

May 2020
FACT SHEET ADDENDUM
Authorization to Discharge under the
National Pollutant Discharge Elimination System
for the
Navajo Transitional Energy Company – Navajo Mine
NPDES Permit No. NN0028193

The previous factsheet is modified as follows:

V. Regulatory Basis of Proposed Effluent Limits

A. Technology-based effluent limitations

4. Existing Outfalls 004, 009, 010, 017, and 018 – Western Alkaline Coal Mining

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USEPA Region IX and OSMRE entered into a Memorandum of Understanding on December 19, 2003: “Process for Obtaining A NPDES Permit Under Subpart H – Western Alkaline Mine Drainage Category”. Working through the process outlined in the MOU, OSMRE conducted a technical review of the Sediment Control Plan submitted by the Applicant. OSMRE and USEPA concluded that the Sediment Control Plan was submitted in accordance with the requirements of 40 CFR Part 434, and that the Sediment Control Plan met all minimum requirements to demonstrate that the average annual sediment yields will not be greater than the sediment yield levels from pre-mined, undisturbed conditions.

In a letter dated November 11, 2019 the permittee requested a modification to their existing permit. The permittee proposed the construction of one new outfall and conversion of nine existing outfalls defined in this permit from “alkaline mine drainage” to Subpart H requirements for “Western alkaline drainage”. Details about the location of the proposed new outfall and converted outfalls as well as the timeframe for construction and conversion is described in Attachment C. of the permit.

Prior to construction or conversion, the Sediment Control Plan shall be updated and the revised Plan submitted to USEPA for approval. The revised plan shall also be reviewed by OSMRE prior to USEPA approving the revisions. Revisions to the Sediment Control Plan must meet all requirements contained at 40 CFR §434.82, and 100% of the drainage areas to an outfall must meet the definition of Subpart H to be considered for coverage under Subpart H.

Only the one new outfall and the nine existing outfalls identified in Attachment C. may be updated without further public notice. If the permittee seeks to construct any other outfalls or convert any other existing outfalls, the permittee must submit a request for a permit modification under 40 CFR §122.62.

VI. Anti-Backsliding/Anti-degradation

B. Antidegradation Policy

EPA's antidegradation policy at 40 CFR 131.12 and Navajo Nation Water Quality Standards require that existing water uses and the level of water quality necessary to protect the existing uses be maintained. As described in this document, the permit establishes effluent limits and monitoring requirements to ensure that all applicable water quality standards are met. The permit does not include a mixing zone, therefore these limits will apply at the end of pipe without consideration of dilution in the receiving water. The permit also establishes narrative discharge limits in the section entitled General Discharge Specifications which references the Navajo Nation narrative water quality standards. Furthermore, the receiving water bodies are not listed as impaired for any limits established pursuant to the permit under section 303(d) of the CWA. Therefore, the discharge is not expected to adversely affect receiving water bodies or result in any degradation of water quality.

The proposed construction of a new outfall and conversion of nine existing outfalls pursuant to the plan described in Attachment C. of the permit will all occur in currently mined areas that will be reclaimed with sediment loads equal to or lower than that prior to mining. Any updates to the permit will impose effluent limits and monitoring requirements in the permit that ensure that all existing water quality standards are met. Therefore, the discharge from these outfalls is not expected to adversely affect receiving water bodies or result in any degradation of water quality.