



REGION 6  
1445 ROSS AVENUE  
DALLAS, TEXAS 75202-2733

NPDES Permit No NM0029505

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**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq; the "Act"),

San Juan Coal Company – La Plata Mine  
300 West Arrington, Suite 101  
Farmington, NM 87401

is authorized to discharge from a facility located 15 miles north of Farmington, New Mexico, in, San Juan County, New Mexico to,

an unnamed intermittent stream in Waterbody Segment 20.6.4.98 NMAC from Outfall locations listed below,

in accordance with this cover page and the effluent limitations, monitoring requirements, and other conditions set forth in Part I, Part II, and Part III hereof.

This permit supersedes and replaces NPDES Permit No. NM0029505 issued June 26, 2009.

This permit shall become effective on

This permit and the authorization to discharge shall expire at midnight,

Issued on

Prepared by

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William K. Honker, P.E.  
Director  
Water Quality Protection Division (6WQ)

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Maria E. Okpala  
Environmental Engineer  
Permits & Technical Section (6WQ-PP)

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PERMIT OUTFALL TABLE

Outfalls	Latitude	Longitude	Receiving Water
003	36°59'21.563"	108°8'13.257"W	La Plata River
004	36°59'22.001"	108°8'15.863"W	La Plata River
005	36°59'36.597"	108°7'23.443"W	La Plata River
006	36°58'33.398"	108°9'43.997"W	La Plata River
012	36°58'25.620"	108°9'38.902"W	La Plata River
015	36°58'51.649"	108°10'45.338"W	La Plata River
016	36°59'5.556"	108°10'57.047"W	La Plata River
018	36°59'16.475"	108°10'33.078"W	La Plata River
019	36°58'40.658"	108°9'28.277"W	La Plata River
020	36°58'45.650"	108°8'47.398"W	La Plata River
021	36°58'59.567"	108°8'7.206"W	La Plata River
022	36°59'6.159"	108°7'49.621"W	La Plata River
023	36°59'12.373"	108°7'50.035"W	La Plata River
026	36°59'35.364"	108°7'22.572"	La Plata River
027	36°59'29.701"	108°7'27.480"W	La Plata River
028	36°59'16.994"	108°7'48.777"W	La Plata River
029	36°59'14.435"	108°7'50.956"W	La Plata River
030	36°59'33.990"	108°8'19.309"W	La Plata River
031	36°59'27.484"	108°8'17.103"W	La Plata River
032	36°58'59.074"	108°8'1.737"W	La Plata River
A	36°59'7.384"	108°10'48.290"W	La Plata River
B	36°58'34.100"	108°9'51.643"W	La Plata River
C	36°59'14.532"	108°8'4.797"W	La Plata River
D	36°59'3.538"	108°8'22.027"W	La Plata River
E	36°59'4.520"	108°8'6.783"W	La Plata River
F	36°59'22.310"	108°7'43.208"W	La Plata River
G	36°59'28.220"	108°7'36.560"W	La Plata River
H	36°59'33.970"	108°7'28.911"W	La Plata River
I	36°59'11.073"	108°8'4.290"W	La Plata River
J	36°59'10.711"	108°8'2.491"W	La Plata River
K	36°59'16.185"	108°8'7.657"W	La Plata River
M	36°59'44.398"	108°8'19.134"W	La Plata River
N	36°59'16.193"	108°7'49.543"W	La Plata River
O	36°59'15.310"	108°7'50.153"W	La Plata River
P	36°59'13.583"	108°7'49.825"W	La Plata River

PART I – REQUIREMENTS FOR NPDES PERMITS

SECTION A. LIMITATIONS AND MONITORING REQUIREMENTS

1. INTERIM EFFLUENT LIMITS – OUTFALL 028

During the period beginning on the effective date of the permit and lasting 3 years from the permit effective date (unless otherwise noted), the permittee is authorized to discharge mine drainage due to precipitation events from reclamation areas to an unnamed intermittent stream in Waterbody Segment 20.6.4.98. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Standard Units			
POLLUTANT	MINIMUM	MAXIMUM	MONITORING FREQUENCY	SAMPLE TYPE
pH	6.6	9.0	1/Month(*1)	Grab

