

## **APPENDIX 2.6 - Draft NPDES Permit and Fact Sheet**

**“VIA EMAIL”**

May 9, 2018

Specialty Granules, LLC  
Matthew McClure, Director EHS and Mine Permitting  
1455 Old Waynesboro Road  
Blue Ridge Summit, PA 17214

Re: Draft NPDES Permit  
Specialty Granules, LLC  
SMP No.: 01180301  
“Northern Tract Quarry”  
Township: Hamiltonban  
County: Adams

Dear Mr. McClure:

The Department has produced a draft NPDES permit for the Northern Tract Quarry. Enclosed are the draft NPDES permit document and the fact sheet that explains how the effluent limits were determined. Please provide any comments or objections within 30 days of receiving this letter. This letter was sent via email only and no hardcopy was provided.

If you have any questions regarding this matter, please contact our office at 814.472.1900.

Sincerely,



Chad Paronish  
Geologic Specialist  
Bureau of District Mining Operations

Enclosures

cc: Daniel Sammarco, P.E., District Mining Manager (via email)  
Rock Martin, P.G., Chief, Technical Services Section (via email)  
Dave Thomas, Mine Inspector Supervisor (via email)  
Dan Welte, Mine Conservation Inspector (via email)  
Kevin Moore, Specialty Granules, LLC (via email)  
Robert M. Shusko, P.E., D' Appolonia (via email)  
File (SMP No. 01180301)

CP/hc

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF DISTRICT MINING OPERATIONS

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
INDIVIDUAL PERMIT (NONCOAL)

NPDES PERMIT NO.: PA0279617 PERMITTEE NAME: Specialty Granules, LLC  
MINING PERMIT NO.: 01180301 OPERATION NAME: Northern Tract Quarry  
MUNICIPALITY: Hamiltonban COUNTY: Adams

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 et seq. (the "Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 et seq., the Department of Environmental Protection (Department) hereby approves the discharge to the following surface water(s): Unnamed Tributary to/and Toms Creek subject to all effluent limitations, monitoring and reporting requirements and other terms, conditions, criteria, and special requirements for the discharge as defined in this permit, to surface waters of the Commonwealth. This permit is issued pursuant to the authority in 25 Pa. Code Chapter 92a and is subject to the requirements of 25 Pa. Code Chapter 92a.

The authority granted by this permit is subject to the following further qualifications:

1. If there is a conflict between the application, its supporting documents and/or amendments and the terms and conditions of this permit, the terms and conditions of this permit shall apply.
2. Failure to comply with the terms, conditions, or effluent limitations of this permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. [40 CFR 122.41(a)]
3. A complete application for renewal or reissuance of this permit, or notice of intent to cease discharging by the expiration date, must be submitted to DEP at least 180 days prior to the above expiration date (unless permission has been granted by DEP for submission at a later date), using the appropriate NPDES permit application form. [92a.21(c)] In the event that a timely and complete application for renewal or reissuance has been submitted and DEP is unable, through no fault of the permittee, to reissue the permit before the above expiration date, the terms and conditions of this permit, including submission of the Discharge Monitoring Reports ("DMRs"), will be automatically continued and will remain fully effective and enforceable against the discharger until DEP takes final action on the pending permit application. [25 Pa. Code § 92a.7]
4. The permit may be terminated prior to the expiration date upon notice to and approval by the Department.
5. No condition of this permit shall release the operator from any responsibility or requirement under Pennsylvania, or federal environmental statutes, and regulations or local ordinances.
6. This permit is subject to the requirements of the mining permit referenced above.

EFFECTIVE DATE: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_  
RENEWAL DATES: \_\_\_\_\_

AUTHORIZED BY: \_\_\_\_\_  
Daniel Sammarco, P.E., District Mining Manager

## PART A EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

### Section A. MINE DRAINAGE TREATMENT FACILITIES

- There are no point source discharges of this type at this site. \*
- The facilities listed below utilize non-discharge technologies. [If checked, additional info is in section A.1.]

Outfall No.	Latitude	Longitude	To
_____	_____ ° _____ ' _____ "	_____ ° _____ ' _____ "	_____
_____	_____ ° _____ ' _____ "	_____ ° _____ ' _____ "	_____
_____	_____ ° _____ ' _____ "	_____ ° _____ ' _____ "	_____
_____	_____ ° _____ ' _____ "	_____ ° _____ ' _____ "	_____

- This permit establishes effluent limitations in the form of implemented BMPs identified in the associated E&S Plan, Reclamation Plan and NPDES application for this permit. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters of the Commonwealth.

The following BMPs apply:

- The following limits apply to the mine drainage treatment facility outfalls discharging to \_\_\_\_\_

DISCHARGE LIMITATIONS (in mg/l)				MONITORING REQUIREMENTS	
Discharge Parameter	Average Monthly	Maximum Daily	Instantaneous Maximum	Measurement Frequency	Sample Type
Total Suspended Solids				2/Month (minimum)	Grab
				2/Month (minimum)	Grab

**\*All water pumped from the active pit to SMP No. 6477SM5 is subject to all applicable effluent limitations in effect for outfall 001 under NPDES No. PA0009059.**

