

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

UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES) PERMITS

Minor Industrial Permit No. **UT0025640**

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

UTAH LAND RESOURCES, INC.

is hereby authorized to discharge from the

WEST RIDGE MINE

to receiving waters named **C CANYON EPHEMERAL DRAINAGE**,

in accordance with specific limitations, outfalls, and other conditions set forth herein.

This permit shall become effective on October 1, 2022

This permit expires at midnight on September 30, 2027.

Signed this 26th day of July, 2022.



John K. Mackey, P.E.
Director

DWQ-2022-003971

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I. DISCHARGE LIMITATIONS AND REPORTING REQUIREMENTS

A. 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 are violations 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*.

<u>Outfall Numbers</u>	<u>Location of Discharge Outfalls</u>
001	Located at Latitude 39° 36' 45" north and Longitude 110° 26' 26" west. Two sedimentation ponds in series collect runoff from the surface facilities of the mine. Discharge is from the second sedimentation pond into C Canyon Drainage.
002	Located at Latitude 39° 36' 58" north and Longitude 110° 26' 10" west. Mine water is discharged post-treatment from the bag filter unit. Discharge is to a culvert under the mining area into C Canyon Drainage.

B. Narrative Standard. It shall be unlawful, and a violation of this permit, for the permittee to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum, or other nuisances such as color, odor or taste, or 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 a 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, there shall be no acute or chronic toxicity, as defined in *Part VII*, of the mine water discharge from Outfall 002 and as determined by the provisions described in *Part I.D.3* of this permit.
2. 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:

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Parameter, Units	Effluent Limitations *a			
	Monthly Average	Weekly Average	Daily Minimum	Daily Maximum
Flow, MGD	Report	--	--	Report
pH, standard units	--	--	6.5	9.0
Total Suspended Solids (TSS), mg/L	--	--	--	70
Total Iron, mg/L	--	--	--	1.0
Total Aluminum, mg/L (Outfall 002 only) *b	--	--	--	0.75
Oil & Grease, mg/L, *c	--	--	--	10
Total Dissolved Solids, (TDS) mg/L *d	Report	--	--	2000
TDS, tons/day *d	Report	--	--	--
Turbidity, NTU *e	--	--	--	Report

Parameter	Self-Monitoring and Reporting Requirements *a		
	Frequency	Sample Type	Units
Flow	Continuous	Recorder	MGD
TSS	Twice Monthly	Grab	mg/L
Total Iron	Twice Monthly	Grab	mg/L
Total Aluminum *b	Twice Monthly	Grab	mg/L
Oil & Grease *c	Monthly	Grab	mg/L
Oil & Grease sheen, sanitary wastes, floating solids, visible foam *c	Twice Monthly	Visual	Yes/No
TDS *d	Twice Monthly	Grab	mg/L
pH, standard units	Twice Monthly	Grab	SU
Turbidity *e	Monthly	Grab	NTU
Total Metals (Outfall 002 only) *f	Quarterly	Grab	mg/L

*a See Permit *Part VII*, for definition of terms.

*b Total aluminum is limited only at Outfall 002 when an aluminum-based coagulant is being used for treatment of the mine water. If an aluminum-based coagulant is not being used for further mine water treatment, than monitoring for total aluminum is not required. If the permittee changes from the aluminum-based coagulant to another type of coagulant, the permittee can petition the Director to remove the total aluminum limitations at Outfall 002. If the Director grants the petition, the aluminum limitations and monitoring provisions may be removed from the permit without further public notice.

*c In addition to monthly sampling for oil and grease, a visual inspection for any oil and grease sheen, sanitary wastes, floating solids, and visible foam shall be performed at least twice monthly at Outfalls 001 and 002. There shall be no visible sheen, sanitary wastes, 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. If a sheen is observed, a sample of the effluent shall be collected immediately thereafter and oil and grease shall not exceed 10 mg/L in concentration.

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*d The TDS concentration from each of the outfalls shall not exceed 2000 mg/L as a daily maximum limit. No tons per day loading limit will be applied if the concentration of TDS in the discharge is equal to or less than 500 mg/L as a thirty-day (monthly) 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 (Outfalls 001 & 002). Upon previous determinations by the Director that the permittee is not able to meet the 500 mg/L 30-day average or the 1-ton per day loading limit, the permittee is required to continue to participate in and/or fund a salinity offset project to include 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 Natural Resources Conservation Service, Colorado River Basin Salinity Control Forum, or other applicable agency.

If the permittee will be participating in the construction and implementation of a new salinity-offset project, then a project description and implementation schedule shall be submitted to the Director at least six (6) months prior to the implementation date of the project, which will then be reviewed for approval. The salinity offset project description and implementation schedule must be approved by the Director and shall be appended to this permit.

If the permittee will be funding any additional salinity-offset projects through third parties, the permittee shall provide satisfactory evidence to the Director that the required funds have been deposited to the third party within six (6) months of project approval by the Director. A monitoring and adjustment plan to track the TDS credits shall 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 Turbidity monitoring shall be conducted and reported monthly whenever possible from all discharging Outfalls to ensure that there is not an increase of more than 10 NTU over the receiving waters, if applicable.

*f Total Metals shall be monitored of the mine water discharge from Outfall 002 as specified in Permit *Part I.D.1.*

3. Samples collected in compliance with the monitoring requirements specified above shall be collected at Outfalls 001 and 002 prior to mixing with any receiving water.
4. Should any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period that is less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume), may at Outfall 001 only, substitute the following Settleable Solids limitation for the TSS limitation contained in *Part I.C.2.* All other limitations not included below remain unchanged.