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	lbs/day, unless noted		mg/l, unless noted			
POLLUTANT	30-DAY AVG	DAILY MAX	30-DAY AVG	DAILY MAX	SAMPLE FREQUENCY	SAMPLE TYPE
Flow	Report MGD	Report MGD	N/A	N/A	1/Month(*1)	Estimate (*2)
Total Mercury	N/A	N/A	Report	Report	1/Month(*1)	Grab
Total Recoverable Selenium	N/A	N/A	Report	Report	1/Month(*1)	Grab

2. FINAL EFFLUENT LIMITS - Outfall 028

During the period beginning three years from the effective date of the permit and lasting through the expiration date of the permit (unless otherwise noted), the permittee is authorized to discharge mine drainage due to precipitation events from reclamation areas to an unnamed intermittent stream in Waterbody Segment 20.6.4.98. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Standard Units			
POLLUTANT	MINIMUM	MAXIMUM	MONITORING FREQUENCY	SAMPLE TYPE
pH	6.6	9.0	1/Month(*1)	Grab

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	lbs/day, unless noted		mg/l, unless noted			
POLLUTANT	30-DAY AVG	DAILY MAX	30-DAY AVG	DAILY MAX	SAMPLE FREQUENCY	SAMPLE TYPE
Flow	Report MGD	Report MGD	N/A	N/A	1/Month(*1)	Estimate (*2)
Total Mercury	N/A	N/A	0.00077	0.00077	1/Month(*1)	Grab
Total Recoverable Selenium	N/A	N/A	0.005	0.005	1/Month(*1)	Grab

3. Outfalls 003-006, 002, 009-010, 012, 015-016, 018-023, 026 - 032 and Outfalls A through P

During the period beginning on the effective date of the permit and lasting through the expiration date of the permit (unless otherwise noted), the permittee is authorized to discharge mine drainage due to precipitation events from reclamation areas to an unnamed intermittent stream in Waterbody Segment 20.6.4.98. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Standard Units			
POLLUTANT	MINIMUM	MAXIMUM	MONITORING FREQUENCY	SAMPLE TYPE
pH	6.6	9.0	1/Month(*1)	Grab

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	lbs/day, unless noted		mg/l, unless noted		SAMPLE FREQUENCY	SAMPLE TYPE
POLLUTANT	30-DAY AVG	DAILY MAX	30-DAY AVG	DAILY MAX		
Flow	Report MGD	Report MGD	N/A	N/A	1/Month(*1)	Estimate (*2)
Reclamation Inspection	Report (*2)		Report (*3)		1/Quarter	Study

Footnotes:

- \*1 When discharging
- \*2 "Estimate" flow measurements shall be based on the best engineering judgment, but is not subject to the accuracy provisions established at Part III.C.6.
- \*3 The permittee shall conduct reclamation inspections within the drainage areas associated with the outfalls listed above in conjunction with vegetation and erosion studies no less than once per quarter. An inspection report for each associated outfall shall be submitted with the Discharge Monitoring Report (DMR) every quarter as described in Section B below. Each reclamation inspection report shall include, at a minimum, the following items:
  - (1) The personnel who conduct the inspections.
  - (2) Date(s) on which inspection was performed.
  - (3) A written summary of major observations, including observation of no deficiency.
  - (4) Actions that should be taken to correct noted deficiencies.
  - (5) Photodocumentation of findings if necessary. And,
  - (6) The signature of delegated officer.

**SAMPLING LOCATION(S)**

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following locations(s): Outfalls 003, 004, 005, 006, 009, 010, 012, 015, 016, 018, 019, 020, 021, 022, 023, 026, 027, 028, 029, 030, 031, 032, and Outfalls A through P respectively.

**FLOATING SOLIDS, VISIBLE FOAM AND/OR OILS**

There shall be no discharge of floating solids or visible foam in other than trace amounts. There shall be no discharge of visible films of oil, globules of oil, grease or solids in or on the water, or coatings on stream banks.

**SECTION B. SCHEDULE OF COMPLIANCE**

The permittee shall comply with the following schedule of activities for the attainment of state water quality standards-based final effluent limitations for **total mercury and total recoverable selenium**:

- a. Conduct a study and identify needed stabilization techniques (December 31, 2014).
- b. Install the BMPs identified by the Study (June 1, 2015).
- c. Install any additional controls, if necessary (July 31, 2017).
- d. Attain final effluent limitations for **total mercury and total recoverable selenium** no later than 3 years from the permit effective date.