<b>Section B. STORMWATER CONTROL FACILITIES</b>							
<input type="checkbox"/> There are no point source discharges of this type at this site.							
Outfall No.	Latitude			Longitude			To
001*	39°	46'	4.85"	77°	26'	0.093"	Toms Creek Unnamed Tributary to Toms Creek
002*	39°	46'	9.23"	77°	26'	37.99"	
<input type="checkbox"/> This permit establishes effluent limitations in the form of implemented BMPs identified in the associated E&S Plan, Reclamation Plan and NPDES application for this permit. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters of the Commonwealth.							
The following BMPs apply:							

**\*All water pumped from outfalls 001 and 002 to SMP No. 6477SM5 are subject to all applicable effluent limitations in effect for outfall 001 under NPDES No. PA0009059.**

<input checked="" type="checkbox"/> The following limits apply to dry weather discharges from stormwater facilities discharging to <u>Unnamed Tributary to/and Toms Creek</u>						
DISCHARGE LIMITATIONS (in mg/l)				MONITORING REQUIREMENTS		
Discharge Parameter	Average Monthly	Maximum Daily	Instantaneous Maximum	Measurement Frequency	Sample Type	
Total Suspended Solids	35.0	70.0	90.0	2/Month (minimum)	Grab	

<input checked="" type="checkbox"/> The following alternate discharge limitations apply to discharges from stormwater facilities resulting from precipitation events less than or equal to the 100-year/24-hour precipitation event discharging to <u>Unnamed Tributary to/and Toms Creek</u>						
<input type="checkbox"/> This section not applicable due to Water Quality Based Effluent Limits (WQBELs).						
DISCHARGE LIMITATIONS (in mg/l)				MONITORING REQUIREMENTS		
Discharge Parameter	Average Monthly	Maximum Daily	Instantaneous Maximum	Measurement Frequency	Sample Type	
Total Suspended Solids	N/A	N/A	Monitor and Report	During Discharge	Grab	

**Effluent Characterization Sampling**

The permittee shall provide analysis of samples collected from erosion and sedimentation control outfalls within two years of the initial discharge of each facility in compliance with 40 CFR 122.26(c)(1)(i)(G). Specifically, sampling results are required for the pollutants listed in 40 CFR 122, Appendix D, Table III, Tables II and IV, for those that are expected to be present and pH, specific conductivity, temperature, alkalinity, acidity, iron, manganese, aluminum, sulfate, chloride, settleable solids, total dissolved solids, oil and grease, BOD5, COD, Kjeldahl nitrogen, and nitrate plus nitrite nitrogen. This quantitative data requirement is subject to the small business exemption at 40 CFR 122.21(g)(8) for Table II.

The permittee shall include a sample from the receiving stream to be analyzed for hardness as part of the effluent characterization for this site. The hardness sample must be collected from the receiving stream downstream of the outfall(s) during a discharge.

The permittee shall ensure that all effluent characterization data analysis includes detection limits that are less than the corresponding water quality criteria for each parameter (PA Code Title 25 Chapter 93.8c Table 5).

The permittee shall include a sample of the erosion and sedimentation control outfalls to be analyzed for osmotic pressure as part of the effluent characterization for this site.

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**Additional Requirements for Sections A and B**  
(Applicable to all outfalls under all precipitation conditions)

1. pH must be between 6.0 and 9.0 at all times.
2. Alkalinity must be greater than acidity at all times.
3. Samples collected to comply with the monitoring requirements shall be taken while the facility is discharging at the outfall points listed above. The monitoring requirement frequencies apply to both continuous and non-continuous discharges; therefore, sampling is required in every month during which a discharge occurs. A monitoring report of "no discharge" should only be used to indicate that there was no discharge during the entire reporting period.
4. The discharger may not discharge floating materials, scum, sheen, or substances that result in deposits in the receiving water. Except as provided in the permit, the discharger may not discharge foam, oil, grease, or substances that produce an observable change in the color, taste, odor, or turbidity of the receiving water. [25 Pa. Code § 92.41(c)]
5. The permittee may not discharge substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life. [25 Pa. Code § 93.6(a)]
6. The measurement frequency specified is the minimum number of sampling events required. Permittees are encouraged, and it may be advantageous in demonstrating compliance, to perform more than the minimum number of sampling events.

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# Mandated Standard Conditions for NPDES Permits

## 1. Definitions

The following definitions apply within this permit. Reference citations are given from sections of 40 CFR as noted which have been adopted by reference in 25 Pa. Code Chapter 92a.

- (a) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. [122.41(m)(1)(i)]
- (b) "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. [122.41(m)(1)(ii)]
- (c) "Average monthly" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. [122.2]
- (d) "Maximum daily" discharge limitation means the highest allowable "daily discharge." [122.2]
- (e) "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "Daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day. [122.2]
- (f) "Average" refers to the use of an arithmetic mean, unless otherwise specified in this permit. [122.41(l)(4)(iii)]
- (g) "Instantaneous Maximum" means the highest allowable discharge of a concentration or mass at any one time as measured by a grab sample. [92a.2]
- (h) "Composite Sample" means a combination of individual samples obtained at regular intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval (for constant volume samples) is proportional to the flows rates, over the time period used to produce the composite.  
The maximum time period between individual samples shall not exceed two hours, except that for wastes of a uniform nature the samples may be collected on a frequency of at least twice per working shift and shall be equally spaced over a 24-hour period (or over the operating day if flows are of a shorter duration).
- (i) "Grab Sample" means an individual sample collected at a randomly-selected time over a period not to exceed 15 minutes.
- (j) "Measured Flow" means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.
- (k) "At Outfall XXX" means a sampling location in outfall line XXX below the last point at which wastes are added to outfall line XXX, or where otherwise specified.
- (l) "Estimate" means to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to pump capabilities, water meters and batch discharge volumes.
- (m) "Toxic Pollutant" means any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act. [122.2]
- (n) "Hazardous Substance" means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act. [122.2]
- (o) "Best Management Practices" ("BMPs") are activities, facilities, measures, or procedures used to protect and maintain the quality of waters, and existing and designated uses within this Commonwealth. BMPs include E&S Plans, Reclamation Plans, Storm Water Management Act Plans, and other treatment requirements, operating procedures, and practices to control project site runoff, spillage or leaks, and other drainage from the mining activity.
- (p) "Erosion and Sediment Control Plan" ("E&S Plan") is a site-specific plan included with the mining permit or authorization application identifying BMPs to minimize accelerated erosion and sedimentation and which meets the requirements of 25 Pa. Code Chapter 102.