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Parameter, Units	Alternative Effluent Limitations	
	Daily Minimum	Daily Maximum
Settleable Solids (SS), milliliter/liter	--	0.5
Total Suspended Solids (TSS), mg/L	--	Report

In order to substitute the above limitations, the sample collected during the storm event must be analyzed for all permitted parameters specified under *Part I.C.2*. Such analyses shall be conducted on either grab or composite samples.

- Should any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period that is greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume), may at Outfall 001 only, comply with the following effluent limitations only instead of the limitations contained in *Part I.C.2*:

Parameter, Units	Effluent Limitations	
	Daily Minimum	Daily Maximum
pH, SU	6.5	9.0

In order to substitute the above limitation, the sample collected during the storm event must be analyzed and reported for all permitted parameters specified under *Part I.C.2*. Such analyses shall be conducted on either grab or composite samples.

- The operator shall have the burden of proof that the increase in discharge was caused by the applicable precipitation event described in *Part I.C.4* and *I.C.5*. The alternate limitations in *Part I.C.4* and *I.C.5* shall not apply to treatment systems that treat exclusively underground mine water (i.e. Outfall 002). The alternate limitations shall apply to Outfall 001 only.

For rainfall, to waive TSS and total iron limitations, the permittee must prove that the discharge occurred during the precipitation event, or within 48 hours after measurable precipitation has stopped. In addition, to waive settleable solids limitations, the permittee must prove that the discharge occurred during the precipitation event, or within 48 hours after precipitation greater than the 10-year, 24-hour event has stopped.

For snowmelt, to waive TSS and total iron limitations, the permittee must prove that the discharge occurred during pond inflow from the snow melt event, or within 48 hours after pond inflow has stopped. In addition, to waive settleable solids limitations, the permittee must prove that the discharge occurred during pond inflow from the snow melt event, or within 48 hours after pond inflow volume greater than the 10-year, 24-hour event has stopped.

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The permittee must submit documentation that the treatment facilities were properly operated and maintained prior to and during the storm event with any request for relief from primary limitations. The division shall determine the adequacy of proof. As part of this determination, the division shall evaluate whether the permittee could have controlled the discharge in such a manner that primary limitations could have been met, whether proper sediment storage levels were maintained and the ponds had sufficient water and sediment capacity for the storm event, plus other relevant factors. Any manual pond dewatering that is not part of a storm event discharge must meet all limitations of *Part I.C.2.*

All data and documentation required by the permittee which cannot be reported on applicable discharge monitoring report forms (DMRs) through NetDMR, shall be submitted separately to the Director. Submittal of documentation of containment, maintenance and precipitation records above does not exempt the permittee from the notification requirements of this permit.

D. Additional Requirements if Seals are Removed and Mine Becomes Active. If the mine becomes active again and/or discharging mine water, the permittee is required comply with the following additional requirements:

1. Within 30 days following mine dewatering activities the permittee shall begin quarterly monitoring for the metals listed below of the mine water discharge (Outfall 002). The results shall be reported with the Discharge Monitoring Report (DMR) or NetDMR submittal for the month in which the test was completed and the complete laboratory reports shall be submitted to DWQ.

Metals Monitoring			
Parameter	Sample Type	Frequency	Units
Total Arsenic	Grab	Quarterly	mg/L
Total Cadmium			
Total Chromium			
Total Copper			
Total Lead			
Total Mercury			
Total Molybdenum			
Total Nickel			
Total Selenium			
Total Silver			
Total Zinc			
Total Cyanide			

2. The permittee is required to obtain the lowest detection limit possible using standard methods and certified laboratories. Once an adequate number of quarterly metals sampling has been conducted, a reasonable potential analysis will be conducted by DWQ on the results for any potential to exceed the applicable water quality standards. Depending on the results of the analysis, DWQ may reassess permit limits and monitoring frequencies for these metals. If reasonable potential is found for any of these metals, the permit effluent limitations table may be modified as appropriate.

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3. If the mine is reactivated, the permittee shall conduct one complete Chronic Whole Effluent Toxicity (WET) test using a Utah certified WET laboratory within 30 days of the initial discharge from Outfall 002 (mine water). The results shall be reported with the Discharge Monitoring Report (DMR) or NetDMR submittal for the month in which the test was completed and the complete WET laboratory report shall be submitted to DWQ for determination if further testing shall be required as appropriate.
- E. Reporting of Wastewater Monitoring Results. Monitoring results obtained during the previous month shall be summarized for each month and reported on a Discharge Monitoring Report Form (EPA No. 3320-1)* or by NetDMR, post-marked or entered into NetDMR no later than the 28th day of the month following the completed reporting period. 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 VI.G)*, and submitted by NetDMR, or to the Division of Water Quality at the following address:

Department of Environmental Quality
Division of Water Quality
PO Box 144870
Salt Lake City, Utah 84114-4870

* Starting January 1, 2017 monitoring results must be submitted using NetDMR unless the permittee has successfully petitioned for an exception.

II. INDUSTRIAL PRETREATMENT REQUIREMENTS

This section of the permit is only applicable if the permittee discharges wastewater to a publicly owned treatment works (POTW).

