

**Wyoming Department of Environmental Quality  
Water Quality Division  
Wyoming Pollutant Discharge Elimination System (WYPDES) Program**

STATEMENT OF BASIS

MODIFICATION

APPLICANT NAME: North Antelope Coal

MAILING ADDRESS: Caller Box 3034  
Gillette, WY 82717-3034

FACILITY LOCATION: North Antelope and Rochelle Mines, which is located in the Various Sections T41N R70W, T41N, R69W, Campbell County. The wastewater will be discharged to Porcupine Creek, Red Fox Draw, Coyote Draw, Rattlesnake Draw, Peabody Draw, Boltz Draw , Gabe Draw, Getchell Draw, Tracy Draw (class 3B waters), Cheyenne River Basin.

PERMIT NUMBER: WY0028177

*The following Statement of Basis only includes information that has changed with this modification. For a complete Statement of Basis, please see previously issued modifications or renewals for this permit.*

*Upon approval of this major modification, the terms of permit WY0028177 are hereby modified as follows:*

- 1) Addition of outfall #039, described in Part I as “The outfall from the Skull Draw Reservoir, which receives disturbed area runoff; located in the NENW Section 32, T41N, R70W and discharges into Skull Draw which is a tributary to Antelope Creek.”
- 2) Deletion of outfalls 021 and 035.

**BACKGROUND:** North Antelope Coal Company is the owner and operator of the North Antelope/Rochelle Mine. The mine is a large open pit coal mine which is approximately 50 miles south of the City of Gillette, Wyoming. Wastewaters associated with this mine are routed through settling ponds before being discharged to the surface. The permit authorizes discharge of wastewater from 23 different outfalls. The wastewater discharges include pit water, equipment and facilities wash down water, disturbed area runoff, and natural runoff.

Self monitoring of effluent quality and quantity is required on a regular basis with reporting of results quarterly. The permit is scheduled to expire on June 30, 2013.

Roland Peterson  
Water Quality Division  
Department of Environmental Quality  
Drafted: December 17, 2008

AUTHORIZATION TO DISCHARGE UNDER THE  
WYOMING POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, (hereinafter referred to as "the Act"), and the Wyoming Environmental Quality Act,

North Antelope Coal

is authorized to discharge from the wastewater treatment facilities serving the

North Antelope and Rochelle Mines

located in

Various Sections T41N R70W, T41N, R69W, CampbellT45N County


to receiving waters named

Porcupine Creek, Red Fox Draw, Coyote Draw, Rattlesnake Draw, Peabody Draw, Boltz Draw ,  
Gabe Draw, Getchell Draw, Tracy Draw (class 3B waters), Cheyenne River Basin

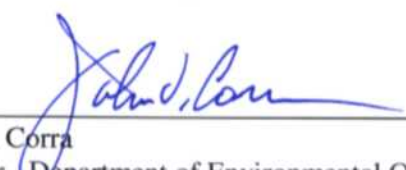
in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II and III hereof.

This permit shall become effective on the date of signature by the Director of the Department of Environmental Quality.

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

  
\_\_\_\_\_  
John F. Wagner, Administrator  
Water Quality Division

3/5/09  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
John V. Corra  
Director - Department of Environmental Quality

3/6/09  
\_\_\_\_\_  
Date

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Effective immediately and lasting through June 30, 2013 the quality of effluent discharged by the permittee shall, at a minimum, meet the limitations set forth below. The permittee is authorized to discharge from outfall serial number(s) 001, 003, 015-020, 022-024, 026-034, 036-039.

Such discharges shall be limited and monitored by the permittee as specified below:

- a. **If:** There has been no measurable precipitation or snow melt during the previous ten days;

**Then:** Any discharge must meet the following effluent limitations and self-monitoring requirements:

Effluent Characteristic	Discharge Limitations		
	<u>Daily Average</u>	<u>Daily Maximum</u>	<u>Instantaneous Maximum</u>
Total Flow - MGD	N/A	N/A	N/A
Total Iron, mg/L	3.0	6.0	9.0
Total Manganese, mg/L *	2.0	4.0	6.0
Dissolved Iron, µg/L	N/A	N/A	1000
Dissolved Manganese, µg/L *	N/A	N/A	1462
Total Suspended Solids, mg/L	30	45	90
pH (standard units)	N/A	N/A	6.5 to 9.0

\* Applicable only when pH of the discharge, prior to any treatment, is less than 6.0 standard units

There shall be no discharge of floating solids or foam in other than trace amounts. Nor shall the discharge have a visible sheen or cause formation of a visible sheen or visible deposits on the bottom or shoreline of the receiving water.

