

PART II

OTHER CONDITIONS

A. SEDIMENT CONTROL PLAN

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

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

(i) 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.

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

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

(iv) 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.

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

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

(2) The operator must submit an updated site specific Sediment Control Plan (the Plan), if there is any, which is approved by the Office of Surface Mining or State Mining Programs agency (Mining Office) under the Surface Mining Control and Reclamation Act (SMCRA) programs, to EPA within three (3) months from the approval of the Plan update. The Plan shall be designed to prevent an increase in the average annual sediment yield from pre-mined, undisturbed conditions. The 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. The permittee shall also send a copy of the Plan to the State of New Mexico Environmental Department.

(3) Using watershed models, the operator must demonstrate that implementation of the Plan will result in average annual sediment yields that will not be greater than the sediment yield levels from premined, undisturbed conditions. The operator must use the same watershed model that was used to acquire the SMCRA permit.

(4) The operator must submit an annual Sediment Control Report to cover a 12-month reporting period from the last report. This report shall demonstrate that the facility has met requirements set forth in above sub-sections (2) and (3). The permittee shall also send a copy of the annual report to the State of New Mexico Environmental Department.

(5) The permittee shall conduct reclamation inspections within the drainage areas associated with the outfalls list above in conjunction with vegetation and erosion studies no less than once/quarter. Inspection reports for each associated outfall shall be submitted with the annual Sediment Control Report as described in item (4) above. Each reclamation inspection report shall include, at a minimum, the following items:

- (i) The personnel who conduct the inspections.
- (ii) Date(s) on which inspection was performed.
- (iii) A written summary of major observations, including observation of no deficiency.
- (iv) Actions should be taken to correct noted deficiencies.
- (v) Photodocumentation of findings if necessary.
- (vi) The signature of delegated officer.

B. MINIMUM QUANTIFICATION LEVEL (MQL)

If any individual analytical test result is less than the minimum quantification level listed in Appendix A, a value of zero (0) may be used for that individual result for the Discharge Monitoring Report (DMR) calculations and reporting requirements.

The permittee may develop an effluent specific method detection limit (MDL) in accordance with Appendix B to 40CFR136. 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 minimum quantification level (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 Discharge Monitoring Report (DMR) calculations and reporting requirements.

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, within 24 hours from the time the permittee becomes aware of the violation followed by a written report in five days.

Total Aluminum

D. REOPENER CLAUSE

The permit may be reopened and modified during the life of the permit if relevant portions of State of New Mexico Water Quality Standards and/or State Water Quality Management Plans are revised, new water quality standards are established and/or remanded and any other policy, or if procedures and implementation guidelines are adopted by the State that change applicable water quality standards and permit

implementation.

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.

If a TMDL is established for the receiving stream, the permit may be reopened, and new limitations based on the TMDL may be incorporated into the permit.

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.

F. MONITORING AND REPORTING FOR PERSISTENT POLLUTANTS

The permittee is required to collect a sample at each outfall, respectively, for the analysis of TSS and hardness and the following pollutants and report results in the EPA Application Form 2C:

POLLUTANT	POLLUTANT	POLLUTANT
Antimony (D)	Zinc (D)	Dieldrin
Arsenic (D)	Aldrin	2,3,7,8-TCDD
Nickel (D)	Benzo(a)pyrene	Hexachlorobenzene
Selenium (D)	Chlordane	PCBs
Thallium (D)	4,4'-DDT and derivatives	Tetrachloroethylene

(D) Dissolved metal concentration

One sample shall be taken from each outfall if discharges occur during the term of the permit.