

**North Dakota Department of Environmental Quality Public Notice  
Reissue of an NDPDES Permit**

Public Notice Date: 11/11/2021

Public Notice Number: ND-2021-033

**Purpose of Public Notice**

The Department intends to reissue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.

**Permit Information**

Application Date: 7/1/2021

Application Number: ND0025038

Applicant Name: Coteau Properties Co

Mailing Address: 204 Co Rd 15, Beulah, ND 58523

Telephone Number: 701.873.7217

Proposed Permit Expiration Date: 12/31/2026

**Facility Description**

The reapplication is for a lignite coal surface mining operation located in north central Mercer County. Discharges consist of surface runoff and/or groundwater encountered during mining as well as discharges from a sewage lagoon and a vehicle wash system. Discharges are to Antelope Creek, Beulah Trench Creek, Spring Creek, and Lake Sakakawea. Lake Sakakawea is a Class 1 lake and Spring Creek is a Class IA stream. All other receiving waters are unclassified. Discharges covered by this permit are subject to the surface water management conditions and the designated locations described in surface mining permits approved following public review under NDCC Chapter 38-14.1. The current and proposed discharge structures are located within the boundaries of Coteau's approved surface mining permits which encompass all or part of the following: T144N, R88W; T144N, R89W; T145N, R86W; T145N, R87W; T145N, R88W; T146N, R87W; and T146N, R88W.

**Tentative Determinations**

Proposed effluent limitations and other permit conditions have been made by the Department. They assure that State Water Quality Standards and applicable provisions of the FWPCAA will be protected.

**Information Requests and Public Comments**

Copies of the application, draft permit, and related documents are available for review. For further information on making public comments/public comment tips please visit: <https://deq.nd.gov/PublicCommentTips.aspx>. Comments or requests should be directed to the ND Dept of Env Quality, Div of Water Quality, 4201 Normandy Street, Bismarck ND 58503-1324 or by calling 701.328.5210.

All comments received by December 11, 2021 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.366.6868.

**DRAFT**

Permit No: ND0025038  
Effective Date: January 1, 2022  
Expiration Date: December 31, 2026

AUTHORIZATION TO DISCHARGE UNDER THE  
NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Chapter 33.1-16-01 of the North Dakota Department of Environmental Quality rules as promulgated under Chapter 61-28 (North Dakota Water Pollution Control Act) of the North Dakota Century Code,

The Coteau Properties Company  
Beulah, North Dakota

is authorized to discharge from its Freedom Mine near Beulah from the specified locations and

to specified receiving streams per page 5

provided all the conditions of this permit are met.

This permit and the authorization to discharge shall expire at midnight,  
December 31, 2026.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Karl H. Rockeman, P.E.  
Director  
Division of Water Quality

BP 2019.05.29

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**DEFINITIONS Standard Permit BP 2019.05.29**

1. **"Act"** means the Clean Water Act.
2. **"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.
3. **"Average weekly discharge limitation"** means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.
4. **"Best management practices"** (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
5. **"Bypass"** means the intentional diversion of waste streams from any portion of a treatment facility.
6. **"Composite"** sample means a combination of at least 4 discrete sample aliquots, collected over periodic intervals from the same location, during the operating hours of a facility not to exceed a 24 hour period. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.
7. **"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.
8. **"Department"** means the North Dakota Department of Environmental Quality, Division of Water Quality.
9. **"DMR"** means discharge monitoring report.
10. **"EPA"** means the United States Environmental Protection Agency.
11. **"Geometric mean"** means the  $n^{\text{th}}$  root of a product of  $n$  factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.
12. **"Grab"** for monitoring requirements, means a single "dip and take" sample collected at a representative point in the discharge stream.
13. **"Instantaneous"** for monitoring requirements, means a single reading, observation, or measurement. If more than one sample is taken during any calendar day, each result obtained shall be considered.
14. **"Maximum daily discharge limitation"** means the highest allowable "daily discharge."
15. **"Salmonid"** means of, belonging to, or characteristic of the family Salmonidae, which includes the salmon, trout, and whitefish.

16. **"Sanitary Sewer Overflows (SSO)"** means untreated or partially treated sewage overflows from a sanitary sewer collection system.
17. **"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.
18. **"Total drain"** means the total volume of effluent discharged.
19. **"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.

#### **DEFINITIONS Permit Specific**

1. **"Active Mining Area"** means the area on and beneath land, used or disturbed in activity related to extraction, removal, or recovery of coal from its natural deposits. The definition may include access roads, suitable plant growth material (SPGM), stockpiles, sedimentation ponds, and other related structures.
2. **"Daily maximum concentration"** means the greatest discharge concentration during any calendar day. If more than one sample is taken on a calendar day, the average of all such samples shall be the daily concentration for that day.
3. **"Monthly Average Concentration"** means the average discharge concentration during a 30-consecutive day period (for reporting purposes a calendar month). It shall be determined by the summation of all daily concentrations for 30 days (calendar month) divided by the total number of days on which the values were obtained. If more than one sample is taken on a calendar day, the average of all such samples shall be the daily concentration of the day.
4. **"NDPDES"** means North Dakota Pollutant Discharge Elimination System.
5. **"Reclamation Area"** means an area which has been isolated from active mining area drainage and on which the final reclamation contour has been reached and seeding is completed. The definition may include access roads, suitable plant growth material (SPGM), stockpiles, sedimentation ponds, and other related structures.

## **FACILITY DESCRIPTION**

The discharges regulated by this permit consist of drainage from active mining and reclamation areas subject to effluent limitations under 40 CFR 434. Discharges are from structures or other control features used to manage the quality of the effluent and the hydrologic considerations identified in the surface mining permit(s) issued by the North Dakota Public Service Commission, following interagency review and public comment, in accordance with NDCC Chapter 38-14.1. The current and proposed discharge structures are located within the boundaries of approved surface mining permits which encompass all or part of the following:

1. Township 144 North, Range 88 West
2. Township 144 North, Range 89 West
3. Township 145 North, Range 86 West
4. Township 145 North, Range 87 West
5. Township 145 North, Range 88 West
6. Township 146 North, Range 87 West
7. Township 146 North, Range 88 West

and discharge to:

1. Beulah Trench Creek, an unclassified stream
2. Antelope Creek, an unclassified stream
3. Lake Sakakawea, a Class 1 lake and Class I stream
4. Spring Creek, a Class IA stream

## **OUTFALL DESCRIPTION**

The permittee must request and obtain an NDPDES discharge point number from the department before a structure within a surface mining permit can be used to discharge waters subject to effluent standards. Upon the assignment of the NDPDES discharge point number, discharges may be made in accordance with the limitations, record keeping and reporting requirements outlined in this permit. Once a discharge point is activated it will be subject to reporting under NDPDES until such time it is authorized for removal.

Unless otherwise described in this permit, a discharge point is subject to active mining area requirements until the permittee submits a change of status to the department stating the contributing area has changed from an active mining area to a reclamation area or sedimentation pond removal site. Discharge points assigned to clean water ponds or diversions are not subject to NDPDES requirements.

The permittee and department will maintain an up-to-date list of all discharge points. The list will include the discharge serial number, a description of the contributing area (i.e., active mining, reclamation) or wastewater source, a description of the treatment structure, any company designation, the date the discharge point was first regulated by the permit program, the location, and the receiving stream. Discharge points receiving runoff from reclamation areas must include the date the contributing area was designated as

a reclamation area. Inactive discharge points will list the date the point was no longer active.

Outfall 014. Active. Final.			
Latitude: 47.38278		Longitude: -101.83250	
County: Mercer			
Township: 145N		Range: 88W	
Section: 13		QQ: ABC	
Receiving Stream: Beulah Trench Creek		Stream Classification: Class III	
Outfall Description: Sewage Lagoons. Treated sanitary waste from a three-cell lagoon system. Discharges are to Beulah Trench Creek.			

Outfall 060. Active. Final.			
Latitude: 47.38722		Longitude: -101.83806	
County: Mercer			
Township: 145N		Range: 88W	
Section: 12		QQ: CDC	
Receiving Stream: West Branch of Antelope Creek		Stream Classification: Class III	
Outfall Description: Wash Bay Containment System. Discharge from the wash bay containment system. Discharges are to West Branch of Antelope Creek.			

## PERMIT SUBMITTALS SUMMARY

Coverage Point	Submittal	Monitoring Period	Submittal Frequency	First Submittal Date
Active Mining Areas	Discharge Monitoring Report	Monthly	Semiannual	July 31, 2022
Reclamation Areas	Discharge Monitoring Report	Quarterly	Semiannual	July 31, 2022
014A	Discharge Monitoring Report	Monthly	Semiannual	July 31, 2022
060A	Discharge Monitoring Report	Monthly	Semiannual	July 31, 2022
Watershed Monitoring Sites	Discharge Monitoring Report	Annually	Annual	January 31, 2023
Application Renewal	EPA Form 1, 2C, & 2F	None	1/permit cycle	June 30, 2026

## SPECIAL CONDITIONS

No special conditions have been determined at this time.

## I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

### A. Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from the outfall as specified to the following: **Beulah Trench Creek, Antelope Creek, Lake Sakakawea, and Spring Creek.**

This permit authorizes the discharge of only those pollutants resulting from facility processes, waste streams, and operations that have been clearly identified in the permit application process.

### B. Effluent Limitations and Monitoring

#### ACTIVE MINING AREAS:

Table 1: Effluent Limitations and Monitoring Requirements <b>Active Mining Areas</b>				
Parameter	Effluent Limitations		Monitoring Requirements	
	Average Monthly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Total Iron <sup>a</sup>	3.5 mg/L	7.0 mg/L	Annual	Grab
Total Suspended Solids (TSS) <sup>a</sup>	35.0 mg/L	70.0 mg/L	Monthly	Grab
Settleable Solids <sup>a,b</sup>	N/A	0.5 mL/L	Monthly	Grab
Oil & Grease – Visual <sup>c</sup>	N/A	N/A	Daily	Visual
Oil & Grease <sup>c</sup>	*	10 mg/L	Conditional	Grab
pH	**		Monthly	Instantaneous
Flow Effluent (gpm) <sup>d</sup>	N/A	N/A	Monthly	Calculated
Drain Total (MG)	N/A	N/A	Monthly	Calculated
Total Days Discharging	N/A	N/A	Monthly	Calculated
Notes:				
<p>a. <u>Alternate Limitations:</u> The department may waive the limitation for Total Iron and Total Suspended Solids for overflows caused by a single or series of precipitation or snowmelt events after reviewing all information submitted in response to the Noncompliance Notification conditions (Part III.F). During overflow discharges Total Suspended Solids sampling shall be done in conjunction with Settleable Solids sampling for comparison purposes. Monitoring of Settleable Solids is not required for routine discharges.</p> <p>The Settleable Solids limit may be waived if there is a precipitation event greater than 2.97 inches in 24 hours. The limit may also be waived for snowmelt events on a case-by-case basis for facilities designed and maintained to contain runoff from a 10-year, 24-hour precipitation event.</p> <p>To qualify for these limitations the facility must be designed, constructed, operated, and maintained to treat the runoff from a 10-year, 24-hour precipitation event (2.97 inches). For</p>				



Table 1: Effluent Limitations and Monitoring Requirements <b>Active Mining Areas</b>
<p>sedimentation ponds, any required pond dewatering must have been accomplished within 10 days of the last precipitation event when practicable. Additional time is allowable when dewatering is delayed due to activities or conditions downstream of the facility such as agricultural activities, landowner accessibility, drainage channel stability or capacity. The permittee has the burden of proof that these conditions are met.</p> <p>Precipitation shall be measured by gauge and recorded daily by the permittee.</p>
b. The Settleable Solids test procedure shall conform with 40 CFR 434.64.
c. There shall be no floating oil or visible sheen present in the discharge. If floating oil or a visible sheen is detected in the discharge, the department shall be contacted and a grab sample analyzed to ensure compliance with the concentration limitation. Any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.
d. The permittee shall maintain the capability to measure the instantaneous flow rate, daily.
N/A Not Applicable
*. This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving waters.
**. Discharges to lakes and reservoirs, and Class I and IA streams shall have an instantaneous pH limitation between 6.5 (s.u.) and 9.0 (s.u.). Discharges to all other classifications of stream shall be between 6.0 (s.u) and 9.0 (s.u.).
Stipulations:
Samples taken in compliance with the monitoring requirements specified in this permit shall be taken prior to leaving company property or mixing with receiving streams.
The dates of discharge, frequency of analysis, and number of exceedances shall be included on the DMR.
When alternate limitations are granted, the test results for parameters not subject to limitations shall be included as an attachment to the report for the applicable monitoring period.
The department may specify additional discharge conditions or restrictions at any time to maintain water quality standards. This may include rate of discharge restrictions or notifying downstream landowners along the receiving stream.

**RECLAMATION AREAS:**

Table 2: Effluent Limitations and Monitoring Requirements <b>Reclamation Areas</b>			
Parameter	Effluent Limitations	Monitoring Requirements	
	Daily Maximum Limit	Sample Frequency	Sample Type
Total Suspended Solids (TSS) <sup>a</sup>	70.0 mg/L	Quarterly	Grab
Settleable Solids <sup>b,c</sup>	0.5 mL/L	Quarterly	Grab
pH	*	Quarterly	Instantaneous
Flow Effluent (gpm) <sup>d</sup>	N/A	Monthly	Calculated
Drain Total (MG)	N/A	Monthly	Calculated
Total Days Discharging	N/A	Monthly	Calculated
Notes:			
a. The Total Suspended Solids limitation shall apply only to controlled discharges made by mechanical or gravity dewatering devices. During an overflow discharge, sampling for Total Suspended Solids shall be done in conjunction with Settleable Solids sampling for comparison purposes. Monitoring for Settleable Solids is not required for routine discharges.			
b. The Settleable Solids requirement applies to overflows or increases in flow caused by a single or series of precipitation or snowmelt events. The limitation may be waived if the amount of precipitation is greater than 2.97 inches in 24 hours. The limitation may also be waived for snowmelt events on a case-by-case basis for facilities designed and maintained to contain runoff from a 10-year, 24-hour precipitation event. The permittee has the burden of proof that these conditions are met.  Precipitation shall be measured by gauge and recorded daily by the permittee.			
c. The Settleable Solids test procedure shall conform with 40 CFR 434.64.			
d. The permittee shall maintain the capability to measure the instantaneous flow rate, daily.			
N/A Not Applicable			
*. Discharges to lakes and reservoirs, and Class I and IA streams shall have an instantaneous pH limitation between 6.5 (s.u.) and 9.0 (s.u.). Discharges to all other classifications of stream shall be between 6.0 (s.u) and 9.0 (s.u.).			
Stipulations:			
The permittee must not discharge any floating solids, visible foam in other than trace amounts, or oily wastes that produce sheen on the surface of the receiving water.			

Table 2: Effluent Limitations and Monitoring Requirements <b>Reclamation Areas</b>
All components of the treatment systems and discharge structures shall be maintained to achieve a high quality discharge and preserve the integrity of structures. If necessary, BMPs shall be used upstream and downstream of a discharge structure to ensure that effluent quality is maximized. As a general practice, sediment ponds should be dewatered by late fall.
Samples taken in compliance with the monitoring requirements specified in this permit shall be taken prior to leaving company property or mixing with receiving streams.
The dates of discharge, frequency of analysis, and number of exceedances shall be included on the DMR.
The results for Total Suspended Solids obtained during overflow conditions shall be included as an attachment to the report for the applicable monitoring period.
The department may specify additional discharge conditions or restrictions at any time to maintain water quality standards. This may include rate of discharge restrictions or notifying downstream landowners along the receiving stream.