- (q) "Point Source" means a discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, CAAP, CAFO, landfill leachate collection system, or vessel or other floating craft from which pollutants are or may be discharged. [25 Pa. Code 92a.2]
- (r) "Operator" means a person or entity conducting mining activity that is covered by this permit. The operator name must match the "Permittee" in relation to their mining permit or exploration activity approval and also that of "Operator" in the associated mine operator's license.
- (s) "Reclamation Plan" means approved documentation made part of a permit or exploration notice that describes how the permittee will restore the land surface as required by the appropriate regulations to meet an approved post-mining land use. This plan includes activities such backfilling, regrading, soil stabilization, and revegetation. Once the permittee completes the reclamation plan, reclamation bond(s) may be released for a permitted mine site.
- (t) "Stormwater" means surface runoff and drainage resulting from precipitation events, including ice and snowmelt runoff. [122.26(b)(13)]
- (u) "Dry weather flow" means the base flow or surface discharge from an area or treatment facility which occurs immediately prior to a precipitation event and which resumes 24 hours after the precipitation event ends. [25 Pa. Code §§ 87.1, 88.1, 89.1, and 90.1]
- (v) "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. [122.41(n)(1)]

## 2. Standard Federal Conditions

40 CFR Sections 122.41 and 122.42 require that the following conditions are applied to all permits.

(a) *Duty to comply.* [92a.41(a)(1) and 122.41(a)] The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

(1) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

(2) The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. Section 309(d) of the CWA, 33 U.S.C. § 1319(d), provides that any person who violates Section 301 of the CWA, 33 U.S.C. § 1311, or violates any permit condition or limitation in a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, shall be subject to a civil penalty payable to the United States of up to \$25,000 per day for each violation, which, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, and the subsequent Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, was increased to \$32,500 per day for each violation occurring on or after March 15, 2004, and \$37,500 per day for each violation occurring on or after January 12, 2009. The Clean Water Act provides that any person who *negligently* violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who *knowingly* violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly

violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

(3) Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.

(b) *Duty to reapply.* [92a.41(a)(2) and 122.41(b)] 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.

(c) *Need to halt or reduce activity not a defense.* [92a.41(a)(3) and 122.41(c)] 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.* [92a.41(a)(4) and 122.41(d)] The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(e) *Proper operation and maintenance.* [92a.41(a)(5) and 122.41(e)] 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 a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

(f) *Permit actions.* [92a.41(a)(6) and 122.41(f)] 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.

(g) *Property rights.* [92a.41(a)(7) and 122.41(g)] This permit does not convey any property rights of any sort, or any exclusive privilege.

(h) *Duty to provide information.* [92a.41(a)(8) and 122.41(h)] The permittee shall furnish to the Department, within a reasonable time, any information which the Department 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 Department upon request, copies of records required to be kept by this permit.

(i) *Inspection and entry.* [92a.41(a)(9) and 122.41(i)] The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the Department or EPA), upon 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 this 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 purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

(j) *Monitoring and records.* [92a.41(a)(10) and 122.41(j)]

(1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR part 503), 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 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

(3) Records of monitoring information shall include:

- (i) The date, exact place, and time of sampling or measurements;
- (ii) The individual(s) who performed the sampling or measurements;
- (iii) The date(s) analyses were performed;
- (iv) The individual(s) who performed the analyses;
- (v) The analytical techniques or methods used, including detection limits; and
- (vi) The results of such analyses.

(4) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 unless another method is required under 40 CFR subchapters N or O.

(5) The Clean Water 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, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

(k) *Signatory requirement.* [92a.41(a)(11) and 122.41(k)]

(1) All applications, reports, or information submitted to the Department shall be signed and certified. (See § 122.22)

(2) The CWA 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 non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

(l) *Reporting requirements* [92a.41(a)(12) and 122.41(l)]

(1) *Planned changes.* The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in § 122.29(b); or
- (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under § 122.42(a)(1).
- (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not

reported during the permit application process or not reported pursuant to an approved land application plan;

(2) *Anticipated noncompliance.* The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(3) *Transfers.* This permit is not transferable to any person except after notice to the Department. The Department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (See § 122.61; in some cases, modification or revocation and reissuance is mandatory.)

(4) *Monitoring reports.* Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(i) Monitoring results must be reported on a DMR or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.

(ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136, or another method required for an industry-specific waste stream under 40 CFR subchapters N or O, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.

(iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

(iv) Monitoring results obtained each month shall be summarized for that month and reported on a DMR.