The permittee shall submit quarterly progress reports, to both EPA and NMED Surface Water Quality Bureau, in accordance with the following schedule. The requirement to submit quarterly progress reports for **total mercury and total recoverable selenium** shall expire 3 years from the permit effective date. No later than 14-days after the date compliance with the **total mercury and total recoverable selenium** final limits have been met, the permittee shall submit a written final report both to EPA and the State Agency, stating that compliance has been completed. If at any time during the compliance periods the permittee determines that full compliance will not be met within the time allowed, a separate report shall be sent to both EPA and the State Agency stating the explanation for this delay and proposed remedial actions.

**PROGRESS REPORT DATES**

January 30  
April 30  
July 30  
October 30

The permittee should note that each date applies to the prior three month period.

Send progress and final reports to the following addresses:

EPA:

Compliance Assurance and  
Enforcement Division  
Water Enforcement Branch (6EN-W)  
U.S. EPA, Region 6  
1445 Ross Avenue  
Dallas, TX 75202-2733

New Mexico:

Program Manager  
Surface Water Quality Bureau  
New Mexico Environment Department  
P.O. Box 5469  
1190 Saint Francis Drive  
Santa Fe, NM 87502-5469

**NO DISCHARGE REPORTING**

If there is no discharge event at this Outfall during the sampling month, place an "X" in the NO DISCHARGE box located in the upper right corner of the preprinted Discharge Monitoring Report.

**SECTION C. MONITORING AND REPORTING (MINOR DISCHARGERS)**

Monthly monitoring information shall be submitted as specified in Part III.D.4 of this permit.

Reporting periods shall end on the last day of the months March, June, September, and December.

The permittee is required to submit regular quarterly reports as described above no later than the 28<sup>th</sup> day of the month following each reporting period.

The permittee shall report all overflows with the Discharge Monitoring Report submittal. These reports shall be summarized and reported in tabular format. The summaries shall include: the date, time, duration, location, estimated volume, and cause of the overflow; observed environmental impacts from the overflow; actions taken to address the overflow; and ultimate discharge location if not contained (e.g., storm sewer system, ditch, tributary).

Any noncompliance which may endanger health or the environment shall be made to the EPA at the following e-mail address: R6\_NPDES\_Reporting@epa.gov, as soon as possible, but within 24-hours from the time the permittee becomes aware of the circumstance. This language supersedes that contained in Part III.D.7 of the Permit. Additionally, oral notification shall also be to the New Mexico Environment Department at (505) 827-0187 as soon as possible, but within 24 hours from the time the permittee becomes aware of the circumstance. A written report of overflows which endanger health or the environment shall be provided to EPA and the New Mexico Environment Department, within 5 days of the time the permittee becomes aware of the circumstance.

D. COPY OF REPORTS AND APPLICATION TO NMED

The permittee shall send a copy of discharge monitoring reports (DMR), all other reports required in the permit, as well as a copy of application for permit renewal to New Mexico Environment Department at the mailing address listed in Part III of the permit.

## PART II - OTHER REQUIREMENTS

## A. SEDIMENT CONTROL PLAN

(A) This subpart applies to drainage at Western alkaline coal mining operations from reclamation areas, brushing and grubbing areas, topsoil stockpiling areas, and regarded areas where the discharge, before any treatment, meets all the following requirements:

- (1) pH is equal to or greater than 6.0;
- (2) Dissolved iron concentration is less than 10 mg/L; and
- (3) Net alkalinity is greater than zero.

(a) The term *brushing and grubbing area* means the area where woody plant materials that would interfere with soil salvage operations have been removed or incorporated into the soil that is being salvaged.

(b) The term *regarded area* means the surface area of a coal mine that has been returned to required contour.

(c) The term *sediment* means undissolved organic and inorganic material transported or deposited by water.

(d) The term *sediment yield* means the sum of the soil losses from a surface minus deposition in macro-topographic depressions, at the toe of the hillslope, along field boundaries, or in terraces and channels sculpted into the hillslope.

(e) The term *topsoil stockpiling area* means the area outside the mine-out area where topsoil is temporarily stored for use in reclamation, including containment berms.

(f) The term *western mining operation* means a surface or underground coal mining operation located in the interior western United States, west of the 100<sup>th</sup> meridian west longitude, in an arid or semiarid environment with an average annual precipitation of 26.0 inches or less.