## SEDIMENTATION POND REMOVAL SITES:

Table 3: Effluent Limitations and Monitoring Requirements <b>Sediment Pond Removal Sites</b>
Stipulations:
The discharges from sedimentation pond removal and pond site reclamation operations must be controlled to provide the best quality attainable through the implementation of BMPs.
<p>The permittee must follow the guidelines for sedimentation pond removal and pond site reclamation outlined in Policy Memorandum No. 19 to Mine Operators, issued by the North Dakota Public Service Commission (PSC) and the North Dakota Department of Health, Division of Water Quality – now referred to as the North Dakota Department of Environmental Quality (NDDEQ), Division of Water Quality. The conditions and procedures outlined in the policy accommodate the rules and requirements of both the NDDEQ and the PSC. In summary, the policy contains the following:</p> <ul style="list-style-type: none"> <li>The prerequisite discharge water quality history and land reclamation conditions that must be present in the watershed of a structure before removal may be considered.</li> <li>The content and considerations for a site specific reclamation plan that must be submitted for review and approval.</li> <li>A description of the BMP for erosion and sediment control that must be used and maintained.</li> <li>The timing for designating a discharge point as a sedimentation pond removal site regulated by the use of BMPs and the procedures outlined in the site specific reclamation plan.</li> <li>The notifications to the NDDEQ and PSC required during the course of the pond removal activity.</li> </ul>
The BMPs and all procedures identified in the approved site specific reclamation plan must be followed throughout the course of the pond removal activities.
The assignment of a discharge point to pond removal status does not become effective until any final dewatering of the pond is completed and pond removal activities begin.
The status, stage, or estimated percentage of completion for pond removal activities must be provided in the report for the applicable monitoring period. Once the pond removal activity is completed and the discharge point is released from the NDPDES permit, the reporting for the discharge point in monitoring reports is not required.
The department may specify additional discharge conditions or restrictions at any time to maintain water quality standards.

**OUTFALL 014, Sewage Lagoons:**

Table 4: Effluent Limitations and Monitoring Requirements <b>Outfall 014</b>				
Parameter	Effluent Limitations		Monitoring Requirements	
	Average Monthly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Biochemical Oxygen Demand (BOD <sub>5</sub> )	25 mg/L	45 mg/L	Weekly	Grab
Total Suspended Solids (TSS)	30 mg/L	45 mg/L	Weekly	Grab
Oil & Grease – Visual <sup>a</sup>	N/A	N/A	Daily	Visual
Oil & Grease <sup>a</sup>	*	10 mg/L	Conditional	Grab
pH	**		Monthly	Instantaneous
Nitrogen, Total, mg/L <sup>b</sup>	Monitor only	Monitor only	Monthly	Grab
Nitrogen, Total, lb/day <sup>b</sup>	Monitor only	Monitor only	Monthly	Calculated
Phosphorus, Total (as P), mg/L	Monitor only	Monitor only	Monthly	Grab
Phosphorus, Total (as P), lb/day	Monitor only	Monitor only	Monthly	Calculated
Flow Effluent (gpm) <sup>c</sup>	N/A	N/A	Monthly	Calculated
Drain Total (MG)	N/A	N/A	Monthly	Calculated
Total Days Discharging	N/A	N/A	Monthly	Calculated
Notes:				
a. There shall be no floating oil or visible sheen present in the discharge. If floating oil or a visible sheen is detected in the discharge, the department shall be contacted and a grab sample analyzed to ensure compliance with the concentration limitation. Any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.				
b. Total nitrogen is a combination of nitrate, nitrite, and Total Kjeldahl Nitrogen (TKN).				
c. The permittee shall maintain the capability to measure the instantaneous flow rate, daily.				
N/A Not Applicable				
*. This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving waters.				
**. For pH, the limitation shall be between 6.0 (s.u) and 9.0 (s.u.).				

Table 4: Effluent Limitations and Monitoring Requirements <b>Outfall 014</b>
Stipulations:
The permittee must not discharge any floating solids, visible foam in other than trace amounts, or oily wastes that produce sheen on the surface of the receiving water.
Samples taken in compliance with the monitoring requirements specified in this permit shall be taken after leaving the lagoon cell but prior to mixing with any other discharge water on company property or receiving streams.
The dates of discharge, frequency of analysis, and number of exceedances shall be included on the DMR.
The department may specify additional discharge conditions or restrictions at any time to maintain water quality standards. This may include rate of discharge restrictions or notifying downstream landowners along the receiving stream.

**OUTFALL 060, Wash Bay Containment System:**

Table 5: Effluent Limitations and Monitoring Requirements <b>Outfall 060</b>				
Parameter	Effluent Limitations		Monitoring Requirements	
	Average Monthly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Total Suspended Solids (TSS)	35 mg/L	70 mg/L	Monthly	Grab
Total Iron	3.5 mg/L	7.0 mg/L	Annual	Grab
Oil & Grease – Visual <sup>a</sup>	N/A	N/A	Daily	Visual
Oil & Grease <sup>a</sup>	*	10 mg/L	Monthly	Grab
Gasoline Range Organics (GRO) <sup>a</sup>	N/A	N/A	Monthly	Grab
Diesel Range Organics (DRO) <sup>a</sup>	N/A	N/A	Monthly	Grab
pH	**		Monthly	Instantaneous
Flow Effluent (gpm) <sup>b</sup>	N/A	N/A	Monthly	Calculated
Drain Total (MG)	N/A	N/A	Monthly	Calculated
Total Days Discharging	N/A	N/A	Monthly	Calculated
Notes:				
a. In addition to the monthly sample, the discharge must be inspected daily for a visible sheen or floating oil. An additional sample must be collected and analyzed on each day a visible sheen or floating oil is observed. The GRO and DRO samples shall be tested by method 8015B or equivalent.				
b. The permittee shall maintain the capability to measure the instantaneous flow rate, daily.				
N/A Not Applicable				
*. This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving waters.				
**. For pH, the limitation shall be between 6.0 (s.u) and 9.0 (s.u.).				
Stipulations:				
The permittee must not discharge any floating solids, visible foam in other than trace amounts, or oily wastes that produce sheen on the surface of the receiving water.				
Samples taken in compliance with the monitoring requirements specified in this permit shall be taken prior to leaving company property or mixing with receiving streams.				

Table 5: Effluent Limitations and Monitoring Requirements **Outfall 060**

The dates of discharge, frequency of analysis, and number of exceedances shall be included on the DMR.

The department may specify additional discharge conditions or restrictions at any time to maintain water quality standards. This may include rate of discharge restrictions or notifying downstream landowners along the receiving stream.

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### C. Nutrient Monitoring

Nutrient monitoring shall occur at the following watershed monitoring sites. The department shall be given advance notice of any changes to watershed monitoring sites that result in a new location for a monitoring site, removal of a monitoring site, or addition of a monitoring site. Watershed monitoring sites shall remain active until all NDPDES discharge points are inactivated in the watershed.

Table 6: Nutrient Monitoring Location <b>Watershed Monitoring Sites</b>		
Monitoring Site	Location	Stream
MS13	T146N-R88W-27 BCC	Beulah Trench Creek
MS14N	T146N-R88W-25 BAA	Tributary to Lake Sakakawea
MS15	T146N-R88W-36 DDA	East Antelope Creek
MS21	T145N-R87W-14 DCD	East Antelope Creek
MS23	T145N-R86W-04 CDC	East Antelope Creek
MS24	T145N-R86W-04 DCD	East Antelope Creek
MS27	T145N-R88W-20 DAA	West Antelope Creek
MS28	T145N-R88W-23 DAD	West Antelope Creek
MS31S	T144N-R88W-08 CCA	Tributary to Spring Creek

Table 7: Nutrient Monitoring Requirements <b>Watershed Monitoring Sites</b>		
Parameter	Monitoring Requirements	
	Sample Frequency	Sample Type
Nitrogen, Total, mg/L <sup>a</sup>	2 runoff events annually	Grab
Nitrogen, Total, lb/day <sup>a</sup>	2 runoff events annually	Calculated
Phosphorus, Total (as P), mg/L	2 runoff events annually	Grab
Phosphorus, Total (as P), lb/day	2 runoff events annually	Calculated
Flow, cfs	2 runoff events annually	Calculated
a. Total nitrogen is a combination of nitrate, nitrite, and Total Kjeldahl Nitrogen (TKN).		

## II. MONITORING, RECORDING, AND REPORTING REQUIREMENTS BP 2021.09.09

### A. Representative Sampling (Routine and Non-Routine Discharges)

All samples and measurements taken shall be representative of the monitored discharge.

In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee must collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The permittee must analyze the additional samples for those parameters limited under **Part I Effluent Limitations and Monitoring** requirements of this permit that are likely to be affected by the discharge.

The permittee must collect such additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples must be analyzed in accordance with **B. Test Procedures**. The permittee must report all additional monitoring in accordance with **D. Additional Monitoring**.

### B. Test Procedures

The collection and transportation of all samples shall conform with EPA preservation techniques and holding times found in 40 CFR 136. All laboratory tests shall be performed by a North Dakota certified laboratory in conformance with test procedures pursuant to 40 CFR 136, unless other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5. The method of determining the total amount of water discharged shall provide results within 10 percent of the actual amount. The Gasoline Range Organics and Diesel Range Organics samples shall be tested by method 8015B or equivalent. The Settleable Solids test procedure shall conform with 40 CFR 434.64.

### C. Recording of Results

Records of monitoring information shall include:

1. the date, exact place and time of sampling or measurements;
2. the name(s) of the individual(s) who performed the sampling or measurements;
3. the name of the laboratory;
4. the date(s) and time(s) analyses were performed;
5. the name(s) of the individual(s) who performed the analyses;
6. the analytical techniques or methods used; and
7. the results of such analyses.

### D. Additional Monitoring

If the discharge is monitored more frequently than this permit requires, all additional results, if in compliance with **B. Test Procedures**, shall be included in the summary on the Discharge Monitoring Report.

### E. Reporting of Monitoring Results

1. Monitoring results shall be summarized and reported to the department using Discharge Monitoring Reports (DMRs). If no discharge occurs during a reporting period, "No Discharge" shall be reported. The permittee must submit DMRs electronically using the electronic information reporting system

unless requirements in subsection 3 are met.

2. Prior to December 21, 2025, the permittee may elect to electronically submit the following compliance monitoring data and reports instead of mailing paper forms. Beginning December 21, 2025, the permittee must report the following using the electronic reporting system:
  - a. General permit reports [e.g., notices of intent (NOI); notices of termination (NOT); no exposure certifications (NOE)];
  - b. Municipal separate storm sewer system program reports;
  - c. Pretreatment program reports;
  - d. Sewer overflow/bypass event reports; and
  - e. Clean Water Act 316(b) annual reports
3. The permittee may seek a waiver from electronic reporting. To obtain a waiver, the permittee must complete and submit an Application for Temporary Electronic Reporting Waiver form (SFN 60992) to the department. The department will have 120 days to approve or deny the waiver request. Once the waiver is approved, the permittee may submit paper versions of monitoring data and reports to the department.
  - a. One of the following criteria must be met in order to obtain a waiver. The department reserves the right to deny any waiver request, even if they meet one of the criteria below.
    1. No internet access,
    2. No computer access,
    3. Annual DMRs (upon approval of the department),
    4. Employee turnover (3-month periods only), or
    5. Short duration permits (upon approval of the department)

All reports must be postmarked by the last day of the month following the end of each reporting period. All original documents and reports required herein shall be signed and submitted to the department at the following address:

ND Department of Environmental Quality  
Division of Water Quality  
4201 Normandy Street  
Bismarck ND 58503-1324

#### **F. Records Retention**

All records and information (including calibration and maintenance) required by this permit shall be kept for at least three years or longer if requested by the department or EPA.

### **III. COMPLIANCE RESPONSIBILITIES**

#### **A. Duty to Comply**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a

violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**B. Proper Operation and Maintenance**

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. If necessary to achieve compliance with the conditions of this permit, this shall include the operation and maintenance of backup or auxiliary systems.

**C. Planned Changes**

The department shall be given advance notice of any planned changes at the permitted facility or of an activity which may result in permit noncompliance. Any anticipated facility expansions, production increase, or process modifications which might result in new, different, or increased discharges of pollutants shall be reported to the department as soon as possible. Changes which may result in a facility being designated a "new source" as determined in 40 CFR 122.29(b) shall also be reported.

**D. Duty to Provide Information**

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. When a permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in a permit application or any report, it shall promptly submit such facts or information.

**E. Signatory Requirements**

All applications, reports, or information submitted to the department shall be signed and certified.

All permit applications shall be signed by a responsible corporate officer, a general partner, or a principal executive officer or ranking elected official.

All reports required by the permit and other information requested by the department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

The authorization is made in writing by a person described above and submitted to the department;  
and

The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.

If an authorization under E. Signatory Requirements is no longer accurate for any reason, a new authorization satisfying the above requirements must be submitted to the department prior to or together with any reports, information, or applications to be signed by an authorized representative.

Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**F. Twenty-four Hour Notice of Noncompliance Reporting**

1. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The following occurrences of noncompliance shall be included in the oral report to the department at 701.328.5210:
  - a. Any lagoon cell overflow or any unanticipated bypass which exceeds any effluent limitation in the permit under G. Bypass of Treatment Facilities;
  - b. Any upset which exceeds any effluent limitation in the permit under H. Upset Conditions; or
  - c. Violation of any daily maximum effluent or instantaneous discharge limitation for any of the pollutants listed in the permit.
2. A written submission shall also be provided within five days of the time that the permittee became aware of the circumstances. The written submission shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
  - d. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Reports shall be submitted to the address in Part II.E. Reporting of Monitoring Results. The department may waive the written report on a case by case basis if the oral report has been received within 24 hours by the department at 701.328.5210 as identified above.

All other instances of noncompliance shall be reported no later than at the time of the next Discharge Monitoring Report submittal. The report shall include the four items listed in this subsection.

**G. Bypass of Treatment Facilities**

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 any of the following provisions in this section.
2. Bypass exceeding limitations-notification requirements.
  - a. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of bypass.
  - b. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required under F. Twenty-four Hour Notice of Noncompliance Reporting.
3. Prohibition of Bypass. 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 the 1. Anticipated Bypass subsection of this section.

The department may approve an anticipated bypass, after considering its adverse effects, if the department determines that it will meet the three (3) conditions listed above.

#### **H. Upset Conditions**

An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of the following paragraph are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the permittee can identify its cause(s);
2. The permitted facility was, at the time being, properly operated;
3. The permittee submitted notice of the upset as required under F. Twenty-four Hour Notice of Noncompliance Reporting and
4. The permittee complied with any remedial measures required under I. Duty to Mitigate.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

#### **I. Duty to Mitigate**

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. The permittee, at the department's request, shall provide accelerated or additional monitoring as necessary to determine the nature and impact of any discharge.

#### **J. Removed Materials**

Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be buried or disposed of in such a manner to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the state. The permit issuing authority shall be contacted prior to the disposal of any sewage sludges. At that time, concentration limitations and/or self-monitoring requirements may be established.