All waters shall be discharged in a manner to prevent erosion, scouring, or damage to stream banks, stream beds, ditches, or other waters of the state at the point of discharge. Discharges shall not occur in such a manner that will result in violations of Water Quality Rules and Regulations, Chapter 1, Section 15. In addition, there shall be no deposition of substances in quantities which could result in significant aesthetic degradation, or degradation of habitat for aquatic life, plant life or wildlife; or which could adversely affect public water supplies or those intended for agricultural or industrial use.

<u>Monitoring Requirements</u>		
<u>Parameter</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Total Flow - MGD	Weekly	Instantaneous
Number of Days Discharged	Monthly	Record
Oil and Grease, mg/L	Continuous	Visible sheen
pH, s.u.	Monthly	Grab
Total Iron, mg/L	Monthly	Grab
Total Manganese *, µg/L	Monthly	Grab
Dissolved Iron, µg/L	Monthly	Grab
Dissolved Manganese *, µg/L	Monthly	Grab
Total Suspended Solids, mg/L	Weekly	Grab

\* Applicable only when pH of the discharge, prior to any treatment, is less than 6.0 standard units

b. **If:** During the previous ten days, any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event ((2.2 inches) (or snowmelt of equivalent volume) may comply with the following limitations instead of the otherwise applicable limitations. *The operator shall have the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event.*

**Then:** Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event ((2.2 inches) (or snowmelt of equivalent volume) must meet an instantaneous maximum settleable solids limitation of 0.5 ml/L and a pH of 6.5 to 9.0. The discharge must also meet the dissolved iron and dissolved manganese limits set above. Discharge quality (dissolved iron, dissolved manganese, pH and settleable solids) and quantity must be measured with a single grab sample on the first day that a discharge occurs following any precipitation or snow melt event.

c. **If:** During the previous ten (10) days there has been a precipitation and/or snow melt event of any duration within any 24 hour period which results in a precipitation depth more than the 10-year, 24-hour event ((2.2 inches); *The operator shall have the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event.*

**Then:** Any discharge on the day of the event or on the first and second day following such an event must meet a pH limitation of 6.5-9.0 and no monitoring is required. Any discharge during the third through tenth day following that event must meet an instantaneous maximum settleable solids limitation of 0.5 ml/L and a pH of 6.5 to 9.0. Discharge quality (settleable solids and pH) and quantity must be measured with a single grab sample on the third, fifth and tenth days following the event.

- d. All runoff control facilities shall be operated in a manner to minimize, to the extent practicable, the discharge of suspended solids and sediment. If, after on-site inspection by the Wyoming Department of Environmental Quality and/or the U.S. Environmental Protection Agency, it is determined that a runoff control pond is not being so operated, such finding shall be considered to be a violation of this permit.
- e. It shall be the responsibility of the permittee to document runoff and snow melt conditions whenever a discharge occurs.
- f. Samples taken to comply with the monitoring requirements of this permit shall be taken at the outfall from the final treatment unit and prior to admixture with diluent water or the receiving stream.

**2. Discharges shall be monitored by the permittee as specified below:**

**a. Monitoring of the initial discharge**

*If a sample representing pit water has already been sampled and analyzed for initial monitoring constituents, the permittee is not required to re-sample and re-analyze the discharge if results have been obtained for all the constituents listed below and reported to the WDEQ.*

Within 60 days of commencement of discharge, a sample shall be collected from a discharge representing pit water and analyzed for the constituents specified below, at the required detection limits. Within 120 days of commencement of discharge, a summary report on the produced water must be submitted to the Wyoming Department of Environmental Quality at the address listed below. This summary report must include the results and detection limits for each of the constituents.

<b><u>Parameter*</u></b> (See notes following the table on chemical states)	<b><u>Required Detection Limits and Required Units</u></b>
<b>Alkalinity, Total</b>	<b>1 mg/L as CaCO<sub>3</sub></b>
<b>Aluminum, Total Recoverable</b>	<b>50 µg/L</b>
<b>Arsenic, Total</b>	<b>1 µg/L</b>
<b>Barium, Total</b>	<b>100 µg/L</b>
<b>Bicarbonate</b>	<b>10 mg/L</b>
<b>Cadmium, Dissolved</b>	<b>5 µg/L</b>
<b>Calcium, Dissolved</b>	<b>50 µg/L, report as me/L</b>