(B) Within three (3) months from the effective date of the permit, the operator permittee must update its site specific Sediment Control Plan, that is designed to prevent an increase in the average annual sediment yield from pre-mined, undisturbed conditions. The operator is not required to resubmit another copy of SCP, rather the permittee shall update and keep a copy on site and continue to comply with the requirements of its SCP for La Plata Mine. The Sediment Control Plan must identify best management practices (BMPs) and also must describe design specifications, construction specifications, maintenance schedules, criteria for inspection, as well as expected performance and longevity of the best management practices.

(C) Using watershed models, the operator must demonstrate that implementation of the Sediment Control Plan will result in average annual sediment yield that will not be greater than the sediment yield levels from pre-mined, undisturbed conditions. The operator must use the same watershed model that was, or will be used to acquire the SMCRA Permit.

(D) The operator must submit an annual Sediment Control Report every 12 months from the approval of the sediment Control plan. This report shall demonstrate that the facility has met

requirements set forth in above sub-sections (B) and (C). The permittee shall also send a copy of the annual report to the State of New Mexico Environment Department.

#### B. MINIMUM QUANTIFICATION LEVEL (MQL)

See list of MQL's at Appendix A of Part II below. For pollutants listed on Appendix A of Part II with MQL's, analyses must be performed to the listed MQL. If any individual analytical test result is less than the MQL listed, a value of zero (0) may be used for that pollutant result for the Discharge Monitoring Report (DMR) calculations and reporting requirements.

In addition, any additional pollutant sampling for purposes of this permit, including renewal applications or any other reporting, shall be tested to the MQL shown on the attached Appendix A of Part II. Results of analyses that are less than the listed MQL may be reported as "non detect" (ND).

The permittee may develop an effluent specific method detection limit (MDL) in accordance with Appendix B to 40 CFR §136. For any pollutant for which the permittee determines an effluent specific MDL, the permittee shall send to the EPA Region 6 NPDES Permits Branch (6WQ-P) a report containing QA/QC documentation, analytical results, and calculations necessary to demonstrate that the effluent specific MDL was correctly calculated. An effluent specific MQL shall be determined in accordance with the following calculation:

$$\text{MQL} = 3.3 \times \text{MDL}$$

Upon written approval by the EPA Region 6 NPDES Permits Branch (6WQ-P), the effluent specific MQL may be utilized by the permittee for all future DMR reporting requirements until/or unless changes are required for adoption of a lower MQL.

#### C. 24-HOUR ORAL REPORTING: DAILY MAXIMUM LIMITATION VIOLATIONS

Under the provisions of Part III.D.7.b. (3) of this permit, violations of daily maximum limitations for the following pollutants shall be reported orally to EPA Region 6, Compliance and Assurance Division, Water Enforcement Branch (6EN-W), Dallas, Texas, at (214) 665-6595, within 24 hours from the time the permittee becomes aware of the violation followed by a written report in five days.

Total mercury and total recoverable selenium

#### D. PERMIT MODIFICATION AND REOPENER

In accordance with 40 CFR Part 122.44(d), the permit may be reopened and modified during the life of the permit if relevant portions of New Mexico's Water Quality Standards for Interstate and Intrastate Streams are revised, or new State of New Mexico water quality standards are established and/or remanded.

In accordance with 40 CFR Part 122.62(s)(2), the permit may be reopened and modified if new information is received that was not available at the time of permit issuance that would have justified the application of different permit conditions at the time of permit issuance. Permit modifications shall reflect the results of any of these actions and shall follow regulations listed at 40 CFR Part 124.5.

#### E. SMCRA BOND RELEASE

When the appropriate regulatory authority returns a reclamation or performance bond based upon its determination that reclamation work has been satisfactorily completed on a watershed or a specific part of a disturbed area, the permittee may request to terminate the corresponding NPDES discharge points to that specific drainage area, if the permittee can demonstrate that the Phase III bond for that particular drainage area has been released.

**APPENDIX A of PART II**

The following Minimum Quantification Levels (MQL's) are to be used for reporting pollutant data for NPDES permit applications and/or compliance reporting.