- A. Discharge to POTW. 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. At a minimum, the discharge, into a POTW must meet the requirements of Part II.C. and D. of the permit.
- B. Hazardous Waste Notification. The permittee must notify the POTW, the EPA Regional Waste Management Director, the Director and the State hazardous waste authorities in writing, if they discharge any substance into a POTW that, 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).
- C. General and Specific Prohibitions.
1. General Prohibitions. The permittee may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph 2. of this section apply to the introducing pollutants into a POTW whether or not the permittee is subject to other National Pretreatment Standards or any national, State, or local Pretreatment Requirements.
 2. Specific Prohibitions. The following pollutants shall not be introduced into a POTW:
 - a. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, wastestreams with a closed cup flashpoint of less than 140°F (60°C);
 - b. Pollutants, which will cause corrosive structural damage to the POTW, but in no case, discharges with a pH lower than 5.0;
 - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
 - d. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at such volume or strength as to cause interference in the POTW;
 - e. Heat in amounts, which will inhibit biological activity in the POTW, resulting in interference, but in no case, heat in such quantities that the influent to the sewage treatment works exceeds 104°F (40°C));
 - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
 - g. Pollutants, which result in the presence of toxic gases, vapor, or fumes within the POTW in a quantity that may cause worker health or safety problems;

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- h. Any trucked or hauled pollutants, except at discharge points designated by the POTW;
or
 - i. Any pollutant that causes pass through or interference at the POTW.
 - j. Any specific pollutant which exceeds any local limitation established by the POTW.
- D. Categorical Standards. In addition to the general and specific limitations expressed in *Part II. C.* of this section, applicable National Categorical Pretreatment Standards must be met by all industrial users discharging into a POTW. These standards are published in the federal regulations at *40 CFR 405 through 471*.

III. STORM WATER REQUIREMENTS

- A. Industrial Storm Water Permit. Based on the type of industrial activities at the facility, the permittee is required to maintain separate coverage or an appropriate exclusion under the UPDES Multi-Sector General Permit (MSGP) for Storm Water Discharges Associated with Industrial Activities (UTR000000). If the facility is not already covered, or obtained the appropriate exclusion, the permittee has 30 days from the effective date of this permit to submit the appropriate Notice of Intent (NOI) for the MSGP or exclusion documentation.

- B. Construction Storm Water Permit. Any construction at the facility that is not part of active mining activities and disturbs an acre or more of land, including less than an acre if it is part of a common plan of development or sale, is required to obtain coverage under the UPDES Construction General Storm Water Permit (UTRC000000). Permit coverage must be obtained prior to land disturbance. If the site qualifies, a Low Erosivity Waiver (LEW) Certification may be submitted instead of permit coverage.

IV. MONITORING, RECORDING & GENERAL 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.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under *Utah Administrative Code ("UAC") R317-2-10 and 40CFR Part 503*, 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. 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.
- E. 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 and 40 CFR 503* or as 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.
- F. 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.
- G. 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 five years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time. A copy of this UPDES permit must be maintained on site during the duration of activity at the permitted location

H. Twenty-four Hour Notice of Noncompliance Reporting.

1. The permittee shall (orally) report any noncompliance including transportation accidents, spills, and uncontrolled runoff from biosolids transfer or land application sites 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) 536-4300, or 24-hour answering service (801) 536-4123.
2. The following occurrences of noncompliance shall be reported by telephone (801) 536-4300 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 V.G, Bypass of Treatment Facilities.*);
 - c. Any upset which exceeds any effluent limitation in the permit (See *Part V.H, Upset Conditions.*);
 - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit; or,
 - e. Violation of any of the Table 3 metals limits, the pathogen limits, the vector attraction reduction limits or the management practices for biosolids that have been sold or given away.
3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected;
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and,
 - e. Steps taken, if any, to mitigate the adverse impacts on the environment and human health during the noncompliance period.
4. The Director 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) 536-4300.
5. Reports shall be submitted to the addresses in *Part I.E, Reporting of Monitoring Results.*

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- I. 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 I.E* are submitted. The reports shall contain the information listed in *Part IV.H*.
- J. Inspection and Entry. The permittee shall allow the Director, 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, including but not limited to, biosolids treatment, collection, storage facilities or area, transport vehicles and containers, and land application sites;
 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, including, but not limited to, digested biosolids before dewatering, dewatered biosolids, biosolids transfer or staging areas, any ground or surface waters at the land application sites or biosolids, soils, or vegetation on the land application sites; and,
 5. The permittee shall make the necessary arrangements with the landowner or leaseholder to obtain permission or clearance, the Director, or authorized representative, upon the presentation of credentials and other documents as may be required by law, will be permitted to enter without delay for the purposes of performing their responsibilities.

V. COMPLIANCE RESPONSIBILITIES

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

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2. Prohibition of Bypass.

- a. Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of human life, personal injury, or severe property damage;
 - (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 *Part V.G.3*.
- b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in *Part V.G.2.a (1), (2) and (3)*.

3. Notice.

- a. *Anticipated bypass.* Except as provided above in *Part V.G.2* and below in *Part V.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 Director:
 - (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 Director 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 Director.

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- b. *Emergency Bypass.* Where ninety days advance notice is not possible, the permittee must notify the Director, and the Director of the Department of Natural Resources, as soon as it becomes aware of the need to bypass and provide to the Director the information in *Part V.G.3.a.(1) through (6)* to the extent practicable.
- c. *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass to the Director as required under *Part IV.H, 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.

H. Upset Conditions.

- 1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of paragraph 2 of this section are met. Director's administrative determination regarding a claim of upset cannot be judiciously challenged by the permittee until such time as an action is initiated for noncompliance.
 - 2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under *Part V.H, Twenty-four Hour Notice of Noncompliance Reporting;* and,
 - d. The permittee complied with any remedial measures required under *Part V.D, Duty to Mitigate.*
 - 3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of *The Water Quality Act of 1987* for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- J. Changes in Discharge of Toxic Substances. Notification shall be provided to the Executive Secretary as soon as the permittee knows of, or has reason to believe:

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1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - a. One hundred micrograms per liter (100 ug/L);
 - b. Two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/L) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC R317-8-3.4(7)* or (10); or,
 - d. The level established by the Executive Secretary in accordance with *UAC R317-8-4.2(6)*.

2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - a. Five hundred micrograms per liter (500 ug/L);
 - b. One milligram per liter (1 mg/L) for antimony;
 - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC R317-8-3.4(9)*; or,
 - d. The level established by the Executive Secretary in accordance with *UAC R317-8-4.2(6)*.

