REGION 6
DALLAS, TX 75270

NPDES Permit No NM0029505

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq; the "Act"),

Westmoreland San Juan Mining LLC
La Plata Mine
Post Office Box 561
Waterflow, New Mexico 87421

is authorized to discharge from a facility located 15 miles north of Farmington, New Mexico, in, San Juan County, New Mexico to an unnamed intermittent stream in Waterbody Segment 20.6.4.98 NMAC from Outfall locations listed below,

in accordance with this cover page and the effluent limitations, monitoring requirements, and other conditions set forth in Part I, Part II, and Part III.

This permit, prepared by Quang Nguyen, Environmental Engineer, Permitting and Wetland Section, supersedes and replaces NPDES Permit No. NM0029505 issued July 30, 2020.

This permit shall become effective on

This permit and the authorization to discharge shall expire at midnight,

Issued on

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Troy Hill, P.E.
Director
Region 6 Water Division

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PERMIT OUTFALL TABLE

Outfalls	Latitude	Longitude	Receiving Water
003	36º59’21.563”	108º8’13.257”W	La Plata River
004	36º59’22.001”	108º8’15.863”W	La Plata River
005	36º59’36.597”	108º7’23.443”W	La Plata River
006	36º58’33.398”	108º9’43.997”W	La Plata River
012	36º58’25.620”	108º9’38.902”W	La Plata River
015	36º58’51.649”	108º10’45.338”W	La Plata River
016	36º59’5.556”	108º10’57.047”W	La Plata River
018	36º59’16.475”	108º10’33.078”W	La Plata River
019	36º58’40.658”	108º 9’28.277”W	La Plata River
020	36º58’45.650”	108º 8’47.398”W	La Plata River
021	36º58’59.567”	108º 8’7.206”W	La Plata River
022	36º59’6.159”	108º 7’49.621”W	La Plata River
023	36º59’12.373”	108º 7’50.035”W	La Plata River
026	36º59’35.364”	108º 7’22.572”W	La Plata River
027	36º59’29.701”	108º 7’27.480”W	La Plata River
028	36º59’16.994”	108º 7’48.777”W	La Plata River
029	36º59’14.435”	108º 7’50.956”W	La Plata River
030	36º59’33.990”	108º 8’19.309”W	La Plata River
031	36º59’27.484”	108º 8’17.103”W	La Plata River
032	36º58’59.074”	108º 8’1.737”W	La Plata River
A	36º59’7.384”	108º 10’48.290”W	La Plata River
B	36º58’34.100”	108º 9’51.643”W	La Plata River
C	36º59’14.532”	108º 8’4.797”W	La Plata River
D	36º59’3.538”	108º 8’22.027”W	La Plata River
E	36º59’4.520”	108º 8’6.783”W	La Plata River
F	36º59’22.310”	108º 7’43.208”W	La Plata River
G	36º59’28.220”	108º 7’36.560”W	La Plata River
H	36º59’33.970”	108º 7’28.911”W	La Plata River
I	36º59’11.073”	108º 8’4.290”W	La Plata River
J	36º59’10.711”	108º 8’2.491”W	La Plata River
K	36º59’16.185”	108º 8’7.657”W	La Plata River
M	36º59’44.398”	108º 8’19.134”W	La Plata River
N	36º59’16.193”	108º 7’49.543”W	La Plata River
O	36º59’15.310”	108º 7’50.153”W	La Plata River
P	36º59’13.583”	108º 7’49.825”W	La Plata River

PART I – REQUIREMENTS FOR NPDES PERMITS

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. FINAL EFFLUENT LIMITS - Outfalls 015 and 016

During the period beginning on the effective date of the permit and lasting through the expiration date of the permit (unless otherwise noted), the permittee is authorized to discharge mine drainage due to precipitation events from reclamation areas to an unnamed intermittent stream in Waterbody Segment 20.6.4.98 NMAC. Such discharges shall be limited and monitored by the permittee as specified below:

POLLUTANT	MINIMUM	MAXIMUM	MONITORING FREQUENCY	SAMPLE TYPE
pH, Standard Units	Report	Report	1/Month *1	Grab

POLLUTANT *6	30-DAY AVG	DAILY MAX	30-DAY AVG (mg/L)	DAILY MAX (mg/L)	SAMPLE FREQUENCY	SAMPLE TYPE
Flow	Report MGD	Report MGD	N/A	N/A	1/Month *1	Estimate*5
Dissolved Hardness (mg $CaCO_3$/L)	N/A	N/A	Report	Report	1/Month *1	Grab
Aluminum, Total	N/A	N/A	0.252 *2	0.378 *2	1/Month *1	Grab
Aluminum, Total, (Natural Background) *4	N/A	N/A	Report	Report	1/Month *1	Grab
Aluminum, Total (Discharge) *3	N/A	N/A	Report	Report	1/Month *1	Grab

Footnotes:

*1 When discharging.