<b>POLLUTANTS</b>	<b>MQL µg/l</b>	<b>POLLUTANTS</b>	<b>MQL µg/l</b>
<b>METALS, RADIOACTIVITY, CYANIDE and CHLORINE</b>			
Aluminum	2.5	Molybdenum	10
Antimony	60	Nickel	0.5
Arsenic	0.5	Selenium	5
Barium	100	Silver	0.5
Beryllium	0.5	Thallium	0.5
Boron	100	Uranium	0.1
Cadmium	1	Vanadium	50
Chromium	10	Zinc	20
Cobalt	50	Cyanide	10
Copper	0.5	Cyanide, weak acid dissociable	10
Lead	0.5	Total Residual Chlorine	33
Mercury *1	0.0005 0.005		
<b>DIOXIN</b>			
2,3,7,8-TCDD	0.00001		
<b>VOLATILE COMPOUNDS</b>			
Acrolein	50	1,3-Dichloropropylene	10
Acrylonitrile	20	Ethylbenzene	10
Benzene	10	Methyl Bromide	50
Bromoform	10	Methylene Chloride	20
Carbon Tetrachloride	2	1,1,2,2-Tetrachloroethane	10
Chlorobenzene	10	Tetrachloroethylene	10
Clorodibromomethane	10	Toluene	10
Chloroform	50	1,2-trans-Dichloroethylene	10
Dichlorobromomethane	10	1,1,2-Trichloroethane	10
1,2-Dichloroethane	10	Trichloroethylene	10
1,1-Dichloroethylene	10	Vinyl Chloride	10
1,2-Dichloropropane	10		
<b>ACID COMPOUNDS</b>			
2-Chlorophenol	10	2,4-Dinitrophenol	50
2,4-Dichlorophenol	10	Pentachlorophenol	5
2,4-Dimethylphenol	10	Phenol	10
4,6-Dinitro-o-Cresol	50	2,4,6-Trichlorophenol	10

<b>POLLUTANTS</b>	<b>MLL</b> <b>µg/l</b>	<b>POLLUTANTS</b>	<b>MLL</b> <b>µg/l</b>
<b>BASE/NEUTRAL</b>			
Acenaphthene	10	Dimethyl Phthalate	10
Anthracene	10	Di-n-Butyl Phthalate	10
Benzidine	50	2,4-Dinitrotoluene	10
Benzo(a)anthracene	5	1,2-Diphenylhydrazine	20
Benzo(a)pyrene	5	Fluoranthene	10
3,4-Benzofluoranthene	10	Fluorene	10
Benzo(k)fluoranthene	5	Hexachlorobenzene	5
Bis(2-chloroethyl)Ether	10	Hexachlorobutadiene	10
Bis(2-chloroisopropyl)Ether	10	Hexachlorocyclopentadiene	10
Bis(2-ethylhexyl)Phthalate	10	Hexachloroethane	20
Butyl Benzyl Phthalate	10	Indeno(1,2,3-cd)Pyrene	5
2-Chloronaphthalene	10	Isophorone	10
Chrysene	5	Nitrobenzene	10
Dibenzo(a,h)anthracene	5	n-Nitrosodimethylamine	50
1,2-Dichlorobenzene	10	n-Nitrosodi-n-Propylamine	20
1,3-Dichlorobenzene	10	n-Nitrosodiphenylamine	20
1,4-Dichlorobenzene	10	Pyrene	10
3,3'-Dichlorobenzidine	5	1,2,4-Trichlorobenzene	10
Diethyl Phthalate	10		
<b>PESTICIDES AND PCBs</b>			
Aldrin	0.01	Beta-Endosulfan	0.02
Alpha-BHC	0.05	Endosulfan sulfate	0.02
Beta-BHC	0.05	Endrin	0.02
Gamma-BHC	0.05	Endrin Aldehyde	0.1
Chlordane	0.2	Heptachlor	0.01
4,4'-DDT and derivatives	0.02	Heptachlor Epoxide	0.01
Dieldrin	0.02	PCBs	0.2
Alpha-Endosulfan	0.01	Toxaphene	0.3

(MLL's Revised November 1, 2007)

**Footnotes:**

\*1 Default MQL for Mercury is 0.005 unless Part I of your permit requires the more sensitive Method 1631 (Oxidation / Purge and Trap / Cold vapor Atomic Fluorescence Spectrometry), then the MQL shall be 0.0005

