UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

NPDES PERMIT NO. NN0028584

In compliance with the provisions of the Clean Water Act, as amended ("CWA") (33 U.S.C. 1251 et seq.), the following discharger is authorized to discharge from the identified facility at the outfall location(s) specified below, in accordance with the effluent limits, monitoring requirements, and other conditions set forth in this permit and in the attached 15 pages of U.S. EPA Region 9 *Standard Federal NPDES Permit Conditions*, dated July 27, 2011.

Discharger Name	Consolidated Coal Company
Discharger Address	P.O. Box 566
	Sesser, IL 62884
Facility Name	Burnham Mine
Facility Location Address	Section 25; T25 R16W
	Burnham, NM

Outfall Number	General Type of Waste Discharged	Outfall Latitude	Outfall Longitude	Receiving Water
001	Area 1 post-mining drainage	36°22'27"N	108°29'30"W	Brimhall Wash, tributary to the Chaco River, tributary to the San Juan River

This permit was issued on:	July 25, 2013
This permit shall become effective on:	August 1, 2013
This permit shall expire at midnight on:	July 31, 2018
In accordance with 40 CFR 122.21(d), the discharger shall submit a new application for a permit at least 180 days before the expiration date of this permit	

Signed this 25th day of July 2013, for the Regional Administrator.

/s/

Jane Diamond, Director
Water Division

SECTION A. EFFLUENT LIMITATION AND MONITORING REQUIREMENTS

During the period of issuance date until the expiration date of this permit, the permittee is authorized to discharge from Outfall 001-intermittent, post-mining discharge from the sedimentation pond containing runoff and reclamation drainage.

1. During discharge events, the effluent shall be sampled after leaving or entering the sedimentation pond.

2. Such discharge shall be limited and monitored by the permittee as specified below:

Effluent Limits and Monitoring Requirements – Outfall Number 001

Parameter	Maximum Allowable Discharge Limits				Monitoring Requirements
	Average Monthly	Maximum Daily	Units	Frequency	Sample Type
Flow, Total	(1)	(1)	MGD	Once/event(2)	Calculated
pH (hydrogen ion)	Within 6.0 and 9.0		pH units	Once/event(2)	Discrete
Total Suspended Solids	1	2	mg/L	Once/event(2)	Discrete
Iron, Total	10	15	mg/L	Once/event(2)	Discrete

Notes:

(1) No effluent limits are set at this time, but monitoring and reporting is required

(2) Samples shall be taken once during each discharge or once every 24 hours if the duration of the occurrence is greater than 24 hours.

3. The permittee shall submit a Sediment Control Plan to EPA within two (2) years after issuance of this permit that is designed to prevent an increase in the average annual sediment yield from the pre-mined, undisturbed conditions. The permittee shall submit a watershed model demonstrating that implementation of the Sediment Control Plan will result in average annual sediment yields that will not be greater that the sediment yield levels from pre-mined, undisturbed conditions. Upon approval by EPA, the discharge shall implement and maintain the Best Management Practices ("BMPs") in accordance with the Sediment Control Plan. Upon approval by EPA, the Sediment Control Plan will be incorporated into this permit as an effluent limitation and shall replace the requirements of Section A.1, above.

SECTION B. GENERAL DISCHARGE SPECIFICATIONS

All waters of the Navajo Nation shall be free from pollutants in amounts or combinations that, for any duration:

1. Cause injury to, are toxic to, or otherwise adversely affect human health, public safety, or public welfare.

2. Cause injury to, are toxic to, or otherwise adversely affect the habitation, growth, or propagation of indigenous aquatic plant and animal communities or any member of these communities; of waterfowl accessing the water body; or otherwise adversely affect the physical, chemical, or biological conditions on which these communities and their members depend.

3. Settle to form bottom deposits, including sediments, precipitates and organic materials, that cause injury to , are toxic to, or otherwise adversely affect the habitation, growth or propagation of indigenous aquatic plant and animal communities or any member of these communities; of any desirable non-indigenous member of these communities; of waterfowl accessing the water body; or otherwise adversely affect the physical, chemical, or biological conditions on which these communities and their members depend.