#### **K. Duty to Reapply**

Any request to have this permit renewed should be made six months prior to its expiration date.

### **IV. GENERAL PROVISIONS**

#### **A. Inspection and Entry**

The permittee shall allow department and EPA representatives, at reasonable times and upon the presentation of credentials if requested, to enter the permittee's premises to inspect the wastewater treatment facilities and monitoring equipment, to sample any discharges, and to have access to and copy any records required to be kept by this permit.

**B. Availability of Reports**

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the department and EPA. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

**C. Transfers**

This permit is not transferable except upon the filing of a Statement of Acceptance by the new party and subsequent department approval. The current permit holder should inform the new controller, operator, or owner of the existence of this permit and also notify the department of the possible change.

**D. New Limitations or Prohibitions**

The permittee shall comply with any effluent standards or prohibitions established under Section 306(a), Section 307(a), or Section 405 of the Act for any pollutant (toxic or conventional) present in the discharge or removed substances within the time identified in the regulations even if the permit has not yet been modified to incorporate the requirements.

**E. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. This includes the establishment of limitations or prohibitions based on changes to Water Quality Standards, the development and approval of waste load allocation plans, the development or revision to water quality management plans, changes in sewage sludge practices, or the establishment of prohibitions or more stringent limitations for toxic or conventional pollutants and/or sewage sludges. 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.

**F. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**G. State Laws**

Nothing in this permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation preserved under Section 510 of the Act.

**H. Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

**I. Property Rights**

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

**J. Severability**

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

**FACT SHEET FOR NDPDES PERMIT  
ND0025038**

**COTEAU PROPERTIES COMPANY  
BEULAH, ND**

**DATE OF THIS FACT SHEET – NOVEMBER 2021**

**INTRODUCTION**

The Federal Clean Water Act (CWA, 1972, and later amendments in 1977, 1981, and 1987, etc.) established water quality goals for the navigable (surface) waters of the United States. One mechanism for achieving the goals of the CWA is the National Pollutant Discharge Elimination System (NPDES), which the US Environmental Protection Agency (EPA) has oversight authority. In 1975, the State of North Dakota was delegated primacy of the NPDES program by EPA. The North Dakota Department of Environmental Quality (NDDEQ), hereafter referred to as "department", has been designated the state water pollution control agency for all purposes of the Federal Water Pollution Control Act, as amended [33 U.S.C. 1251, et seq.], and is hereby authorized to take all action necessary or appropriate to secure to this state the benefits of the act and similar federal acts. The department's authority and obligations for the wastewater discharge permit program is in the NDAC 33.1-16 (North Dakota Administrative Code) which was promulgated pursuant to NDCC chapter 61-28 (North Dakota Century Code). The department uses North Dakota Pollutant Discharge Elimination System (NDPDES) as its permitting title.

The following rules or regulations apply to NDPDES permits:

Procedures the department follows for issuing NDPDES permits (NDAC chapter 33.1-16-01), Standards of Quality for Waters of the State (NDAC chapter 33.1-16-02.1).

These rules require any treatment facility operator to obtain an NDPDES permit before discharging wastewater to state waters. They also define the basis for limits on each discharge and for other requirements imposed by the permit.

According to the North Dakota Administrative Code (NDAC) section 33.1-16-01-08, the department must prepare a draft permit and accompanying fact sheet, and make it available for public review. The department must also publish an announcement (public notice) during a period of thirty days, informing the public where a draft permit may be obtained and where comments regarding the draft permit may be sent (NDAC chapter 33.1-16-01-07). For more information regarding preparing and submitting comments about the fact sheet and permit, please see Appendix A - Public Involvement. Following the public comment period, the department may make changes to the draft NDPDES permit. The department will summarize the responses to comments and changes to the permit in Appendix D - Response to Comments.



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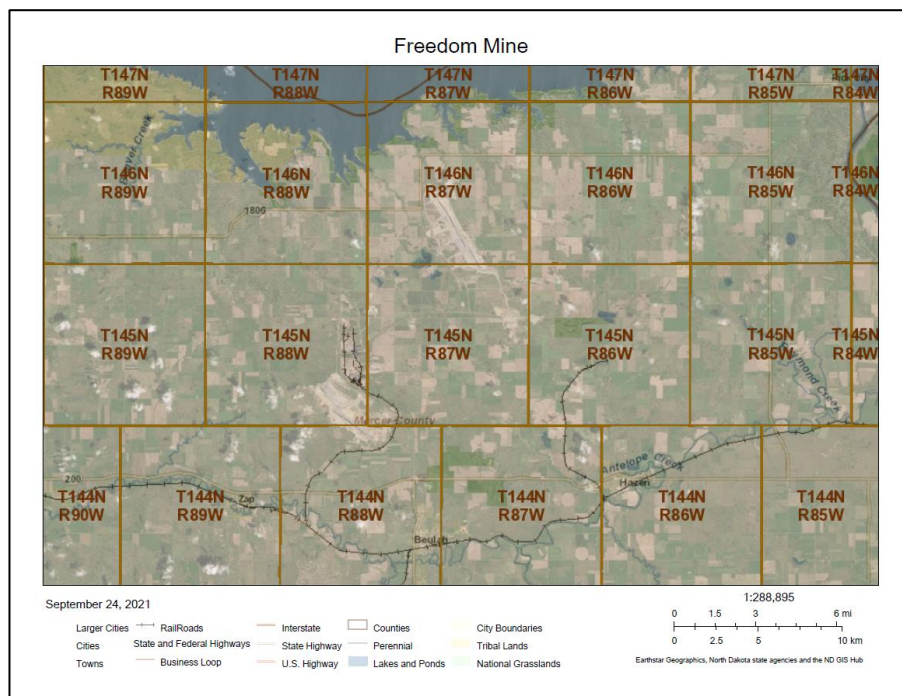
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## BACKGROUND INFORMATION

**Table 1 – General Facility Information**

Applicant:	Coteau Properties Company
Facility Name and Address:	Freedom Mine 204 County Road 15, Beulah, ND
Permit Number:	ND0025038
Permit Type:	Minor Industrial, Permit Reissuance
Type of Treatment:	Sedimentation, Flocculation, Coagulation, Anaerobic Digestion, Landfill, Land Application
SIC Code:	1221 (Bituminous Coal and Lignite Surface Mining)
NAICS Code:	212111 (Bituminous Coal and Lignite Surface Mining)
Discharge Location:	Various locations within the permitted mining area: (1) T144N, R88W; (2) T144N, R89W; (3) T145N, R86W; (4) T145N, R87W; (5) T145N, R88W; (6) T146N, R87W; and (7) T146N, R88W.
Hydrologic Code:	10110101 – Lake Sakakawea 10130201 – Knife

Figure 1 – Aerial Photograph of Coteau Properties Co., Beulah, ND (North Dakota Geographic Information System, map generated September 2021)



## **FACILITY DESCRIPTION**

Coteau Properties Company, Freedom Mine is a lignite coal mining operation located near the cities of Beulah and Hazen, North Dakota. The operation supplies approximately 15 million tons of coal per year to nearby power plants and coal gasification plant. All discharges are located within the boundaries of approved surface mining permits (NACT-1801, NACT-9001, NACT-9101, NACT-9501, NACT-0201, NACT-0401) issued by the North Dakota Public Service Commission (PSC), the state's Surface Mining Control and Reclamation Act (SMCRA) authority. These permits are required in the state under North Dakota Century Code Chapter (NDCC) Chapter 38-14.1. The mine permits and regulated discharge points are located in: (1) T144N, R88W; (2) T144N, R89W; (3) T145N, R86W; (4) T145N, R87W; (5) T145N, R88W; (6) T146N, R87W; and (7) T146N, R88W.

Surface mining permits are required in the state under NDCC Chapter 38-14.1. Mining permit applications show where surface coal mining operations are expected to occur over the life of the mining permit, and the size, sequence, and timing of mining operations. The applications also show the location of proposed water ponds, impoundments, and diversions used for surface water management. All surface drainage from disturbed areas must pass through a sedimentation pond or other sediment control measure. These structures must be constructed prior to the start of mining operations. Once a pond or measure is constructed the discharge point is added to the list of discharge points. These structures must be maintained until removal is approved by the PSC. Removal must follow Policy Memorandum No. 19 to Mine Operators, July 12, 2006 (Revised), issued by the PSC.

Typically, sedimentation ponds are used, and required under North Dakota Administrative Code (NDAC) 69-05.2-16-04, to control runoff from areas directly involved in the recovery of coal and to provide treatment prior to discharge off site. All surface drainage from disturbed areas must pass through a sedimentation pond or other sediment control measure as required in NDAC 69-05.2-16-04. Discharges from this mining operation, like others in the state, must meet federal standards established for the coal-mining point source category (40 CFR Part 434). The requirements specified in this permit are based on the provisions outlined in the federal requirements applicable to alkaline mine drainage and western alkaline coal mining. The requirements consist of separate limitations and monitoring requirements for two phases of mining activity: (1) active mining areas, and (2) reclamation areas. Alternate limitations and monitoring requirements for discharges attributable to certain precipitation events are provided.

Runoff outside of active mining and reclamation areas is covered by the NDPDES stormwater discharge general permit associated with mining, extraction, and paving material preparation, NDR32-0000. The general permit coverage number assigned to the mine is NDR320017. The general permit requires facilities to develop a stormwater pollution prevention plan (SWPPP) to minimize pollutants that could be discharged in runoff from areas outside of mining areas as well as routine sampling of stormwater runoff.

The facility has a Wash Bay Containment System to treat equipment wash water. Wash water passes through an oil-solids separator before discharging to a settling pond. If more capacity is needed in the pond, water can be sent to a second settling pond, or discharged from the first pond if necessary.

Sanitary waste from the office building is managed with a three-cell, waste stabilization system. The system has an operating capacity of 11.40 acre-feet; however typical operations only require the use of 3.1 acre-feet of storage. The facility has not discharged from the system because of the available storage capacity. Portable facilities are used to manage sanitary waste in the field. The waste is collected by a septic hauler and transferred off-site.

### **Discharge Outfalls**

Permitted mining areas discharge to: (1) Beulah Trench Creek; (2) Antelope Creek; (3) Lake Sakakawea; and (4) Spring Creek. Effluent from the sewage lagoon discharges to Beulah Trench Creek. Discharges to Coal Creek ended as a result of normal reclamation activities.

Lake Sakakawea is listed as a Class 1 lake in the Standards of Quality for Waters of the State (NDAC 33.1-16-02.1). Spring Creek is listed as a Class IA stream in the standards. All other receiving waters for the facility are not specifically classified in the standards and are considered class III streams.

Discharges are from structures or other control features used to manage the quality of the effluent and the hydrologic conditions from mine areas. The discharge location, structure description, and hydrologic considerations are identified in the surface mining permits(s) issued by the PSC following interagency review and public comment in accordance with NDCC Chapter 38-14.1. The permittee must request and obtain an NDPDES discharge point number from the department before a structure within a surface mining permit can be used to discharge waters subject to effluent standards. Upon the assignment of the NDPDES discharge point number, discharges may be made in accordance with the limitations, record keeping and reporting requirements outlined in this permit. Once a discharge point is activated it will be subject to reporting under the NDPDES until such time it is authorized for removal.

The department and the permittee maintain an up-to-date list of all discharge points covered by the NDPDES permit and the status of each point. The most up-to-date list of discharge points is provided in Appendix E. Starting with the 2017 permit, discharge point descriptions include:

- The serial number
- The contributing area (i.e., active mining, reclamation) or wastewater source
- Treatment structure
- Company designation
- Date the point was first regulated under the NDPDES permit
- Location
- Receiving stream
- Date designated as a reclamation area or sedimentation pond removal site
- Date point was no longer active

The source of runoff to each discharge point depends on the status of the area draining to the point. These areas may be an "Active Mining Area" or "Reclamation Area" (refer to definitions). The types of wastes, fluids, and pollutants that could be generated include runoff from suitable plant growth material piles, overburden piles, haul roads, exposed coal seams, and underlying strata. The quantity generated varies based on the amount of precipitation received. However, sedimentation ponds generally must provide treatment for a ten-year, twenty-four-hour

precipitation event (NDAC 69-05.2-16-09.3). All but one discharge point for the sewage lagoon operated at the facility are regulated under the coal mining effluent limitations.

## PERMIT STATUS

The department issued the current permit for this facility on January 1, 2017. The permit will expire December 31, 2021. The current permit includes monitoring requirements for total iron (TFe), total suspended solids (TSS), settleable solids (SS), oil and grease, pH, five-day biochemical oxygen demand (BOD<sub>5</sub>), gasoline range organics (GRO), and diesel range organics (DRO).

The western alkaline coal mining subcategory was added to the federal regulations in 2002. The provisions of the subcategory were discussed between the department, the PSC, and an industry trade group when the provision was first proposed. The consensus being that the western mine provisions have only limited applicability in the state. North Dakota's coal mining activity is on the extreme eastern margin of the area defined as western coal mining operations which is limited to operations west of the 100<sup>th</sup> meridian west longitude. The landscape and mining practices would best be described as transitional, sharing aspects of mid-western and western mining practices rather than the typical western mine conditions considered in the rule development. The mining operations in the state occur on rolling landscapes with deep soils that are primarily used for continuous crop production and to a lesser extent grazing.

The only reasonable application of the western alkaline subcategory in the state would be in reclamation areas where pond removal occurs prior to vegetation reestablishment. In addition to reclamation areas, the subcategory applies to brushing and grubbing areas, topsoil stockpiling areas, and regraded areas. Brushing and grubbing is not practiced or necessary for soil removal in the state. Topsoil as well as subsoil is stockpiled for use in reclamation and the storage areas must be designed to drain to a sediment pond or have erosion and sediment controls that conform to the state's surface mining standards and the stormwater permit for mining activity. Due to the depth of soil that must be replaced on mined land in the state, the definition for a regraded area cannot be met until the subsoil and topsoil have been replaced which is essentially the definition for a reclamation area. The western mining subcategory does not apply to active mine areas.

During the 2007 renewal of this permit, Coteau requested and was granted a reduction in the sampling frequency for Total Suspended Solids (TSS) and Total Iron (TFe) from active mine areas. The change in frequency was from weekly to monthly for TSS and from monthly to annual for TFe. The reduction in monitoring was based on a review of discharge data from Coteau and considered under the EPA Guidance entitled, "Interim Guidance for Performance Based Reductions of NPDES Permit Monitoring Frequencies (April 1996)." There have been no changes in operating procedures that would affect discharge quality since the January 1, 2002 reissuance of the permit.

The following summary from the 2007 renewal fact sheet provides the basis for the reduction in monitoring:

"The long term mean (LTM) for TFe determined from active mine area discharge samples was 0.62 mg/L (data from 1981 to 2000), which equates to 18% of the permit limit. The Department also reviewed surface water sample information available from the USGS for stream monitoring stations located near the mine. The average TFe for surface water monitoring stations ranged from 1.8 mg/L for the West Branch Antelope Creek near Hazen, to 3.2 mg/L for Spring Creek near Zap. The average TFe for surface water monitoring sites (intermittent streams) located within Coteau's mining permit was 1.64 mg/L.

