance.
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;
  - c. The permittee submitted notice of the upset as required under *Part II.I, Twenty-four Hour Notice of Noncompliance Reporting*; and,
  - d. The permittee complied with any remedial measures required under *Part III.D, Duty to Mitigate*.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

- I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of *The Water Quality Act of 1987* for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- J. Changes in Discharge of Toxic Substances. Notification shall be provided to the Executive Secretary as soon as the permittee knows of, or has reason to believe:
1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - a. One hundred micrograms per liter (100 ug/L);
    - b. Two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/L) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
    - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC R317-8-3.4(7)* or (10); or,
    - d. The level established by the Executive Secretary in accordance with *UAC R317-8-4.2(6)*.
  2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - a. Five hundred micrograms per liter (500 ug/L);
    - b. One milligram per liter (1 mg/L) for antimony;
    - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC R317-8-3.4(9)*; or,
    - d. The level established by the Executive Secretary in accordance with *UAC R317-8-4.2(6)*.
- K. Industrial Pretreatment. Any wastewaters discharged to the sanitary sewer, either as a direct discharge or as a hauled waste, are subject to Federal, State and local pretreatment regulations. Pursuant to Section 307 of *The Water Quality Act of 1987*, the permittee shall comply with all applicable federal General Pretreatment Regulations promulgated at *40 CFR 403*, the State Pretreatment Requirements at *UAC R317-8-8*, and any specific local discharge limitations developed by the Publicly Owned Treatment Works (POTW) accepting the wastewaters.

In addition, in accordance with *40 CFR 403.12(p)(1)*, the permittee must notify the POTW, the EPA Regional Waste Management Director, and the State hazardous waste authorities, in writing, if they discharge any substance into a POTW which if otherwise disposed of would be considered a hazardous waste under *40 CFR 261*. This notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous or batch).

IV. GENERAL REQUIREMENTS

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