

PERMIT
5/11/08

Permit No. UT0025534
Minor Industrial

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

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

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

PacifiCorp Energy - James Canyon Well System

is hereby authorized to discharge from its facility located in James Canyon, Emery County, Utah, with the outfall located at latitude 39° 38' 27.1" and longitude 111° 13' 35.2" to receiving waters named

Electric Lake, thence to Huntington Creek (tributary to the Colorado River),

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

This permit shall become effective on June 1, 2008.

This permit and the authorization to discharge shall expire at midnight, May 31, 2013.

Signed this 6th day of May, 2008



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

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EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Description of Discharge Point.

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 a violation of the *Act* and may be subject to penalties under the *Act*. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge may be subject to criminal penalties as provided under the *Act*.

<u>Outfall Number</u>	<u>Location of Discharge Point</u>
001	Discharge from James Canyon Well No. 3 (JC-3) at the wellhead prior to entering the Electric Lake pipeline. Latitude 39° 38' 27.1" and Longitude 111° 13' 35.2".

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 bioassay or other tests performed in accordance with standard procedures.

C. Specific Limitations and Self-monitoring Requirements.

1. Effective immediately and lasting the duration of this permit, the permittee is authorized to discharge from Outfall 001. When discharging from Outfall 001, such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristics</u>	<u>Discharge Limitations a/</u>			<u>Monitoring Requirements b/</u>	
	<u>Averages 30-Day</u>	<u>7-Day</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow, GPM	Report	NA	Report	Monthly	Instantaneous
Oil & Grease, mg/L	NA	NA	10	Monthly	Grab
Total Dissolved Solids, mg/L	NA	NA	255	Monthly	Grab
Iron, Total, mg/L	NA	NA	0.5	Monthly	Grab
Arsenic, T & D (Trivalent), mg/L	Report	NA	Report	Monthly	Grab
Cadmium, T & D, mg/L	Report	NA	Report	Monthly	Grab
Chromium, T & D (Trivalent), mg/L	Report	NA	Report	Monthly	Grab
Copper, T & D, mg/L	Report	NA	Report	Monthly	Grab
Iron, Dissolved, mg/L	Report	NA	Report	Monthly	Grab
Lead, T & D, mg/L	Report	NA	Report	Monthly	Grab
Mercury, T & D, mg/L	Report	NA	Report	Monthly	Grab
Nickel, T & D, mg/L	Report	NA	Report	Monthly	Grab
Selenium, T & D, mg/L	Report	NA	Report	Monthly	Grab

<u>Effluent Characteristics</u>	<u>Discharge Limitations a/</u>			<u>Monitoring Requirements b/</u>	
	<u>Averages</u> 30-Day	<u>7-Day</u>	<u>Daily</u> <u>Maximum</u>	<u>Measurement</u> <u>Frequency</u>	<u>Sample</u> <u>Type</u>
Silver, T & D, mg/L	Report	NA	Report	Monthly	Grab
Zinc, T & D, mg/L	Report	NA	Report	Monthly	Grab
Phosphorous, Total, mg/L	Report	NA	Report	Monthly	Grab
Phosphorous, Dissolved, mg/L	Report	NA	Report	Monthly	Grab
Nitrogen as Ammonia, mg/L	Report	NA	Report	Monthly	Grab
Nitrogen as Nitrite + Nitrate, mg/L	Report	NA	Report	Monthly	Grab

The pH shall neither be less than 6.5 standard units, nor greater than 9.0 standard units in any sample and shall be monitored monthly by an instantaneous grab sample.

There shall be no visible sheen or floating solids or visible foam in other than trace amounts.

There shall be no discharge of sanitary wastes.

NA - Not Applicable.

T & D = Total and Dissolved portion of metals analysis.

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

b/ After two years of issuance, this permit can be re-opened if the data base indicates that any of the parameters being monitored is having a negative effect on Electric Lake, or that any limited or monitored parameter(s) needs to be further evaluated in order to develop a more appropriate limit or monitoring program.

2. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at JC-3 wellhead pump platform prior to mixing with receiving waters.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under *Part I* shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. Sludge samples shall be collected at a location representative of the quality of sludge immediately prior to the use-disposal practice.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under *Utah Administrative Code ("UAC") R317-2-10*, unless other test procedures have been specified in this permit.
- C. Penalties for Tampering. The *Act* provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. Reporting of Monitoring Results. Monitoring results obtained during the previous month shall be summarized for each month and reported monthly on a Discharge Monitoring Report Form (EPA No. 3320-1), post-marked no later than the 28th day of the month following the completed reporting period. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the requirements of *Signatory Requirements (see Part IV.G)*, and submitted to the Director, Division of Water Quality at the following address:

original to: Department of Environmental Quality
 Division of Water Quality
 288 North 1460 West
 PO Box 144870
 Salt Lake City, Utah 84114-4870

- E. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- F. Additional Monitoring by the Permittee. If the permittee monitors any parameter more frequently than required by this permit, using test procedures approved under *UAC R317-2-10* or as otherwise specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated. Only those parameters required by the permit need to be reported.
- G. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) and time(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and,
 6. The results of such analyses.
- H. Retention of Records. The permittee shall retain records of all monitoring information, including all

calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Executive Secretary at any time. A copy of this UPDES permit must be maintained on site during the duration of activity at the permitted location.

I. Twenty-four Hour Notice of Noncompliance Reporting.

1. The permittee shall (orally) report any noncompliance which may seriously endanger health or environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of circumstances. The report shall be made to the Division of Water Quality, (801) 538-6146, or 24 hour answering service (801) 536-4123.
2. The following occurrences of noncompliance shall be reported by telephone (801) 536-4123 as soon as possible but no later than 24 hours from the time the permittee becomes aware of the circumstances:
 - a. Any noncompliance which may endanger health or the environment;
 - b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See *Part III.G, Bypass of Treatment Facilities.*);
 - c. Any upset which exceeds any effluent limitation in the permit (See *Part III.H, Upset Conditions.*); or,
 - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit.
3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - 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; and,
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 - e. Steps taken, if any, to mitigate the adverse impacts on the environment and human health during the noncompliance period.
4. The Executive Secretary may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Division of Water Quality, (801) 538-6146.
5. Reports shall be submitted to the addresses in *Part II.D, Reporting of Monitoring Results.*

- J. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for *Part II.D* are submitted. The reports shall contain the information listed in *Part II.I.3*.
- K. Inspection and Entry. The permittee shall allow the Executive Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the *Act*, any substances or parameters at any location.

III. 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 Executive Secretary 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 of 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 III.G, Bypass of Treatment Facilities and Part III.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.
- 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, sludges, or other pollutants removed in the course of treatment shall be buried or 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 2. and 3. of this section.
 2. Prohibition of Bypass.
 - a. Bypass is prohibited, and the Executive Secretary 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 judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance, and

- (3) The permittee submitted notices as required under section G.3.
- b. The executive Secretary may approve an anticipated bypass, after considering its adverse effects, if the Executive Secretary determines that it will meet the three conditions listed in sections G.2a. (1), (2) and (3).
3. Notice.
- a. Anticipated bypass. Except as provided above in section G.2 and below in section G. 3.b, if the permittee knows in advance of the need for a bypass, it shall submit prior notice, at least ninety days before the date of bypass. The prior notice shall include the following unless otherwise waived by the Executive Secretary:
 - (1) Evaluation of alternative to bypass, including cost-benefit analysis containing an assessment of anticipated resource damages;
 - (2) A specific bypass plan describing the work to be performed including scheduled dates and times. The permittee must notify the Executive Secretary in advance of any changes to the bypass schedule;
 - (3) Description of specific measures to be taken to minimize environmental and public health impacts;
 - (4) A notification plan sufficient to alert all downstream users, the public and others reasonably expected to be impacted by the bypass;
 - (5) A water quality assessment plan to include sufficient monitoring of the receiving water before, during and following the bypass to enable evaluation of public health risks and environmental impacts; and
 - (6) Any additional information requested by the Executive Secretary.
 - b. Emergency Bypass. Where ninety days advance notice is not possible, the permittee must notify the Executive Secretary, and the Director of the Department of Natural Resources, as soon as it becomes aware of the need to bypass and provide to the Executive Secretary the information in section G.3.a.(1) through (6i) to the extent practicable.
 - c. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass to the Executive Secretary as required under Part II.I., Twenty Four Hour Reporting. The permittee shall also immediately notify the Director of the Department of Natural Resources, the public and downstream users and shall implement measures to minimize impacts to public health and environment to the extent practicable.

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. Executive Secretary'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 II.I, Twenty-four Hour Notice of Noncompliance Reporting; and,
 - d. The permittee complied with any remedial measures required under Part III.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:

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)*.