4. Cause physical, chemical, or biological conditions that promote the habitation, growth, or propagation of undesirable, non-indigenous species of plant or animal life in the water body.

5. Cause solids, oil, grease, foam, scum, or any other form of objectionable floating debris on the surface of the water body; may cause a film or iridescent appearance on the surface of the water body; or that may cause a deposit on a shoreline, on a bank, or on aquatic vegetation.

6. Cause objectionable odor in the area of the water body.

7. Cause objectionable taste, odor, color, or turbidity in the water body.

8. Cause objectionable taste in edible plant and animal life, including waterfowl, that reside in, on, or adjacent to the water body.

SECTION C. PERMIT REOPERNER

Should any of the monitoring indicate that the discharge causes, has the reasonable potential to cause, or contributes to excursions above water quality criteria, the permit may be reopened for the imposition of water quality based limits and/or whole effluent toxicity limits. Also, the permit may be modified, in accordance with the requirements set forth at 40 CFR Parts 122.44 and 124.14, to include appropriate conditions or limits to

address demonstrated effluent toxicity based on newly available information, or to implement any EPA-approved new Tribal water quality standards.

SECTION D. MONITORING AND REPORTING

1. Reporting of Monitoring Results

a. Monitoring results shall be reported on Discharge Monitoring Report ("DMR") forms (EPA No. 3320-1) to be supplied by the EPA Regional Administrator, to the extent that the information reported may be entered on the forms. The results of all monitoring required by this permit shall be submitted in such a format as to allow direct comparison with the limitations and requirements of the permit.

Monitoring results obtained during the previous twelve (12) months shall be summarized for each month and submitted on forms to be supplied by the EPA Regional Administrator, to the extent that the information reported may be entered on the forms. The results of all monitoring required by this permit shall be submitted in such a format as to allow direct comparison with the limitations and requirements of the permit. Unless otherwise specified, discharge flow shall be reported in terms of the average flow over that 30-day period. These reports are due January 28 of each year. Duplicate signed copies of these, and all other reports required herein, shall be submitted to the following addresses:

U. S. Environmental Protection Agency, Region 9
Enforcement Division
Information Management Section (ENF 4-1)
75 Hawthorne Street
San Francisco, CA 94105

AND

Navajo Nation EPA
NPDES Program
P.O. Box 339
Window Rock, AZ 86515

b. For effluent analyses, the permittee shall utilize an EPA-approved analytical method with a Method Detection Limit ("MDL") that is lower than the effluent limitations (or lower than applicable water quality criteria if monitoring is required but no effluent limitations have been established.) MDL is the minimum concentration of an analyte that can be detected with 99 percent confidence that the analyte concentration is greater than zero (0), as defined by the specific laboratory method listed in

40 CFR Part 136. The procedure for determination of a laboratory MDL is in 40 CFR Part 136, Appendix B.

c. If all published MDLs are higher than the effluent limitations (or applicable criteria concentrations), the permittee shall utilize the EPA-approved analytical method with lowest published MDL.

d. The permittee shall develop a Quality Assurance ("QA") Manual. The purpose of the QA Manual is to assist in planning for the collection and analysis of samples and explaining data anomalies if they occur. As appropriate and applicable, the QA Manual shall include the details enumerated below. The QA Manual shall be retained on the permittee's premises and be available for review by EPA or Navajo Nation EPA upon request. The permittee shall review the QA Manual annually and revise it when appropriate. Throughout all field sampling and laboratory analyses, the permittee shall use quality assurance/quality control ("QA/QC") procedures as documented in their QA Manual.

i. Project Management including roles and responsibilities of the participants; purpose of sample collection; matrix to be sampled; the analytes or compounds being measured; applicable technical, regulatory, or program-specific action criteria; personnel qualification requirements for collecting samples.

ii. Sample collection procedures; equipment used; the type and number of samples to be collected including QA/QC samples (i.e., background samples, duplicates, and equipment or field blanks); preservatives and holding times for the samples (see 40 CFR Part 136.3).