(v) The DMR shall be submitted quarterly within 28 days after the end of the quarter to the appropriate District Mining Office.

(5) *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.

(6) *Twenty-four hour reporting.*

(i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See § 122.44(g)).

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours. (See § 122.44(g).)

(iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (1)(6)(ii) of this section if the oral report has been received within 24 hours.

(7) *Other noncompliance.* The permittee shall report all instances of noncompliance not reported under paragraphs (l) (4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.

(8) *Other information.* Where 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 in any report to the Department, it shall promptly submit such facts or information.

(m) *Bypass* [92a.41(m) and 122.41(a)(13)]

(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 the provisions of paragraphs (m)(2) and (m)(3) of this section.

(2) *Notice* —

(i) *Anticipated bypass.* If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(ii) *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass as required in paragraph (l)(6) of this section (24-hour notice).

(3) *Prohibition of bypass.*

(i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:

(A) 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 in the exercise of reasonable engineering judgment 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 (m)(2) of this section.

(ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (m)(3)(i) of this section.

(n) *Existing manufacturing, commercial, mining, and silvicultural dischargers.* [92a.42 and 122.42(a)]

In addition to the reporting requirements above, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Department as soon as they know or have 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":

(i) One hundred micrograms per liter (100 µg/l);

(ii) 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;

(iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with § 122.21(g)(7); or

(iv) The level established by the Department in accordance with § 122.44(f).

(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":

- (i) Five hundred micrograms per liter (500 µg/l);
- (ii) One milligram per liter (1 mg/l) for antimony;
- (iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with § 122.21(g)(7).
- (iv) The level established by the Department in accordance with § 122.44(f).

### **3. Standard State Conditions**

(a) All discharges authorized by the NPDES permit shall be consistent with the terms and conditions of the permit; that facility expansions, production increases or process modifications which result in new or increased discharges of pollutants shall be reported by submission of a new application or, if the discharge does not violate effluent limitations specified in the NPDES permit, by submission to the Department of notice of the new or increased discharges of pollutants, that the discharge of any pollutant more frequently than or at a level in excess of that identified and authorized by the permit shall constitute a violation of the terms and conditions of the permit.

(b) The permittee must comply with applicable water quality standards, including the narrative standards found at 25 Pa. Code § 93.6.

(c) The permittee shall comply with the immediate oral notification requirements of 25 Pa. Code § 91.33 (relating to incidents causing or threatening pollution). Oral notification is required as soon as possible, but no later than 4 hours after the permittee becomes aware of the incident causing or threatening pollution. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the incident causing or threatening pollution. The written submission must conform to the requirements of 40 CFR 122.41(l)(6). [92a.41(b)]

### **4. Preparedness, Prevention and Contingency (PPC) Plans**

(a) Persons subject to this permit shall maintain a Preparedness, Prevention and Contingency (PPC) plan.

(b) The permittee shall periodically review, update and amend the PPC Plan at least once a year and whenever the information submitted in the plan is no longer accurate.

(c) The permit does not authorize the discharge of any polluting substances resulting from an on-site spill. Such spills shall be controlled through proper implementation of a PPC Plan.

(d) This permit does not authorize any discharge (stormwater or non-stormwater), which contains any pollutant that may cause or contribute to an impact on aquatic life or pose a substantial hazard to human health or the environment due to its quantity or concentration.

(e) Operator personnel shall conduct site compliance evaluations using the Annual Inspection Form at least once a year. All areas shall be visually inspected for evidence of, or the potential for pollutants entering the drainage system. Measures to reduce pollutant loading shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of this permit or whether additional control measures are needed. Stormwater management measures, E&S plan measures and other structural pollution prevention measures shall be observed to ensure that they are operating correctly. The PPC Plan shall be revised as needed within 15 days of such inspection with implementation of any changes occurring not more than 90 days after the inspection.

## NPDES INDIVIDUAL PERMIT CONDITIONS

1. Operation and Maintenance of Erosion and Sedimentation Plan
  - a. The permittee shall implement the erosion and sedimentation plan contained in Module 12 and approved under Surface Mining Permit Number 01180301.
  - b. The permittee shall be responsible for the inspection, maintenance, and repair of the erosion and sedimentation control BMPs to ensure that the proposed system continues to function as designed until final bond release occurs for the mine site.
  - c. All BMPs shall be inspected by the responsible entity on a regularly scheduled basis and, at minimum, once a quarter and after all major storm events (greater than 0.5 inch in 24 hours). A qualified representative of the operator must perform inspections of the facilities. The inspections shall determine the operational condition, safety, and the effectiveness of the BMP. Based on the inspection results, an inspection report shall generate a listing of maintenance needs or repairs required. The permittee shall keep a listing of the repairs needed and a schedule for corrective action. Corrective actions shall be performed within the schedule. Written records shall be kept of all inspections and maintenance work performed related to the discharge management facilities.
2. The permittee is responsible to renew this NPDES permit until such time that the area is stabilized and no further earth disturbance will occur.
3. In addition to the parameters for which effluent limits have been assigned in this permit, the permittee must sample each outfall during each sampling event for the parameters required by Module 8.1 of SMP No. 01180301.
4. The operator must not cause or contribute to degradation of Unnamed Tributary to/and Toms Creek in the event of a discharge from the emergency spillways for outfalls 001 and 002.

