

**FACT SHEET STATEMENT OF BASIS
EMERY COUNTY COAL RESOURCES, INC. - LILA CANYON MINE
UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES)
MODIFICATION OF MINOR INDUSTRIAL FACILITY DISCHARGE PERMIT
UTAH DIVISION OF WATER QUALITY (DWQ)
UPDES PERMIT NUMBER: UT0026018**

FACILITY CONTACT INFORMATION

Responsible Official: James R. Turner, Jr.
Position: President
Contact: Jesse Candelaria
Position: Environmental Tech.
Phone: (435) 650-1850

DESCRIPTION OF FACILITY

Facility Name: Emery County Coal Resources, Inc. - Lila Canyon Mine
Mailing Address: 794 North 'C' Canyon Road
P.O. Box 910
East Carbon, Utah 84526
Physical Location: 23415 N. Lila Canyon Road
Emery County, Utah
Standard Industrial
Classifications (SIC): *1222 - Bituminous Coal Underground Mining (NAICS 212112) and
4952 – Collection and Disposal of Wastes Transported through a Sewer
System (NAICS 221320)*

The Emery County Coal Resources, Inc. - Lila Canyon Mine (Mine) is an underground coal mining facility located in Lila Canyon, in Emery County, Utah, with permitted discharges to ephemeral tributaries within the Price River watershed. The Mine currently has a total of three permitted outfalls and maintains this UPDES permit primarily for its mine-water and sedimentation pond discharges via Outfalls 002 & 003, but also for any domestic wastewater treated effluent discharges from its sanitary sewage and grey water system, which was newly constructed as part of the initial permit issuance in 2015, but has yet to discharge via Outfall 001.

The Mine has been inactive since September 2022 due to an underground fire that ceased operations, including Mine water discharges. With the mine-water discharge operations stopped, the Mine has since been flooded and will need to be dewatered, initially at a higher rate, before any mining operations can resume. Therefore, the Mine has requested a permit modification to account for the initial and temporary higher dewatering effluent flows via Outfall 002. A copy of the Permit Modification Request information is included as an attachment to this Fact Sheet.

SUMMARY OF PERMIT MODIFICATION CHANGES

The only change being proposed in this permit modification is the addition of an Interim Effluent Flow limit for Outfall 002. This is a temporary and limited increase to the Effluent Flow limitation for the Mine water discharges from Outfall 002 only. The Mine has requested an increase from 3.0 million gallons per day (MGD) to 8.0 MGD as a monthly average limitation in order to safely dewater the flooded mine workings. This proposed increase is planned to be temporary in nature and up to six (6) months in anticipation of restarting mining operations in the near future. Upon completion of six (6) months of the Interim Effluent Flow limit provision in place, the Effluent Flow limit for Outfall 002 will return to the original 3.0 MGD permit provision.

This change being proposed, as highlighted in the following Fact Sheet table, is the only change included with this permit modification that is subject to public comment during the public notice period. All other permit provisions and effluent limitations remain unopened and unchanged as appropriate.

DESCRIPTION OF DISCHARGE OUTFALLS

<u>Outfalls</u>	<u>Description</u>
001	Located at latitude 39° 25' 37" north and longitude 110° 21' 1" west. Discharge is from a sanitary wastewater package plant to an unnamed ditch to Lila Canyon Wash.
002	Located at latitude 39° 25' 26.97" north and longitude 110° 20' 55.24" west. Mine water discharge southeast of sedimentation pond to Grassy Wash.
003	Located at latitude 39° 25' 28" north and longitude 110° 20' 53" west. Sedimentation pond discharge to Grassy Wash.

RECEIVING WATERS AND STREAM CLASSIFICATION

Both Lila Canyon Wash and Grassy Wash are tributaries to the Price River, which is approximately ten miles downstream of the Mine. Per *Utah Administrative Code (UAC) R317-2-13.1b*, the beneficial uses for the Price River and tributaries, from confluence with the Green River to Carbon Canal Diversion at Price City Golf Course are 2B, 3C and 4 as defined below:

- Class 2B -- Protected for infrequent primary contact recreation. Also protected for secondary contact recreation where there is a low likelihood of ingestion of water or a low degree of bodily contact with the water. Examples include, but are not limited to, wading, hunting, and fishing.
- Class 3C -- Protected for nongame fish and other aquatic life, including the necessary aquatic organisms in their food chain.
- Class 4 -- Protected for agricultural uses including irrigation of crops and stock watering.