*2 For permit compliance purposes, net incremental increased Total Aluminum calculated by taking the difference between each outfall discharge and the natural background conditions.

*3 Total aluminum measured at Outfalls 015 and 016.

*4 Total aluminum shall be taken from La Plata River upstream of Outfalls 015 and 016 during the storm events.

*5 "Estimate" flow measurements shall be based on the best engineering judgment but is not subject to the accuracy provisions established at Part III.C.6.

*6 See Part II.C. Minimum Quantification Level (MQL) of permit.

2. FINAL EFFLUENT LIMITS - Outfall 028

During the period beginning on the effective date of the permit and lasting through the expiration date of the permit (unless otherwise noted), the permittee is authorized to discharge mine drainage due to precipitation events from reclamation areas to an unnamed intermittent stream in Waterbody Segment 20.6.4.98 NMAC. Such discharges shall be limited and monitored by the permittee as specified below:

POLLUTANT	MINIMUM	MAXIMUM	MONITORING FREQUENCY	SAMPLE TYPE
pH	6.6 Standard Units	9.0 Standard Units	1/Month *1	Grab

POLLUTANT *6	30-DAY AVG	DAILY MAX	30-DAY AVG (mg/L)	DAILY MAX (mg/L)	AEL *4	SAMPLE FREQUENCY	SAMPLE TYPE
Flow	Report MGD	Report MGD	N/A	N/A	N/A	1/Month *1	Estimate*2
Dissolved Hardness (mg $CaCO_3$/L)	N/A	N/A	Report	Report	N/A	1/Month *1	Grab
Aluminum, Total	N/A	N/A	0.252 *7	0.378 *7	N/A	1/Month *1	Grab
Aluminum, Total (Natural Background) *8	N/A	N/A	Report	Report	N/A	1/Month *1	Grab
Aluminum, Total (Discharge) *9	N/A	N/A	Report	Report	N/A	1/Month *1	Grab
Mercury, Total	N/A	N/A	0.00077 *3	0.00077 *3	N/A	1/Month*1	Grab
Selenium, Total	N/A	N/A	0.005 *3	0.005 *3	N/A	1/Month *1	Grab
Rainfall, inches *5					Report		

Footnotes:

*1 When discharging

*2 "Estimate" flow measurements shall be based on the best engineering judgment but is not subject to the accuracy provisions established at Part III.C.6.

*3 The limitations apply to any discharge or increase in the volume of a discharge caused by a precipitation event within any 24-hour period having rainfall less than 2.6 inches and begin on the effective date of this permit.

*4 The AEL (Alternate Effluent Limit)) in Part II.B applies for discharges resulting from a precipitation event within any 24-hour period having rainfall of 2.60 inches or more. See Part II.B, Alternate Effluent Limit, for additional requirements. The numeric limitations for total mercury and total selenium do not apply when the AEL is in effect.
*5 Report measured inches of rainfall only for samples where the AEL is claimed. For this purpose, the permittee may maintain an on-site precipitation gage or rely on data from the nearest weather station.
*6 See Part II.C. Minimum Quantification Level (MQL) of permit.
*7 For permit compliance purposes, net incremental increased total aluminum calculated by taking the difference between each outfall discharge and the natural background conditions.
*8 Total aluminum shall be taken from McDermott Arroyo upstream of Outfall 028 during the storm events.
*9 Total aluminum measured at Outfall 028.

3. FINAL EFFLUENT LIMITS - Outfalls 003-006, 012, 015-016, 018-023, 026-032, and Outfalls A through P

During the period beginning on the effective date of the permit and lasting through the expiration date of the permit (unless otherwise noted), the permittee is authorized to discharge mine drainage due to precipitation events from reclamation areas to an unnamed intermittent stream in Waterbody Segment 20.6.4.98 NMAC. Such discharges shall be limited and monitored by the permittee as specified below:

POLLUTANT	30-DAY AVG	DAILY MAX	30-DAY AVG	DAILY MAX	SAMPLE FREQUENCY	SAMPLE TYPE
Flow	Report MGD	Report MGD	N/A	N/A	1/Month *1	Estimate*2
Reclamation Inspection *3	Report		Report		1/Quarter	Study

Footnotes:
*1 When discharging
*2 "Estimate" flow measurements shall be based on the best engineering judgment but is not subject to the accuracy provisions established at Part III.C.6.
*3 The permittee shall conduct reclamation inspections within the drainage areas associated with the outfalls listed above in conjunction with vegetation and erosion studies no less than once per quarter. An inspection report for each associated outfall shall be submitted with the Discharge Monitoring Report (DMR) every quarter as described in Section B below. Each reclamation inspection report shall include, at a minimum, the following items:
(1) The personnel who conduct the inspections.
(2) Date(s) on which inspection was performed.
(3) A written summary of major observations, including observation of no deficiency.
(4) Actions that should be taken to correct noted deficiencies.
(5) Photo documentation of findings. And,
(6) The signature of delegated officer.