For Total Suspended Solids (TSS), a non-degrading discharge from the emergency spillways of outfall 001 and 002 shall be permitted during a 100-year/24-hour storm event or greater if the difference in the concentrations between the upstream and downstream monitoring points are not statistically significant given the natural variability of such parameters and has not caused or contributed to an adverse impact on human health, aquatic life, public water supply uses, cold water fishes or recreational uses of stream.

The permittee must commence collecting water samples for TSS with flow measurements at the monitoring points listed below during a precipitation event which exceeds the 100-year/24-hour event or during any precipitation event that the emergency spillways of outfall 001 and 002 appears possible to discharge:

Outfall 001

Outfall 002

SS-TC-US (Upstream Toms Creek- Upstream of Outfall 001)

SS-4 – (Midstream Toms Creek- Downstream of Outfall 001)

SS-CH1-US (Upstream Unnamed Tributary to Toms Creek- Upstream of Outfall 002)

SS-CHN1-DS- (Downstream Unnamed Tributary to Toms Creek -Downstream of Outfall 002)

The operator is required to report all the above referenced monitoring information with their quarterly sampling results. In addition, the operator is to provide a yearly report of the data collected during the discharge events at the emergency spillways of outfall 001 and 002.

After a minimum of three (3) precipitation events exceeding the 100-year/24-hour event or any other precipitation event where the emergency spillways of outfall 001 or 002 discharge, sampling results will be evaluated to determine reasonable potential for an exceedance of the corresponding water quality criterion for TSS. Should a reasonable potential for an exceedance be established, water quality based effluent limits will be calculated and implemented during precipitation events, as described above, and the permit will be revised at that time to include these limits.

## NPDES Draft Permit Fact Sheet

Mining Permit Application No. 01180301NPDES Application No. PA0279617Site Name: Northern Tract QuarryDate Application received: January 5, 2018

### Background

The Northern Tract Quarry is a new mining permit that includes surface mining of Metabasalt in the Toms Creek watershed. The receiving streams include an unnamed tributary to Toms Creek and Toms Creek. Toms Creek is classified as a High Quality (HQ) – Cold Water Fishes (CWF). The Northern Tract Quarry will utilize groundwater pumping during active mining and storm water management in the form of two sedimentation ponds identified as 001 and 002. These outfalls will only discharge during a precipitation event greater than a 100-year 24 hour event. The operator proposes to pump all groundwater from the active pit and storm water from 001 and 002 to the adjacent permits identified as SMP Nos. 01930302 and 6477SM5. The adjacent permits are both owned by Specialty Granules, LLC. A portion of the surface and groundwater pumped from the Northern Tract Quarry will be used as process water for SMP No. 6477SM5 while the remaining water will discharge to Miney Branch, designated as a CWF under NPDES No. PA0009059. In addition to utilizing the adjacent SMPs, the operator has completed an anti-degradation supplement and Social or Economic Justification (SEJ) for outfalls 001 and 002. At this time, a monitor and report only requirement has been added to the emergency spillways for outfalls 001 and 002 for Total Suspended Solids (TSS).

### 1. Facility description

Applicant: Specialty Granules, LLCMunicipality: Hamiltonban TownshipCounty: AdamsType of Facility:  Coal  Noncoal Surface  Prep Plant  Underground Mine  Coal Refuse Reprocessing

This application is for:

- New source(s)  
 Renewal of existing source(s)  
 Revision/Modification

Permit History  Not applicable, this is a New Permit

Original Permit issuance date: \_\_\_\_\_

Reissuance for Renewal dates: \_\_\_\_\_

Modification/Revision dates: \_\_\_\_\_

Does the site include remining? Yes  No If so, are there pre-existing discharges subject to Subchapter F/G? Yes  No Is this subject to EPA review? Yes  No  If yes, Why?

TMDL stream Monongahela watershed

Yes  No  Yes  No 

If the stream is subject to a TMDL, it is impaired for \_\_\_\_\_

Receiving Stream: Unnamed Tributary to Toms Creek and Toms Creek

Is the watershed a Special Protection Watershed designated as HQ or EV?

Yes  No  [If yes, provide supporting documentation for the antideg process.]



The discharge(s) is/are described as follows:

The operator has completed an Anit-Degradation Supplement for the proposed permit application. Alternative discharge location/discharging to another (non-special protection) watershed was identified as a suitable storm water management strategy for the site. Water encountered during the mining operation and from precipitation events will be pumped to outfall 001 associated with NPDES PA000905 on the adjacent Specialty Granules, LLC SMP No. 6477SM5 discharging to Miney Branch, designated as a CWF. The pumped water from the Northern Tract Quarry to outfall 001 will have TSS limits of 35/70/90 mg/L. Any water discharging from the emergency spillway from 001 (NT Pond 1) AND 002 (NT Pond 2) will be subject to monitor and report for TSS.

Outfall	Identifier	Type	Frequency	Average Flow Rate	Maximum Flow Rate	Units (GPM/MGD)
001	Sedimentation Pond (NT Pond 1)	SW	P	*	*	MGD
002	Sedimentation Pond (NT Pond 2)	SW	P	*	*	MGD

For the type of discharge use Stormwater (SW), Mine Drainage Treatment (MDT) or Other (O)  
For frequency use Continuous (C) Intermittent (I) or Precipitation Dependent (P)

## 2. Effluent Characterization

For Renewals: The applicant submitted data which complies with the effluent characterization requirements in 40 CFR 122.21(g)(7) and 122.26(c)(1)(E).