<b>Parameter*</b> (See notes following the table on chemical states)	<b>Required Detection Limits and Required Units</b>
Calcium, Dissolved	50 µg/L, report as mg/L
Chlorides	5 mg/L
Copper, Dissolved	10 µg/L
Dissolved Solids, Total	5 mg/L
Hardness, Total	10 mg/L as CaCO <sub>3</sub>
Iron, Dissolved	50 µg/L
Lead, Dissolved	2 µg/L
Magnesium, Dissolved	100 µg/L, report as me/L
Magnesium, Dissolved	100 µg/L, report as mg/L
Manganese, Dissolved	50 µg/L
Mercury, Dissolved	1 µg/L
pH	to 0.1 pH unit
Radium 226, Total Recoverable	0.2 pCi/L
Selenium, Total Recoverable	5 µg/L
Sodium Adsorption Ratio	Calculated as unadjusted ratio
Sodium, Dissolved	100 µg/L, report as me/L
Sodium, Dissolved	100 µg/L, report as mg/L
Specific Conductance	5 micromhos/cm
Sulfates	10 mg/L
Zinc, Dissolved	50 µg/L

**TOTAL:** Value is expressed in terms of total recoverable metal in the water column.

**NOTE:** Except for aquatic life values for metals and where otherwise indicated, the values given refer to the total recoverable (dissolved plus suspended) amount for each substance. For the aquatic life values for metals, the values refer to the dissolved amount.

**DISSOLVED:** Value is based on the dissolved amount which is the amount that will pass through a 0.45 µm membrane filter prior to acidification to pH 1.5 - 2.0 with nitric acid.

Initial monitoring reports are to be sent to the following addresses:

Wyoming Department of Environmental Quality  
Water Quality Division  
Herschler Building, 4 West  
122 West 25th Street  
Cheyenne, WY 82002

**Adverse weather conditions:** The permit allows for temporary waivers from sampling based on adverse climatic conditions for both effluent limitation and benchmark sampling. This temporary sampling waiver is only intended to apply to insurmountable weather conditions such as drought or dangerous conditions such as lightning, flash flooding, or tornadoes. These events tend to be isolated incidents and should not be used as an excuse for not conducting sampling under more favorable conditions associated with other storm events. The sampling waiver is not intended to apply to difficult logistical conditions, such as remote facilities with few employees or discharge locations which are difficult to access. When a discharger is unable to collect samples within a specified sampling period due to adverse climatic

conditions, the discharger shall collect a sample once the adverse condition has subsided. Permittees are not required to obtain advance approval for sampling waivers. The permittee will need to adequately demonstrate and indicate in the Discharge Monitoring report(s) that local conditions are inaccessible for collecting samples during these periods.

B. EROSION CONTROL

Effective immediately and lasting through June 30, 2013, the permittee shall control erosion from affected land to insure there is no violation of Wyoming's surface water quality standards.

Affected land means the area of land from which overburden is removed, or upon which overburden, development waste rock or refuse is deposited, or both, access roads, haul roads, mineral stockpiles, mill tailings, impoundment basins, and all other lands whose natural state has been or will be disturbed as a result of the operations.

If erosion from affected land is controlled through the use of settling pond(s), the following provisions apply:

1. If a settling pond is not sized to completely contain the runoff resulting from precipitation, an equivalent snow melt or combination of precipitation and resulting snow melt equal to the 10 year/24 hour precipitation event ((2.2 inches), the outfall from such settling pond must be identified as a point of discharge under Part I.C.10 of this permit.
2. If a settling pond is sized to completely contain the runoff from the 10 year/24 hour precipitation event as described above, the outfall from such settling pond need not be identified as a point of discharge in Part I.C.10. However, it must be operated as follows:
  - a. During and immediately following a precipitation or runoff event equal to or greater than the 10 year/24 hour precipitation event as described above, runoff in excess of the design capacity of the pond may be discharged even if the effluent does not meet the quality requirements of Part I.A of this permit.
  - b. If, as the result of any precipitation or runoff event, the volume of water held in the pond exceeds the permanent pool, the water in the pond shall be analyzed at a minimum of once every five (5) days. When the total suspended solids concentration of the water is less than or equal to the total suspended solids limitations in Part I.A of the permit, the quantity in excess of the permanent pool shall be discharged within ten (10) days.
  - c. The volume, Total Suspended Solids, Total Iron and pH of the discharges described in "b" above shall be monitored with single grab samples and shall be reported to the permit issuing authority as an addendum to the regular reports described in Part I.C.2 of this permit.
  - d. All runoff control facilities shall be operated in a manner to minimize, to the extent practicable, the discharge of suspended solids and sediment. If, after on-site inspection by the Wyoming Department of Environmental Quality and/or the U.S. Environmental Protection Agency, it is determined that a runoff control pond is not being so operated, such finding shall be considered to be a violation of this permit.

In addition, the permittee shall operate and maintain all runoff control ponds such that:

1. Sluicing of collected sediments does not occur;
2. Scouring or erosion of the bottom of outlet channels does not occur;
3. The ponds shall be designed and maintained to contain at least one year's worth of accumulated sediment storage as determined by acceptable empirical methods.

C. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and approval by, the permit issuing authority.

2. Reporting

Effluent monitoring results obtained during the previous three month(s) shall be summarized and reported on a Discharge Monitoring Report Form. If the permit requires whole effluent toxicity (WET) (biomonitoring) testing, WET test results must be reported on the most recent version of EPA Region VIII's Guidance for Whole Effluent Reporting. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the Signatory Requirements (see Part II.A.11.), and submitted to the state water pollution control agency at the following addresses postmarked no later than the 28th day of the month following the completed reporting period. The first report is due on April 28, 2009.

Wyoming Department of Environmental Quality  
Water Quality Division  
Herschler Building, 4 West  
122 West 25th Street  
Cheyenne, WY 82002  
Telephone: (307) 777-7781

If no discharge occurs during the reporting period, "no discharge" shall be reported. If discharge is intermittent during the reporting period, sampling shall be done while the facility is discharging.

3. Definitions

- a. A "composite" sample, for monitoring requirements, is defined as a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow.
- b. The "daily average" shall be determined by calculating the arithmetic mean (geometric mean in the case of the fecal coliform) of a minimum of three samples collected on three separate days during a calendar month.
- c. The "daily maximum" shall be determined by the analysis of a properly preserved composite sample composed of a minimum of four grab samples collected at equally spaced two hour intervals and proportioned according to flow at the time of sampling.
- d. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
- e. The "instantaneous maximum" shall be determined by the analysis of a single grab sample.
- f. "MGD", for monitoring requirements, is defined as million gallons per day.
- g. "Net" value, if noted under Effluent Characteristics, is calculated on the basis of the net increase of the individual parameter over the quantity of that same parameter present in the intake water measured prior to any contamination or use in the process of this facility. Any contaminants contained in any intake water obtained from underground wells shall not be adjusted for as described above and, therefore, shall be considered as process input to the final effluent. Limitations in which "net" is not noted are calculated on the basis of gross measurements of each parameter in the discharge, irrespective of the quantity of those parameters in the intake waters.
- h. A "pollutant" is any substance or substances which, if allowed to enter surface waters of the state, causes or threatens to cause pollution as defined in the Wyoming Environmental Quality Act, Section 35-11-103.

4. Test Procedures

Test procedures for the analysis of pollutants, collection of samples, sample containers, sample preservation, and holding times, shall conform to regulations published pursuant to 40 CFR, Part 136, unless other test procedures have been specified in this permit.

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date and time of sampling;
- b. The dates and times the analyses were performed;

- c. The person(s) who performed the analyses and collected the samples;
- d. The analytical techniques or methods used; and
- e. The results of all required analyses including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine the results.

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated.

7. Records Retention

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 (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the administrator at any time. Data collected on site, copies of Discharge Monitoring Reports and a copy of this WYPDES permit must be maintained on site during the duration of activity at the permitted location.

8. 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 two (2) years per violation, or both.

9. 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.

10. Identification and Establishment of Discharge Points

According to 40 CFR 122.21(k)(1), the permittee shall identify the expected location of each discharge point on the appropriate NPDES permit application form. The location of the discharge point must be identified to within an accuracy of 15 seconds. This equates to a distance of 1,510 feet.

In order for the permit not to be subjected to additional public notice, the location of the established discharge point must be within 1,510 feet of the location of the discharge point originally identified on the permit application. In addition, the discharge must be within the same drainage and must discharge to the same landowner's property as

identified on the original application form. If the three previously stated requirements are not satisfied, modification of the discharge point location(s) constitutes a major modification of the permit as defined in Part I.B.12. The permittee shall provide written notification of the establishment of each discharge point in accordance with Part I.A.2.a above.

11. Location of Discharge Points

Requests for modification of the outfalls contained in this permit (listed below) will be processed as follows. If the requested modification satisfies the definition of a minor permit modification as defined in 40 CFR 122.63 modifications will not be required to be advertised in a public notice. A minor modification constitutes a correction of a typographical error, increase in monitoring and/or reporting, revision to an interim compliance schedule date, change in ownership, revision of a construction schedule for a new source discharger, deletion of permitted outfalls, and/or the incorporation of an approved local pretreatment program. A request for a minor modification must be initiated by the permittee.

The outfalls listed in Table 1 (located at the end of Part I) may be moved from the established location without submittal of a permit modification application provided all of the following conditions are satisfied:

1. The new outfall location is within 2640 feet of the established outfall location.
2. The new outfall location is within the same drainage or immediate permitted receiving waterbody.
3. There is no change in the identity of the landowner(s) located outside the mine permit boundary, who will receive the discharge water.
4. Notification of the change in outfall location must be provided to the WYPDES Permits Section in writing within 10 days of the outfall location change. The request must be provided in duplicate and legible maps showing the previous and new outfall location must be included.