VI. GENERAL REQUIREMENTS

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

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- a. The authorization is made in writing by a person described above and submitted to the Director, and,
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
3. Changes to authorization. If an authorization under *Part VI.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 *Part VI.G.2* must be submitted to the Director 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 Director. 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*.

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- 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 Director at least 20 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new permittee's containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
 3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- N. State or Federal Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by *UCA 19-5-117* and *Section 510* of the *Act* or any applicable Federal or State transportation regulations, such as but not limited to the Department of Transportation regulations.
- O. Water Quality - Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations and compliance schedule, if necessary, if one or more of the following events occurs:
1. Water Quality Standards for the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
 2. A final wasteload allocation is developed and approved by the State and/or EPA for incorporation in this permit.
 3. Revisions to the current CWA § 208 areawide treatment management plans or promulgations/revisions to TMDLs (40 CFR 130.7) approved by the EPA and adopted by DWQ which calls for different effluent limitations than contained in this permit.

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- P. Toxicity Limitation - Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include additional WET testing, a WET limitation, a compliance schedule, a compliance date, additional or modified numerical limitations, or any other conditions related to the control of toxicants if toxicity is detected during the life of this permit.

VII. DEFINITIONS

A. Wastewater.

1. “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, beginning on Sunday and ending 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.
2. “10-year, 24-hour precipitation event” means the maximum 24-hour precipitation event with a probable recurrence interval of once in 10 years. This information is available in *Weather Bureau Technical Paper No. 40*, May 1961 and *National Oceanographic and Atmospheric Administration 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.
3. “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.
4. “Act,” means the *Utah Water Quality Act*.
5. “Bypass,” means the diversion of waste streams from any portion of a treatment facility.
6. “Chronic toxicity” occurs when the survival, growth, or reproduction for either test species exposed to a specific percent effluent dilution is significantly less (at the 95 percent confidence level) than the survival, growth, or reproduction of the control specimens. A five-dilution test will be used.
7. “Coal pile runoff” means the rainfall runoff from or through any coal storage pile.
8. “Composite Samples” shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the compositing 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;

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- 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 sample volume, with sample collection rate proportional to flow rate.
9. “CWA,” means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
10. “Daily Maximum” (Daily Max.) is the maximum value allowable in any single sample or instantaneous measurement.
11. “EPA,” means the United States Environmental Protection Agency.
12. “Director,” means Director of the Division of the Utah Division of Water Quality.
13. A “grab” sample, for monitoring requirements, is defined as a single “dip and take” sample collected at a representative point in the discharge stream.
14. An “instantaneous” measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
15. “IC₂₅” is the concentration of toxicant (given in % effluent) that would cause a 25% reduction in mean young per female or a 25% reduction in overall growth for the test population.
16. “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.
17. “Storm water” means storm water runoff, snowmelt runoff, and surface runoff and drainage.
18. “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 preventative maintenance, or careless or improper operation.
- B. Industrial Pretreatment Definitions. The following definitions shall apply only if the permittee discharges wastewater to a POTW:

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1. *Indirect Discharge* means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the CWA.
2. *Interference* means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - a. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - b. Therefore is a cause of a violation of any requirement of the POTW's UPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection Act.
3. *Pass Through means* a Discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.
4. *Publicly Owned Treatment Works or POTW* means a treatment works as defined by section 212 of the CWA, which is owned by a State or municipality (as defined by section 502(4) of the CWA). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the CWA, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.
5. *Significant industrial user (SIU)* is defined as an industrial user discharging to a POTW that satisfies any of the following:
 - a. Has a process wastewater flow of 25,000 gallons or more per average work day;
 - b. Has a flow greater than five percent of the flow carried by the municipal system receiving the waste;
 - c. Is subject to Categorical Pretreatment Standards, or
 - d. Has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
6. *User or Industrial User (IU)* means a source of Indirect Discharge.

**FACT SHEET AND STATEMENT OF BASIS
UTAH LAND RESOURCES, INC. – WEST RIDGE MINE
UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES)
DISCHARGE RENEWAL PERMIT
UPDES PERMIT NUMBER: UT0025640
MINOR INDUSTRIAL FACILITY**

FACILITY CONTACT INFORMATION

Contact Name: Matt Efaw
Position: General Manager

Contact Name: Jesse Candelaria
Position: Environmental Technician

Phone Number: (435) 888-4000

Mailing Address: PO Box 910
East Carbon, Utah 84520

Facility Address: 794 C Canyon Road
East Carbon, Utah

DESCRIPTION OF FACILITY

The Utah Land Resources, Inc. West Ridge Mine (Mine) is an inactive underground coal mine facility with *Standard Industrial Classification Code 1222 - bituminous underground coal mining operations*. The Mine facility is located in “C Canyon,” which is an ephemeral drainage to Grassy Trail Creek, in Carbon County just north of State Highway 123 near East Carbon, Utah. The Mine has been idled with temporarily sealed portals for several years and with no in-mine water pumping or treatment units currently active as well. The surface facilities have been used on a limited basis in support of the nearby Lila Canyon Mine. Currently, the only potential for a discharge is from Outfall 001 and the surface sedimentation ponds, which could potentially discharge if there was enough runoff from large precipitation events. The last discharge of any kind from the Mine was from Outfall 002 in the first quarter of 2016 and there has been no discharges from any outfall over the last 5-year permit period. It is not known if and when the mine will be re-activated, but Mine officials desire continuation of the UPDES permit so that if the Mine is re-activated in the next five years it can discharge without further delay.

Because of historic elevated iron concentrations in previous mine water discharges, the Mine developed an iron treatment system consisting of aeration and chemical addition of a coagulant to settle out the iron. The aeration and chemical addition with associated settling occur underground. The treated water is then pumped to the surface and run through Multi-Bag Filters before being discharged to the stream. The bag filter system is capable of handling flows of up to 2000 gallons per minute or 2.88 million gallons per day (MGD). Even though the Mine is idle, the treatment system has been left intact and is ready to start up if the Mine is reactivated in the future.

