

**FACT SHEET STATEMENT OF BASIS
GENERAL PERMIT FOR UTAH COAL MINE OPERATIONS
RENEWAL PERMIT
UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES)
UPDES PERMIT NUMBER: UTG040000**

APPROPRIATENESS OF THE GENERAL PERMIT

Utah Administrative Code ("UAC") R317-8-2.5 authorizes the issuance of general permits to categories of point sources within the same geographical area, which involve similar types of operations, potentially discharge the same types of waters, and require similar pollution control measures. There are approximately 10 coal mines currently covered under this permit. This permit replaces the previous Coal Mine General Permit that was issued on April 1, 2019. This general permit coverage will expire five years from the issued date.

DESCRIPTION OF DISCHARGES

This general permit shall apply only to discharges of mine water, ground water, and treated wastewater from coal mining operations located in Utah. Coal mining operations, either new or existing in Utah, which include or will include in part or in whole, alkaline mine water drainage, storm water runoff from coal preparation plant and associated areas, active mining areas, and post mining areas. The discharge of coal preparation plant process waste water is prohibited under this general permit. The discharge data for each of the facilities has been evaluated as the facilities either do not discharge on a regular basis (if at all), or have been able to regularly meet the permit discharge requirements of one Million Gallons per Day (MGD).

CHANGES FROM PREVIOUS PERMIT

Notice of Intent for a General Permit for Coal Mining

The Notice of Intent (NOI) for the permit has been modified to only require information that is needed to assess the applicability of the permittee to be covered under the permit. The previous EPA form that was required to be submitted was used to obtain contact information, outfall locations and identification numbers, source of the wastewater, flow characteristics, latitude and longitude, and receiving waters. The need to submit data for the discharge points is also not required as this data is available in NeT-DMR and the limits for the General Permit for Coal Mining Operations parameters are already established.

Because the nature of work at coal mining operations (operators, coal seams, outfall locations, receiving waters, etc.) are subject to change over the course of the five year permit cycle, the Permittee shall submit a revised NOI within 30 days to the Division of Water Quality when any change at the facility alters the information previously submitted on the NOI.

Specific Limitation and Self-Monitoring Requirements

Per UAC R317-1-3, secondary standards for total suspended solids (TSS) no longer apply to non-POTW facilities. Because of this, the 30-day average and 7-day average for TSS have been

removed from the permit and only the daily maximum of 70 mg/L will apply.

Reporting of Monitoring Results

The requirement to submit monitoring results through NetDMR was previously included in the permit with the option to also mail in the DMR. The permittee will be required to use NetDMR unless infeasible, meaning the inability to access a computer or the internet. In the event a permittee is unable to submit monitoring results through NetDMR, approval can be requested from the Director for submittal of DMRs 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

Stormwater Requirements

Stormwater requirement for the permit have been removed as all coal mining operations are required to maintain coverage under the Multi Sector General Permit for Storm Water Discharges Associated with Industrial Activity (MSGP), Permit No. UTR000000. The MSGP includes all requirements that were previously included in the General Permit for Coal Mining Operations and have been removed in this renewal to ensure consistency and to prevent duplication of requirements.

Pretreatment Requirements

Permittees covered by this general permit do not discharge wastewater to a sanitary sewer system. If wastewater is discharged to a sanitary sewer system the permittee must also notify the DWQ Pretreatment Coordinator regarding the discharge. Any wastewater that a permittee of this general permit may discharge to the sanitary sewer, either as a direct discharge or as a hauled waste, is subject to federal, state, and local pretreatment regulations. Pursuant to *Section 307 of the Clean Water Act*, the permittee shall comply with all applicable federal general pretreatment regulations promulgated, found in *40 CFR Part 403*, the pretreatment requirements found in *UAC R317-8-8*, and any specific local discharge limitations developed by the publicly owned treatment works (POTW) accepting the waste. In addition, in accordance with *40 CFR 403.12(p)(1)*, the permittee must notify the POTW, the EPA Regional Waste Management Director, the DWQ Director and the State hazardous waste authorities, in writing, if they discharge any substance into a POTW which if otherwise disposed would be considered a hazardous waste under *40 CFR Part 261*. This notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous or batch).

BASIS FOR EFFLUENT LIMITATIONS AND REQUIREMENTS

In accordance with regulations promulgated in *40 Code of Federal Regulations (CFR) Part 122.44* and in *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, typically those that are more stringent apply and, in some cases, multiple limits have been included in the permit. In cases where no limits are applicable, Best Professional Judgment (BPJ) may be used, which refers to a discretionary, best professional decision made by the permit writer based upon precedent, prevailing regulatory standards or other relevant information.

The total suspended solids (TSS) multiple limitations were determined using State of Utah secondary treatment standards as contained in *UAC R317-1-3.2*, as well as from categorical Federal standards. The State standards require that the arithmetic mean shall not exceed 25 mg/L during any 30-day period or 35 mg/L during any 7-day period while the daily maximum value of 70 mg/L was taken from *40 CFR 434 Subpart D*, which is entitled *Alkaline Mine Drainage*.

The pH is limited to a minimum of 6.5 and a maximum of 9.0 standard units by State secondary treatment standards as contained in *UAC R317-1-3.2D*.

There shall be no visible sheen or oil and grease present. If sheen is visually observed or there is another reason to believe oil or grease is present in the discharge, then a sample for oil and grease is required. This requirement for oil and grease is based upon Best Professional Judgment of the permitting authority as is consistent with other industrial facilities throughout Utah.

The iron limitation is based on the State Water Quality Standard of 1.0 mg/L for dissolved iron (*UAC R317-2 Table 2.14.2*) and shall apply to each of the discharge points.

Total dissolved solids (TDS) limitations are based upon the Colorado River Basin Salinity Control Forum (CRBSCF) as authorized in *UAC R317-2-4* to control salinity in the Utah portion of the Colorado River Basin, which includes all eleven current permit applicants. Regarding TDS limitations, the CRBSCF Policy entitled "NPDES Permit Program Policy for Implementation of Colorado River Salinity Standards" (Policy), with the most current version dated October 2017, requires the TDS limitation of one-ton per day (or 366 tons per year) as a sum from all discharge points, unless the concentration of TDS is 500 mg/L or less. If the concentration of TDS at any Outfall is less than or equal to 500 mg/L, then no loading limit applies for that Outfall. The one-ton per day (or 366 tons per year) loading limit applies only to those Outfalls exceeding 500 mg/L. Those Outfalls exceeding 500 mg/L, collectively, need to meet the one-ton per day (or 366 tons per year) limit. If one-ton per day (or 366 tons per year) TDS cannot be achieved, then the permittee will be required to remove salinity/TDS in excess of one-ton per day (or 366 tons per year) by developing a treatment process, participating in a salinity off-set program, or developing another type of mechanism to remove the salinity/TDS. The selection of a salinity control program must be approved by the Director of the Division of Water Quality. As with the previous permit, no specific concentration for TDS will be included as a limit in this renewal permit due to the high

variability of site specific salinity concentrations throughout the Utah portion of the Colorado River Basin. However, all facilities covered under this general permit will be required to report TDS concentration regardless of the CRBSCF requirements.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The effluent limitations and monitoring requirements shall be completed as outlined below. Previous discharge data from the Utah coal mine facilities covered under this General Permit indicate that the permitted facilities should be able to continue complying with the following limitations:

Effluent Characteristics	Effluent Limitations ¹			Monitoring Requirements	
	30 Day Average	Daily Minimum	Daily Maximum	Sample Frequency	Sample Type
Total Flow, MGD	1.0	--	Report	Monthly	Measured ²
TSS, mg/L	--	--	70	Monthly	Grab ³
Total Iron, mg/L	--	--	1.0	Monthly	Grab ³
Oil & Grease, mg/L ⁴	--	--	10	Monthly	Visual
Total Dissolved Solids, mg/L	--	--	Report	Monthly	Grab ³
Total Dissolved Solids, tons/day ⁵	--	--	1.0	Monthly	Grab ³
pH, standard units	--	6.5	9.0	Monthly	Grab
Sanitary Waste ⁶	--	--	None	Monthly	Visual
Oil and Grease, floating solids, visible foam, ⁴	--	--	None	Monthly	Visual

¹ See Definitions, *Part V* of the permit for definition of terms.

² For intermittent discharge, the duration of the discharge shall also be reported.

³ These samples may also be a composite sample.

a. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): in the final effluent before mixing with any receiving waters;

b. For discharges composed of surface water or mine water commingled with surface water, 40 C.F.R. Part 434.63 allows alternate effluent limits to be applied when discharges result from specific runoff events, detailed below;

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;

c. The operator shall have the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event described in Parts I.E.3 and 4. The

- alternate limitations in Parts I.E.3 and 4 shall not apply to treatment systems that treat underground mine water only;
- d. Additional monitoring shall be required for facilities that discharge into waters or watersheds on the Utah 303(d) list of impaired waters. These facilities shall be required to monitor for the pollutant(s) that cause the impairment for these waters. The Division of Water Quality will incorporate any additional sampling requirements for parameters of concern.
- ⁴ A visual inspection for oil and grease, floating solids, and visible foam shall be performed monthly. There shall be no sheen, floating solids, or visible foam in other than trace amounts. If 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.
 - ⁵ No tons per day loading limit will be applied at a specific Outfall if the concentration of TDS in the discharge is equal to or less than 500 mg/L. However, if the TDS concentration exceeds 500 mg/L at any Outfall, then the permittee cannot discharge more than 1 ton per day (or 366 tons per year) as a sum from all discharge points exceeding 500 mg/L. If the permittee cannot achieve one ton per day (or 366 tons per year) as a sum from all applicable Outfalls, the permittee will be required to account for the excess salinity/TDS tonnage by developing a treatment process, participating in a salinity-offset program, or other type of mechanism to remove or offset the excess salinity/TDS. The selection of a salinity control program, or other type of treatment process, must be approved by the Director. If the permittee cannot adhere to the TDS limits and requirements mentioned in this paragraph, the permittee shall be required to obtain an individual UPDES permit upon determination by the Director.
 - ⁶ There shall be no discharge of sanitary waste and visual observations shall be performed at least monthly to verify that no such discharges occur.

For discharges composed of surface water or mine water commingled with 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. The permittee has the burden of proof that the described runoff events occurred.

- i. For runoff events (rainfall or snowmelt) less than or equal to a 10-year 24-hour precipitation event, settleable solids shall 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.

SELF-MONITORING REPORTING REQUIREMENTS

The permit will require self-monitoring reports to be submitted monthly and annually, as applicable, on Discharge Monitoring Report (DMR) forms due 28 days after the end of the monitoring period. Monitoring results shall be submitted electronically using NetDMR in lieu of submitting hard copy DMR forms. Effective January 1, 2020, monitoring results must be submitted using NetDMR unless the permittee has successfully petitioned DWQ for an exception.

STORM WATER REQUIREMENTS

Storm water provisions not included in this UPDES permit. The site must maintain coverage under the UPDES Multi-Sector General Permit (MSGP) for Storm Water Discharges Associated with Industrial Activity, General Permit No. UTR000000. All sections of the MSGP that pertain to discharges from Sector H facilities for coal mines and coal mining-related facilities, including inactive or abandoned mines, shall apply to the permittee.

PERMIT DURATION

As stated in *UAC R317-8-5.1(1)*, UPDES permits shall be effective for a fixed term not to exceed five (5) years. Drafted by: Jordan Bryant, Environmental Scientist Utah Division of Water Quality, (385) 272-4894.

PERMIT COMMENT

Begin: *March 1, 2024*

End: *March 31, 2024*