Moving an outfall location without satisfying the four above listed conditions will be considered a violation of this permit and subject to full enforcement authority of the WQD.

Outfall relocation as described above will not be allowed if the new outfall location is less than one mile from the confluence of a class 2 waterbody and the dissolved iron limits established in the permit for the outfall are based upon class 3 standards.

OUTFALL DESCRIPTIONS  
WY0028177  
North Antelope and Rochelle Mines

- 001 The outfall from the Railroad Loop Reservoir which receives pit water, equipment and facilities wash down water and natural runoff. The pond is located in the SE, Section 16, T41N, R70W and discharges to Porcupine Creek.

- 003 The outfall from the North Antelope Shop Reservoir which receives pit water and outflow from the upstream 2B Reservoir. The reservoir is located in NENW, Section 21, T41N, R70W and discharges to Porcupine Creek.
- 015 The outfall from SP-7A Reservoir, which receives pit water, equipment and facilities wash down and natural runoff, located in the SWSE, Section 10, T41N, R70W and discharges into Red Fox Draw.
- 016 The outfall from SP-8 Reservoir, which receives equipment and facilities wash down water and natural runoff, is located in the SWSE, Section 10, T41N, R70W, discharges in to Coyote Draw.
- 017 The outfall from SP-9A Reservoir, which receives equipment and facilities wash down water and natural runoff, is located in the NENE, Section 15, T41N, R70W, discharges into Rattlesnake Draw.
- 018 The outfall from SP-10 Reservoir, which receives equipment and facilities was down water and natural runoff, is located in the SWNW, Section 15, T41N, R70W, discharges into Peabody Draw.
- 019 The outfall from SP-11B Reservoir, which receives pit water and disturbed area runoff, is located in the SESE, Section 10, T41N, R70W, discharges into Peabody Draw.020 The outfall from SP-41A Reservoir, which receives pit water and reclaimed area runoff, is located in the SWSW, Section 12, T41N R70W, discharges into Boltz Draw.021 The outfall from SP-42A Reservoir, which receives pit water and disturbed area runoff, is located in the NWSE, Section 12, T41N, R70W, discharges into Boltz Draw.
- 020 The outfall from SP-41A Reservoir, which receives pit water and reclaimed area runoff, is located in the SWSW Section 12, T41N, R70W, and discharges into Boltz Draw
- 022 The outfall from SP-46 Reservoir, which receives pit water, reclaimed area runoff and disturbed area runoff, is located in the NWSW, Section 11, T41N, R70W, discharges into Peabody Draw.
- 023 The outfall from SP-47 Reservoir, which receives pit water, reclaimed area runoff and disturbed area runoff, is located in the NWSW Section 11, T41N, R70W, discharges into Peabody Draw.
- 024 The outfall from the SP-52 Reservoir, which receives pit water and reclaimed area runoff, is located in the NESE, Section 8, T41N, R70W, discharges into Boltz Draw.
- 028 The outfall from SP-6A Reservoir, which receives disturbed area runoff, located in the NESW Section 21, T41N R70W and discharges into Belden Draw which is a tributary to Porcupine Creek.
- 029 The outfall from SP-6B Reservoir, which receives disturbed area runoff, located in the SWSE Section 21, T41N R70W and discharges into Gabe Draw which is a tributary to Porcupine Creek.
- 030 The outfall from SP-6C Reservoir, which receives disturbed area runoff, located in the SWNE Section 28, T41N R70W and discharges into Gabe Draw which is a tributary to Porcupine Creek.
- 031 The outfall from SP-6D Reservoir, which receives disturbed area runoff, located in the NESE Section 28, T41N R70W and discharges into Ana Draw which is a tributary to Porcupine Creek
- 032 The outfall from SP-6E Reservoir, which receives disturbed area runoff, located in the NESE Section 28, T41N R70W and discharges into Getchell Draw which is a tributary to Antelope Creek
- 033 The outfall from SP-53 Reservoir, which receives pit water and reclaimed area runoff, located in the NWSE Section 7, T41N R69W and discharges into an unnamed tributary to Beckwith Creek.

- 034 The outfall from SP-54 Reservoir, which receives pit water and reclaimed area runoff, located in the SENE Section 7, T41N R69W and discharges into an unnamed tributary to Beckwith Creek.
- 036 The outfall from SP-56 Reservoir, which receives pit water and reclaimed area runoff, located in the SESE Section 6, T41N R69W and discharges into an unnamed tributary to Beckwith Creek.
- 037 The outfall from SP-60 Reservoir, which receives pit water and reclaimed area runoff, located in the SESE Section 6, T41N R69W and discharges into Tracy Draw which is a tributary to Beckwith Creek.
- 038 The outfall from SP-61 Reservoir, which receives pit water and reclaimed area runoff, located in the NENW Section 6, T41N R69W and discharges into Beckwith Creek.
- 039 The outfall from the Skull Draw Reservoir, which receives disturbed area runoff; located in the NENW Section 32, T41N, R70W and discharges into Skull Draw which is a tributary to Antelope Creek.