SUMMARY OF CHANGES FROM PREVIOUS PERMIT

There are only two changes as compared to the previous permit. First, the Storm Water permit provisions have been removed as part of a programmatic separation of the previously combined UPDES industrial permits. The Mine will now be required to apply for and obtain separate UPDES Industrial Storm Water Permit coverage under the UPDES MSGP No. UTR000000, or an applicable exemption as described further in the Storm Water section of this Fact Sheet. Second, turbidity monitoring has been included in lieu of Total Suspended Solids (TSS) secondary treatment standards to reflect rule changes in Utah Administrative Code (UAC) R317-1-3, which clarifies that secondary standards for both TSS and biochemical oxygen demand are not required for Non-POTW facilities. Publicly Owned Treatment Works (POTWs) are facilities that receive and process domestic waste water. The Mine is an industrial and Non-POTW type facility and therefore, secondary treatment standards do not apply. However, the Federal effluent limit guideline found in 40 Code of Federal Regulations (CFR) Part 434.45 for the TSS Daily Maximum limitation still applies and remains in the permit as appropriate and as described further in the Basis for Effluent Limitations section of this Fact Sheet. All other permit provisions remain unchanged.

DISCHARGE INFORMATION

DESCRIPTION OF DISCHARGE OUTFALLS

The permitted discharging outfalls are as follows:

<u>Outfall Numbers</u>	<u>Location of Discharge Outfalls</u>
001	Located at Latitude 39° 36' 45" north and Longitude 110° 26' 26" west. Two sedimentation ponds in series collect runoff from the surface facilities of the mine. Discharge is from the second sedimentation pond into C Canyon Drainage.
002	Located at Latitude 39° 36' 58" north and Longitude 110° 26' 10" west. Mine water is discharged post-treatment from the bag filter unit. Discharge is to a culvert under the mining area into C Canyon Drainage.

RECEIVING WATERS AND STREAM CLASSIFICATION

C Canyon Creek drainage, which is ephemeral and flows to Grassy Trail Creek is not classified according to Utah Administrative Code (UAC) R317-2-13, however Grassy Trail Creek is classified as follows:

- 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 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.

TOTAL MAXIMUM DAILY LOAD (TMDL) REQUIREMENTS

According to Utah's 2022 Integrated Report and 303(d) Water Quality Assessment for prioritizing impaired waters, which was finalized as approved by EPA in March 2022, C Canyon is not listed for any impairments and Grassy Trail Creek-Lower reported insufficient data to determine any impairment. A TMDL was previously completed however, for the West Colorado Watershed and approved by EPA in 2004 (*Price River, San Rafael River and Muddy Creek TMDLs for Dissolved Solids – West Colorado Watershed Management Unit, Utah, April 2004*), which established a TDS site specific standard of 3000 mg/L for the Price River and associated tributaries in the area where Grassy Trail Creek enters the Price River. For more information, the TMDL can be found at <https://documents.deq.utah.gov/water-quality/watershed-protection/total-maximum-daily-loads/DWQ-2015-006611.pdf>.

BASIS FOR EFFLUENT LIMITATIONS

In accordance with regulations promulgated in 40 Code of Federal Regulations (CFR) Part 122.44 and in Utah Administrative Code (UAC) R317-8-4.2, effluent limitations are derived from technology-based effluent limitations guidelines, Utah Secondary Treatment Standards (UAC R317-1-3.2) or Utah Water Quality Standards (UAC R317-2). In cases where multiple limits have been developed, those that are more stringent apply. In cases where no limits or multiple limits have been developed, Best Professional Judgment (BPJ) of the permitting authority may be used where applicable. "Best Professional Judgment" refers to a discretionary, best professional decision made by the permit writer based on precedent, prevailing regulatory standards or other relevant information.

Permit limits can also be derived from a Wasteload Analysis (WLA), which incorporates Secondary Treatment Standards, Water Quality Standards, including TMDL impairments as appropriate, Antidegradation Reviews (ADR) and designated uses into a water quality model that projects the effects of discharge concentrations on receiving water quality. Effluent limitations are those that the model demonstrates are sufficient to meet State Water Quality Standards in the receiving waters. During this UPDES renewal permit development, it was determined once again that a formal WLA and ADR were not necessary because background flow in C Canyon Drainage is zero (see WLA Memo attached to this Fact Sheet). Therefore, the effluent limits are simply the applicable water quality standards as appropriate. An ADR Level I review was performed and concluded that a formal ADR Level II review was not required at this time since there are no proposed increases in flow or concentrations from the previous permit. The WLA Memo is attached to this Fact Sheet as Addendum I.

The following list is the basis of the effluent limitations for the permit parameters:

- 1) Since the Mine discharge meets the EPA definition of "alkaline mine drainage," the permittee is subject to the technology based effluent limitations found in 40 CFR Part 434.45. Applicable technology-based limits included in the permit are as follows:
 - a. Total suspended solids (TSS) daily maximum limit of 70 mg/L.
 - b. For discharges composed of surface water, 40 CFR Part 434.63 allows alternate effluent limits to be applied when discharges result from specific runoff events, detailed below and in the permit (Outfall 001 only). The Mine has the burden of proof that the following runoff events occurred as described further in the permit:
 - i. For runoff events (rainfall or snowmelt) less than or equal to a 10-year 24-hour precipitation event, settleable solids may be substituted for TSS and shall be limited to 0.5 milliliters per liter (ml/L). All other effluent limitations must be achieved concurrently, as described in the permit.