For all permits, review of the effluent characterization data indicates the presence of the following pollutants:

The operator provided estimate data based on PA Code Chapter 93.8c Table 5 Water Quality Criteria for Toxic Substances.

From the EPA Table III, only zinc was greater than the detection limits<sup>1</sup>. The estimate concentrations were compared to screening values in order to determine the potential for each constituent to contribute to a violation of the water quality standard in the receiving stream. The screening values utilized are the Criteria Maximum Concentration (CMC)<sup>2</sup> and/or the Criteria Continuous Concentration (CCC)<sup>3</sup>. Cadmium, mercury, and selenium were present at concentrations greater than the screening values, however, the estimate concentrations for these parameters were reported to be less than the detection limit.

Based on the adjacent Pitts Quarry and Charmian Plant Discharge Monitoring Reports (DMRs) and that the outfalls will only discharge during precipitation events greater than 100-year 24-hour event, there is a very low potential for the discharges to cause the in-stream water quality to exceed the CCC for these constituents. Since sample analysis provided was used as an estimate, further evaluation of these constituents will be conducted when an actual effluent characterization sample is provided from the above referenced site.

<sup>1</sup>The detection limit concentration is the lowest concentration of a substance that can be distinguished from the absence of that substance. It is dependent on the type of analytical method and instruments used in the lab.

<sup>2</sup>The Criteria Maximum Concentration (CMC) is an estimate of the highest concentration of a material in surface water to which an aquatic community can be exposed briefly without resulting in an unacceptable effect (i.e. acute exposure).

<sup>3</sup>The Criteria Continuous Concentration (CCC) is an estimate of the highest concentration of a material in surface water to which an aquatic community can be exposed indefinitely without resulting in an unacceptable effect (i.e. chronic exposure).

<sup>4</sup>Q710 is a statistical estimate of the lowest average flow that would be experienced during a consecutive 7-day period with an average recurrence interval of ten years.

Based on the effluent characterization analytical results in the permit application, there is no potential for the discharge of significant amounts of toxic substances (other than those already limited) or nutrients.

Or,

Monitoring conditions have been imposed for the following toxic substances: \_\_\_\_\_

### 3. TMDL Waste Load Allocation

Not Applicable-Not a TMDL Stream

Not Applicable-While there is a TMDL, the identified impairment is not mining related

The Department completed and US EPA approved the \_\_\_\_\_ TMDL on \_\_\_\_\_. The TMDL was established in accordance with Sections 303(d) (1) (c ) an d(2) of the Clean Water Act. The TMDL was established to address impairment of water quality for acid mine drainage as identified in Pennsylvania's 303(d) list.

A waste load allocation for this permit is:

- Not needed because there will be no discharges subject to the TMDL
- Available from completed permit number \_\_\_\_\_
- Built into the existing TMDL report on page \_\_\_\_\_
- Limits defined by the TMDL, requires a WLA to be Requested (Kiski-Conemaugh TMDL)
- Limits at the TMDL endpoints (not in the Kiski-Conemaugh TMDL)
- Available from future mining operation allocation # \_\_\_\_\_ on page \_\_\_\_\_

#### 4. Reasonable Potential Assessment

The following factors listed below were reviewed to determine if there is a reasonable potential to cause or contribute to an excursion from the water quality standards:

Yes No NA

- Mine Inspector comments indicate stream or discharge water quality concerns.
- WQSS evaluation (Spreadsheet calculations result in WQBELs)
- TMDL (i.e. There is no available WLA or the TMDL assigned WLAs that don't reflect permitted effluent limits.)
- Adjacent mine pit water review (The SO<sub>4</sub>/TDS/SC is high)
- Pit water samples and/or raw treatment water is acid indicating that discharge monitoring for trace metals is needed.
- OBA shows High NP/High S or Low NP/High S
- (Renewal) Stream monitoring data reviewed in conjunction with the renewal CHIA indicates that existing effluent limits are not adequately protective of water quality standards.
- (Renewal) Pit water samples and/or treatment pond discharges have unusually elevated TDS, conductance or sulfate indicating that an Osmotic Pressure effluent limit is needed.
- Review of DMR data
- Effluent Characterization data review
- The existing stream WQ review shows no available assimilative capacity
- The projected receiving water concentration exceeds the Water quality standard

If any of the boxes are checked YES, then list the effluent limits that prevent this reasonable potential from being realized:

If none of the Yes boxes are checked, then there is no reasonable potential to cause or contribute to a water quality violation and BAT limits apply.

#### Conductivity/TDS/Osmotic Pressure RPA

- Discharges from this mine are not anticipated to exceed an osmotic pressure of 50 milliosmoles (mOsm) per kilogram and will not adversely affect the receiving streams.

Explain: The Department completed a reasonable potential analysis using specific conductance data from the adjacent Pitts Quarry monitoring data from the effluent characterization sample collected from the Pitts Pond and stream monitoring point SS-1. The relationship between osmotic pressure (OP in mOsm/kg) and specific conductance (SC in  $\mu\text{S}/\text{cm}$ ) can be estimated using the following formula:  $OP = SC/81$ . The data used to determine the relationship between SC and OP was collected from other mining NPDES outfalls within Somerset, Cambria, and Indiana Counties. The maximum specific conductance in the last 10 years of stream monitoring data is 668  $\mu\text{S}/\text{cm}$ , at monitoring location SS-1 on August 21, 2014. The osmotic pressure calculated using the formula is and a specific conductance of 668  $\mu\text{S}/\text{cm}$  is 8.25 mOsm/kg. The specific conductance from the effluent characterization sample collected from the Pitts Pond on February 7, 2014 is 333  $\mu\text{S}/\text{cm}$ . The osmotic pressure calculated using the formula above and a specific conductance of 333  $\mu\text{S}/\text{cm}$  is 4.11 mOsm/kg. The in-stream water quality standard for osmotic pressure is 50 mOsm/kg.