The long term mean (LTM) for TSS determined from active mine area discharge samples was 15 mg/L (data from 1981 to 2000). The LTM of 15 mg/L, represents a discharge mean to limit ratio of 43% which the EPA Guidance suggested a monitoring reduction from weekly to twice per month. However, the recommended frequencies are based on continuous discharges. The discharges from this facility are intermittent, and generally occur over a few days, oftentimes resulting in only one or two samples during a given month. In regard to discontinuous data, as is the case here, the EPA Guidance states that reduction would need to be considered on a case by case basis (Page 6, Special Considerations). Considering the length of sample history reviewed, and compliance history, the Department granted a monthly monitoring frequency for TSS.

During the 2017 renewal, the precipitation amount used to determine the 10-year, 24-hour precipitation alternate limitation and subsequent sedimentation pond design was reduced from 3.1 inches to 2.97 inches. The change was based on the release of the *National Oceanographic and Atmospheric Administration Atlas 14 (NOAA Atlas 14)*. Prior to the adoption of *NOAA Atlas 14*, the precipitation-based alternate limitation and sediment pond design was based on the technical paper *Rainfall Frequency Atlas of the United States (1961)*. The change did not result in less stringent effluent limitations for ponds designed using *Rainfall Frequency Atlas of the United States* as these ponds were designed with more capacity than ponds designed using *NOAA Atlas 14*.

## SUMMARY OF COMPLIANCE WITH PREVIOUS PERMIT ISSUED

Department staff conducted one routine, non-sampling compliance inspection since the effective date of the current permit (January 1, 2017). No deficiencies or violations were noted during the inspection. The department's assessment of compliance is based on review of the facility's Discharge Monitoring Reports (DMRs) and inspections conducted by department staff.

### Past Discharge Data

DMR information from July 2016 through June 2021 is shown in Tables 2 and 3, below. Table 2 illustrates the number of discharge days by year, including the total amount drained per year, and number and type of exceedance. Table 3 provides a summary of the reported DMR information.

**Table 2 – Discharge Summary by Year**

Year	Number of Discharge Days	Total Drain (Mgal)	Number of Exceedences			
			TSS	TFe	pH	O&G
2016 (2 <sup>nd</sup> half)	571	1315	0	0	0	0
2017	1126	767	0	0	0	0
2018	1505	857	0	0	0	0

2019	1364	1095	3*	0	0	0
2020	855	588	0	0	0	0
2021 (1 <sup>st</sup> half)	81	68	0	0	0	0
*Alternate limitations allowed as provided in Part I(B) of the current permit.						

**Table 3 – Data Summary by DMR**

Year	pH min (S.U.)	pH max (S.U.)	TFe avg (mg/L)	TFe max (mg/L)	TSS avg (mg/L)	TSS max (mg/L)	SS avg (mL/L)	SS max (mL/L)	O&G avg (mg/L)	O&G max (mg/L)
2016 (2 <sup>nd</sup> half)	6.8	9.0	0.43	2.40	8	27	-	-	<0.2	<1.4
2017 (1 <sup>st</sup> half)	7.1	9.0	0.34	1.10	8	54	0.0	0.0	<1.4	<1.4
2017 (2 <sup>nd</sup> half)	7.1	9.0	0.32	0.80	8	27	-	-	0.0	0.0
2018 (1 <sup>st</sup> half)	6.9	8.8	0.66	2.10	11	41	-	-	<1.4	<1.4
2018 (2 <sup>nd</sup> half)	6.5	8.9	0.56	2.20	9	41	-	-	<0.5	<1.4
2019 (1 <sup>st</sup> half)	6.5	8.9	0.63	2.40	11	85*	<0.1	<0.1	-	-
2019 (2 <sup>nd</sup> half)	6.7	8.9	0.51	2.30	9	47	-	-	-	-
2020 (1 <sup>st</sup> half)	6.0	8.8	0.39	1.10	11	27	-	-	<1.4	<1.4
2020 (2 <sup>nd</sup> half)	6.9	9.0	0.48	2.50	11	39	0.1	0.1	<1.4	<1.4
2021 (1 <sup>st</sup> half)	7.03	8.43	0.24	0.41	9	14	-	-	-	-
*Alternate limitations allowed as provided in Part I(B) of the current permit.										

**PROPOSED EFFLUENT LIMITATIONS**

Discharges from mining operations are regulated by national effluent guidelines which establish technology-based effluent limitations. The technology based effluent limitations may be found in Title 40 of the Code of Federal Regulations, Part 434 – or 40 CFR 434. Discharges from the wash bay containment system are subject to technology-based effluent limitations for active mining areas.

Discharges from active mining and reclamation areas caused by a volume of precipitation equal to greater than a 10-year, 24-hour precipitation event (or equivalent volume of snowmelt) may be eligible for alternate effluent limitations in accordance with 40 CFR 434.63(a). In these instances, the department may waive the limitations for total iron, TSS, or settleable solids for pond overflows (40 CFR 434.63(a)(2)).



To be eligible, ponds must be designed, constructed, operated, and maintained to treat runoff from a 10-year, 24-hour precipitation event. The 10-year, 24-hour precipitation event volume is incorporated into pond designs. The volume lies between the permanent pool elevation (PPE) and the overflow elevation of the pond. It should be noted that the PPE is always lower than the overflow elevation.

When the water level in a pond is above the PPE, the pond must be managed to regain the capacity for the 10-year, 24-hour precipitation event or equivalent snowmelt. Pond dewatering must be done within 10 days of the last precipitation event when practicable. Instances where it may not be practicable to discharge include times when the quality of the water in the pond exceeds effluent limitations. Additional time is allowed when the permittee can demonstrate that dewatering was delayed due to activities or conditions downstream that can be affected by the discharge (e.g., agricultural activities, landowner accessibility, drainage channel stability/capacity).

The statement "The permittee has the burden of proof that these conditions are met...." was added to the Alternate Limitations footnote in the Reclamation Areas table (Table 5, Footnote 'a'). The statement correlates to similar language in 40 CFR 434.63(e) in regards to effluent limitations for precipitation events.

The discharge of wastewater from the waste stabilization pond system is not regulated by national effluent guidelines. In the absence of a federal standard, limitations may be generated using Best Professional Judgment (BPJ) to ensure reasonable control technologies are used to prevent potential harmful effects of the discharge. In addition, the department must consider and include limitations necessary to protect water quality standards applicable to the receiving waters.

Using BPJ, the department determined that an average monthly limitation of 25 mg/L and a daily maximum limitation of 45 mg/L for BOD<sub>5</sub> is appropriate for this type of facility. In addition using BPJ the department determined that an average monthly limitation of 30 mg/L and daily maximum limitation of 45 mg/L for TSS is appropriate for this type of facility. Other treatment systems with holding ponds in the state have similar limitations.

In the current permit, the lower pH water quality-based effluent limitation applicable to discharges from active mining and reclamation areas to lakes, reservoirs, and Class I and IA streams was set at 7.0 standard units (S.U.). The water quality-based limitation was based on the Standards of Quality for Waters of the State in place at the time the 2017 permit took effect. In July 2021, the lower pH water quality standard for lakes, reservoirs, and Class I and IA streams changed from 7.0 S.U. to 6.5 S.U. (NDAC chapter 33.1-16-02.1). Based on a change to the water quality standards, the department changed the lower pH water quality-based effluent limitation for discharges from active mining and reclamation areas to lakes, reservoirs, and Class I and IA streams from 7.0 S.U. to 6.5 S.U. in the proposed permit.

Limitations based on numeric nutrient criteria are not being included in the proposed permit. Numeric nutrient criteria have yet to be developed for the state of North Dakota. Currently, the WQS contain a narrative standard stating that surface waters must be free from nutrients in concentrations or loadings that cause objectionable growth of vegetation, algae, or other impairments.

The proposed effluent limitations shall take effect upon the effective date of the proposed permit. The effluent limitations and the basis for the limitations are provided in the Tables 4 through 8.

**Table 4 – Active Mining Areas**

Effluent Parameter	Units	Monthly Average	Daily Maximum	Basis <sup>c</sup>
Total Iron <sup>a</sup>	mg/L	3.5	7.0	40 CFR 434.42; 40 CFR 434.63(a) & (e)
Total Suspended Solids <sup>a</sup> (TSS)	mg/L	35.0	70.0	40 CFR 434.42; 40 CFR 434.63(a) & (e)
Settleable Solids <sup>a</sup>	mL/L	N/A	0.5	40 CFR 434.63(a)
Oil & Grease <sup>b</sup>	mg/L	*	10	WQS, BPJ
pH	S.U.	**		40 CFR 434.42; 40 CFR 434.63(a); WQS
The permittee shall maintain the capability to measure the instantaneous flow rate, daily.				Previous Permit
The department may specify additional discharge conditions or restrictions at any time to maintain water quality standards. This may include rate of discharge restrictions or notifying downstream landowners along the receiving stream.				BPJ
<b>Notes:</b>				
<p>a. <u>Alternate Limitations:</u> The department may waive the limitations for total iron and total suspended solids for overflows caused by a single or series of precipitation or snowmelt events after reviewing all information submitted in response to the Noncompliance Notification conditions of the permit. During overflow discharges total suspended solids sampling shall be done in conjunction with settleable solids sampling for comparison purposes. Monitoring for settleable solids is not required for routine discharges.</p> <p>The settleable solids limit may be waived if there is a precipitation event greater than 2.97 inches in 24 hours. The limit may also be waived for snowmelt events on a case-by-case basis for facilities designed and maintained to contain runoff from a 10-year, 24-hour precipitation event.</p> <p>To qualify for these limitations, the facility must be designed, constructed, operated, and maintained to treat the runoff from a 10-year, 24-hour precipitation event (2.97 inches). For sedimentation ponds, any required pond dewatering must have been accomplished within 10 days of the last precipitation event when practicable. Additional time is allowable when dewatering is delayed due to activities or conditions downstream of the facility such as agricultural activities, landowner accessibility, drainage channel stability or capacity. The permittee has the burden of proof that these conditions are met.</p> <p>Precipitation shall be measured by gauge and recorded daily by the permittee.</p>				

**Table 4 – Active Mining Areas**

b.	There shall be no floating oil or visible sheen present in the discharge. If floating oil or a visible sheen is detected in the discharge, the department shall be contacted and a grab sample analyzed to ensure compliance with the concentration limitation. Any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.
c.	<p>The basis of the effluent limitations is given below:</p> <p>“Previous Permit” refers to limitations in the previous permit. The NPDES regulations 40 CFR Part 122.44(1)(1) Reissued permits require that when a permit is renewed or reissued, interim limitations, standards or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit unless the circumstances on which the previous permit was issued have materially and substantially changed since the previous permit was issued and would constitute cause for permit modification or revocation and reissuance under 40 CFR Part 122.62.</p> <p>“BPJ” refers to best professional judgment.</p> <p>“WQS” refers to effluent limitations based on the State of North Dakota’s “Standards of Quality for Waters of the State,” NDAC Chapter 33.1-16-02.1.</p>
N/A	Not applicable
*.	This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving waters.
**.	Discharges to lakes and reservoirs, and Class I and IA streams shall have an instantaneous pH limitation between 6.5 (s.u.) and 9.0 (s.u.). Discharges to all other classifications of stream shall be between 6.0 (s.u) and 9.0 (s.u.).

**Table 5 – Reclamation Areas**

Effluent Parameter	Units	Daily Maximum	Basis <sup>c</sup>
Settleable Solids <sup>a</sup>	mL/L	0.5	40 CFR 434.52(a); 40 CFR 434.63(a) & (e)
Total Suspended Solids <sup>b</sup> (TSS)	mg/L	70	BPJ; Previous Permit
pH	S.U.	*	40 CFR 434.52(a); 40 CFR 434.63(a) & (d); WQS

**Table 5 – Reclamation Areas**

The permittee shall maintain the capability to measure the instantaneous flow rate, daily.	Previous Permit
The permittee must not discharge any floating solids, visible foam in other than trace amounts, or oily wastes that produce sheen on the surface of the receiving water.	Previous Permit
All components of the treatment systems and discharge structures shall be maintained to achieve a high quality discharge and preserve the integrity of structures. If necessary, best management practices shall be used upstream and downstream of a discharge structure to ensure that effluent quality is maximized. As a general practice, sediment ponds should be dewatered by late fall.	Previous Permit
The department may specify additional discharge conditions or restrictions at any time to maintain water quality standards. This may include rate of discharge restrictions or notifying downstream landowners along the receiving stream.	BPJ
<b>Notes:</b>	
<p>a. The settleable solids requirement applies to overflows or increases in flow caused by a single or series of precipitation or snowmelt events. The limitation may be waived if the amount of precipitation is greater than 2.97 inches in 24 hours. The limitation may also be waived for snowmelt events on a case-by-case basis for facilities designed and maintained to contain runoff from a 10-year, 24-hour precipitation event. The permittee has the burden of proof that these conditions are met.</p> <p>Precipitation shall be measured by gauge and recorded daily by the permittee.</p>	
<p>b. The total suspended solids limitation shall apply only to controlled discharges made by mechanical or gravity dewatering devices. During an overflow discharge, sampling for total suspended solids shall be done in conjunction with settleable solids sampling for comparison purposes. Monitoring for settleable solids is not required for routine discharges.</p>	
<p>c. The basis of the effluent limitations is given below:</p> <p>“Previous Permit” refers to limitations in the previous permit. The NPDES regulations <b>40 CFR Part 122.44(1)(1) Reissued permits</b> require that when a permit is renewed or reissued, interim limitations, standards or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit unless the circumstances on which the previous permit was issued have materially and substantially changed since the previous permit was issued and would constitute cause for permit modification or revocation and reissuance under <b>40 CFR Part 122.62</b>.</p> <p>“BPJ” refers to best professional judgement.</p>	

**Table 5 – Reclamation Areas**

“WQS” refers to effluent limitations based on the State of North Dakota’s “Standards of Quality for Waters of the State,” NDAC Chapter 33.1-16-02.1.	
*	Discharges to lakes and reservoirs, and Class I and IA streams shall have an instantaneous pH limitation between 6.5 (s.u.) and 9.0 (s.u.). Discharges to all other classifications of stream shall be between 6.0 (s.u) and 9.0 (s.u.).