- ii. For runoff events (rainfall or snowmelt) greater than a 10-year 24-hour precipitation event, only the alternative pH limitations may apply as described in the permit.
- 2) Daily minimum and daily maximum limitations on pH are derived from Utah Water Quality Standards.
- 3) Total dissolved solids (TDS) are limited according to Utah Water Quality Standards and policies established by the Colorado River Basin Salinity Control Forum. TDS are limited by both mass loading and concentration requirements as described below:
 - a. Since discharges from the Mine may eventually reach the Colorado River, TDS mass loading is limited according to policies established by the Colorado River Basin Salinity Control Forum (Forum), as authorized in UAC R317-2-4 to further control salinity in the Utah portion of the Colorado River Basin. On February 28, 1977 the Forum produced the *“Policy For Implementation of Colorado River Salinity Standards Through the NPDES Permit Program”* (Policy), with the most current subsequent triennial revision dated October 2020. Based on Forum Policy, provisions can be made for salinity-offset projects to account for any TDS loading in excess of the permit requirement. Provisions have previously been made by the Mine for salinity-offset projects to account for any TDS loading in excess of the 1-ton per day requirement. Salinity-offset credits and tracking provisions shall be retained as described further in the permit, as appropriate in case the Mine becomes active once again.
 - b. The permit limit for TDS concentrations is based on the previously mentioned TMDL (*Price River, San Rafael River and Muddy Creek TMDLs for Dissolved Solids – West Colorado Watershed Management Unit, Utah April 2004*), which established a TDS site specific standard of 3000 mg/L for the Price River and associated tributaries in the area of the Mine. A TDS limit of 2000 mg/L as a daily maximum concentration shall once again be included in the renewal permit based on BPJ of the permitting authority for the following reasons: to remain consistent with previous permit limitations; to be more protective of the downstream receiving waters, and; to avoid triggering EPA’s Anti-Backsliding Policy. This is the same limitation as the previous permit cycle and the Mine should be able to continue meeting this limit in the future.
- 4) The Total Iron limitation is based on the Utah Water Quality Standard of 1.0 mg/L for dissolved iron (UAC R317-2 Table 2.14.2). Total recoverable iron is a more stringent limitation than dissolved iron since it includes the dissolved fraction as part of the total component. Therefore, a permit limit of 1.0 mg/L for total recoverable iron will once again be included in the renewal permit and shall apply to each of the discharge points. This is consistent with similar UPDES Permits statewide.
- 5) Oil & Grease concentrations are limited to 10 mg/L by BPJ of the permitting authority to be consistent with other industrial facilities statewide.
- 6) The total aluminum effluent limitation for the mine water discharges (Outfall 002) is based on current Utah Water Quality Standards and is the same limit as in the previous permit.

REASONABLE POTENTIAL ANALYSIS

Since January 1, 2016, DWQ has conducted reasonable potential analysis (RP) on all new and renewal permit applications received after that date. RP is conducted following DWQ’s “Reasonable Potential

Analysis Guidance” dated September 10, 2015 (RP Guidance). There are four outcomes defined in the RP Guidance: Outcome A, B, C, or D. These Outcomes, as detailed further in the attached RP Analysis Summary, provide a frame work for what routine monitoring or effluent limitations are appropriate.

Since there have been no discharges from the Mine during the past 5-year permit cycle, none of the permit parameters, including metals, could be further evaluated for any reasonable potential to exceed the applicable water quality standards. Therefore, this renewal permit will once again require that the permittee obtain metals discharge data by monitoring the mine water upon future start up and discharges for total recoverable concentrations of arsenic, cadmium, chromium, copper, cyanide, lead, mercury, molybdenum, nickel, silver, selenium and zinc so that a more thorough RP analyses can be performed as appropriate in the future.

By default, the result of this limited RP analysis was Outcome C: No new effluent limitation. Routine monitoring requirements maintained as they are in the permit. A copy of the RP summary is included as an attachment at the end of this Fact Sheet.

The permittee is expected to be able to comply with the permit limitations for all Outfalls as follows:

Parameter, Units	Effluent Limitations *a			
	Monthly Average	Weekly Average	Daily Minimum	Daily Maximum
Flow, MGD	Report	--	--	Report
pH, standard units	--	--	6.5	9.0
Total Suspended Solids (TSS), mg/L	--	--	--	70
Total Iron, mg/L	--	--	--	1.0
Total Aluminum, mg/L (Outfall 002 only) *b	--	--	--	0.75
Oil & Grease, mg/L, *c	--	--	--	10
Total Dissolved Solids, (TDS) mg/L *d	Report	--	--	2000
TDS, tons/day *d	Report	--	--	--
Turbidity, NTU *e	--	--	--	Report

SELF-MONITORING AND REPORTING REQUIREMENTS

The following self-monitoring requirements are the same as in the previous permit, with the addition of turbidity monitoring as previously mentioned. Sampling frequency is based on the Mine being a minor industrial permit with a maximum design effluent flow of ~ 3 MGD. The permit will require reports to be submitted monthly and quarterly, as applicable, on Discharge Monitoring Report (DMR) forms due 28 days after the end of the monitoring period. Effective January 1, 2017, monitoring results must be submitted using NetDMR unless the permittee has successfully petitioned for an exception. Lab sheets for biomonitoring must be attached to the biomonitoring DMR. Lab sheets for metals and toxic organics must be attached to the DMRs.

Parameter	Self-Monitoring and Reporting Requirements *a		
	Frequency	Sample Type	Units
Flow	Continuous	Recorder	MGD
TSS	Twice Monthly	Grab	mg/L
Total Iron	Twice Monthly	Grab	mg/L
Total Aluminum *b	Twice Monthly	Grab	mg/L
Oil & Grease *c	Monthly	Grab	mg/L
Oil & Grease sheen, sanitary wastes, floating solids, visible foam *c	Twice Monthly	Visual	Yes/No
TDS *d	Twice Monthly	Grab	mg/L
pH, standard units	Twice Monthly	Grab	SU
Turbidity *e	Monthly	Grab	NTU
Total Metals (Outfall 002 only) *f	Quarterly	Grab	mg/L

*a See Permit *Part VII*, for definition of terms.

*b Total aluminum is limited only at Outfall 002 when an aluminum-based coagulant is being used for treatment of the mine water. If an aluminum-based coagulant is not being used for further mine water treatment, than monitoring for total aluminum is not required. If the permittee changes from the aluminum-based coagulant to another type of coagulant, the permittee can petition the Director to remove the total aluminum limitations at Outfall 002. If the Director grants the petition, the aluminum limitations and monitoring provisions may be removed from the permit without further public notice.

*c In addition to monthly sampling for oil and grease, a visual inspection for any oil and grease sheen, sanitary wastes, floating solids, and visible foam shall be performed at least twice monthly at Outfalls 001 and 002. There shall be no visible sheen, sanitary wastes, 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. If a sheen is observed, a sample of the effluent shall be collected immediately thereafter and oil and grease shall not exceed 10 mg/L in concentration.

*d The TDS concentration from each of the outfalls shall not exceed 2000 mg/L as a daily maximum limit. No tons per day loading limit will be applied if the concentration of TDS in the discharge is equal to or less than 500 mg/L as a thirty-day (monthly) 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 (Outfalls 001 & 002). Upon previous determinations by the Director that the permittee is not able to meet the 500 mg/L 30-day average or the 1-ton per day loading limit, the permittee is required to continue to participate in and/or fund a salinity offset project to include 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 Natural Resources Conservation Service, Colorado River Basin Salinity Control Forum, or other applicable agency.

If the permittee will be participating in the construction and implementation of a new salinity-offset project, then a project description and implementation schedule shall be submitted to the Director at least six (6) months prior to the implementation date of the project, which will then be reviewed for approval. The salinity offset project description and implementation schedule must be approved by the Director and shall be appended to this permit.

If the permittee will be funding any additional salinity-offset projects through third parties, the permittee shall provide satisfactory evidence to the Director that the required funds have been deposited to the third party within six (6) months of project approval by the Director. A monitoring and adjustment plan to track the TDS credits shall 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 Turbidity monitoring shall be conducted and reported monthly whenever possible from all discharging Outfalls to ensure that there is not an increase of more than 10 NTU over the receiving waters, if applicable.
- *f Total Metals shall be monitored of the mine water discharge from Outfall 002 as specified in Permit *Part I.D.1.*

STORM WATER

As mentioned previously, the Storm Water provisions have been omitted from this UPDES permit. However, based on the type of industrial activities at the facility, the permittee is required to maintain separate permit coverage, or an appropriate exclusion, under the UPDES Multi-Sector General Permit (MSGP) for Storm Water Discharges Associated with Industrial Activities (UTR000000). If the facility has not already done so, it has 30 days from the effective date of this permit to submit the appropriate Notice of Intent (NOI) for the MSGP, or exclusion documentation. Previously, storm water discharge requirements and coverage were combined in this individual permit. These have been separated to provide consistency among permittees, electronic reporting for storm water discharge monitoring reports, and increase flexibility to changing site conditions.

Permit coverage under the UPDES Construction General Storm Water Permit (CGP) is required for any construction at the facility that is not part of active mining activities and which disturb an acre or more of land, or is part of a common plan of development or sale that is an acre or greater. A Notice of Intent (NOI) is required to obtain a construction storm water permit prior to the period of construction.

Information on storm water permit requirements can be found at <http://stormwater.utah.gov>.

PRETREATMENT REQUIREMENTS

The Mine does not discharge process wastewater to a Publicly Owned Treatment Works (POTW). Any process wastewater that the Mine may discharge to a POTW, either as a direct discharge or as a hauled waste, is subject to federal, state, and local pretreatment regulations. Pursuant to section 307 of the Clean Water Act, the Mine shall comply with all applicable federal general pretreatment regulations promulgated, found in 40 CFR 403, the pretreatment requirements found in UAC R317-8-8, and any specific local discharge limitations developed by the POTW accepting the waste.

In addition, in accordance with 40 CFR 403.12(p)(1), the Mine must notify the POTW, the EPA Regional Waste Management Director, the DWQ Director and the State hazardous waste authorities in writing if the Mine discharges any substance into a POTW that 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).

BIOMONITORING REQUIREMENTS

A nationwide effort to control toxic discharges where effluent toxicity is an existing or potential concern is regulated in accordance with the *Utah Pollutant Discharge Elimination System Permit and Enforcement Guidance Document for Whole Effluent Toxicity Control (biomonitoring)*, dated February 2018. Authority to require effluent biomonitoring is provided in Permit Conditions UAC R317-8-4.2, Permit Provisions UAC R317-8-5.3 and Water Quality Standards UAC R317-2-5 and UAC R317-2-7.2.

The permittee is not classified as a major facility or a significant minor facility and historical discharges from the Mine are from intercepted ground water and/or storm water only, in which toxicity has not been a concern so long as the mine water treatment system is in operation. Any discharges from the Mine are to an ephemeral drainage and do not normally reach downstream waters except during extreme precipitation events. Based on these considerations, there is once again no reasonable potential for toxicity in the facility's discharge. As such, there will be no numerical WET limitations or WET monitoring requirements in this permit. However, as mentioned previously, if the Mine becomes active and discharges again, the Mine will be required to conduct at least one Chronic Biomonitoring WET test of the mine water to confirm that these historic conditions have not changed.

In addition, the permit will once more contain a toxicity limitation re-opener provision. This provision allows for modification of the permit at any time in the future to include WET limitations and/or WET monitoring, should additional information indicate the presence of toxicity in the discharge.

PERMIT DURATION

It is recommended that this permit be effective for a duration of five (5) years, as authorized in UAC R317-8-5.1(1).

Drafted and Reviewed by;
Jeff Studenka, Discharge Permit Writer
Jennifer Robinson, Pretreatment
Lonnie Shull, Biomonitoring
Carl Adams, Storm Water
Lucy Parham, Colorado River Salinity Control
Amy Dickey, TMDL/Watershed
Suzan Tahir, WLA/ADR
Utah Division of Water Quality
(801) 536-4300

PUBLIC NOTICE INFORMATION (updated June 23, 2022)

Began: May 19, 2022

Ended: June 21, 2022

The Public Notice of the draft renewal 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 comment period. Staff recommends reissuance of the permit as drafted.

ADDENDUM TO FSSOB

ATTACHMENTS (2): I. Wasteload Analysis Memo
II. Reasonable Potential Analysis Summary

DWQ-2022-003969

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ATTACHMENT 1

Wasteload Analysis Memo

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State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of
Environmental Quality

Kimberly D. Shelley
Executive Director

DIVISION OF WATER QUALITY
Erica Brown Gaddis, PhD
Director

MEMORANDUM

**TO: UPDES File for Permit No. UT0025640
Utah Land Resources, Inc. – West Ridge Mine**

THROUGH: Jeffrey Studenka

FROM: Suzan Tahir

DATE: 3-24-2022 (as updated from 2-24-22 version)

SUBJECT: West Ridge Mine WLA/ADR

I am writing in response to your request for a wasteload allocation for the permit renewal for the West Ridge Mine UPDES Permit No. UT0025640. It is my understanding that the receiving water for the discharge, C Canyon, is an ephemeral or intermittent drainage. I accessed the DOGM Water Quality Database, and reviewed data and flow data for C Canyon for the period 2000-2022. Site ST-6A, above the mine, had a single flow result on 6/1/2005 of 15 gallons per minute (gpm) and all the rest of the data showed zero flow (0 gpm). As a result, I would consider the 7Q10 of the receiving stream to be zero (0 gpm). This being the case, the effluent limits revert to the water quality standards. All the DOGM Water Quality Database data is summarized in Table 1.

Table 1. DOGM Water Quality Database Data Summary

Site	Site Description	Flow Stratus
ST-6A	C Canyon AB Mine Site	❖ Last flow on 6/1/2005 ❖ No Flow for 1997-2011
ST-6	C Canyon BL Mine Site Area	○ Last flow on 1/11/2016 ○ No Flow for 2016-2021
UTG040023-D002	Mine Discharge (Outfall 002)	▪ Last flow on 2/11/2016 ▪ No Flow for 2016-2021
UTG040023-D001	Primary Spillway from Second Sediment Pond (Outfall 001)	➤ No Flow for 2001-2021

According to Utah's 2022 Integrated Report and 303(d) Water Quality Assessment for prioritizing impaired waters, which was finalized as approved by EPA in March 2022, Grassy Trail Creek-

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UPDES File for Permit No. UT0025640

Utah Land Resources, Inc. – West Ridge Mine

Lower reported insufficient data to determine any impairment. A TMDL was previously completed however, for the West Colorado Watershed and approved by EPA in 2004 (*Price River, San Rafael River and Muddy Creek TMDLs for Dissolved Solids – West Colorado Watershed Management Unit, Utah, April 2004*).

It is my understanding that C Canyon, which flows into Grassy Trail Creek, would have the water quality classification of "Price River and tributaries, from confluence with Green River to Carbon Canal Diversion at Price City Golf Course" and with beneficial uses "2B, 3C and 4" as classified. Additionally, a site-specific standard for TDS of 3000 mg/L has been adopted for the Price River and tributaries from the confluence with Green River to confluence with Coal Creek, which includes the Grassy Trail Creek watershed.

A Level 1 Antidegradation Review was conducted on the facility discharge. Since this is a permit renewal, with no proposed increase in flows or concentrations over the current permit limits, a Level 2 Antidegradation review is not required.

DWQ-2022-003183

ATTACHMENT 2

Reasonable Potential Analysis

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REASONABLE POTENTIAL ANALYSIS

The Division of Water Quality (DWQ) has worked to improve our reasonable potential analysis (RP) for the inclusion of limits for parameters in the permit by using an EPA provided model. As a result of the model, more parameters may be included in the renewal permit. In the DWQ Reasonable Potential Analysis Guidance (RP Guide) there are four possible outcomes of the RP Analysis¹ as follows;

- Outcome A: A new effluent limitation will be placed in the permit.
- Outcome B: No new effluent limitation. Routine monitoring requirements will be placed or increased from what they are in the permit,
- Outcome C: No new effluent limitation. Routine monitoring requirements maintained as they are in the permit,
- Outcome D: No limitation or routine monitoring requirements are in the permit.

Initial screening for metals and all other permit parameter values revealed that a closer look is not needed as there have been no discharges of any kind during the previous 5-year permit term.

Summary: Based upon the DWQ policy “Reasonable Potential Analysis Guidance” dated September 10, 2015 and subsequently implemented beginning January 1, 2016 for all new and renewal permits; it was determined not to include any new effluent limits in this 2022 renewal permit. This is because there has been no discharge data during the past 5-year permit cycle to further evaluate. Therefore, a more qualitative and quantitative RP analysis was not possible at this time. Monitoring for all parameters of concern, including metals, is included however, as detailed in the permit for any future discharges. RP will be re-evaluated during the next permit cycle as appropriate.

The result of the RP analysis is Outcome C: No new effluent limitation. Routine monitoring requirements maintained as they are in the permit.

¹ See Reasonable Potential Analysis Guidance for definitions of terms.

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