Since the calculated osmotic pressure was less than 50% of the water quality standard an osmotic pressure effluent limit was not included, however, since the majority of the data used to establish the relationship between SC and OP is sulfate dominated water from coal mining operations, a condition has been included in the permit to collect a confirmatory sample from each outfall.

- Discharges from this mine may exceed an osmotic pressure of 50 milliosmoles (mOsm) per kilogram. Therefore, this permit includes an effluent limit for osmotic pressure.

Explain:

### 5. Public Water Supply Water Quality Standard Analysis

In order to determine if there is a reasonable potential for the discharge(s) to cause or contribute to a violation of the PWS narrative water quality standard an evaluation of sulfate was conducted. No downstream water supply intake was found on Monocacy River (MD) and the Potomac River (MD). The noncoal mining operation will not impact any public water supply intake based on this information. In addition, water quality in the stream will remain below 250 mg/L, since water quality discharging from the adjacent Pitts Quarry has produced low sulfate levels. The Northern Tract Quarry has no reasonable potential to increase the sulfate levels in the receiving stream.

### 6. Aquatic Life Water Quality Standard

Summarize the evaluation and measures taken to prevent a violation of the Aquatic Life narrative Water Quality Standard:

The permit contains the following standard conditions to protect aquatic life:

1. The discharger may not discharge floating materials, scum, sheen, or substances that result in deposits in the receiving water.
2. The permittee may not discharge substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life.

### 7. Calculations and explanation of effluent limits

Effluent limits for this in the draft permit are based on:

- BAT
- WQBEL Check the method(s) used and attach documentation:
  - WQSS (Anti-degradation Method)
  - PENTOX
  - Mass Balance Calculations
  - Limits defined by TMDL

Effluent Limits

The following discharge limitations apply to dry weather discharges from stormwater facilities and all pumped water to SMP No. 6477SM5 at Outfall 001 associated with NPDES Permit PA0009059. All concentrations are in mg/L except where otherwise noted.

Outfalls: 001, 002

	Monthly Average	Daily Max.	Instantaneous Max.
Total Fe	N/A	N/A	N/A
Total Mn	N/A	N/A	N/A
Total Al	N/A	N/A	N/A
TSS	35.0	70.0	90.0

The following alternate discharge limitations apply to discharges from stormwater facilities resulting from precipitation events less than or equal to the 100-year/24-hour precipitation event. All concentrations are in mg/L except where otherwise noted.

Outfalls: 001,002

	Monthly Average	Daily Max.	Instantaneous Max.
TSS	N/A	N/A	Monitor and Report*

\*Data collected from a minimum of 3 discharge events will be used to calculate appropriate effluent limits under these conditions. Until that time, compliance during a discharge event will be determined using the following permit condition.

The operator must not cause or contribute to degradation of Toms Creek or Unnamed Tributary to Toms Creek in the event of a discharge from the emergency spillways for outfalls 001 and 002.

For TSS, a non-degrading discharge from the emergency spillways from outfall 001 and 002 shall be permitted during a 100-year /24-hour storm event or greater if the difference in the concentrations between the upstream and downstream monitoring points are not statistically significant given the natural variability of such parameters and has not caused or contributed to an adverse impact on human health, aquatic life, public water supply uses, cold water fishes or recreational uses of the stream.

The permittee must commence collecting water samples for TSS with flow measurements at the monitoring points listed below during a precipitation event which exceeds the 100-year/24-hour event or at any precipitation event the emergency spillway outfalls 001 and 002 appears possible to discharge:

Outfall 001

Outfall 002

SS-TC-US (Upstream Toms Creek- Upstream of Outfall 001)

SS-4 (Midstream Toms Creek -Downstream of Outfall 001)

SS-CH1-US (Upstream Unnamed Tributary to Toms Creek)

SS-CHN1-DS (Downstream Unnamed Tributary to Toms Creek)

The operator is required to report all the above referenced monitoring information with their quarterly sampling results. In addition, the operator is to provide a yearly report of the data collected during the discharge events at outfalls 001 and 002.

After a minimum of three precipitation events exceeding the 100-year/24-hour event or any other precipitation event where the emergency spillways from outfalls 001 and 002 discharge, sampling results will be evaluated to determine reasonable potential for an exceedance of the corresponding water quality criterion for TSS. Should a reasonable potential for an exceedance be established, water quality based effluent limits will be calculated and implemented during precipitation events, as described above, and the permit will be revised at that time to include these limits.

## 8. Basis for Permit Conditions

This NPDES permit contains the mandated standard conditions as required in 40 CFR 122.41.