**Table 6 – Pond Removal Sites**

Discharges from sediment pond removal and pond site reclamation operations must be controlled to provide the best quality attainable through the implementation of best management practices (BMPs).	BPJ
<p>The permittee must follow the guidelines for sedimentation pond removal and pond site reclamation outlined in Policy Memorandum No. 19 to Mine Operators, issued by the North Dakota Public Service Commission (PSC) and the North Dakota Department of Health, Division of Water Quality – now referred to as the North Dakota Department of Environmental Quality (NDDEQ), Division of Water Quality. The conditions and procedures outlined in the policy accommodate the rules and requirements of both the NDDEQ and the PSC. In summary, the policy contains the following:</p> <p>The prerequisite discharge water quality history and land reclamation conditions that must be present in the watershed of a structure before removal may be considered;</p> <p>The content and considerations for a site specific reclamation plan that must be submitted for review and approval;</p> <p>A description of the BMPs for erosion and sediment control that must be used and maintained;</p> <p>The timing for designating a discharge point as a sedimentation pond removal site regulated by the use of BMPs and the procedures outlined in the site specific reclamation plan;</p> <p>The notifications to the NDDEQ and PSC required during the course of the pond removal activity.</p>	BPJ
The BMPs and all procedures identified in the approved site specific reclamation plan must be followed throughout the course of the pond removal activities.	BPJ

**Table 6 – Pond Removal Sites**

The assignment of a discharge point to pond removal status does not become effective until any final dewatering of the pond is completed and pond removal activities begin.	BPJ
The department may specify additional discharge conditions or restrictions at any time to maintain water quality standards.	BPJ

**Table 7: Discharge 014, Sewage Lagoons**

Effluent Parameter	Units	Monthly Average	Daily Maximum	Basis <sup>b</sup>
Five-Day Biochemical Oxygen Demand (BOD <sub>5</sub> )	mg/L	25	45	BPJ
Total Suspended Solids (TSS)	mg/L	30	45	BPJ
Oil & Grease <sup>a</sup>	mg/L	*	10	WQS, BPJ
pH	S.U.	**		WQS
The permittee must not discharge any floating solids, visible foam in other than trace amounts, or oily wastes that produce sheen on the surface of the receiving water.				Previous Permit
The permittee shall maintain the capability to measure the instantaneous flow rate, daily.				Previous Permit
The department may specify additional discharge conditions or restrictions at any time to maintain water quality standards. This may include rate of discharge restrictions or notifying downstream landowners along the receiving stream.				BPJ
Notes:				
a.	There shall be no floating oil or visible sheen present in the discharge. If floating oil or a visible sheen is detected in the discharge, the department shall be contacted and a grab sample analyzed to ensure compliance with the concentration limitation. Any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.			
b.	The basis of the effluent limitations is given below:  “Previous Permit” refers to limitations in the previous permit. The NPDES regulations 40 CFR Part 122.44(1)(1) Reissued permits require that when a permit is renewed or reissued, interim limitations, standards or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit unless the circumstances on which the previous permit was issued have materially and substantially changed since the previous permit was issued and would constitute cause for permit modification or revocation			

**Table 7: Discharge 014, Sewage Lagoons**

and reissuance under 40 CFR Part 122.62.	
“BPJ” refers to best professional judgement.	
“WQS” refers to effluent limitations based on the State of North Dakota’s “Standards of Quality for Waters of the State,” NDAC Chapter 33.1-16-02.1.	
N/A	Not applicable
*	This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving waters.
**	For pH, the limitation shall be between 6.0 (S.U) and 9.0 (S.U.).

**Table 8: Discharge 060, Wash Bay Containment System**

Table 1: Discharge to, Wash Bay Containment System				
Effluent Parameter	Units	Monthly Average	Daily Maximum	Basis <sup>a</sup>
Total Iron	mg/L	3.5	7.0	40 CFR 434.42
Total Suspended Solids (TSS)	mg/L	35	70	40 CFR 434.42
Oil & Grease	mg/L	*	10	BPJ
pH	S.U.	**		40 CFR 434.42, WQS
The permittee must not discharge any floating solids, visible foam in other than trace amounts, or oily wastes that produce sheen on the surface of the receiving water.				Previous Permit
The permittee shall maintain the capability to measure the instantaneous flow rate, daily.				Previous Permit
The department may specify additional discharge conditions or restrictions at any time to maintain water quality standards. This may include rate of discharge restrictions or notifying downstream landowners along the receiving stream.				BPJ
<b>Notes:</b>				
a. The basis of the effluent limitations is given below:  “Previous Permit” refers to limitations in the previous permit. The NPDES regulations 40 CFR Part 122.44(1)(1) Reissued permits require that when a permit is renewed or reissued, interim limitations, standards or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit unless the circumstances on				

**Table 8: Discharge 060, Wash Bay Containment System**

	<p>which the previous permit was issued have materially and substantially changed since the previous permit was issued and would constitute cause for permit modification or revocation and reissuance under 40 CFR Part 122.62.</p> <p>“BPJ” refers to best professional judgement.</p> <p>“WQS” refers to effluent limitations based on the State of North Dakota’s “Standards of Quality for Waters of the State,” NDAC Chapter 33.1-16-02.1.</p>
*	This parameter is not limited. However, the department may impose limitations based on sample history and to protect the receiving waters.
**	For pH, the limitation shall be between 6.0 (S.U.) and 9.0 (S.U.).

### SELF-MONITORING REQUIREMENTS

Samples obtained from active mining and reclamation areas must be taken prior to the discharge water leaving company property or entering any receiving stream. Samples collected from discharge point 014 must be taken after the lagoon cell but prior to mixing with any other discharge water on the company's property. Sample collected from discharge point 060 must be taken prior to the discharge water leaving company property.

Nutrient monitoring is being added to the proposed permit to coincide with the development of the state’s nutrient reduction strategy. Sources of nutrients from coal mining activity are from typical non-point sources of pollution (crop and livestock production, failing septic systems), nitrogen-based explosives, nutrients bound in overburden and coal, and reclamation practices. Additionally, discharges from Outfall 014 are a potential source of nutrients.

Mining progresses in a planned, defined direction from year to year which can result in mining activity (soil removal, coal removal, reclamation) crossing multiple watersheds. Because mining progresses in a defined direction, sources of nutrients can be present upstream or downstream of mining activity.

Surface water is monitored at watershed sites (Table 10) located within the boundaries of the PSC surface mining permit. These sites are located downstream of NDPDES discharge points which can be at different stages of mining activity within the watershed. The proposed NDPDES permit will include semiannual nutrient monitoring at these watershed sites (Table 11). A watershed monitoring site will be removed from the NDPDES permit after all NDPDES discharge points upstream of the site have been inactivated.



**Table 9: Self-Monitoring Requirements**

Effluent Parameter	Frequency	Sample Type <sup>a</sup>
<i>Active Mining Areas:</i>		
Total Iron	Annual	Grab
TSS	Monthly	Grab
Settleable Solids	Monthly	Grab
Oil & Grease – Visual	Daily	Visual
Oil & Grease	Conditional	Grab
pH	Monthly	Instantaneous
Flow, Total <sup>b</sup>	Monthly	Calculated
Drain, Total <sup>b</sup>	Monthly	Calculated
Total Days Discharging	Monthly	Calculated
<i>Reclamation Areas:</i>		
TSS	Quarterly	Grab
Settleable Solids	Quarterly	Grab
pH	Quarterly	Instantaneous
Flow, Total <sup>b</sup>	Monthly	Calculated
Drain, Total <sup>b</sup>	Monthly	Calculated
Total Days Discharging	Monthly	Calculated
<i>Discharge Point 014:</i>		
BOD <sub>5</sub>	Weekly	Grab
TSS	Weekly	Grab
Oil & Grease – Visual	Daily	Visual
Oil & Grease	Conditional	Grab
pH	Monthly	Instantaneous
Nitrogen, Total <sup>c</sup>	Monthly	Grab
Phosphorus, Total	Monthly	Grab
Flow, Total <sup>b</sup>	Monthly	Calculated
Drain, Total <sup>b</sup>	Monthly	Calculated
Total Days Discharging	Monthly	Calculated
<i>Discharge Point 060:</i>		
TSS	Monthly	Grab
Total Iron	Annual	Grab
Oil & Grease – Visual	Daily	Visual
Oil & Grease	Monthly	Grab
Gasoline Range Organics <sup>d</sup>	Monthly	Grab
Diesel Range Organics <sup>d</sup>	Monthly	Grab

**Table 9: Self-Monitoring Requirements**

<b>Effluent Parameter</b>	<b>Frequency</b>	<b>Sample Type <sup>a</sup></b>
pH	Monthly	Instantaneous
Flow, Total <sup>b</sup>	Monthly	Calculated
Drain, Total <sup>b</sup>	Monthly	Calculated
Total Days Discharging	Monthly	Calculated
<b>Notes:</b>		
a.	Refer to Appendix B for definitions.	
b.	The permittee shall maintain the capability to measure the instantaneous flow rate, daily.	
c.	Total nitrogen is a combination of nitrate, nitrite, and Total Kjeldahl Nitrogen (TKN).	
d.	The discharge must be inspected daily for a visible sheen or floating oil. An additional sample must be collected and analyzed on each day a visible sheen or floating oil is observed.	

**Table 10: Watershed Monitoring Sites**

<b>Monitoring Site</b>	<b>Location</b>	<b>Stream</b>	<b>Status</b>	<b>Period of Record</b>
MS13	T146N-R88W-27 BCC	Beulah Trench Creek	Active	2022-Present
MS14N	T146N-R88W-25 BAA	Tributary to Lake Sakakawea	Active	2022-Present
MS15	T146N-R88W-36 DDA	East Antelope Creek	Active	2022-Present
MS21	T145N-R87W-14 DCD	East Antelope Creek	Active	2022-Present
MS23	T145N-R86W-04 CDC	East Antelope Creek	Active	2022-Present
MS24	T145N-R86W-04 DCD	East Antelope Creek	Active	2022-Present
MS27	T145N-R88W-20 DAA	West Antelope Creek	Active	2022-Present
MS28	T145N-R88W-23 DAD	West Antelope Creek	Active	2022-Present
MS31S	T144N-R88W-08 CCA	Tributary to Spring Creek	Active	2022-Present

**Table 11: Nutrient Monitoring Requirements**

Parameter	Frequency	Sample Type <sup>a</sup>
Nitrogen, Total <sup>b</sup>	2 runoff events annually	Grab
Phosphorus, Total	2 runoff events annually	Grab
Flow, cfs	2 runoff events annually	Calculated
<b>Notes:</b>		
a. Refer to Appendix B for definitions.		
b. Total nitrogen is a combination of nitrate, nitrite, and Total Kjeldahl Nitrogen (TKN).		

### **SURFACE WATER QUALITY-BASED EFFLUENT LIMITS**

The North Dakota Standards of Quality for Waters of the State (NDAC Chapter 33.1-16-02.1), or Water Quality Standards (WQS), are designed to protect existing water quality and preserve the beneficial uses of North Dakota's surface waters. Wastewater discharge permits must include conditions that ensure the discharge will meet the surface water quality standards. Water quality-based effluent limits may be based on an individual waste load allocation or on a waste load allocation developed during a basin wide total maximum daily load (TMDL) study. TMDLs result from a scientific study of the water body and are developed in order to reduce pollution from all sources.

Lake Sakakawea is listed as a class 1 reservoir in the Standards of Quality for Waters of the State (NDAC 33.1-16-02.1). The quality of water in class 1 reservoirs must be suitable for resident fish and other aquatic life, as well as recreational use. The quality of water in class 1 reservoirs also must be suitable for irrigation, stock watering, and wildlife. The quality must be able to meet the bacteriological, physical, and chemical requirements for municipal or domestic use.

Spring Creek is listed as a class IA stream in the Standards of Quality for Waters of the State (NDAC 33.1-16-02.1). Class IA streams must be suitable for resident fish and other aquatic life, as well as recreation use. The quality of water in class IA streams also must be suitable for irrigation, stock watering and wildlife. The quality must be able to meet the bacteriological, physical, and chemical requirements for municipal or domestic use.

Beulah Trench Creek and Antelope Creek are not classified in the WQS. Streams that are not specifically mentioned in the WQS are classified as class III streams (NDAC 33.1-16-02.1, Appendix I). Class III streams must be suitable for agricultural and industrial uses. These streams generally have low average flows with prolonged periods of no flow. During periods of no flow, they are of limited value for recreation and fish and aquatic biota. The quality of water in class III streams must be suitable for secondary contact recreation uses (e.g., wading) as well as fish and aquatic biota and wildlife uses.

Runoff from the permitted surfacing mining area drains to Lake Sakakawea and Antelope Creek. Both of these water bodies are listed as impaired in the department's 2018 North Dakota. Lake Sakakawea is listed as impaired for methylmercury. Runoff from the surface mining activity is not expected to contribute to this impairment. Antelope Creek is listed as

impaired for fecal coliform bacteria. A TMDL for fecal coliform is not expected to be developed during the effective period of the proposed permit.

The department identified the recreational use of three reaches of Spring Creek as being fully supported, but threatened by *E. coli* bacteria (*E. coli* bacteria are used as an indicator of recreational use risk). As a result, a TMDL for *E. coli* bacteria was developed for these segments of Spring Creek (*E. coli* Bacteria TMDL for Spring Creek in Dunn and Mercer Counties, North Dakota, 2011). The TMDL is intended to reduce *E. coli* bacteria counts in Spring Creek to meet the beneficial use of the creek. The TMDL applies to the main branch of Spring Creek and does not apply to its tributaries. Discharges from the surface mining area drain to tributaries of Spring Creek and not directly to the creek.

*E. coli* count reductions described in the TMDL have generally been allotted to non-point sources of pollution (e.g., failing septic systems, livestock, etc.). The TMDL prescribes BMPs such as livestock management to achieve load reductions for non-point sources of pollution. A wasteload allocation for *E. coli* bacteria was not given to the facility.

Sources of fecal coliform or *E. coli* bacteria from mining activity that could contribute to fecal coliform or *E. coli* bacteria counts include the waste stabilization system, portable sanitary facilities, manure application, and grazing activity. These sources are managed as follows:

1. The waste stabilization system is located in the Antelope Creek watershed. The system is large enough to manage sanitary waste and does not discharge. The system does not contribute fecal coliform to Antelope Creek.
2. Sanitary waste from portable facilities is collected by a septic pumper and transported offsite. Proper management of sanitary waste from portable facilities is not expected to contribute fecal coliform to Antelope Creek or *E. coli* to Spring Creek.
3. Manure is not spread in the active mining or reclamation areas and is not expected to be a point source of pollution for fecal coliform or *E. coli*.
4. Reclamation activities will take place during the effective period of the proposed permit. The facility manages active areas with haying until a tract is large enough to be fenced and grazed. Farmland is also managed by the facility until the tract is large enough to be managed by producers. Once reclamation activities upstream of a pond are complete, the pond and associated discharge point are removed, and no longer subject to permitting requirements.

Grazing is managed with prescribed grazing plans. Grazing plans are compiled each year for each tract of reclaimed land that is grazed. The grazing plan indicates the number of animals and specific days of grazing. A diversity of plants is required to achieve final bond release, so the facility uses cattle as a management tool to help achieve this diversity. Lands may be grazed at different times of year depending on what species of plants are dominate and field conditions from the previous year's grazing. Land in advance of mining activity that has not been disturbed is managed by the tenant or landowner. These areas are generally not within one-quarter mile of coal removal due to stripping and prebench operations in advance of mining.

With the exception of a clean water pond that is not subject to permitting requirements, cattle are not allowed to enter ponds. Cattle are fenced out of active area ponds with at least a 50 foot buffer from the disturbance of the pond. An additional 100 to 200 feet of vegetation may be in place depending on the design of the pond and water elevation. In some situations, the pond may be one-quarter mile away from cattle.

The management of grazing operations with appropriate best management practices would be in accordance with the TMDL for Spring Creek. Similarly, these practices would satisfy a potential TMDL for Antelope Creek.

These sources are managed appropriately and reduce the contribution of fecal coliform and *E. coli* bacteria to discharges from the surface mining area. The department determined it is not necessary to add requirements for fecal coliform or *E. coli* bacteria to the proposed permit since the proper BMPs are in place and contributions would be from a typical non-point source of pollution.