iii. Identification of the laboratory to be used to analyze the samples; provisions for any proficiency demonstration that will be required by the laboratory before or after contract award such as passing a performance evaluation sample; analytical method to be used; required QC results to be reported (e.g., matrix spike recoveries, duplicate relative percent differences, surrogate spike recoveries, etc.) and acceptance criteria; and corrective actions to be taken by the permittee or the laboratory as a result of problems identified during QC checks.

iv. Discussion of how the permittee will perform data review and requirements for reporting of results to EPA or Navajo Nation EPA to include resolving of data quality issues and identifying limitations on the use of the data.

e. Sample collection shall be performed as stated in the QA Manual. The QA Manual shall include a discussion on the preservation and handling, preparation and analysis of samples as described in the most recent edition of 40 CFR Part 136.3, unless otherwise specified in this permit.

2. Monitoring and Records

Records of monitoring information shall include:

a. Date, exact location, and time of sampling or measurements performed, preservatives used;
b. Individual(s) who performed the sampling or measurements;
c. Date(s) analyses were performed;
d. Laboratory(ies) which performed the analyses;
e. Analytical techniques or methods used;
f. Any comments, case narrative or summary of results produced by the laboratory. These should identify and discuss QA/QC analyses performed concurrently during sample analyses and should specify whether they met project and 40 CFE Part 136 requirements. The summary of results must include information on initial and continuing calibration, surrogate analyses, blanks, duplicates, laboratory control samples, matrix spike and matrix spike duplicate results, sample receipt condition, holding times, and preservation.
g. Summary of data interpretation and any corrective action taken by the permittee.
h. Effluent limitations for analytes/compounds being analyzed.

3. Twenty Four (24)-Hour Reporting of Noncompliance

The permittee shall report any compliance which may endanger human health or the environment. This information shall be provided orally, within 24 hours from the time the permittee becomes aware of the circumstances, to the following persons or their offices:

Wastewater Enforcement Office (ENF 3-1)
EPA Region 9
(415) 972-3518

Navajo Nation EPA
Attn: Patrick Antonio
(928) 871-7185

If the permittee is unsuccessful in contacting the person above, the permittee shall report by 9 a.m. on the first business day following the noncompliance. A written submission shall also be provided within five (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 dates and times, and, if the noncompliance has not been corrected, the time it is expected to continue; and steps planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

SECTION E. INSPECTION AND ENTRY

The permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and such other documents as may be required by law, to perform inspections under authority of Section 10 ("Inspection and Entry") of the EPA Region 9 "Standard Federal NPDES Permit Conditions," dated July 27, 2011, as attached.

SECTION F. DEFINITIONS

The following definitions shall apply unless otherwise specified in the permit:

1. "Discrete sample" means any individual sample collected in less than 15 minutes.

2. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharges over the sampling 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 sampling day. "Daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that sampling day.

3. "Daily average" 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.

4. "Daily maximum" concentration means the measurement made on any single discrete sample or composite sample.

5. "Daily maximum" mass limit means the highest allowable "daily discharge" by mass during any calendar day.

6. A "composite sample" means, for flow rate measurements, the arithmetic mean of no fewer than four (4) individual measurements taken at equal intervals for one (1) hour or for the duration of discharge, whichever is shorter. A "composite sample" means, for other than flow rate measurements, a combination of four (4) individual portions obtained at equal time intervals for four (4) hours or for the duration of the discharge, whichever is shorter. The volume of each individual portion shall be directly proportional to the discharge flow rate at the time of the

sampling. The sampling period shall coincide with the period of maximum discharge flow.

7. A “monthly or weekly average” concentration limitation means the arithmetic mean of consecutive measurements made during a calendar month or weekly period, respectively.

8. A “monthly or weekly average” mass limitation means the total discharge by mass during a calendar monthly or weekly period, respectively, divided by the number of days in the period that the facility was discharging. Where less than daily sampling is required by this permit, the monthly or weekly average value shall be determined by the summation of all the measured discharges by mass divided by number of days during the monthly or weekly period when the measurements were made.