K. Industrial Pretreatment. Any wastewaters discharged to the sanitary sewer, either as a direct discharge or as a hauled waste, are subject to Federal, State and local pretreatment regulations. Pursuant to Section 307 of *The Water Quality Act of 1987*, the permittee shall comply with all applicable federal General Pretreatment Regulations promulgated at *40 CFR 403*, the State Pretreatment Requirements at *UAC R317-8-8*, and any specific local discharge limitations developed by the Publicly Owned Treatment Works (POTW) accepting the wastewaters.

In addition, in accordance with *40 CFR 403.12(p)(1)*, the permittee must notify the POTW, the EPA Regional Waste Management Director, and the State hazardous waste authorities, in writing, if they discharge any substance into a POTW which if otherwise disposed of would be considered a hazardous waste under *40 CFR 261*. This notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous or batch).

IV. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Executive Secretary 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 pollutants discharged. 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 Executive Secretary of any planned changes at least 30 days prior to their implementation.
- B. Anticipated Noncompliance. The permittee shall give advance notice to the Executive Secretary 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 Executive Secretary, within a reasonable time, any information which the Executive Secretary 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 Executive Secretary, 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 Executive Secretary, it shall promptly submit such facts or information.
- G. Signatory Requirements. All applications, reports or information submitted to the Executive Secretary 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 Executive Secretary 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:
 - a. The authorization is made in writing by a person described above and submitted to the Executive Secretary, 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 paragraph IV.G.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.G.2 must be submitted to the Executive Secretary prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- H. Penalties for Falsification of Reports. The *Act* provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both.

- I. Availability of Reports. Except for data determined to be confidential under *UAC R317-8-3.2*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of Executive Secretary. As required by the *Act*, permit applications, permits and effluent data shall not be considered confidential

- J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the permittee of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the *Act*.

- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

- L. Severability. The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

- M. Transfers. This permit may be automatically transferred to a new permittee if:
 1. The current permittee notifies the Executive Secretary at least 20 days in advance of the proposed transfer date;

2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
 3. The Executive Secretary 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 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*.
- 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. A revision to the current Water Quality Management Plan is approved and adopted which calls for different effluent limitations than contained in this permit.
- P. Toxicity Limitation-Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include whole effluent toxicity (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.

V. GLOSSARY OF TERMS

A. Definitions

1. The "30-day (and monthly) average" is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
2. The "7-day (and weekly) average" is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.
3. "Daily Maximum" ("Daily Max.") is the maximum value allowable in any single sample or instantaneous measurement.
4. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
5. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
6. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
7. "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.
8. "Executive Secretary" means Executive Secretary of the Utah Water Quality Board.
9. "EPA" means the United States Environmental Protection Agency.
10. "Act" means the "*Utah Water Quality Act*".
11. "Best Management Practices" ("*BMPs*") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. *BMPs* also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
12. "*CWA*" means *The Federal Water Pollution control Act*, as amended, by *The Clean Water Act of 1987*.

13. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharges. This term does not include return flows from irrigated agriculture or agriculture storm water runoff.
14. "Waste pile" means any non-containerized accumulation of solid, non-flowing waste that is used for treatment or storage.
15. "10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available in *Weather Bureau Technical Paper No. 40*, May 1961 and *NOAA Atlas 2*, 1973 for the 11 Western States, and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

**FACT SHEET STATEMENT OF BASIS
JAMES CANYON WELL SYSTEM
MINOR INDUSTRIAL FACILITY PERMIT RENEWAL
UPDES PERMIT NO: UT0025534**

FACILITY CONTACTS: Reg Soepnel, Managing Director (435) 687- 4211, or
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DESCRIPTION OF FACILITY

This permit is for the discharge of mine water pumped from the James Canyon Well System (JCWS) into Electric Lake, which is located in the northwest portion of Emery County, Utah. The discharge into Electric Lake is pumped from a sealed off and abandoned portion of Skyline Mine No. 3 known as the 10 Left Main. The Electric Lake Dam was constructed in 1974 by Utah Power and Light Company currently known as PacifiCorp Energy (PacifiCorp), as a source of water for operation of their Huntington Canyon Power Plant. JCWS was constructed by PacifiCorp to help regulate water levels in Electric Lake, especially during dry or drought type years. The Electric Lake reservoir covers an area of approximately 450 acres and has a capacity of approximately 31,000 acre-feet of water. Electric Lake is a pristine lake and is primarily surrounded by undeveloped natural forests and mountain lands.

DESCRIPTION OF DISCHARGE

There is one regulated discharge point from JCWS known as outfall 001, which is located at latitude 39° 38' 27.1", longitude 111° 13' 35.2". The sampling point is currently at the James Canyon Well No.3 (JC-3) wellhead pump, located on the JCWS platform up James Canyon. Samples are collected prior to entering the 3000 foot buried plastic pipeline into Electric Lake.