#### **Numerical Criteria for the Protection of Aquatic Life and Recreation**

Numerical water quality criteria are listed in the water quality standards for surface waters (NDAC Chapter 33.1-16-02.1). They specify the maximum levels of pollutants allowed in receiving water to protect aquatic life and recreation in and on the water. The department uses numerical criteria along with chemical and physical data for the wastewater and receiving water to derive the effluent limits in the discharge permit. When surface water quality-based limits are more stringent or potentially more stringent than technology-based limits, the discharge must meet the water quality-based limits.

#### **Numerical Criteria for the Protection of Human Health**

The U.S. EPA has published numeric water quality criteria for the protection of human health that are applicable to dischargers. These criteria are designed to protect humans from exposure to pollutants linked to cancer and other diseases, based on consuming fish and shellfish and drinking contaminated surface waters. The Water Quality Standards also include radionuclide criteria to protect humans from the effects of radioactive substances.

#### **Narrative Criteria**

Narrative water quality criteria (NDAC Chapter 33.1-16-02.1-08) limit concentrations of pollutants from exceeding applicable standards of the receiving waters. The department adopted a narrative biological goal solely to provide an additional assessment method that can be used to identify impaired surface waters.

## **Antidegradation**

The purpose of North Dakota's Antidegradation Policy (NDAC Chapter 33.1-16-02 (Appendix IV)) is to:

- Provide all waters of the state one of three levels of antidegradation protection.
- Determine whether authorizing the proposed regulated activity is consistent with antidegradation requirements.

The department's fact sheet demonstrates that the existing and designated uses of the receiving water will be protected under the conditions of the proposed permit.

## **Mixing Zones**

The department's WQS contain a Mixing Zone and Dilution Policy and Implementation Procedure, NDAC Chapter 33.1-16-02.1 (Appendix III). This policy addresses how mixing and dilution of point source discharges with receiving waters will be addressed in developing chemical-specific and whole effluent toxicity discharge limitations for point source discharges. Depending upon site-specific mixing patterns and environmental concerns, some pollutants/criteria may be allowed a mixing zone or dilution while others may not. In all cases, mixing zone and dilution allowances shall be limited, as necessary, to protect the integrity of the receiving water's ecosystem and designated uses.

## **EVALUATION OF SURFACE WATER QUALITY-BASED EFFLUENT LIMITS FOR NUMERIC CRITERIA**

### **Oil & Grease**

The WQS state that waters of the state must be free from oil or grease attributable to wastewater which causes a visible sheen or film upon the water. Using BPJ the department has determined that a daily maximum limitation of 10 mg/L is appropriate for active mining areas and discharge points 014 and 060 if a visible sheen is detected. Other treatment systems in the state have similar limitations.

### **pH**

The WQS state that discharges to lakes and reservoirs, and Class I and IA streams shall have an instantaneous pH limitation between 6.5 (S.U.) and 9.0 (S.U.). Discharges to all other classifications of stream (Class II and III) shall be between 6.0 (S.U.) and 9.0 (S.U.).

The limitations apply to discharges that have the potential to reduce the quality of a surface water below the appropriate standard despite the location of the outfall. The pH limitation of 6.5 S.U. applies to discharge points that drain to tributaries of Lake Sakakawea and Spring Creek that are not considered class II or III streams. The pH limitation of 6.0 S.U. applies to discharge points that drain to class II and III streams. Stream classifications may be found in NDAC 33.1-16-02.1, Appendix I. If a stream is not specifically mentioned in Appendix I, then it is considered a class III stream.

A tributary of Lake Sakakawea or Spring Creek would be considered a class III stream if pools of water are normally present in the tributary; then the lower limitation of 6.0 would apply. If pools of water are not normally present in the tributary, the lower limitation of 6.5 would apply.

### **Human Health**

North Dakota's water quality standards include numeric human health-based criteria that the department must consider when writing NDPDES permits. These criteria were established in 1992 by the U.S. EPA in its National Toxics Rule (40 CFR 131.36). The National Toxics Rule allows states to use mixing zones to evaluate whether discharges comply with human health criteria. The department determined the applicant's discharge is unlikely to contain chemicals regulated to protect human health. The department will re-evaluate this discharge for impacts to human health at the next permit reissuance.

## **MONITORING REQUIREMENTS**

The department requires monitoring, recording, and reporting (NDAC Chapter 33.1-16-01-(21 through 23) and 40 CFR 122.41) to verify that the treatment process is functioning correctly and that the discharge complies with the permit's limits.

### **Test Procedures**

The collection and transportation of all samples shall conform to EPA preservation techniques and holding times found in 40 CFR 136. All laboratory tests shall be performed by a North Dakota certified laboratory in conformance with test procedures pursuant to 40 CFR 136, unless other test procedures have been specified or approved by EPA as an alternate test procedure under 40 CFR 136.5. The method of determining the total amount of water discharged shall provide results within 10 percent of the actual amount. The Gasoline Range Organics and Diesel Range Organics samples shall be tested by method 8015B or equivalent. The Settleable Solids test procedure shall conform with 40 CFR 434.64.

## **OTHER PERMIT CONDITIONS**

The proposed permit contains no additional conditions.

## **PERMIT ISSUANCE PROCEDURES**

### **Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. This includes the establishment of limitations or prohibitions based on changes to Water Quality Standards, the development and approval of waste load allocation plans, the development or revision to water quality management plans, changes in sewage sludge practices, or the establishment of prohibitions or more stringent limitations for toxic or conventional pollutants and/or sewage sludges. 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.

### **Proposed Permit Issuance**

This proposed permit meets all statutory requirements for the department to authorize a wastewater discharge. The permit includes limits and conditions to protect human health and aquatic life, and the beneficial uses of waters of the State of North Dakota. The department proposes to issue this permit for a term of five (5) years.

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## **APPENDIX A – PUBLIC INVOLVEMENT INFORMATION**

The department proposes to reissue a permit to the **Coteau Properties Company** for its coal mining operation. The permit includes wastewater discharge limits and other conditions. This fact sheet describes the facility and the department's reasons for requiring permit conditions.

The department will place a Public Notice of Draft on **November 11, 2021** in the **Beulah Beacon** to inform the public and to invite comment on the proposed draft North Dakota Pollutant Discharge Elimination System permit and fact sheet.

The Notice –

- Indicates where copies of the draft Permit and Fact Sheet are available for public evaluation.
- Offers to provide assistance to accommodate special needs.
- Urges individuals to submit their comments before the end of the comment period.
- Informs the public that if there is significant interest, a public hearing will be scheduled.

You may obtain further information from the department by telephone, 701.328.5210, or by writing to the address listed below.

North Dakota Department of Environmental Quality  
Division of Water Quality  
4201 Normandy Street  
Bismarck, ND 58503

The primary author of this permit and fact sheet is Dallas Grossman.

**North Dakota Department of Environmental Quality Public Notice  
Reissue of an NDPDES Permit**

Public Notice Date: 11/11/2021

Public Notice Number: ND-2021-033

**Purpose of Public Notice**

The Department intends to reissue the following North Dakota Pollutant Discharge Elimination System (NDPDES) Discharge Permit under the authority of Section 61-28-04 of the North Dakota Century Code.

**Permit Information**

Application Date: 7/1/2021

Application Number: ND0025038

Applicant Name: Coteau Properties Co

Mailing Address: 204 Co Rd 15, Beulah, ND 58523

Telephone Number: 701.873.7217

Proposed Permit Expiration Date: 12/31/2026

**Facility Description**

The reapplication is for a lignite coal surface mining operation located in north central Mercer County. Discharges consist of surface runoff and/or groundwater encountered during mining as well as discharges from a sewage lagoon and a vehicle wash system. Discharges are to Antelope Creek, Beulah Trench Creek, Spring Creek, and Lake Sakakawea. Lake Sakakawea is a Class 1 lake and Spring Creek is a Class IA stream. All other receiving waters are unclassified. Discharges covered by this permit are subject to the surface water management conditions and the designated locations described in surface mining permits approved following public review under NDCC Chapter 38-14.1. The current and proposed discharge structures are located within the boundaries of Coteau's approved surface mining permits which encompass all or part of the following: T144N, R88W; T144N, R89W; T145N, R86W; T145N, R87W; T145N, R88W; T146N, R87W; and T146N, R88W.

**Tentative Determinations**

Proposed effluent limitations and other permit conditions have been made by the Department. They assure that State Water Quality Standards and applicable provisions of the FWPCAA will be protected.

**Information Requests and Public Comments**

Copies of the application, draft permit, and related documents are available for review. For further information on making public comments/public comment tips please visit: <https://deq.nd.gov/PublicCommentTips.aspx>. Comments or requests should be directed to the ND Dept of Env Quality, Div of Water Quality, 4201 Normandy Street, Bismarck ND 58503-1324 or by calling 701.328.5210.

All comments received by December 11, 2021 will be considered prior to finalizing the permit. If there is significant interest, a public hearing will be scheduled. Otherwise, the Department will issue the final permit within sixty (60) days of this notice. If you require special facilities or assistance relating to a disability, call TDD at 1.800.366.6868.

## APPENDIX B – GLOSSARY

### DEFINITIONS Standard Permit BP 2019.05.29

1. “**Act**” means the Clean Water Act.
2. “**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.
3. “**Average weekly discharge limitation**” means the highest allowable average of “daily discharges” over a calendar week, calculated as the sum of all “daily discharges” measured during a calendar week divided by the number of “daily discharges” measured during that week.
4. “**Best management practices**” (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
5. “**Bypass**” means the intentional diversion of waste streams from any portion of a treatment facility.
6. “**Composite**” sample means a combination of at least 4 discrete sample aliquots, collected over periodic intervals from the same location, during the operating hours of a facility not to exceed a 24 hour period. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.
7. “**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.
8. “**Department**” means the North Dakota Department of Environmental Quality, Division of Water Quality.
9. “**DMR**” means discharge monitoring report.
10. “**EPA**” means the United States Environmental Protection Agency.
11. “**Geometric mean**” means the  $n^{\text{th}}$  root of a product of  $n$  factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.

12. **"Grab"** for monitoring requirements, means a single "dip and take" sample collected at a representative point in the discharge stream.
13. **"Instantaneous"** for monitoring requirements, means a single reading, observation, or measurement. If more than one sample is taken during any calendar day, each result obtained shall be considered.
14. **"Maximum daily discharge limitation"** means the highest allowable "daily discharge."
15. **"Salmonid"** means of, belonging to, or characteristic of the family Salmonidae, which includes the salmon, trout, and whitefish.
16. **"Sanitary Sewer Overflows (SSO)"** means untreated or partially treated sewage overflows from a sanitary sewer collection system.
17. **"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.
18. **"Total drain"** means the total volume of effluent discharged.
19. **"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.

#### **DEFINITIONS Permit Specific**

1. **"Active Mining Area"** means the area on and beneath land, used or disturbed in activity related to extraction, removal, or recovery of coal from its natural deposits. The definition may include access roads, suitable plant growth material (SPGM), stockpiles, sedimentation ponds, and other related structures.
2. **"Daily maximum concentration"** means the greatest discharge concentration during any calendar day. If more than one sample is taken on a calendar day, the average of all such samples shall be the daily concentration for that day.
3. **"Monthly Average Concentration"** means the average discharge concentration during a 30-consecutive day period (for reporting purposes a calendar month). It shall be determined by the summation of all daily concentrations for 30 days (calendar month) divided by the total number of days on which the values were obtained. If more than one sample is taken on a calendar day, the average of all such samples shall be the daily concentration of the day.
4. **"NDPDES"** means North Dakota Pollutant Discharge Elimination System.

5. **“Reclamation Area”** means an area which has been isolated from active mining area drainage and on which the final reclamation contour has been reached and seeding is completed. The definition may include access roads, suitable plant growth material (SPGM), stockpiles, sedimentation ponds, and other related structures.

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## **APPENDIX C – DATA AND TECHNICAL CALCULATIONS**

The development of the permit did not require technical calculations by the North Dakota Department of Environmental Quality. The department reviewed DMR information and applicable water quality standards for a class 1 lake or reservoir, and class I, IA and III streams to determine the appropriate requirements to be placed in the permit. In addition, the department reviewed Total Maximum Daily Load information for Spring Creek and the department's 2018 North Dakota Section 303(d) List of Waters Needing Total Maximum Daily Loads (303(d) List).

#### **APPENDIX D – RESPONSE TO COMMENTS**

Comments received during the public comment period will be addressed and placed here.

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## APPENDIX E – DISCHARGE OUTFALLS

Discharge points as of August 12, 2020 for the Coteau Properties Company, ND0025038. The discharge serial number is followed by a description of the structure, any company designation, the date the point was first regulated by the permit program, its location, and to where the structure discharges. The points are active mining areas unless otherwise noted.

Discharge 001 - No discharge point

Discharge 002 - Settling ponds P-A13-03, P-A13-04, and P-A13-05 (06-78) located in the NW 1/4, SE 1/4, Section 13, Township 145 North, Range 88 West to Beulah Trench Creek via an unnamed intermittent drainage

\* Reclamation Area: Effective 4/3/98

Discharge 003 - Settling ponds P-A13-01 and P-A13-02 (06-78) located in the S 1/2, NW 1/4, Section 13, Township 145 North, Range 88 West to Beulah Trench Creek via an unnamed intermittent drainage

Discharge 004 - Settling pond P-A24-01 (03-09-81) located in the SW 1/4, NE 1/4, Section 24, Township 145 North, Range 88 West to Beulah Trench Creek via an unnamed intermittent drainage

Discharge 005 - Settling pond P-A12-01 (07-15-81) located in the SW 1/4, SW 1/4, Section 12, Township 145 North, Range 88 West to Beulah Trench Creek via an unnamed intermittent drainage

\* Reclamation Area: Effective 4/1/96

Discharge 006 - Settling pond P-A12-02 (07-15-81) located in the SW 1/4, SE 1/4, Section 12, Township 145 North, Range 88 West to Beulah Trench Creek via an unnamed intermittent drainage

\* Reclamation Area: Effective 6/1/11

Discharge 007 - No discharge point

Discharge 008 - No discharge point (02-01-87)

Discharge 009 - No discharge point (02-02-87)

Discharge 010 - No discharge point (02-02-87)

Discharge 011 - No discharge point

Discharge 012 - No discharge point

Discharge 013 - No discharge point

Discharge 014 - Sewage lagoons (11-15-83) located in the NW 1/4, NE 1/4, Section 13, Township 145 North, Range 88 West to Beulah Trench Creek

\* Not regulated by coal mining criteria



Discharge 015 - No discharge point (8-30-00)

Discharge 016 - Settling pond P-B17-02 (08-15-84) located in the E 1/2, NE 1/4, Section 17, Township 145 North, Range 87 West to Antelope Creek via an unnamed tributary

\* Reclamation Area: Effective 4/1/96

Discharge 017 - Settling pond S-B17-02 (08-15-84) located in the SE 1/4, NE 1/4, Section 17, Township 145 North, Range 87 West to Antelope Creek via an unnamed tributary

\* Reclamation Area: Effective 4/1/96

Discharge 018 - Settling pond P-E08-01 (10-01-85) located in the SE 1/4, SE 1/4, Section 8, Township 145 North, Range 87 West to Antelope Creek via an unnamed tributary

\* Reclamation Area: Effective 4/1/96

Discharge 019 - No discharge point (06-01-90)

Discharge 020 - No discharge point (11-07-91)

Discharge 021 - No discharge point (12-01-87)