NORTH ANTELOPE ROCHELLE MINE WYPDES # WY0028177									
Discharge Point #	Immediate Receiving Stream	Main Stem	Distance from outfall to main stream (miles)	Quarter / Quarter	Section	Township	Range	Latitude	Longitude
001	Porcupine Creek	Porcupine Creek	0	SE	16	T41N	R70W	43 31' 21"	105 16' 09"
003	Judi's Draw	Porcupine Creek	1.56	NENW	21	T41N	R70W	43 30' 59"	105 16' 30"
015	Red Fox Draw	Peabody Draw	0.02	SWSE	10	T41N	R70W	43 32' 04"	105 14' 54"
016	Coyote Draw	Peabody Draw	0.12	SWSE	10	T41N	R70W	43 32' 03"	105 15' 09"
017	Rattlesnake Draw	Peabody Draw	0.02	NENE	15	T41N	R70W	43 31' 47"	105 15' 17"
018	unnamed	Peabody Draw	0.01	SWNW	15	T41N	R70W	43 31' 43"	105 15' 39"
019	unnamed	Peabody Draw	0.08	SESE	10	T41N	R70W	43 32' 07"	105 14' 40"
020	Boltz Draw	Boltz Draw	0	SWSW	12	T41N	R70W	43 32' 21"	105 12' 49"
022	unnamed	Peabody Draw	1.33	NWSW	11	T41N	R70W	43 32' 29"	105 13' 40"
023	unnamed	Peabody Draw	1.34	NWSW	11	T41N	R70W	43 32' 28"	105 13' 39"
024	Steves Draw	Boltz Draw	0.50	NESE	8	T41N	R70W	43 32' 07"	105 12' 24"
026	(Deleted)		n/a						
027	(Mined out)		n/a						
028	Belden Draw	Porcupine Creek	1.13	NESW	21	T41N	R70W	43 30' 29"	105 16' 22"
029	Gabe Draw	Porcupine Creek	0.44	SWSE	21	T41N	R70W	43 30' 25"	105 16' 09"
030	Gabe Draw	Porcupine Creek	n/a	SWNE	28	T41N	R70W	(Not Constructed)	
031	Ana Draw	Porcupine Creek	0.55	NESE	28	T41N	R70W	43 29' 47"	105 15' 46"
032	Getchell Draw	Antelope Creek	n/a	NESE	28	T41N	R70W	(Not Constructed)	
033	unnamed tributary	Beckwith Creek	1.42	NWSE	7	T41N	R69W	43 32' 23"	105 11' 11"
034	unnamed tributary	Beckwith Creek	1.51	SENE	7	T41N	R69W	43 32' 32"	105 11' 11"
036	unnamed tributary	Beckwith Creek	1.60	SESE	6	T41N	R69W	43 32' 58"	105 11' 00"

037	Tracy Draw	Beckwith Creek	1.70	SESE	6	T41N	R69W	43 32' 59"	105 11' 09"
038	unnamed tributary	Beckwith Creek	1.42	NENW	6	T41N	R69W	43 33' 04"	105 10' 50"
039	unnamed tributary	Skull Draw		NENW	32	T41N	R70W	43.4861	-105.4191

PART II

A. MANAGEMENT REQUIREMENTS

1. Changes

The permittee shall give notice to the administrator of the Water Quality Division as soon as possible of any physical alterations or additions to the permitted facility. Notice is required when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29 (b); or
- b. The alteration or addition could change the nature or increase the quantity of pollutants discharged.

2. Noncompliance Notification

- a. The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- b. The permittee shall report any noncompliance which may endanger health or the environment as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances. The report shall be made to the Water Quality Division, Wyoming Department of Environmental Quality at (307) 777-7781.
- c. For any incidence of noncompliance, including noncompliance related to non-toxic pollutants or non-hazardous substances, a written submission shall be provided within five (5) days of the time that the permittee becomes aware of the noncompliance circumstance.

The written submission shall contain:

- (1) A description of the noncompliance and its cause;
  - (2) The period of noncompliance, including exact dates and times;
  - (3) The estimated time noncompliance is expected to continue if it has not been corrected; and
  - (4) Steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.
- d. The following occurrences of unanticipated noncompliance shall be reported by telephone to the Water Quality Division, Watershed Management Section, WYPDES Program (307) 777-7781 as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances.

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit;
  - (2) Any upset which exceeds any effluent limitation in the permit; or
  - (3) Violation of a maximum daily discharge limitation for any toxic pollutants or hazardous substances, or any pollutants specifically identified as the method to control a toxic pollutant or hazardous substance listed in the permit.
- e. The administrator of the Water Quality Division may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Quality Division, WYPDES Program (307) 777-7781.
- f. Reports shall be submitted to the Wyoming Department of Environmental Quality at the address in Part I under Reporting and to the Planning and Targeting Program, 8ENF-PT, Office of Enforcement, Compliance, and Environmental Justice, U.S. EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129.
- g. The permittee shall report all instances of noncompliance that have not been specifically addressed in any part of this permit at the time the monitoring reports are due.

3. Facilities Operation

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 appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit. However, the permittee shall operate, as a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to waters of the state resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. Bypass of Treatment Facilities

- a. Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- b. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of

paragraphs c. and d. of this section. Return of removed substances to the discharge stream shall not be considered a bypass under the provisions of this paragraph.

- c. Notice:
  - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice at least 60 days before the date of the bypass.
  - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.A.2.
- d. Prohibition of bypass.
  - (1) Bypass is prohibited and the administrator of the Water Quality Division may take enforcement action against a permittee for a bypass, unless:
    - (a) The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
    - (b) There were no feasible alternatives to the 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 back-up equipment should have been installed to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    - (c) The permittee submitted notices as required under paragraph c. of this section.
- e. The administrator of the Water Quality Division may approve an anticipated bypass, after considering its adverse effects, if the administrator determines that it will meet the three conditions listed above in paragraph d. (1) of this section.

6. Upset Conditions

- a. 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, improper designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph c. of this section are met.

- c. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated;
  - (3) The permittee submitted notice of the upset as required under Part II.A.2; and
  - (4) The permittee complied with any remedial measures required under Part II.A.4.
- d. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

7. Removed Substances

Solids, sludges, filter backwash or other pollutants removed in the course of treatment or control of wastewaters or intake waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the state.

8. Power Failures

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

- a. In accordance with a schedule of compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater control facilities; or
- b. If such alternative power source as described in paragraph a. above is not in existence and no date for its implementation appears in Part I, take such precautions as are necessary to maintain and operate the facility under its control in a manner that will minimize upsets and insure stable operation until power is restored.

9. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal act and the Wyoming Environmental Quality 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 the administrator of the Water Quality Division advance notice of any planned changes at the permitted facility or of any activity which may result in permit noncompliance.

10. 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.

11. Signatory Requirements

All applications, reports or information submitted to the administrator of the Water Quality Division shall be signed and certified.

- a. All permit applications shall be signed as follows:
  - (1) For a corporation: by a responsible corporate officer;
  - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
  - (3) For a municipality, state, federal or other public agency: by either a principal executive officer or ranking elected official.
- b. All reports required by the permit and other information requested by the administrator of the Water Quality Division 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:
  - (1) The authorization is made in writing by a person described above and submitted to the administrator of the Water Quality Division; and
  - (2) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
- c. If an authorization under paragraph II.A.11.b. 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 II.A.11.b must be submitted to the administrator of the Water Quality Division prior to or together with any reports, information or applications to be signed by an authorized representative.
- d. 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."

B. RESPONSIBILITIES

1. Inspection and Entry

If requested, the permittee shall provide written certification from the surface landowner(s), if different than the permittee, that the administrator or the administrator's authorized agent has access to all physical locations associated with this permit including well heads, discharge points, reservoirs, monitoring locations, and any waters of the state.

The permittee shall allow the administrator of the Water Quality Division or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. 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 this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
- d. Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the federal act, any substances or parameters at any location.

2. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the regional administrator of the Environmental Protection Agency and the administrator of the Water Quality Division. The administrator of the Water Quality Division shall then provide written notification to the new owner or controller of the date in which they assume legal responsibility of the permit. The permit may be modified or revoked and reissued to change the name of the permittee and incorporate such other requirements as described in the federal act.

3. Availability of Reports

Except for data determined to be confidential under Section 308 of the federal act, all reports prepared in accordance with the terms of this permit shall be available for public

inspection at the offices of the Wyoming Department of Environmental Quality and the regional administrator of the Environmental Protection Agency. As required by the federal act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the federal act.

4. Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions established under Section 307 (a) of the federal act 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.

5. Changes in Discharge of Toxic Substances

Notification shall be provided to the administrator of the Water Quality Division as soon as the permittee knows of, or has reason to believe:

- a. 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":
  - (1) One hundred micrograms per liter (100 µg/L);
  - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
  - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21 (g) (7); or
  - (4) The level established by the director of the Environmental Protection Agency in accordance with 40 CFR 122.44 (f).
  