Effluent discharge data from the past three years has been evaluated and compiled on Table 1, which has been included as an attachment herein. Since JC-3 has been shut off and the JCWS not discharging since the permit modification in December 1, 2005, there has been no effluent discharge data reported until October 2007. The month of October 2007 was used to test the pump and JC-3 operations, as well as obtain water quality data. The data from the October 2007 discharge event is also included on Table 1 and indicates the water quality for that time period was not sufficient to meet the effluent requirements for both total dissolved solids and total iron concentration limitations. Therefore, PacifiCorp promptly shut down the JC-3 pump test operations and is currently reevaluating the JCWS for potential future operations.

RECEIVING WATER CLASSIFICATION

Electric Lake is classified as High Quality Waters – Category 2 in Utah Administrative Code (UAC) *R317-2-12.2*. High Quality Waters – Category 2 is defined in *R317-2-3.3* as

“...designated surface water segments which are treated as High Quality Waters – Category 1 except that a point source discharge may be permitted provided that the discharge does not degrade existing water quality.”

The permit limitations will be such that degradation of Electric Lake will not be allowed.

BASIS FOR EFFLUENT LIMITATIONS

The basis for effluent limitations are the Utah Water Quality Standards as contained in *UAC R317-2* and the quality of Electric Lake (the receiving water). Code of Federal Regulations (CFR) *40 Part 434 Subpart D* effluent limitations will not be used because the effluent limitations taken from *UAC R317-2* and the quality of the receiving water are more stringent.

After review of water quality obtained from PacifiCorp, Skyline Mine, an Environmental Impact Statement on the Flat Canyon Coal Lease Tract dated January 2002, and available water quality data from 1991 to 2007, there is a very limited amount of data available for metals in Electric Lake. There is not enough data available to do a reasonable application of statistics. Therefore, PacifiCorp shall continue to monitor the JCWS effluent and Electric Lake, as available, to further develop an appropriate data base. PacifiCorp shall again be required to monitor the total and dissolved fractions of the following metals in the effluent; trivalent arsenic, cadmium, trivalent chromium, copper, iron, lead, mercury, nickel, selenium, silver and zinc. In addition, PacifiCorp will be required to monitor their effluent for the following nutrient parameters; total phosphorous, total dissolved phosphorous, ammonia nitrogen, nitrite & nitrate nitrogen.

The metal and nutrient parameters selected above for monitoring result from concern for the potential effect these parameters could have on Electric Lake and the lack of data to determine appropriate permit limits. As a result, the water quality re-opener clause of this permit could be enacted at anytime during the permit renewal cycle, if the data shows that any of the parameters monitored above is having a negative effect on Electric Lake, or that a parameter previously limited (such as total iron) or being monitored, needs to be further evaluated in order to develop a more appropriate limit or monitoring program. Should metal and nutrient limit determinations be warranted, they will be made with the same methodology used to develop the total iron and total dissolved solids (TDS) limits for this permit. This method is identified in the memorandum appended to this Statement of Basis from William O. Moellmer, Ph.D. to Linda Himmelbauer of EPA Region 8 dated April 30, 2003.

Based on a review of available data, information and calculations obtained from Utah Division of Water Quality and EPA Region 8, TDS will be again be limited to 255 mg/L as a daily maximum and total iron will again be limited to 0.5 mg/L as a daily maximum. The effluent limits for TDS and total iron were developed using a limited amount of Electric Lake data. As indicated above these parameters may need to be further evaluated after the data base is expanded.

Based on the Colorado River Basin Salinity Control Forum's requirements as contained in "2005 Review Water Quality Standards For Salinity Colorado River System", no TDS loading limitations are required since the effluent concentrations have previously been less than 500

mg/L. If the concentration of TDS exceeds 500 mg/L, then the discharge is limited to one-ton/day as required. If neither the one-ton/day loading requirement, nor the 500 mg/L concentration limit can be achieved, then the permittee may pursue salinity-offset provisions to account for any excess TDS tonnage, if applicable.

It is not likely that there will be significant concentrations of organic compounds in Electric Lake because of its remote location, with no industry or agricultural developments on the lake or surrounding areas above the lake. Therefore, no effluent limits for specific organics will be included in this permit. However, because the discharge will originate from the abandoned and sealed off portion of a coal mine, an effluent limitation for oil and grease will be included in the permit, which is a 10 mg/L daily maximum concentration limit and is based upon Best Professional Judgment.

Based on *UAC R317-2*, the pH of Electric Lake is required to be 6.5 to 9.0. Therefore, the pH of the effluent should be in the same range of 6.5 to 9.0 in order to protect the lake.

The following table lists parameters included in the permit and their associated effluent limits:

Effluent Limitations

<u>Parameter</u>	<u>30-Day Avg.</u>	<u>7-Day Avg.</u>	<u>Daily Min.</u>	<u>Daily Max.</u>
pH, S.U.	NA	NA	6.5	9.0
Total dissolved solids, mg/L	NA	NA	NA	255
Total iron, mg/L	NA	NA	NA	0.5
Oil & Grease, mg/L	NA	NA	NA	10

NA – Not Applicable

WASTE LOAD ANALYSIS AND ANTIDegradation REVIEW

Effluent limitations are also derived using a waste load analysis (WLA), which is appended to this statement of basis as ADDENDUM. The WLA incorporates Secondary Treatment Standards, Water Quality Standards, Antidegradation Reviews (ADR), as appropriate 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 the development of this UPDES permit renewal, a WLA and ADR were performed, which resulted in a Finding of No Significant Impact-Negative Declaration. The ADR Level I Review determined that an ADR Level II Review was not required.

SELF-MONITORING AND REPORTING REQUIREMENTS

The permit requires Discharge Monitoring Reports (DMR's) to be submitted monthly. Self-monitoring and reporting requirements are listed below:

Self-Monitoring and Reporting Requirements

<u>Parameter</u>	<u>Frequency</u>	<u>Sample Type</u>	<u>Units</u>
pH	Monthly	Grab	S.U.
Total dissolved solids	Monthly	Grab	mg/L
Oil and grease	Monthly	Grab	mg/L
Flow	Monthly	Instantaneous	MGD
T & D Arsenic	Monthly	Grab	mg/L
T & D Cadmium	Monthly	Grab	mg/L
T & D Chromium	Monthly	Grab	mg/L
T & D Copper	Monthly	Grab	mg/L
T & D Iron	Monthly	Grab	mg/L
T & D Lead	Monthly	Grab	mg/L
T & D Mercury	Monthly	Grab	mg/L
T & D Nickel	Monthly	Grab	mg/L
T & D Selenium	Monthly	Grab	mg/L
T & D Silver	Monthly	Grab	mg/L
T & D Zinc	Monthly	Grab	mg/L
T & D Phosphorous	Monthly	Grab	mg/L
Ammonia as Nitrogen	Monthly	Grab	mg/L
Nitrite & Nitrate	Monthly	Grab	mg/L

T & D – Total and Dissolved analyses.

PRETREATMENT REQUIREMENTS

This facility does not discharge process wastewater to any public sanitary sewer system. Any wastewaters discharged to the sanitary sewer, either as a direct discharge or as a hauled waste, are subject to Federal, State and local pretreatment regulations. Pursuant to Section 307 of *The Water Quality Act of 1987*, the permittee shall comply with all applicable federal General Pretreatment Regulations promulgated at *40 CFR 403*, the State Pretreatment Requirements at *UAC R317-8-8*, and any specific local discharge limitations developed by the Publicly Owned Treatment Works (POTW) accepting the wastewaters.

In addition, in accordance with *40 CFR 403.12(p)(1)*, the permittee must notify the POTW, the EPA Regional Waste Management Director, and the State hazardous waste authorities, in writing, if they discharge any substance into a POTW which if otherwise disposed of would be considered a hazardous waste under *40 CFR 261*. This notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous or batch).

BIOMONITORING REQUIREMENTS

A nationwide effort to control toxic discharges where effluent toxicity is an existing or potential concern is regulated in accordance with the *State of Utah Permitting and Enforcement Guidance Document for Whole Effluent Toxicity Control (biomonitoring)*. 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 *R317-2-7.2*.

This facility is categorized as a minor industrial facility, whose discharges is neither considered to be toxic, nor is likely to be toxic. Therefore, a reasonable potential for toxicity does not exist and biomonitoring of the effluent will once again not be required. However, a toxicity reopener provision remains included in the permit so that WET testing and WET limitation requirements can be incorporated at any time if determined to be appropriate in the future.

SIGNIFICANT CHANGES FROM PREVIOUS PERMIT

There are no changes being made in this renewal permit when compared to the previous permit.

PERMIT DURATION

It is recommended that this permit be effective for duration of five (5) years.

Drafted by Jeff Studenka
Environmental Scientist
Utah Division of Water Quality
January 25, 2008