For new Permits, the following conditions are included in the permit to document the effluent characterization requirements:

The permittee shall provide analysis of samples collected from erosion and sedimentation control outfalls within two years of the initial discharge of each facility in compliance with 40 CFR 122.26(c)(1)(i)(G). Specifically, sampling results are required for the pollutants listed in 40 CFR 122, Appendix D, Table III (Report All), and for Appendix D, Tables II and IV those that are expected to be present and pH, specific conductivity, temperature, alkalinity, acidity, iron, manganese, aluminum, sulfate, chloride, settleable solids, total dissolved solids, oil and grease, BOD<sub>5</sub>, COD, Kjeldahl nitrogen, and nitrate plus nitrite nitrogen. This quantitative data requirement is subject to the small business exemption at 40 CFR 122.21(g)(8) for Tables II and IV.

In addition, the permit contains the following conditions:

The permittee shall include a sample from the receiving stream to be analyzed for hardness as part of the effluent characterization for this site. The hardness sample must be collected from the receiving stream downstream of the outfall(s) during a discharge.

The permittee shall ensure that all effluent characterization data analysis includes detection limits that are less than the corresponding water quality criteria for each parameter (PA Code Title 25 Chapter 93.8c Table 5).

The permittee shall include a sample of the erosion and sedimentation control outfalls to be analyzed for osmotic pressure as part of the effluent characterization for this site.

These additional conditions are required because:

## 9. Alternatives to standards

- There are no alternatives to standards since the NPDES permit will require that the discharges meet all applicable water quality standards.

Or

- The NPDES permit applicant has requested an alternative to required standards of Chapter 93 under the procedure of Chapter 93 relating to Social or Economic Justification. (Explain)

#### 10. Procedure for reaching a final decision

Date of the notice of the tentative determination for this application published in the Pennsylvania Bulletin To be Posted

Period for public comment: Date to Date

Address where comments are received 286 Industrial Park Road, Ebensburg, PA 15931

#### 11. Public participation comments and request for public hearings:

The public may participate by providing written comments during the comment period, requesting a public hearing, attending a public hearing or providing testimony at a public hearing.

Persons wishing to comment on this permit application should submit a statement to the Department at the address listed. Comments received within the comment period will be considered in the final determination regarding the NPDES permit application. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will accept requests or petitions for a public hearing on this NPDES permit application, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within the comment period and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted.

If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area.

#### 12. Additional Information

Further information may be obtained by contacting Rock Martin, Chief, Technical Services Section, 286 Industrial Park Road, Ebensburg, PA 15931; 814-472-1900, martin@pa.gov

#### 13. Waivers

- The permittee has not been granted any waivers under 40 CFR Secs. 122.21 or 123.25 related to permit applications.

#### 14. Protection of In-stream water quality-post-mining pollution prevention

The Department considered the expected post-mining water quality from this permit and determined that there is reasonable assurance that in-stream water quality will be protected to meet designated uses and can meet water quality criteria at 25 Pa. Code Section 93.7.

##### For new permits:

Any post-mining drainage that the proposed mining operation may produce will be alkaline drainage because the mining activities will (select one):- Not Applicable

- encounter overburden with sufficient calcium carbonate to prevent acid drainage.
- use alkaline material imported to the site sufficient to prevent acid drainage.
- completely flood and therefore restrict oxygen to prevent acid drainage.
- completely flood and will encounter calcium-carbonate containing roof rock.

**For renewals:** During review of the initial mine permit application the Department considered the expected post-mining water quality from this permit and determined that there is reasonable assurance that in-stream water quality will be protected to meet designated uses and can meet water quality criteria at 25 Pa. Code Section 93.7. Any post-mining drainage that may be produced by the proposed mining operation is expected to be alkaline drainage.

Select one:

- Review of the renewal application including company and inspector sampling data confirm the finding regarding post-mining discharges made during the initial application review.
- Review of the renewal application including company and inspector sampling data contradicts the finding regarding post mining discharges made during the initial application review—permit modifications are required.

Explain any permit modifications that will be made as a right of this renewal including changes to effluent limits and/or revisions to the mining plan:

#### 15. Potential Improvements – Not Applicable

- The receiving stream(s) is(are) impaired by acid mine drainage and the additional alkalinity anticipated from this discharge is expected to improve overall water quality.
- Remining is expected to improve overall water quality due to decreased sedimentation and runoff.

Note: A TSS effluent limit was not included for the subchapter F discharges. TSS limits are not required by Pennsylvania Subchapter F regulations and can be waived under the federal remining regulations.



**16. Pa Fish and Boat Commission Comments**

The PA Fish Commission has reviewed the proposed discharge and has determined the following (summarize or attach comments):

The Department received comments from the PA Fish Commission on February 9, 2018. The PA Fish Commission did not have any comments in regard to discharges from the Northern Tract Quarry.

Tools and References Used to Develop Permit	
<input type="checkbox"/>	Water Quality Spreadsheet (see Attachment)
<input type="checkbox"/>	PENTOXSD for Windows Model (see Attachment)
<input type="checkbox"/>	TMDL Report:
<input checked="" type="checkbox"/>	Anti-degradation Supplement for Mining Permits
<input type="checkbox"/>	Water Quality Toxics Management Strategy, 361-0100-003, 4/06.
<input type="checkbox"/>	Water Quality Antidegradation Implementation Guidance, 391-0300-002, 11/03.
<input checked="" type="checkbox"/>	Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities ( 563-2112-115)
<input type="checkbox"/>	Other:
<input type="checkbox"/>	Other:
<input type="checkbox"/>	Other:
<input type="checkbox"/>	Other: