

C/025/005 Incoming

#3935

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Alton Coal Development, LLC

463 North 100 West, Suite 1

Cedar City, Utah 84720

Phone (435) 867-5331 • Fax (435) 867-1192

September 30, 2011

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C025/0005

Daron R. Haddock
Coal Program Manager
Oil, Gas & Mining
1594 West North Temple, Suite 1210
Salt Lake City, UT 84114-5801

Subject: **Drainage Control Adjustments, Task ID #3895 Coal Hollow Project, Kane County, Utah, C/025/0005**

RECEIVED

OCT 06 2011

DIV. OF OIL, GAS & MINING

Dear Mr. Haddock,

Alton Coal Development, LLC is pleased to provide this submittal addressing the deficiencies requested in Task List 3895, Task that resulted from the drainage control plan submitted June 20, 2011.

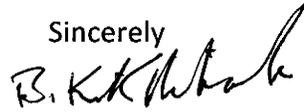
In a phone conference September 29, 2011, April Abate, Erik Peterson and I discussed the possibilities of sampling wells screened in the coal seam. Y-36, Y-45 and Y-99 were determined to be inappropriate for obtaining the required information. Y-36 is heavily influence by surrounding alluvial ground water, Y-45 is a 2" well screened at a depth of 250' making it physically impossible to bail the required volume to obtain a sample, Y-99 is screened in alluvium. However, Y-38 and Y-61 are completed in coal; they are currently being sampled for the pre-operational water quality parameters including acidity for the pending federal coal lease. This information will be satisfactory to determine if further action will be necessary.

In this submittal, the Coal Hollow Mine – Groundwater Management Plan has been included as Appendix 7 – 14. Also included is a replacement for Appendix 7 – 12 UPEDS Permit

No. UTG040027 with the additional discharge point 005. This discharge point is specifically for discharge of up-gradient alluvial groundwater to Lower Robinson Creek.

Please find enclosed 4 (four) clean copies of the additions and revisions to the MRP. Please do not hesitate to contact me if you have any questions.

Sincerely

A handwritten signature in black ink, appearing to read "B. Kirk Nicholes". The signature is written in a cursive style with a large, sweeping initial "B".

B. Kirk Nicholes
Environmental Specialist

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: Alton Coal Development, LLC

Mine: Coal Hollow

Permit Number: C/025/0005

Title: ~~Drawing 5-2A Facilities & Structures Culverts~~ Alluvial Groundwater Management Plan and revised UPDES

Description, Include reason for application and timing required to implement:

Submitted as results of Deficiency List Task No. 3895

Instructions: If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- | | |
|---|---|
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 1. Change in the size of the Permit Area? Acres: _____ Disturbed Area: _____ <input type="checkbox"/> increase <input type="checkbox"/> decrease. |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 2. Is the application submitted as a result of a Division Order? DO# _____ |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 4. Does the application include operations in hydrologic basins other than as currently approved? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 6. Does the application require or include public notice publication? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 7. Does the application require or include ownership, control, right-of-entry, or compliance information? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 9. Is the application submitted as a result of a Violation? NOV # _____ |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 10. Is the application submitted as a result of other laws or regulations or policies?
<i>Explain:</i> _____ |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 11. Does the application affect the surface landowner or change the post mining land use? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2) |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 13. Does the application require or include collection and reporting of any baseline information? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 15. Does the application require or include soil removal, storage or placement? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 16. Does the application require or include vegetation monitoring, removal or revegetation activities? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 17. Does the application require or include construction, modification, or removal of surface facilities? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 18. Does the application require or include water monitoring, sediment or drainage control measures? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 19. Does the application require or include certified designs, maps or calculation? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 20. Does the application require or include subsidence control or monitoring? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 21. Have reclamation costs for bonding been provided? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 23. Does the application affect permits issued by other agencies or permits issued to other entities? |

Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you. (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

B. Kirk Nicholes
Print Name

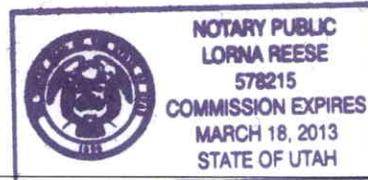
B. Kirk Nicholes, Resident Agent 9/30/11
Sign Name, Position, Date

Subscribed and sworn to before me this 30 day of Sept, 2011

Lorna Reese
Notary Public

My commission Expires:

Attest: State of Utah 3-18, 2013 } ss:
County of Wasatch



For Office Use Only:

Assigned Tracking Number:

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R645-301-300

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Permanent shale barrier

Petersen Hydrologic, LLC hydrologic investigation of mine-water inflows and re-evaluation of sediment pond network

UPEDS Permit No. UTG040027

Petersen Hydrologic, LLC hydrologic investigation to evaluate the acid/neutralization behavior of groundwater in the coal seam

Coal Hollow Mine - Alluvial Groundwater Management Plan



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

Water Quality Board
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Neal L. Peacock
Gregory L. Rowley
Amanda Smith
Daniel C. Snarr
Jeffery L. Tucker
Walter L. Baker
Executive Secretary

September 26, 2011

CERTIFIED MAIL
(Return Receipt requested)

Mr. Kirk Nicholes, Environmental Specialist
Alton Coal Development, LLC
463 North 100 West, Suite 1
Cedar City, UT 84721

Dear Mr. Nicholes:

Subject: Addition of Outfall 005, UPDES Coal Mine General Permit Coverage No. UTG040027
for the Alton Coal Development – Coal Hollow Mine Site near Alton, Utah.

As per your request of August 23, 2011, an additional outfall known as 005 located at 37°24'5.04" North Latitude and 112°27'20.91" West Longitude, WGS84 Datum has been added to your permit. Enclosed is a signed copy of the modified Utah Pollutant Discharge Elimination System (UPDES) General Permit No. UTG040000 for the above referenced facility. Coverage under this general permit for your facility is referred to as application number UTG040027. The conditions and requirements of the modified permit are effective as of October 1, 2011. Copies of EPA form 3320-1, Discharge Monitoring Reports (DMR) forms, for reporting and self-monitoring requirements as specified in the permit, will be sent to you for Outfall 005 by email. As a reminder, DMR forms are due in our office by the 28th of each month following each monthly monitoring period.

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 permit coverage modification. The prescribed fee for this general permit coverage modification is \$90.00 per hour. It took four hours to amend this permit therefore the permit fee is 4 hrs X \$90.00/hour = \$360.00. Therefore, please remit \$360.00 within 30 days from receipt of this letter to:

Department of Environmental Quality
Division of Water Quality
Attn: Jaclyn Knudsen
P.O. Box 144870
Salt Lake City, UT 84114-4870

Please be sure to include the invoice number with you remittance.

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

AUTHORIZATION TO DISCHARGE UNDER THE
UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM
(UPDES)
GENERAL PERMIT FOR COAL MINING

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

Alton Coal Development, LLC – Coal Hollow Project

as identified in the application No. UTG040027 and request for modification on August 23, 2011, is authorized to discharge from the Coal Hollow Project outfalls to receiving waters named:

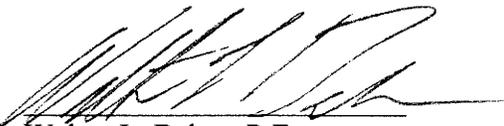
Lower Robinson Creek and Sink Valley Wash, tributaries to Kanab Creek and the Colorado River

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

This modified permit coverage shall become effective on October 1, 2011.

This permit and the authorization to discharge shall expire at midnight, April 30, 2013.

Signed this 26th day of September, 2011


Walter L. Baker, P.E.
Executive Secretary
Utah Water Quality Board

L
EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Criteria for Inclusion in the General Permit for Coal Mining

This General permit shall apply only to the discharge of treated wastewater from:

Coal mining operations either new or existing in Utah which include or will include in part, or in whole, alkaline mine water drainage, storm water runoff from coal preparation plant associated areas, active mining areas, and post mining areas until the performance bond is released. The total dissolved solids (TDS) are limited to a concentration of 500 mg/L at all discharge points, or one ton per day as a sum from all discharges.

B. Notice of Intent for a General Permit for Coal Mining

Any facility which desires coverage under this general permit for coal mining and meets the requirements of Part I.A. may be issued general permit coverage by submitting a notice of intent (NOI) to the Division of Water Quality.

The NOI shall include:

1. A completed Environmental Protection Agency Application (EPA Form 3510-1) or equivalent information.
2. Location and identification number (such as 001, 002, etc.) of each existing discharge and/or proposed discharge point(s). This includes the latitude and longitude to the nearest 15 seconds and the name of the receiving water(s).
3. A description of the source of the wastewater for each discharge point.
4. A description of the treatment given or proposed for the wastewater at each discharge point and if necessary a justification of why no treatment is required.
5. Flow characteristics for each discharge point such as whether flow is or will be continuous or intermittent and indicate projected and/or actual average and maximum flows in gallons per day (gpd), or million gallons per day (MGD).
6. Data for each discharge point for the following parameters:
 - a. Biochemical demand (BOD₅).
 - b. Chemical oxygen demand (COD).
 - c. Total organic carbon (TOC).
 - d. Total suspended solids (TSS).
 - e. Flow.
 - f. Ammonia (as N).
 - g. Oil and grease.
 - h. Temperature.
 - i. pH.
 - j. Total dissolved solids (TDS).
 - k. Total iron and metals, cyanide, phenols located in *Table III of UAC R317-8-3.12*.
 - l. For discharge(s) of mine water or mine water and mine water mixed with surface runoff one acute whole efficiency toxicity test (WET) using two species and full dilution series

E. 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, 001B, 002, 003, and 004. 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, gpd or MGD	N/A	N/A	NA	Monthly	Measured <u>b/</u>
Oil & Grease, mg/L	N/A	N/A	10 <u>c/</u>	Monthly	Visual/Grab
Total Iron, mg/L	N/A	N/A	1.0	Monthly	Grab <u>e/</u>
Total Suspended Solids, mg/L	25	35	70	Monthly	Grab <u>e/</u>
Total Dissolved Solids, mg/L	500 <u>d/</u>	N/A	NA	Monthly	Grab <u>e/</u>

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 or process water from coal preparation plants.

N.A. - Not Applicable.

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

b/ For intermittent discharge, the duration of the discharge shall also be reported.

c/ If a visual sheen for oil and/or grease is observed, or there is another reason to believe oil and/or grease may be present in the discharge, then a grab sample must be taken immediately and the results shall not exceed 10 mg/L.

d/ If each outfall cannot achieve a 30-day average of 500 mg/L, then the permittee is limited to one ton (2000 lbs) per day as a sum from all outfalls.

e/ 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): in the final effluent before mixing with any receiving waters.
3. Any discharge or increase in the volume of a discharge 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 outfall(s) (from approved decant procedures only) may comply with the following limitations instead of the otherwise applicable limitations for TSS in Part I.E.1:

<u>Effluent Characteristics</u>	<u>Daily Maximum</u>
Settleable Solids	0.5 ml/L

building washdown water where detergents or other compounds have not been used in the process; pavement washwaters where spills or leaks of toxic or hazardous materials (including oils and fuels) have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; uncontaminated compressor condensate; uncontaminated springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

3. Storm Water Pollution Prevention Plan Requirements. Most of the active coal mining-related areas, described in paragraph 1. above, are subject to sediment and erosion control regulations of the U.S. Office of Surface Mining (OSM) that enforces the Surface Mining Control and Reclamation Act (SMCRA). OSM has granted authority to the Utah Division of Oil Gas and Mining (DOGM) to implement SMCRA through State SMCRA regulations. All SMCRA requirements regarding control of erosion, siltation and other pollutants resulting from storm water runoff, including road dust resulting from erosion, shall be primary requirements of the pollution prevention plan and shall be included in the contents of the plan directly, or by reference. Where determined to be appropriate for protection of water quality, additional sedimentation and erosion controls may be warranted.
 - a. Contents of Plan. The plan shall include at a minimum, the following items:
 - 1) Pollution Prevention Team. Each 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 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.
 - 2) Description of Potential Pollutant Sources. Each plan shall provide a description of potential sources that may reasonably be expected to add significant amounts of pollutants to storm water discharges or that may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials that may potentially be significant pollutant sources. Each plan shall include, at a minimum:
 - a) Deadlines for Plan Preparation and Compliance
The permittee shall prepare, implement and/or update a plan in compliance with the provisions of this section within 270 days of the effective date of this permit.
 - b) Keeping Plans Current
The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, that has a significant effect on the potential for the discharge of pollutants to the waters of the State or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified by the plan, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with the

that have been handled, treated, stored or disposed in a manner to allow exposure to storm water method and location of onsite storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff 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.

- e) Spills and Leaks. A list of significant spills and 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 beginning 3 years prior to the effective date of this permit. Such list shall be updated as appropriate during the term of the permit.
 - f) Sampling Data. A summary of any existing discharge sampling data describing pollutants in storm water discharges from the portions of the facility covered by this permit, including a summary of any sampling data collected during the term of this permit.
 - g) 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.
- 3) 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 permitted facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls.
- a) Good Housekeeping. Good housekeeping requires the maintenance of areas that may contribute pollutants to storm water discharges in a clean, orderly manner. These are 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 or other equivalent measures would include the following: sweepers and covered storage to minimize dust generation and storm runoff; conservation of vegetation where possible to minimize erosion; watering of haul roads to minimize dust generation; collection, removal, and proper disposal of waste oils and other fluids resulting from vehicle and equipment maintenance; or other equivalent measures.
 - b) 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

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. The pollution prevention plan shall identify periodic dates for such training.

- f) Record keeping 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.
- g) Non-storm Water Discharges.
- (1) Certification. 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.4. of this permit.
- (2) Exceptions. Except for flows from fire fighting activities, authorized sources of non-storm water listed in Part I.F.2.a. 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.
- (3) Failure to Certify. If the permittee is unable to provide the certification required (testing or other evaluation for non-storm water discharges), the Executive Secretary must be notified within 180 days after the effective date of this permit. 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 to the storm discharge lines; and why adequate tests for such storm discharge lines were not feasible. Non-storm water discharges to waters of the State that are not authorized by a UPDES permit are unlawful, and must be terminated.
- h) Sediment and Erosion Control. The plan shall identify areas that, due to topography, activities, or other factors, have a high potential for

management measures, sediment and erosion control measures, and other structural pollution prevention measures, as indicated in paragraphs 3.a.(3)(h) and 3.a.(3)(i) above and where identified in the plan, shall be observed to ensure that they are operating correctly. A visual evaluation of any equipment needed to implement the plan, such as spill response equipment, shall be made.

- b) Based on the results of the evaluation, the description of potential pollutant sources identified in the plan, in accordance with paragraph 3.a.(2) of this section, and pollution prevention measures and controls identified in the plan, in accordance with paragraph 3.a.(3) of this section, shall be revised as appropriate within 2 weeks of such evaluation 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 evaluation.
 - c) A report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with paragraph 3.a.(4)(b) above shall be made and retained as part of the storm water pollution prevention plan for at least 3 years after the date of the evaluation. The report shall identify any incidents of noncompliance. Where a report does not 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.4. (Signatory Requirements) of this permit.
 - d) Where compliance evaluation schedules overlap with inspections required under 3.a.(3)(d), the compliance evaluation may be conducted in place of one such inspection. Where annual site compliance evaluations 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.
4. Numeric Effluent Limitations. There are no additional numeric effluent limitations beyond those described in Part I.E. of this permit.
5. Monitoring and Reporting Requirements.
- a. Benchmark Analytical Monitoring Requirements. The permittee must monitor their storm water discharges associated with industrial activity at least quarterly (4 times per year) during years 2 and 4 of the permit cycle except as provided in paragraphs 5.a.(3) (Sampling Waiver), 5.a.(4) (Representative Discharge), and 5.a.(5) (Alternative Certification). The permittee is required to monitor their storm water discharges for the pollutants of concern listed in Table E. below. Reports must be made in accordance with 5.b. (Reporting). In addition to the parameters listed in Table E. below, the permittee must provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total

conditions, etc.).

- b) Low Concentration Waiver. When the average concentration for a pollutant calculated from all monitoring data collected from an outfall during the second year monitoring is less than the corresponding value for that pollutant listed in Table E. under the column Monitoring Cut-Off Concentration, the permittee may waive monitoring and reporting requirements for the fourth year monitoring period. The permittee must submit to the Executive Secretary, in lieu of the monitoring data, a certification that there has not been a significant change in industrial activity or the pollution prevention measures in area of the facility that drains to the outfall for which sampling was waived.
 - c) Inactive and Unstaffed Site. If the permittee is unable to conduct quarterly chemical storm water sampling at an inactive and unstaffed site, the operator of the facility may exercise a waiver of the monitoring requirements as long as the facility remains inactive and unstaffed. The permittee must submit to the Executive Secretary, in lieu of monitoring data, a certification statement on the Storm Water Discharge Monitoring Report (SWDMR) stating that the site is inactive and unstaffed so that collecting a sample during a qualifying event is not possible.
- 4) Representative Discharge. If the permittee has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, discharge substantially identical effluents, the permittee may test the effluent of one of such outfalls and report that the quantitative data also applies to the substantially identical outfall(s) provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area [e.g., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)] shall be provided in the plan. The permittee shall include the description of the location of the outfalls, explanation of why outfalls are expected to discharge substantially identical effluents, and estimate of the size of the drainage area and runoff coefficient with the SWDMR.
 - 5) Alternative Certification. The Permittee is not subject to the monitoring requirements of this section provided that certification is made for a given outfall or on a pollutant-by-pollutant basis in lieu of monitoring reports required under paragraph b. below, under penalty of law, signed in accordance with Part IV.G.4. (Signatory Requirements). The Certification shall state that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial machinery or operations, or significant materials from past industrial activity that are located in areas of the facility within the drainage area of the outfall are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period. Such certification must be retained in the storm water pollution prevention plan, and submitted to DWQ in accordance with Part II.D. of this permit. In the case

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 for the May 2009 monitoring period is due on June 28, 2009. 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;
 5. The analytical techniques or methods used; and,
 6. The results of such analyses.

- 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.

- (2) There were no feasible alternatives to 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 backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance, and
 - (3) The permittee submitted notices as required under section G.3.
 - 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 in sections G.2a. (1), (2) and (3).
3. Notice.
 - a. Anticipated bypass. Except as provided above in section G.2. and below in section G. 3.b, if the permittee knows in advance of the need for a bypass, it shall submit prior notice, at least ninety days before the date of bypass. The prior notice shall include the following unless otherwise waived by the Executive Secretary:
 - (1) Evaluation of alternative to bypass, including cost-benefit analysis containing an assessment of anticipated resource damages:
 - (2) A specific bypass plan describing the work to be performed including scheduled dates and times. The permittee must notify the Executive Secretary in advance of any changes to the bypass schedule;
 - (3) Description of specific measures to be taken to minimize environmental and public health impacts;
 - (4) A notification plan sufficient to alert all downstream users, the public and others reasonably expected to be impacted by the bypass;
 - (5) A water quality assessment plan to include sufficient monitoring of the receiving water before, during and following the bypass to enable evaluation of public health risks and environmental impacts; and
 - (6) Any additional information requested by the Executive Secretary.
 - b. Emergency Bypass. Where ninety days advance notice is not possible, the permittee must notify the Executive Secretary, and the Director of the Department of Natural Resources, as soon as it becomes aware of the need to bypass and provide to the Executive Secretary the information in section G.3.a.(1) through (6) to the extent practicable.
 - c. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass to the Executive Secretary as required under Part II.I., Twenty Four Hour Reporting. The permittee shall also immediately notify the Director of the Department of Natural Resources, the public and downstream users and shall implement measures to minimize impacts to public health and environment to the extent practicable.

- 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).

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;

GLOSSARY OF TERMS

A. Definitions.

1. The "30-day (and monthly) average" is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
2. The "7-day (and weekly) average" is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.
3. "Daily Maximum" ("Daily Max.") is the maximum value allowable in any single sample or instantaneous measurement.
4. "Composite samples" shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the composite sample period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:
 - a. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;
 - b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;
 - c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,
 - d. Continuous collection of sample, with sample collection rate proportional to flow rate.
5. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
6. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
7. "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.

Appendix 7-14

Coal Hollow Mine – Alluvial Groundwater
Management Plan

Coal Hollow Mine

Alluvial Groundwater Management Plan

From a water quality standpoint, it is preferable to allow naturally occurring, uncontaminated alluvial groundwater that would otherwise flow into the mine pit areas to be rerouted and subsequently discharged in its natural, uncontaminated state rather than allowing that groundwater to flow into the mine pit areas. A conceptual drawing depicting the proposed interception of up-gradient alluvial groundwater is shown on Figure 1. It is apparent in Figure 1 that in the absence of an up-gradient alluvial groundwater intercept trench, alluvial groundwaters would naturally flow into the mine pit areas.

As described in the approved Coal Hollow Mine MRP (See Sections 301-742.728.332 and 301.742.728.333), the plan indicates that, “*where possible, groundwater that will be encountered in alluvial sediments along the margins of mine pit areas will be routed through pipes, ditches or other conveyance methods away from mining areas via gravity drainage so as to prevent or minimize the potential for interaction with sediments disturbed by mining operations (including contact with the mined coal seam)*”. Because under this plan the alluvial groundwater (which constitutes the great majority of the groundwater in the mine area) will be routed away from the mining disturbed area, discharge of appreciable quantities of mine water from the mine pits should not be necessary. Minor quantities of groundwater that could potentially be encountered within the Smirl coal seam or from the overlying Tropic Shale bedrock may be managed within the mine pits, utilized as dust suppression water, or when necessary pumped from the pit areas and discharged through sediment ponds in compliance with the mine’s UPDES permit. The UPDES permit for the Coal Hollow Mine allows for the discharge of mine waters through Pond #3 and Pond #4.

A map showing the Coal Hollow Mine area with the projected mining pit sequence is shown in Figure 2. It should be noted that the actual mining sequence may change in the future based on the geologic and hydrogeologic conditions encountered during mining operations. Also shown on Figure 2 are arrows showing the approximate direction of shallow alluvial groundwater flow. The approximate flow directions are based on potentiometric data obtained from the network of monitoring wells at the site. It is evident that shallow alluvial groundwater flow in the Coal Hollow Mine area is generally from upland recharge areas located to the east and north toward lower lying areas in the west and south. Accordingly, it is anticipated that the alluvial groundwater interception trenches to be constructed will be located up-gradient of the pit areas to be mined and oriented roughly perpendicular to the prevailing groundwater flow direction to maximize the effectiveness of the intercept trench.

While site specific hydrogeologic and operational considerations will dictate the specific operation plan for individual locations, the typical construction and operation of the alluvial groundwater dewatering system will be conducted as follows:

1) Alluvial groundwater intercept trenches will be constructed in the alluvial sediments up-gradient of the mining area. The intercept trenches will typically be constructed using a track-hoe or similar piece of equipment and will be of sufficient depth to intercept the desired alluvial groundwater zone. It should be noted that as the mining progresses, it will be necessary to periodically relocate, enlarge, or construct additional intercept trenches to maximize the efficiency of the alluvial groundwater interception and rerouting system.

2) The intercept trench will be constructed with a slight gradient (less than 2%). Water collected at the down-gradient end of the intercept trench will be transferred by pipe to a sump located near the outfall location. During the construction and initial operation phase of the intercept trench and sump, suspended solids may be settled in the sump prior to discharging.

3) A pump will be utilized at the sump location which to pump the water from the sump through a pipe to the outfall location. The initial location has been designated in the UPDES permit as outfall 005; discharge from another location will require approval and modification of the outfall location on the UPDES permit. The sump construction and the pumping protocols will be designed so as to minimize the potential to disturb sediments and increase the suspended solids load in the pumped water. Based on the locations of the current mining areas, the water collected from the drainage trenches will be piped to the proposed outfall location on Lower Robinson Creek as shown on Figure 2. As mining progresses to the south in the Sink Valley drainage, the intercepted alluvial groundwater will be pumped to a suitable approved location on Sink Valley Wash.

4) Water in the sump will only be pumped to the outfall location after a period of time has been allowed for the concentration of suspended solids to settle. Only uncontaminated groundwater will be discharged to the outfall location. Water in the sump will likely also be used for dust suppression or mine process water.

5) The water quality and discharge rates from the alluvial groundwater intercept system will be monitored as per the requirements of the UPDES permit with the addition of dissolved Selenium required in accordance with MRP Permit Condition No.4.

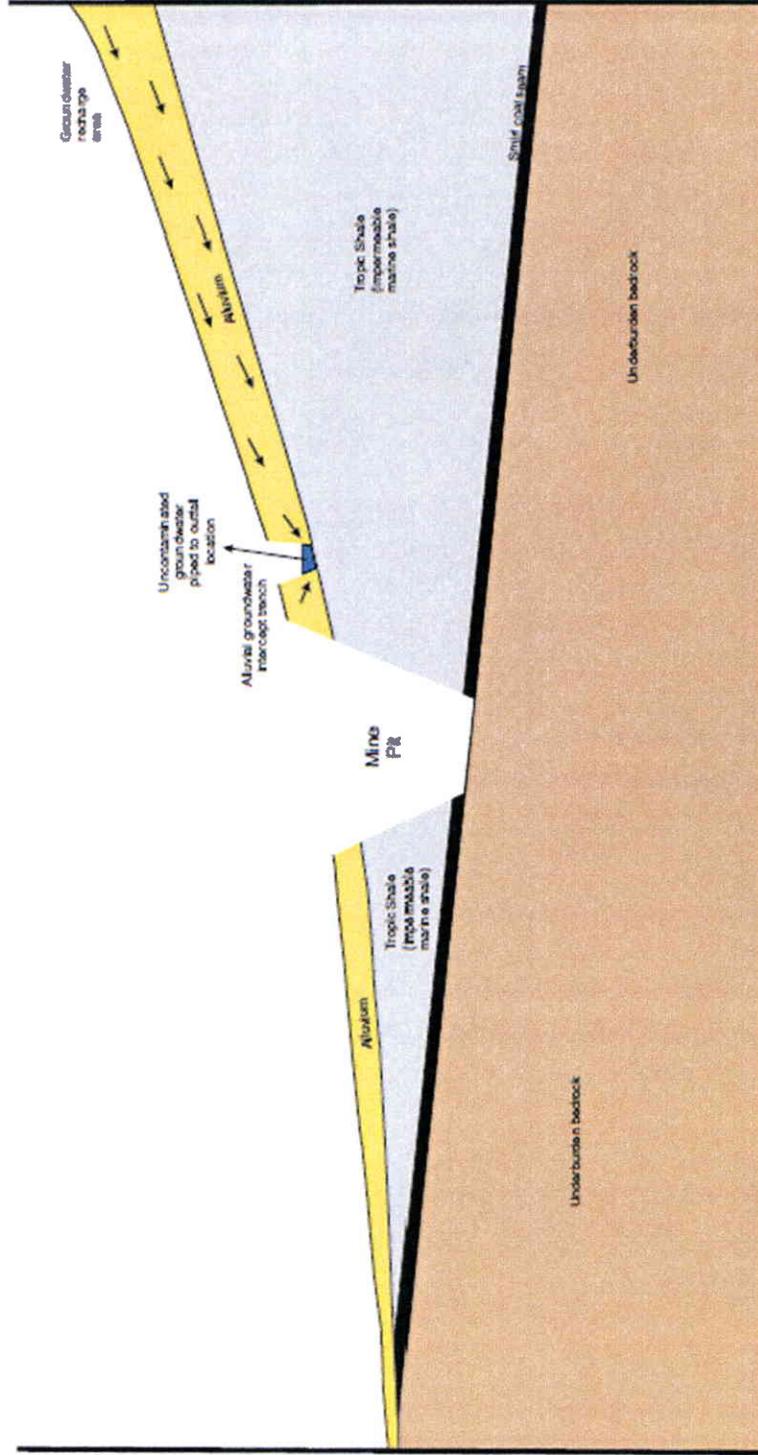
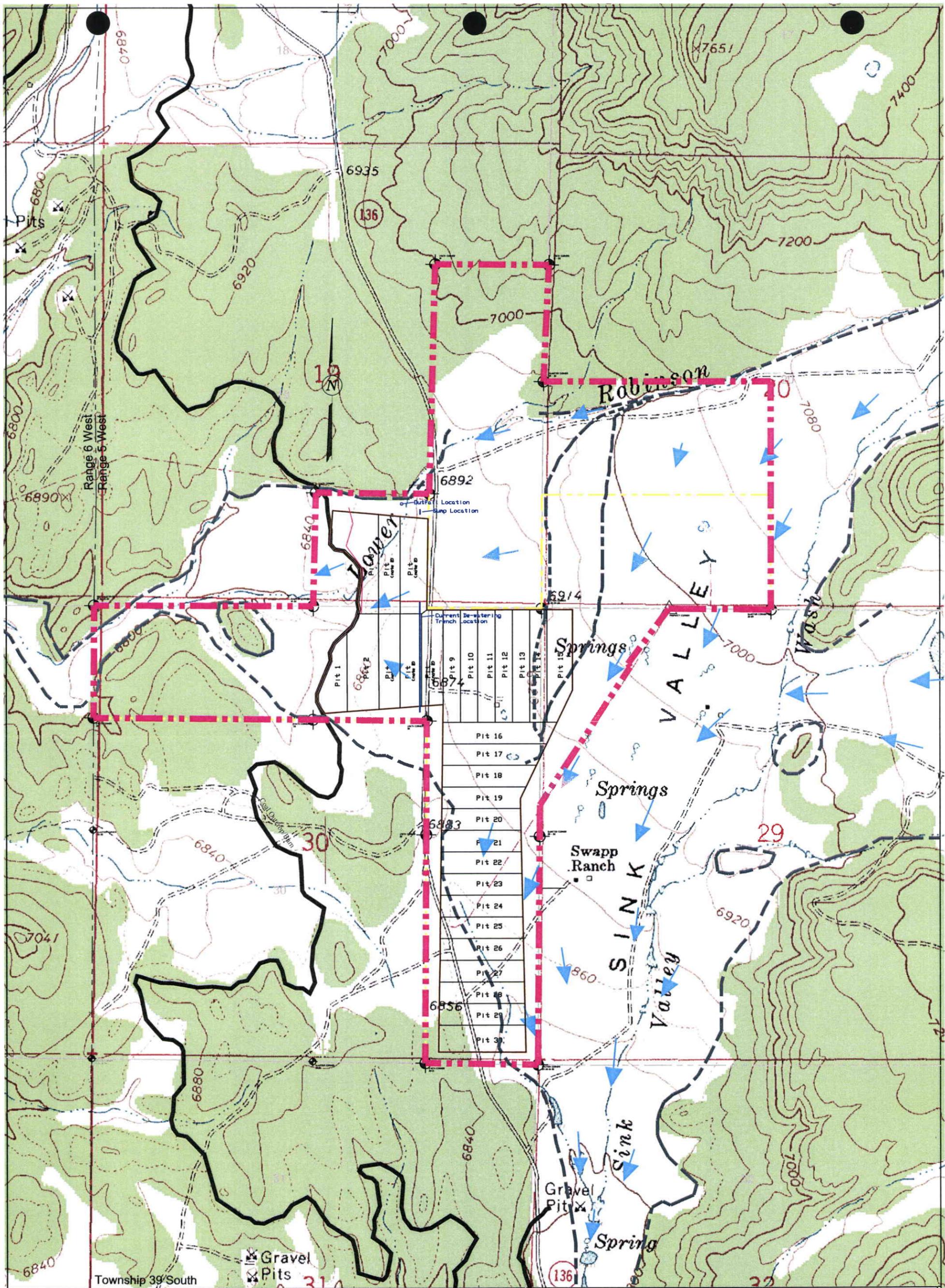


Figure 1 Conceptual diagram showing alluvial groundwater intercept trench operation



LEGEND:

- PERMIT BOUNDARY
- PRIVATE COAL OWNERSHIP
- COAL LINE BOUNDARY
- COAL RECOVERY
- SECTION LINE
- FOUND SECTION CORNER
- FOUND PROPERTY CORNER

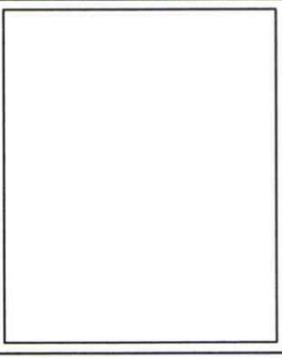
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DRAWING:	DATE:	09/30/11	KN
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1400			

REVISIONS	
DATE:	BY:
09/30/11	KN
02/24/11	

**ALLUVIAL
GROUND WATER
MANAGEMENT**

COAL HOLLOW
PROJECT
ALTON, UTAH

FIGURE 2



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