

0003

**WEST RIDGE RESOURCES, INC.**  
**FAX COVER SHEET**  
Fax No. 435-888-4002  
Telephone No. 435-888-4000

*Incoming*  
*2/15/0032 ✓*

DATE: 3/12/04

TO: Steve Fluke

FROM: Gay Berry

FAX NUMBER: \_\_\_\_\_

NO. OF PAGES INCLUDING COVER SHEET 15

SHOULD YOU EXPERIENCE ANY PROBLEMS, PLEASE CALL (435)-888-4000

COMMENTS: \_\_\_\_\_  
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DIV. OF OIL, GAS & MINING



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  
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Don A. Ostler, P.E.  
Executive Secretary

August 28, 2000

**CERTIFIED MAIL**  
**(Return Receipt Requested)**

Mr. Gary Gray, Engineer  
Genwal Resources, Inc.  
P.O. Box 1420  
Huntington, Utah 84528

Dear Mr. Gray:

Subject: UPDES Permit No. 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, 2000, 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 Code 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 coal mining and preparation individual minor, Utah Pollutant Discharge Elimination System permit is \$3600.00. Please remit \$3600.00 within 30 days from receipt of this letter to:

Dept. of Environmental Quality  
Division of Water Quality  
Attn: Stacy Carroll  
288 North 1460 West  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870

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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 feed back 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 Mike Herkimer at (801) 538-6058.

Sincerely,



Gayle J. Smith, P.E., Manager  
Permits and Compliance Section

GJS:MDH:cc

Enclosures

cc: Curt McCormick, Permits (8P2-W-P), U.S. EPA Region VIII (w/encl)  
Southeastern Utah District Health Department (w/encl)  
David Ariotti, District Engineer (w/encl)  
Stacy Carroll, DWQ Accounts (w/o encl)

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DIV. OF OIL, GAS & MINING

Permit No. UT0024368  
Minor Industrial

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

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

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, INC.**

is hereby authorized to discharge from its facility located at Crandall Canyon up Huntington Canyon, Utah, with the outfalls located as indicated in the permit, to receiving waters named

Crandall Creek

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

This permit shall become effective on September 1, 2000.

This permit and the authorization to discharge shall expire at midnight, August 31, 2005.

Signed this 28<sup>th</sup> day of August, 2000



Authorized Permitting Official  
Executive Secretary  
Utah Water Quality Board

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**PART I**  
**Permit No. UT0024368**

I. **EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

A. **Definitions.**

1. The "30-day (and monthly) average" is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
2. The "7-day (and weekly) average" is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.
3. "Daily Maximum" ("Daily Max.") is the maximum value allowable in any single sample or instantaneous measurement.
4. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
5. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
6. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
7. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
8. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
9. "Executive Secretary" means Executive Secretary of the Utah Water Quality Board.
10. "EPA" means the United States Environmental Protection Agency.
11. "Act" means the "Utah Water Quality Act".
12. "Chronic toxicity" occurs when the  $IC_{25}$  is less than or equal to 65.5% effluent.

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**PART I**  
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13.  $IC_{25}$  (inhibitory concentration to 25 % of the population) is the concentration of toxicant (%effluent) that would cause a 25 % reduction in mean young per female or in growth for the test population.
14. "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.
15. "Coal pile runoff" means the rainfall runoff from or through any coal storage pile.
16. "CWA" means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
17. "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 discharged. This term does not include return flows from irrigated agriculture or agriculture storm water runoff.
18. "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.

**B. Description of Discharge Points.**

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 Points

001

An 18 inch discharge pipe on the east side of the sedimentation pond. Located at latitude 39 27' 38" and longitude 111 09' 59".

002

A twelve inch discharge pipe located in the riser pipe from the bypass culvert of Crandall Creek just west of the MCC building in the lower yard of the surface facilities. Located at latitude 39 27' 38" and longitude 111 09' 59".

**C. Narrative Standard.**

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

**C. 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
TDS, mg/L	NA	NA	723	Monthly	Grab
Oil & Grease, mg/L	NA	NA	10	Monthly	Grab
Total Suspended Solids, mg/L	25	35	70	Monthly	Grab
Total Iron, mg/L	NA	NA	1.3	Monthly	Grab

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.

The thirty-day average dissolved oxygen (DO) shall not be less than 3 mg/L 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.

N.A. - Not Applicable.

a/ See Definitions, *Part I.A* for definition of terms.

2. Effective immediately and lasting through the life of this permit, there shall be no chronic toxicity in the discharge as defined in *Part I.A* and determined by test procedures described in *Part I.D 8*.
3. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): in the effluent before mixing with the receiving water.
4. An 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:

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Effluent CharacteristicsDaily 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.

5. 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.4, 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.

6. 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.4. and D.5. The alternate limitation in Parts I.D.4. and D.5. shall not apply to treatment systems that treat underground mine water only.
7. 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.
8. Whole Effluent Testing - Chronic Toxicity.

Starting on the effective date of the permit, the permittee shall quarterly, conduct chronic short-term toxicity tests on a composite sample of the final effluent using *Ceriodaphnia dubia* and twice per year using *Pimephales promelas* (fathead minnow). All whole effluent chronic test samples shall be collected at outfall 002.

The monitoring frequency shall be quarterly for *Ceriodaphnia dubia* and semi-annual for *Pimephales promelas*. Samples shall be collected on a two day progression; i.e., if the first sample is on a Monday, during the next sampling period, sampling shall be on a Wednesday. If chronic toxicity is detected, the test shall be repeated in less than four weeks from the date the initial sample was taken. The need for any additional samples, and/or a Toxicity Reduction Evaluation (TRE, see Part I.D.9) shall be determined by the Executive Secretary. If the second test shows no chronic toxicity, routine monitoring shall be resumed.

The chronic toxicity tests shall be conducted in general accordance with the procedures set out in the latest revision of *Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms. Third Edition. July 1994, EPA-600-4-91-002*, as per 40 CFR 136.3(a) TABLE IA-LIST OF APPROVED BIOLOGICAL METHODS, and the Region

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STATE OF UTAH

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*VIII EPA NPDES Chronic Test Conditions - Static Renewal Whole Effluent Toxicity Test (August, 1997).* In case of conflicts, the Region VIII procedure will prevail.

Chronic toxicity occurs when the  $IC_{25}$  is less than or equal to an effluent concentration of 65.5%. If any of the acceptable control performance criteria are not met, the test shall be considered invalid.

Quarterly and semi-annual test results shall be reported along with the Discharge Monitoring Report (DMR) submitted for the end of the reporting calendar quarter or semi-annual period (e.g., biomonitoring results for the calendar quarter ending March 31 shall be reported with the DMR due April 28, with the remaining biomonitoring reports submitted with DMRs due each July 28, October 28, and January 28). The format for the report shall be consistent with the latest revision of the *Region VIII Guidance for Chronic Whole Effluent Reporting (August, 1997)* and shall include all the physical testing as specified.

If the results for one year of testing indicate no chronic toxicity, the permittee may request a reduction in testing frequency and/or reduction to one species. The Executive Secretary may approve, partially approve, or deny the request based on results and other available information. If approval is given, the modification will take place without a public notice.

The current Utah whole effluent toxicity (WET) policy is in the process of being updated and revised to assure its consistency with the Environmental Protection Agency's national and regional WET policy. When said revised WET policy has been finalized and officially adopted, this permit will be reopened and modified to incorporate satisfactory follow-up chronic toxicity language (chronic pattern of toxicity, PTI and/or TIE/TRE, etc.) without a public notice, as warranted and appropriate.

9. Toxicity Reduction Evaluation (TRE).

If toxicity is detected and it is determined by the Executive Secretary that a TRE is necessary, the permittee shall be so notified and shall initiate a TRE immediately thereafter. The purpose of the TRE will be establish the cause of the toxicity, locate the source(s) of the toxicity, and control or provide treatment for the toxicity.

A TRE may include but is not limited to one, all, or a combination of the following:

1. Phase I - Toxicity Characterization
2. Phase II - Toxicity Identification Procedures
3. Phase III - Toxicity Control Procedures
4. Any other appropriate procedures for toxicity source elimination and control

If the TRE establishes that the toxicity cannot be immediately eliminated the permittee shall submit a proposed compliance plan to the Executive Secretary. The plan shall include the proposed approach to control toxicity and a proposed compliance schedule for achieving control. If the approach and schedule are acceptable to the Executive Secretary, this permit may be reopened and modified.

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If the TRE shows that the toxicity is caused by a toxicant(s) that may be controlled with specific numerical limitations, the permittee may:

1. Submit an alternative control program for compliance with the numerical requirements.
2. If necessary, provide a modified biomonitoring protocol which compensates for the pollutant(s) being controlled numerically.

If acceptable to the Executive Secretary, this permit may be reopened and modified to incorporate any additional numerical limitations, a modified compliance schedule if judged necessary by the Executive Secretary, and/or a modified biomonitoring protocol.

Failure to conduct an adequate TRE, or failure to submit a plan or program as described above, or the submittal of a plan or program judged inadequate by the Executive Secretary, shall be considered a violation of this permit.

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**PART II**  
**Permit No. UT0024368**

**II. MONITORING, RECORDING AND REPORTING REQUIREMENTS**

- A. **Representative Sampling.** Samples taken in compliance with the monitoring requirements established under *Part I* shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. Sludge samples shall be collected at a location representative of the quality of sludge immediately prior to the use-disposal practice.
- B. **Monitoring Procedures.** Monitoring must be conducted according to test procedures approved under *Utah Administrative Code ("UAC") R317-2-10*, unless other test procedures have been specified in this permit.
- C. **Penalties for Tampering.** The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. **Reporting of Monitoring Results.** Monitoring results obtained during the previous month shall be summarized for each month and reported monthly on a Discharge Monitoring Report Form (EPA No. 3320-1), post-marked no later than the 28th day of the month following the completed reporting period. The first report is due on October 28, 2000. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other reports including whole effluent toxicity (WET) test reports required herein, shall be signed and certified in accordance with the requirements of *Signatory Requirements (see Part IV.G)*, and submitted to the Director, Division of Water Quality at the following address:
- original to: Department of Environmental Quality  
Division of Water Quality  
288 North 1460 West  
PO Box 144870  
Salt Lake City, Utah 84114-4870
- E. **Compliance Schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- F. **Additional Monitoring by the Permittee.** If the permittee monitors any parameter more frequently than required by this permit, using test procedures approved under *UAC R317-2-10* or as otherwise specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated. Only those parameters required by the permit need to be reported.
- G. **Records Contents.** Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
  2. The individual(s) who performed the sampling or measurements;
  3. The date(s) and time(s) analyses were performed;
  4. The individual(s) who performed the analyses;

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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;
  - a. 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.

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**PART II**  
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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.

4. Following the implementation of numerical control(s) of toxicant(s), the Executive Secretary agrees that a modified biomonitoring protocol is necessary to compensate for those toxicants that are controlled numerically.
5. The TRE reveals other unique conditions or characteristics which, in the opinion of the Executive Secretary, justify the incorporation of unanticipated special conditions in the permit.

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