BASIS FOR PERMIT MODIFICATION

This permit modification request aligns with the DWQ Antidegradation Review (ADR) rules found in Utah Administrative Code (UAC) R317-2-3.5.a.3, and more specifically as provided below and found in UAC R317-2-3.5.b.1-4, which can allow for this type of permit modification temporary flow increase if any of the following conditions apply:

1. *Water quality will not be lowered by the proposed activity or for existing permitted facilities, water quality will not be further lowered by the proposed activity, examples include situations where:*

- (a) the proposed concentration-based effluent limit is less than or equal to the ambient concentration in the receiving water during critical conditions; or*
- (b) a UPDES permit is being renewed and the proposed effluent concentration and loading limits are equal to or less than the concentration and loading limits in the previous permit; or*
- (c) a UPDES permit is being renewed and new effluent limits are to be added to the permit, but the new effluent limits are based on maintaining or improving upon effluent concentrations and loads that have been observed, including variability; or*

2. *Assimilative capacity (based upon concentration) is not available or has previously been allocated, as indicated by water quality monitoring or modeling information. This includes situations where:*

- (a) the water body is included on the current 303(d) list for the parameter of concern; or*
- (b) existing water quality for the parameter of concern does not satisfy applicable numeric or narrative water quality criteria; or*
- (c) discharge limits are established in an approved TMDL that is consistent with the current water quality standards for the receiving water (i.e., where TMDLs are established, and changes in effluent limits that are consistent with the existing load allocation would not trigger an antidegradation review).*

Under conditions (a) or (b) the effluent limit in an UPDES permit may be equal to the water quality numeric criterion for the parameter of concern.

3. *Water quality impacts will be temporary and related only to sediment or turbidity and fish spawning will not be impaired,*

4. *The water quality effects of the proposed activity are expected to be temporary and limited. As general guidance, CWA Section 402 general discharge permits, CWA Section 404 general permits, or activities of short duration, will be deemed to have a temporary and limited effect on water quality where there is a reasonable factual basis to support such a conclusion. Factors to be considered in determining whether water quality effects will be temporary and limited may include the following:*

- (a) Length of time during which water quality will be lowered.*
- (b) Percent change in ambient concentrations of pollutants of concern*
- (c) Pollutants affected*
- (d) Likelihood for long-term water quality benefits to the segment (e.g., dredging of contaminated sediments)*
- (e) Potential for any residual long-term influences on existing uses.*

(f) Impairment of the fish spawning, survival and development of aquatic fauna excluding fish removal efforts.

Upon review of the relevant factors, including the applicable ADR rule citations listed above, the permitting authority has determined that the permit modification request by the Mine is appropriate at this time. This determination is based upon the following factors:

1. The water quality of the receiving waters will not be further lowered during this temporary increase of effluent flows primarily due to the fact that the existing concentration limits contained in the permit are not flow-based or loading-based limits. Thereby an increase in the effluent flows will not increase the effluent permit concentration limits, thus continuing to protect the beneficial uses of the receiving waters as appropriate.
2. Regarding a potential Total Dissolved Solids (TDS) tons/day loading increase, the Mine will be required to continue purchasing TDS credits to account for the exceeds tons/day of TDS (salinity) as appropriate under the existing Colorado River Basin Salinity Control Forum policies and subsequent agreements currently in place with the Mine.
3. An assessment of the watershed beneficial uses indicates that there are no known downstream users of the Mine water that could potentially be affected by this temporary increase in the effluent flows.

REASONABLE POTENTIAL ANALYSIS

Since January 1, 2016, DWQ has conducted reasonable potential analysis (RP) on all new and renewal applications received after that date. RP for this permit renewal was conducted following DWQ's September 10, 2015 Reasonable Potential Analysis Guidance (RP Guidance). There are four outcomes defined in the RP Guidance: Outcome A, B, C, or D. These Outcomes are described further in the attached RP analysis and provide a frame work for what routine monitoring or effluent limitations are required.

Although RP may not be required for this permit modification request, a qualitative RP analysis was performed on the quarterly metals monitoring parameters to determine if there is reasonable potential for the mine water discharges to exceed the applicable water quality standards for the following metals; aluminum, arsenic, cadmium, chromium, copper, iron, lead, mercury, nickel, selenium, silver, and zinc. Based on the RP analysis, only six or seven sampling points have been completed for the metals since inclusion as part of the 2020 permit renewal efforts, except for total iron, which is a monthly monitoring requirement. Therefore, there is not enough data points to perform a full quantitative RP for the metals, except for total iron which already has an appropriate permit limitation based upon the applicable water quality standard.

Upon closer look of the limited effluent data points for the quarterly metals parameters, as well as the laboratory method detection limits (MDLs), it does not appear that sufficiently sensitive test methods and/or MDLs are being consistently utilized for all parameters, more specifically for cadmium, chromium, copper, mercury and selenium. Therefore, more data points are needed utilizing the most sensitive laboratory MDLs to determine if RP actually exists for any and all of

the quarterly metals parameters. Based upon this evaluation, the RP determination for this permit modification was not to include any additional total metal effluent limits at this time, however, monitoring for all the metals parameters will remain in place utilizing sufficiently sensitive laboratory test methods and MDLs, which will provide a better data set to be re-evaluated for RP during the next permit renewal efforts in 2025 as appropriate. This RP evaluation equates to Outcome C: No new effluent limitation. Routine monitoring requirements maintained as they are in the permit, but with utilizing sufficiently sensitive laboratory test methods and MDLs as appropriate.

The existing permit effluent limitations and monitoring requirements with proposed modifications as highlighted are included below:

OUTFALLS 002 & 003 (Unless stated otherwise)

Parameter, Units	Effluent Limitations *a			
	Maximum Monthly Average	Minimum Monthly Average	Daily Minimum	Daily Maximum
Effluent Flow Limit, MGD	3.0	--	--	Report
<i>Interim</i> Effluent Flow Limit, *b	8.0	--	--	Report
Total Iron, mg/L	--	--	--	1.0
Total Suspended Solids (TSS), mg/L	--	--	--	70
Total Dissolved Solids (TDS), mg/L, *d	Report	--	--	3000
Total Dissolved Solids (TDS), tons/day, *d	Report	--	--	--
Dissolved Oxygen, mg/L	--	5.0	3.0	--
pH, Standard Units (SU)	--	--	6.5	9.0
Oil & Grease, mg/L, *e	--	--	--	10
Turbidity, NTU, *f	--	--	--	Report
Total Recoverable Metals, mg/L (002 only), *g	--	--	--	Report

MGD - million gallons per day;

mg/L - milligrams per liter

OUTFALLS 002 & 003 (Unless stated otherwise)

Self-Monitoring and Reporting Requirements *a			
Parameter	Frequency	Sample Type	Units
Total Flow, *b	Continuous/Monthly	Recorder/Measured	MGD
Total Iron	Monthly	Grab	mg/L
TSS	Monthly	Grab	mg/L
TDS, *c	Monthly	Grab	mg/L & tons/day

pH	Twice Monthly	Grab	SU
Oil & Grease, *e	Monthly Monthly	Grab Visual	mg/L, Yes/No
Turbidity, *f	Twice Monthly	Grab	NTU
Dissolved Oxygen	Twice Monthly	Grab	mg/L
Total Recoverable Metals (Outfall 002 only), *g	Quarterly	Grab	mg/L

There shall be no visible sheen or floating solids or visible foam in other than trace amounts upon any discharges and there shall be no discharge of any sanitary wastes at any time.

*a See Permit *Part VI* for definition of terms.