Discharge 022 - Settling pond P-J30-02 (02-01-87) located in the W 1/2, SE 1/4, Section 30, Township 145 North, Range 87 West to Beulah Trench Creek via an unnamed intermittent drainage

\* Reclamation Area: Effective 06/26/19

Discharge 023 - No discharge point (10-30-98)

Discharge 024 - Settling pond P-G12-01 (12-01-87) located in the S 1/2, Section 12, Township 145 North, Range 88 West to Beulah Trench Creek

\* Reclamation Area: Effective 6/1/11

Discharge 025 - Settling pond P-G08-03 (12-01-87) located in the SE 1/4, Section 8, Township 145 North, Range 87 West to Antelope Creek via an unnamed drainage

\* Reclamation Area: Effective 4/1/96

Discharge 026 - Settling pond P-J29-01 (05-15-89) located in the SW 1/4, Section 29, Township 145 North, Range 87 West to Beulah Trench Creek via an unnamed intermittent drainage

\* Reclamation Area: Effective 6/1/11

\* No discharge point (8/8/2012)

Discharge 027 - Settling pond P-G08-01 (05-15-89) located in the SE 1/4, Section 8, Township 145 North, Range 87 West to Antelope Creek via an unnamed drainage

- \* Reclamation Area: Effective 04-01-96

Discharge 028 - No discharge point (12-03-96)

Discharge 029 - No discharge point (11-07-91)

Discharge 030 - Sump S-A24-03 (07-10-89) located in the SE 1/4, SE 1/4, Section 24, Township 145 North, Range 88 West to Antelope Creek via an unnamed drainage

- \* Reclamation Area: Effective 07/01/19

Discharge 031 - No discharge point (04-01-96)

Discharge 032 - No discharge point (06-05-98)

Discharge 033 - No discharge point (06-05-98)

Discharge 034 - No discharge point (09-14-04)

Discharge 035 - No discharge point (08-30-00)

Discharge 036 - Settling pond P-D18-03 (8-12-92) located in the NW 1/4, NW 1/4, Section 18, Township 145 North, Range 86 West to Antelope Creek via an unnamed drainage

- \* Reclamation Area: Effective 10/31/17
- \* No discharge point: Effective 08/28/18

Discharge 037 - Settling pond P-D18-01 (11-25-92) located in the NE 1/4, NW 1/4, Section 18, Township 145 North, Range 86 West to Antelope Creek via an unnamed drainage

- \* Regulated by storm water requirements, from 4/3/96 to 5/26/99
- \* Reclamation Area: Effective 5/27/15
- \* Sediment pond removal site: Effective 06/24/15
- \* No discharge point: Effective 03/31/16

Discharge 038 - No discharge point (06-01-11)

Discharge 039 - No discharge point (07-12-02)

Discharge 040 - No discharge point (08-30-00)

Discharge 041 - No discharge point (08-30-00)

Discharge 042 - No discharge point (08-30-00)

Discharge 043 - No discharge point (11-20-97)

Discharge 044 - No discharge point (11-20-97)

Discharge 045 - No discharge point (11-20-97)

Discharge 046 - No discharge point (07-27-06)

Discharge 047 - No discharge point (06-01-11)

Discharge 048 - No discharge point (08-30-00)

Discharge 049 - No discharge point (11-20-97)

Discharge 050 - No discharge point (06-01-11)

Discharge 051 - No discharge point (09-14-04)

Discharge 052 - No discharge point (Redesigned and assigned discharge 059; 11-20-97)

Discharge 053 - No discharge point (Discharge routed to point 063, 7-13-98)

Discharge 054 - Settling pond P-D11-01 (07-12-96) located in the SW 1/4, SE 1/4, Section 11, Township 145 North, Range 87 West to East Antelope Creek via unnamed drainage

- \* Reclamation Area: Effective 06/26/19

Discharge 055 - Settling pond P-D10-01 (07-12-96) located in the N 1/2, SW 1/4, Section 10, Township 145 North, Range 87 West to East Antelope Creek via unnamed drainage

- \* Reclamation Area: Effective 06/26/19

Discharge 056 - Settling pond P-D15-03 (07-12-96) located in the NE 1/4, Section 15, Township 145 North, Range 87 West to East Antelope Creek via unnamed drainage

Discharge 057 - Settling pond P-D12-01 (07-19-96) located in the SE 1/4, SE 1/4, Section 12, Township 145 North, Range 87 West to East Antelope Creek via unnamed drainage

Discharge 058 - No discharge point (09-14-04)

Discharge 059 - Settling pond P-H34-01 (07-15-97) located in the W 1/2, SE 1/4, Section 34, Township 146 North, Range 88 West to Lake Sakakawea via Beulah Trench Creek

- \* Reclamation Area: Effective 7/1/11

- \* Sediment pond removal site: Effective 12/26/13

- \* No discharge point: Effective 01/14/14

Discharge 060 - Wash Bay Containment system (01-01-98) including ponds P-A13-09 and P-A12-03 located in the NE 1/4, NW 1/4, Section 13, and the SE 1/4, SW 1/4,

Section 12, Township 145 North, Range 88 West to the West Branch of Antelope Creek

- \* Not eligible for precipitation related discharge limits

Discharge 061 - Settling pond P-H34-04 (11-20-97) located in the SW 1/4, NE 1/4, Section 34, Township 146 North, Range 88 West to Lake Sakakawea via Beulah Trench Creek. Prior to 10-15-99 the discharge was from Settling pond P-H34-02 located about a quarter mile upstream in the NE 1/4, SE 1/4, Section 34.

- \* Reclamation Area: Effective 7/1/11
- \* Sediment pond removal site: Effective 12/26/13
- \* No discharge point: Effective 01/14/14

Discharge 062 - Settling pond P-H30-01 (07-13-98) located in the SE 1/4, SW 1/4 Section 30, Township 146 North, Range 87 West to Lake Sakakawea via an unnamed - drainage

- \* Reclamation Area: Effective 6/1/11
- \* No discharge point: Effective 10/30/12

Discharge 063 - Settling pond P-H25-01 (07-13-98) located in the NE 1/4, NW 1/4, Section 25, Township 146 North, Range 88 West to Lake Sakakawea via an unnamed - drainage

- \* Reclamation Area: Effective 5/27/15
- \* Sediment pond removal site: Effective 09/10/15
- \* No discharge point: Effective 03/31/16

Discharge 064 - Settling pond P-H25-02 (07-29-99) located in the E 1/2, NE 1/4, Section 25, Township 146 North, Range 88 West to Lake Sakakawea via an unnamed drainage

- \* Sedimentation Pond Removal Site: Effective 11/07/13
- \* No discharge point: Effective 03/31/16

Discharge 065 - Settling Pond P-H25-03 (07-29-99) located in the NW 1/4, NW 1/4, Section 25, Township 146 North, Range 88 West to Lake Sakakawea via an unnamed drainage

- \* Sedimentation Pond Removal Site: Effective 12/26/13
- \* No discharge point: Effective 03/31/16

Discharge 066 - Settling pond P-D18-04 (03-22-00) located in the NE 1/4, NE 1/4, Section 18, Township 145 North, Range 86 West to East Antelope Creek

- \* Reclamation Area: Effective 6/1/11
- \* No discharge point: Effective 10/30/12

Discharge 067 - No discharge point (08-18-10)

Discharge 068 - No discharge point (10-19-10)

Discharge 069 - No discharge point (12-18-02)

Discharge 070 - Sump S-H26-01 (07-19-01) located in the N 1/2, NE 1/4 Section 26, Township 146 North, Range 88 West to Lake Sakakawea via an unnamed drainage

- \* Reclamation Area: Effective 8/5/14
- \* Sediment pond removal site: Effective 09/23/14
- \* No discharge point: Effective 02/01/17

Discharge 071 - No discharge point (07-27-06)

Discharge 072 - Settling pond P-D03-01 (08-31-01) located in the SW 1/4, NW 1/4, Section 3, Township 145 North, Range 87 West to East Antelope Creek via unnamed drainage

Discharge 073 - Settling pond P-D09-02 (08-31-01) located in the N 1/2, SW 1/4, Section 9, Township 145 North, Range 86 West to East Antelope Creek

- \* Reclamation Area: Effective 6/1/11
- \* No discharge point: Effective 10/2/12

Discharge 074 - Settling Pond P-H26-03 (06-14-02) located in the NE 1/4, NW 1/4 Section 26, Township 146 North, Range 88 West to Lake Sakakawea via Beulah Trench Creek

- \* Reclamation area: Effective 5/31/12
- \* Sediment pond removal site: 09/23/14
- \* No discharge point: Effective 02/01/17

Discharge 075 - Settling Pond P-H23-01 (07-23-02) located in the SE 1/4, SW 1/4 Section 23, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage

- \* Sedimentation Pond Removal Site: Effective 11/07/13
- \* No discharge point: Effective 03/31/16

Discharge 076 - Settling Pond P-H23-02 (07-23-02) located in the E 1/2, NW 1/4 Section 23, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage

- \* Reclamation Area: Effective 10/27/11
- \* Sedimentation Pond Removal Site: Effective 10/27/11
- \* No discharge point: Effective 01/14/14

Discharge 077 - Settling Pond P-H14-01 (07-23-02) located in the W 1/2, W 1/2 Section 14, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage

- \* Reclamation area: Effective 5/31/12
- \* Sediment pond removal site: Effective 06/23/14
- \* No discharge point: Effective 02/01/17

Discharge 078 - Settling Pond P-H26-04 (09-25-02) located in the SW 1/4, NW 1/4 Section 26, Township 146 North, Range 88 West to Lake Sakakawea via Beulah Trench Creek

- \* Reclamation Area: Effective 6/1/11
- \* Sediment pond removal site: Effective 11/07/13

- \* No discharge point: Effective 01/14/14

Discharge 079 - Settling Pond P-H27-01 (09-25-02) located in the NE 1/4, SE 1/4 Section 27, Township 146 North, Range 88 West to Lake Sakakawea via Beulah Trench Creek

- \* Reclamation Area: Effective 6/1/11
- \* Sedimentation Pond Removal Site: Effective 11/07/13
- \* No discharge point: Effective 01/13/15

Discharge 080 - Settling pond P-D16-02 (12-18-02) located in the NW 1/4, NW 1/4, Section 16, Township 145 North, Range 86 West to East Antelope Creek

- \* Reclamation Area: Effective 6/1/11
- \* No discharge point: Effective 10/2/12

Discharge 081 - Settling Pond P-H15-01 (09-03-03) located in the SE 1/4, NW 1/4 Section 15, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage

- \* Reclamation area: Effective 5/31/12
- \* Sedimentation Pond Removal Site: Effective 07/18/14
- \* No discharge point: Effective 03/31/16

Discharge 082 - Settling Pond P-H15-02 (09-03-03) located in the SE 1/4, NW 1/4 Section 15, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage

- \* Reclamation area: Effective 5/31/12
- \* Sedimentation Pond Removal Site: Effective 07/18/14
- \* No discharge point: Effective 01/13/15

Discharge 083 - Settling Pond P-H15-03 (09-03-03) located in the SW 1/4, NW 1/4 Section 15, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage

- \* Reclamation area: Effective 5/31/12
- \* Sedimentation Pond Removal Site: Effective 07/18/14
- \* No discharge point: Effective 01/13/15

Discharge 084 - Settling Pond P-H26-05 (10-10-03) located in the NW 1/4, NW 1/4 Section 26, Township 146 North, Range 88 West to Lake Sakakawea via Beulah Trench Creek

- \* Reclamation area: Effective 8/5/14
- \* Sediment pond removal site: Effective 09/23/14
- \* No discharge point: Effective 02/01/17

Discharge 085 - Settling Pond P-H34-05 (09-08-04) located in the NW 1/4, NE 1/4 Section 34, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage

- \* Reclamation area: Effective 5/31/12

- \* Sedimentation pond removal site: Effective 07/24/15

- \* No discharge point: Effective 03/31/16

Discharge 086 - Settling Pond P-H27-02 (09-08-04) located in the SE 1/4, SE 1/4 Section 27, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage

- \* Reclamation area: Effective 10/19/11

- \* Sedimentation Pond Removal Site: Effective 10/19/11

- \* No discharge point: Effective 01/14/14

Discharge 087 - Settling Pond P-H27-03 (09-08-04) located in the NE 1/4, SE 1/4 Section 27, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage

- \* Reclamation Area: Effective 10/28/11

- \* Sedimentation Pond Removal Site: Effective 10/28/11

- \* No discharge point: Effective 01/14/14

Discharge 088 - Settling Pond P-H27-04 (09-08-04) located in the SE 1/4, NE 1/4 Section 27, Township 146 North, Range 88 West to Lake Sakakawea via Beulah Trench Creek

- \* Sedimentation Pond Removal Site (8/8/2012)

- \* No discharge point: Effective 01/13/15

Discharge 089 - Settling Pond P-H26-06 (09-08-04) located in the NW 1/4, NW 1/4 Section 26, Township 146 North, Range 88 West to Lake Sakakawea via Beulah Trench Creek

- \* Sedimentation Pond Removal Site (8/8/2012)

- \* No discharge point: Effective 01/13/15

Discharge 090 - Sump S-W14-01 (12-06-04) located in the NE 1/4, NE 1/4 Section 14, Township 145 North, Range 88 West to West Antelope Creek

- \* No discharge point: Effective 06/26/19 (Mined through)

Discharge 091 - Settling Pond P-D03-02 (11-01-05) located in the NW1/4, NW1/4 Section 3, Township 145 North, Range 87 West to Lake Sakakawea via unnamed drainage.

Discharge 092 - Settling Pond P-H16-01 (11-01-05) located in the NW1/4, SE1/4 Section 16, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage.

- \* Reclamation area: Effective 5/31/12

- \* Sedimentation Pond Removal Site: Effective 9/14/12

- \* No discharge point: Effective 01/13/15

Discharge 093 - Settling Pond P-H16-02 (11-01-05) located in the NE1/4, SE1/4 Section 16, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage.

- \* Reclamation area: Effective 5/31/12

- \* Sedimentation Pond Removal Site: Effective 9/14/12
- \* No discharge point: Effective 01/13/15

Discharge 094 - Settling Pond P-H22-04 (11-01-05) located in the SE1/4, NW1/4 Section 22, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage.

- \* Reclamation area: Effective 5/31/12
- \* Sedimentation Pond Removal Site: Effective 10/3/12
- \* No discharge point: Effective 01/13/15

Discharge 095 - Settling Pond P-N33-01(11-01-05) located in the SW1/4, SE1/4 Section 33, Township 146 North, Range 87 West to Lake Sakakawea via unnamed drainage.

- \* Reclamation Area: Effective 06/26/19

Discharge 096 - Settling Pond P-H15-04 (06-02-06) located in the SW1/4 SW1/4 Section 15, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage.

- \* Reclamation area: Effective 5/31/12
- \* Sedimentation Pond Removal Site: Effective 9/14/12
- \* No discharge point: Effective 01/13/15

Discharge 097 - Settling Pond P-H22-01 (06-02-06) located in the SE1/4, SW1/4 Section 22, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage.

- \* Reclamation Area: Effective 7/1/11
- \* Sedimentation Pond Removal Site: Effective 10/3/12
- \* No discharge point: Effective 01/14/14

Discharge 098 - Settling Pond P-H22-03 (06-02-06) located in the SW1/4, NW1/4 Section 22, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage.

- \* Reclamation Area: Effective 7/1/11
- \* Sedimentation Pond Removal Site: Effective 10/3/12
- \* No discharge point: Effective 01/13/15

Discharge 099 - Settling Pond P-H22-05 (06-02-06) located in the NE1/4, NW1/4 Section 22, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage.

- \* Reclamation area: Effective 5/31/12
- \* Sedimentation Pond Removal Site: Effective 10/3/12
- \* No discharge point: Effective 01/13/15

Discharge 100 - Settling Pond P-H22-06 (06-02-06) located in the NW1/4, NW1/4 Section 22, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage.

- \* Reclamation area: Effective 5/31/12
- \* Sediment pond removal site: Effective 06/16/14



- \* No discharge point: Effective 01/13/15

Discharge 101 - Settling Pond P-H27-05 (06-02-06) located in the NW1/4, NE1/4 Section 27, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage.

- \* Reclamation area: Effective 8/5/14
- \* Sediment pond removal site: Effective 09/18/14
- \* No discharge point: Effective 02/01/17

Discharge 102 - Settling Pond P-N28-01 (06-02-06) located in the NW1/4, SW1/4 Section 28, Township 146 North, Range 87 West to Lake Sakakawea via unnamed drainage.

Discharge 103 - Settling Pond P-N33-02 (06-02-06) located in the NW1/4, SE1/4 Section 33, Township 146 North, Range 87 West to Lake Sakakawea via unnamed drainage.

Discharge 104 - Settling Pond P-N33-03 (06-02-06) located in the NW1/4, NW1/4 Section 33, Township 146 North, Range 87 West to Lake Sakakawea via unnamed drainage.

Discharge 105 - Settling Pond P-W25-01 (08-31-06) located in the SE1/4, SE1/4 Section 25, Township 145 North, Range 88 West to West Antelope Creek via unnamed drainage.

- \* Reclamation Area: Effective 06/26/19

Discharge 106 - No discharge point (09-21-09)

Discharge 107 - Settling Pond P-W31-01 (08-10-06) located in the NW1/4, NE1/4 Section 31, Township 145 North, Range 87 West to West Antelope Creek via unnamed drainage.

- \* Reclamation Area: Effective 06/26/19

Discharge 108 - Sump S-W31-01 (02-06-07) located in the NE1/4, NE1/4 Section 31, Township 145 North, Range 87 West to West Antelope Creek via unnamed drainage.

- \* Reclamation Area: Effective 06/26/19

Discharge 109 - Settling Pond P-W32-01 (08-28-06) located in the SW1/4, NW1/4 Section 32, Township 145 North, Range 87 West to West Antelope Creek via unnamed drainage.

- \* Reclamation Area: Effective 06/26/19

Discharge 110 - Settling Pond P-W32-02 (02-06-07) located in the SW1/4, SW1/4 Section 32, Township 145 North, Range 87 West to West Antelope Creek via unnamed drainage.

Discharge 111 - Settling Pond P-H22-02 (02-06-07) located in the NE1/4, SW1/4 Section 22, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage.

- \* Reclamation Area: Effective 7/1/11
- \* Sedimentation Pond Removal Site: Effective 10/3/12
- \* No discharge point: Effective 01/14/14

Discharge 112 - Settling Pond P-H22-07 (02-06-07) located in the NW1/4, NW1/4 Section 22, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage.

- \* Reclamation area: Effective 5/31/12
- \* Sediment pond removal site: Effective 06/16/14
- \* No discharge point: Effective 01/13/15

Discharge 113 - Settling Pond P-H16-03 (06-12-07) located in the SE1/4, NE1/4 Section 16, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage.

- \* Reclamation area: Effective 5/31/12
- \* Sedimentation Pond Removal Site: Effective 10/3/12
- \* No discharge point: Effective 01/13/15

Discharge 114 - Settling Pond P-H16-04 (06-12-07) located in the SE1/4, SE1/4 Section 16, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage.

- \* Reclamation area: Effective 5/31/12
- \* Sedimentation Pond Removal Site: Effective 9/14/12
- \* No discharge point: Effective 01/13/15

Discharge 115 - Settling Pond P-H16-05 (06-12-07) located in the SE1/4, SE1/4 Section 16, Township 146 North, Range 88 West to Lake Sakakawea via unnamed drainage.

- \* Reclamation area: Effective 5/31/12
- \* Sediment pond removal site: Effective 06/16/14
- \* No discharge point: Effective 01/13/15

Discharge 116 - Settling Pond P-A19-04 (06-12-07) located in the NW1/4, NW1/4 Section 19, Township 145 North, Range 87 West to Lake Sakakawea via unnamed drainage.

Discharge 117 - Settling Pond P-D13-01 (09-25-07) located in the NE1/4, NE1/4 Section 13, Township 145 North, Range 87 West to East Antelope Creek

Discharge 118 - Settling Pond P-D13-02 (09-25-07) located in the NE1/4, SE1/4 Section 13, Township 145 North, Range 87 West to East Antelope Creek

Discharge 119 - Settling Pond P-D13-03 (04-25-08) located in the SE1/4, SW1/4 Section 13, Township 145 North, Range 87 West to East Antelope Creek via unnamed drainage.

- \* Reclamation Area: Effective 06/26/19

Discharge 120 - Settling Pond P-D13-04 (04-25-08) located in the NW1/4, SW1/4 Section 13, Township 145 North, Range 87 West to East Antelope Creek via unnamed drainage.

Discharge 121 - Settling Pond P-D13-05 (04-25-08) located in the SW1/4, NW1/4 Section 13, Township 145 North, Range 87 West to East Antelope Creek via unnamed drainage.

Discharge 122 - Settling Pond P-W25-02 (09-30-08) located in the SW1/4, NW1/4 Section 25, Township 145 North, Range 88 West to West Antelope Creek via unnamed drainage.

- \* Reclamation Area: Effective 06/26/19

Discharge 123 - Settling Pond P-N21-01 (09-30-08) located in the SW1/4, SW1/4 Section 21, Township 146 North, Range 87 West to Lake Sakakawea via unnamed drainage.

- \* Reclamation Area: Effective 10/04/17

- \* Sediment pond removal site: Effective 01/04/18

- \* No discharge point: Effective 1/1/20

Discharge 124 - Settling Pond P-N21-02 (09-30-08) located in the NW1/4, NW1/4 Section 21, Township 146 North, Range 87 West to Lake Sakakawea via unnamed drainage.

- \* Reclamation area: Effective 11/16/15

- \* Sediment pond removal site: Effective 12/15/15

- \* No discharge point: Effective 3/31/16

Discharge 125 - Settling Pond P-N21-03 (09-30-08) located in the NE1/4, NW1/4 Section 21, Township 146 North, Range 87 West to Lake Sakakawea via unnamed drainage.

- \* Includes discharges from Settling pond P-N21-04; effective 04/27/18

- \* Reclamation Area: Effective 06/26/19

Discharge 126 - Settling Pond P-W26-01 (09-22-09) located in the NE1/4, NE1/4 Section 26, Township 145 North, Range 88 West to West Antelope Creek via unnamed drainage.

Discharge 127 - Settling Pond P-W26-02 (09-22-09) located in the NW1/4, NE1/4 Section 26, Township 145 North, Range 88 West to West Antelope Creek via unnamed drainage.

Discharge 128 - Settling Pond P-W26-03 (09-22-09) located in the NE1/4, NW1/4 Section 26, Township 145 North, Range 88 West to West Antelope Creek via unnamed drainage.

Discharge 129 - No discharge point (02-28-10)

Discharge 130 - Settling Pond P-W02-01 (09-22-09) located in the SW1/4, NW1/4 Section 2, Township 144 North, Range 88 West to Spring Creek via unnamed drainage.

Discharge 131 - Settling Pond P-W03-01 (09-22-09) located in the NW1/4, SE1/4 Section 3, Township 144 North, Range 88 West to Spring Creek via unnamed drainage.

Discharge 132 - Settling Pond P-W03-02 (02-28-11) located in the SW1/4, SW1/4 Section 3, Township 144 North, Range 88 West to Spring Creek via unnamed drainage.

Discharge 133 - Settling Pond P-W26-04 (09-20-11) located in the SE1/4, NW1/4 Section 26, Township 145 North, Range 88 West to West Antelope Creek via an unnamed drainage.

Discharge 134 - Settling Pond P-N21-04 (09-20-11) located in the SE1/4, NE1/4 Section 21, Township 146 North, Range 87 West to Lake Sakakawea via an unnamed drainage.

Discharge 135 - Settling Pond P-W04-01 (09-20-11) located in the N1/2, N1/2 Section 4, Township 144 North, Range 88 West to Spring Creek via an unnamed drainage.

Discharge 136 - Settling Pond P-W35-01 (09-20-11) located in the S1/2, S1/2 Section 35, Township 145 North, Range 88 West to Spring Creek via an unnamed drainage.

\* No discharge point: Effective 02/01/17 (Discharge routed to point 147)

Discharge 137 - Sedimentation Pond P-D13-06 (07-18-2012) located in the NE1/4 NE1/4 Section 13, Township 145 North, Range 87 West to East Antelope Creek via unnamed drainages.

Discharge 138 - Sedimentation Pond P-D18-05 (07-18-2012) located in the NE1/4 NW1/4 Section 18, Township 145 North, Range 86 West to East Antelope Creek via unnamed drainages.

\* Sediment pond removal site: Effective 07/03/15

\* No discharge point: Effective 03/31/16

Discharge 139 - Sedimentation Pond P-D18-06 (07-18-2012) located in the NW1/4 NW1/4 Section 18, Township 145 North, Range 86 West to East Antelope Creek via unnamed drainages.

\* Reclamation Area: Effective 10/31/17

\* No discharge point: Effective 08/28/18

Discharge 140 - Sedimentation Pond P-W26-05 (07-18-2012) located in the NW1/4 SW1/4 Section 26, Township 145 North, Range 88 West to West Antelope Creek via unnamed drainages.

\* No discharge point: Effective 01/13/15

- Discharge 141 - Sedimentation Pond P-W26-06 (01-14-2014) located in the NW1/4 SW1/4 Section 26, Township 145 North, Range 88 West to West Antelope Creek via unnamed drainages.
- Discharge 142 - Sedimentation Pond P-W27-03 (01-14-2014) located in the SW1/4 SE1/4 Section 27, Township 145 North, Range 88 West to West Antelope Creek via unnamed drainages.  
This is a clean water pond and effluent limits do not apply to discharges.
- Discharge 143 - Sedimentation Pond P-W34-01 (01-14-2014) SE1/4 NE1/4 Section 34, Township 145 North, Range 88 West to West Antelope Creek via unnamed drainages. This is a clean water pond and effluent limits do not apply to discharges.
- Discharge 144 - Sedimentation Pond P-W04-02 (01-14-2014) located in the S1/2 S1/2 Section 4, Township 144 North, Range 88 West to Spring Creek via unnamed drainages.
- Discharge 145 - Sedimentation Pond P-W27-01 (12-02-2014) located in the NW1/4 SE1/4 Section 27, Township 145 North, Range 88 West to West Antelope Creek.
- Discharge 146 - Sedimentation Pond P-W27-02 (01-13-2015) located in the NE1/4 SW1/4 Section 27, Township 145 North, Range 88 West to West Antelope Creek.
- Discharge 147 - Sedimentation Pond P-W06-01 (01-13-2015) located in the NE1/4 NE1/4 Section 6 and NW1/4 NW1/4 Section 5, Township 144 North, Range 88 West to Spring Creek via an unnamed drainage.
- Discharge 148 - Sedimentation Pond P-W11-01 (12-17-2015) located in the N1/2 NW1/4 Section 11, Township 145 North, Range 88 West to an unnamed drainage to Lake Sakakawea.
- Discharge 149 - Sump S-W11-02 (12-17-2015) located in the E1/2 SE1/4 Section 11, Township 145 North, Range 88 West to West Antelope Creek via an unnamed drainage.
- Discharge 150 - Sedimentation Pond P-W11-03 (10-05-2016) located in the SE1/4 SE1/4 Section 11, Township 145 North, Range 88 West to West Branch of Antelope Creek.
- Discharge DP1- Coal dewatering pit located south and west of pond P-W11-03 (10-11-2016), SW1/4 SE1/4 Section 11, Township 145N, Range 88 West to the Basin Electric Antelope Valley Station peripheral concrete ditch, to the West Branch of Antelope Creek.
- \* No discharge point: Effective 08/12/20 (Mined through)

- Discharge 151 - Sedimentation Pond P-W14-02 (02-01-2017) located in the NE1/4 NE1/4 Section 14, Township 145 North, Range 88 West to West Branch of Antelope Creek via an unnamed drainage.
- Discharge 152 - Sedimentation Pond P-W14-03 (02-01-2017) located in the SE1/4 NE1/4 Section 14, Township 145 North, Range 88 West to West Branch of Antelope Creek via an unnamed drainage.
- Discharge 153 - Sedimentation Pond P-W14-04 (02-01-2017) located in the NE1/4 SE1/4 Section 14, Township 145 North, Range 88 West to West Branch of Antelope Creek via an unnamed drainage.
- Discharge 154 - Sedimentation Pond P-W14-05 (02-01-2017) located in the SW1/4 SE1/4 Section 14, Township 145 North, Range 88 West to West Branch of Antelope Creek via an unnamed drainage.
- Discharge 155 - Sedimentation Pond P-W03-04 (03-06-2019) located in the SE1/4 SW1/4 Section 3, Township 145 North, Range 88 West to Lake Sakakawea via an unnamed drainage.
- Discharge 156 - Sedimentation Pond P-N26-01 (02-01-2017) located in the NW1/4 NE1/4 Section 26, Township 146 North, Range 87 West to Lake Sakakawea via an unnamed drainage.
- Discharge 157 - Sedimentation Pond P-W04-03 (10-31-2017) located in the SW1/4 SW1/4 Section 4, Township 144 North, Range 88 West to Spring Creek.
- Discharge 158 - Sedimentation Pond P-W08-02 (10-31-2017) located in the E1/2 NE1/4 Section 8, Township 144 North, Range 88 West to Spring Creek.
- Discharge 159 - Sedimentation Pond P-N26-02 (02-01-2017) located in the NW1/4 NW1/4 Section 26, Township 146 North, Range 87 West to Lake Sakakawea via an unnamed drainage.
- Discharge 160 - Sump S-W03-05 (07-01-2020) located in the NE1/4 NW1/4 Section 3, Township 145 North, Range 88 West to Lake Sakakawea via an unnamed drainage.
- Discharge 161 - Sedimentation Pond P-W05-01 (03-06-2019) located in the NE1/4 SW1/4 Section 5, Township 144 North, Range 88 West to Spring Creek via an unnamed drainage.
- Discharge 162 - Sedimentation Pond P-N22-01 (01-01-2020) located in the NE1/4 SW1/4 Section 22, Township 146 North, Range 87 West to Lake Sakakawea via an unnamed drainage.

Discharge 163 - Ramp 150 dragline cessation pit (06-27-2019) located in the NW1/4 SW1/4 Section 26, Township 145 North, Range 88 West to West Branch of Antelope Creek.

Discharge 165 - Ramp 330 sump (08-12-2020) located in the SW1/4 NE1/4 Section 11, Township 145 North, Range 88 West to West Branch of Antelope Creek via the Beulah Trench Creek.

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