- b. 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":
  - (1) Five hundred micrograms per liter (500 µg/L);
  - (2) One milligram per liter (1 mg/l) for antimony;
  - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21 (g) (7); or

- (4) The level established by the director of the Environmental Protection Agency in accordance with 40 CFR 122.44 (f).

6. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. As long as the conditions related to the provisions of "Bypass of Treatment Facilities" (Part II.A.5), "Upset Conditions" (Part II.A.6), and "Power Failures" (Part II.A.8) are satisfied then they shall not be considered as noncompliance.

7. 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.

8. Oil and Hazardous Substance Liability

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 to which the permittee is or may be subject under Section 311 of the federal act.

9. 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 or federal law or regulation. In addition, issuance of this permit does not substitute for any other permits required under the Clean Water Act or any other federal, state, or local law.

10. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, 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.

11. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.

12. Duty to Provide Information

The permittee shall furnish to the administrator of the Water Quality Division, within a reasonable time, any information which the administrator 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 administrator, upon request, copies of records required by this permit to be kept.

13. 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 administrator of the Water Quality Division, it shall promptly submit such facts or information.

14. Permit Action

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.

15. Permit Fees

Once this permit has been issued, the permittee will be assessed a \$100.00 per-year permit fee by the Water Quality Division. The fee year runs from January 1st through December 31st. This permit fee will continue to be assessed for as long as the permit is active, regardless of whether discharge actually occurs. This fee is not pro-rated. If the permit is active during any portion of the fee year, the full fee will be billed to the permittee for that fee year. In the event that this permit is transferred from one permittee to another, each party will be billed the full permit fee for the fee year in which the permit transfer was finalized. See the Wyoming Environmental Quality Act §35-11-312 for further information.

PART III

A. OTHER REQUIREMENTS

1. Flow Measurement

At the request of the administrator of the Water Quality Division, the permittee must be able to show proof of the accuracy of any flow measuring device used in obtaining data submitted in the monitoring report. The flow measuring device must indicate values of within plus or minus ten (10) percent of the actual flow being measured.

2. 208(b) Plans

This permit may be modified, suspended or revoked to comply with the provisions of any 208(b) plan certified by the Governor of the State of Wyoming.

3. Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary) or other appropriate requirements if one or more of the following events occurs:

- a. The state water quality standards of 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;
- b. A total maximum daily load (TMDL) and/or watershed management plan is developed and approved by the state and/or the Environmental Protection Agency which specifies a wasteload allocation for incorporation in this permit;
- c. A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit;
- d. Downstream impairment is observed and the permitted facility is contributing to the impairment;
- e. The limits established by the permit no longer attain and/or maintain applicable water quality standards;
- f. The permit does not control or limit a pollutant that has the potential to cause or contribute to a violation of a state water quality standard.
- g. If new applicable effluent guidelines and/or standards have been promulgated and the standards are more stringent than the effluent limits established by the permit.
- h. In order to protect water quality standards in neighboring states, effluent limits may be incorporated into this permit or existing limits may be modified to ensure that the appropriate criteria, water quality standards and assimilative capacity are attained.

4. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, suspended or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- d. If necessary to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b) (2) (C) and (D), 304 (b) (2) and 307 (a) (2) of the federal act, if the effluent standard or limitation so issued or approved:
  - (1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
  - (2) Controls any pollutant not limited in the permit.

5. Toxicity Limitation - Reopener Provision

This permit may be reopened and modified (following proper administrative procedures) to include a new compliance date, additional or modified numerical limitations, a new or different compliance schedule, a change in the whole effluent protocol or any other conditions related to the control of toxicants if one or more of the following events occur:

- a. Toxicity was detected late in the life of the permit near or past the deadline for compliance;
- b. The toxicity reduction evaluation (TRE) results indicate that compliance with the toxic limits will require an implementation schedule past the date for compliance and the permit issuing authority agrees with the conclusion;
- c. The TRE results indicate that the toxicant(s) represent pollutant(s) that may be controlled with specific numerical limits and the permit issuing authority agrees that numerical controls are the most appropriate course of action;
- d. Following the implementation of numerical controls on toxicants, the permit issuing authority agrees that a modified whole effluent protocol is necessary to compensate for those toxicants that are controlled numerically;
- e. The TRE reveals other unique conditions or characteristics which, in the opinion of the permit issuing authority, justify the incorporation of unanticipated special conditions in the permit.

6. Severability

The provisions of this permit are severable and if any provision 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.

7. Penalties for Falsification of Reports

The federal 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 per violation or by imprisonment for not more than two years per violation or both.