*b If the rate of discharge is controlled, such as from intermittent discharging outfalls, the rate and duration of discharge shall be reported. Flow measurements of effluent volumes from all outfalls shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained. Outfall 002 only shall have a monthly maximum average flow limitation of 3.0 MGD and shall be continuously measured.

Outfall 002 only shall also have an *Interim* monthly maximum average flow limitation of 8.0 MGD for a period not to exceed six (6) months and shall be continuously measured. The permittee shall notify the Director at least 30 days in advance of when the increased temporary flows will begin, which will start the six (6) month temporary and limited *Interim* flow permit provision. Following the six (6) months of *Interim* flow limit permit provision, the effluent flow limit will return to the original 3.0 MGD permit provision.

*c In addition to monitoring the final discharge, influent samples shall be taken and analyzed for this constituent at the same frequency as required for this constituent in the discharge.

*d No tons per day loading limit will be applied if the concentration of TDS from each outfall is equal to or less than 500 mg/L as a thirty-day average. However, if the 30-day average concentration exceeds 500 mg/L, then the permittee cannot discharge more than 1 ton per day as a sum from all discharge points. Upon previous determinations by the Director, if the permittee is not able to meet the 500 mg/L 30-day average or the 1 ton per day loading limit, then the permittee is required to continue to participate in and/or fund a salinity offset project to include the TDS offset credits as appropriate.

The salinity-offset project shall include TDS credits on a ton-for-ton basis for which the permittee is over the 1 ton per day loading limit. The tonnage reduction from the offset project must be calculated by a method similar to one used by the NRCS, Colorado River Basin Salinity Control Forum, and/or other applicable agency.

A monitoring and adjustment plan to track the TDS credits shall continue to be submitted to the Director for each monthly monitoring period during the life of this permit. Any changes to the monitoring and adjustment plan must be approved by the Director and upon approval shall be appended to this permit.

- *e Oil & grease monitoring for Outfall 001 shall initially be a visual inspection performed at least once per month. If any oil and /or grease sheens are observed visually, then a sample of the effluent must be taken and this sample shall not exceed 10 mg/L. Monthly oil & grease sample analyses shall be conducted at outfalls 002 & 003 when discharging. In addition to monthly sampling for oil and grease, a visual inspection for oil and grease shall be performed at least once per month at outfalls 002 & 003. If any oil and/or grease sheens are observed visually, or there is any other reason to believe that oil and/or grease may be present in the discharge, then a sample of the effluent must be immediately taken and this sample shall not exceed 10 mg/L.
- *f Turbidity monitoring shall be conducted twice monthly whenever possible upon discharging from Outfalls 002 & 003 to ensure that there is not an increase of more than 10 NTU over the receiving waters, if applicable.
- *g Total Recoverable Metals monitoring required for mine water discharges from Outfall 002 only and includes; aluminum, arsenic, cadmium, chromium, copper, iron, lead, mercury, nickel, selenium, silver, and zinc.

PERMIT DURATION

It is recommended that this modified permit be effective for the remainder of the five (5) year permit cycle, which is set to expire at midnight on November 30, 2025.

Drafted by and collaborated with:

Jeff Studenka, Discharge Permit Writer, Reasonable Potential Analysis
Lucy Parham, Colorado River Basin Salinity Control Coordinator
Amy Dickey, Watershed/TMDL Coordinator
Chris Shope, Wasteload Analysis & ADR Specialist

Utah Division of Water Quality, (801) 536-4300
June 1, 2023

PUBLIC NOTICE INFORMATION (updated August 1, 2023)

Began: June 28, 2023
Ended: July 31, 2023

The official Public Notice of the draft permit was published on DWQ's website for at least 30 days as per *Utah Administrative Code (UAC) R317-8-6.5*.

During the public comment period provided under *UAC R317-8-6.5*, any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments will be considered in making the final decision and shall be answered as provided in *UAC R317-8-6.12*.

No comments or requests were received during the public notice period. Staff recommends reissuing the modified permit as drafted.

ADDENDUM TO FSSOB

ATTACHMENT: I. Permit Modification Request Information

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ATTACHMENT 1

Permit Modification Request Information

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