SAMPLING LOCATION(S)

Samples taken in compliance with the monitoring requirements specified above for Outfalls 015, 016 and 028, shall be taken at the discharge from the final treatment unit, prior to the receiving stream, unless otherwise specified.

FLOATING SOLIDS, VISIBLE FOAM AND/OR OILS

There shall be no discharge of floating solids or visible foam other than in trace amounts. There shall be no discharge of visible films of oil, globules of oil, grease or solids in or on the water, or coatings on stream banks.

B. SCHEDULE OF COMPLIANCE

None

C. MONITORING AND REPORTING (MINOR DISCHARGERS)

Discharge Monitoring Report (DMR) results shall be electronically reported to EPA, per 40 CFR 127.16. To submit electronically, access the NetDMR website at https://cdx.epa.gov/. Until approved for Net DMR, the permittee shall request temporary or emergency waivers from electronic reporting. To obtain the waiver, please contact: U.S. EPA - Region 6, Water Enforcement Branch, NetDMR Coordinator, (214) 665-6458. If paper reporting is granted temporarily, the permittee shall submit the original DMR signed and certified as required by Part III.D.11 and all other reports required by Part III.D. to the EPA and copies to NMED as required (See Part III.D.IV of the permit). Reports shall be submitted as follow:

Applicable e-Reporting	e-Reporting Compliance Date	Reporting Frequency
DMRs	Permit effective date	Quarterly

1. Reporting periods shall end on the last day of the months March, June, September and December.
2. The permittee is required to submit regular reports as described above postmarked no later than the 28th day of the month following each reporting period.
3. NO DISCHARGE REPORTING: If there is no discharge at the outfalls during the sampling month, place an "X" in the NO DISCHARGE box located in the upper right corner of the Discharge Monitoring Report.

D. COPY OF REPORTS AND APPLICATION TO NMED

The permittee shall send a copy of discharge monitoring reports (DMRs), all other reports required in the permit, as well as a copy of application for permit renewal to New Mexico Environment Department at the mailing address listed in Part III of the permit.

PART II - OTHER REQUIREMENTS

A. SEDIMENT CONTROL PLAN

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

(1) pH is equal to or greater than 6.0;
(2) Dissolved iron concentration is less than 10 mg/L; and
(3) Net alkalinity is greater than zero.

(a) The term *brushing and grubbing area* means the area where woody plant materials that would interfere with soil salvage operations have been removed or incorporated into the soil that is being salvaged.
(b) The term *regarded area* means the surface area of a coal mine that has been returned to required contour.
(c) The term *sediment* means undissolved organic and inorganic material transported or deposited by water.
(d) The term *sediment yield* means the sum of the soil losses from a surface minus deposition in macro-topographic depressions, at the toe of the hillslope, along field boundaries, or in terraces and channels sculpted into the hillslope.
(e) The term *topsoil stockpiling area* means the area outside the mine-out area where topsoil is temporarily stored for use in reclamation, including containment berms.
(f) The term *western mining operation* means a surface or underground coal mining operation located in the interior western United States, west of the 100th meridian west longitude, in an arid or semiarid environment with an average annual precipitation of 26.0 inches or less.

(B) Within three (3) months from the effective date of the permit, the operator permittee must update its site-specific Sediment Control Plan, that is designed to prevent an increase in the average annual sediment yield from pre-mined, undisturbed conditions. The operator is not required to resubmit another copy of SCP, rather the permittee shall update and keep a copy on site and continue to comply with the requirements of its SCP for La Plata Mine. The Sediment Control Plan must identify best management practices (BMPs) and also must describe design specifications, construction specifications, maintenance schedules, criteria for inspection, as well as expected performance and longevity of the best management practices.

(C) Using watershed models, the operator must demonstrate that implementation of the Sediment Control Plan will result in average annual sediment yield that will not be greater than the sediment yield levels from pre-mined, undisturbed conditions. The operator must use the same watershed model that was or will be used to acquire the SMCRA Permit.

(D) The operator must submit an annual Sediment Control Report every 12 months from the approval of the Sediment Control Plan. This report shall demonstrate that the facility has met

requirements set forth in above sub-sections (B) and (C). The permittee shall also send a copy of the annual report to NMED Surface Water Quality Bureau at SWQ.Reporting@env.nm.gov

B. ALTERNATE EFFLUENT LIMIT (AEL)

Alternate effluent limitations apply to total mercury and total selenium pollutants for Outfall 028. The Alternate Effluent Limit applies to discharges resulting from precipitation events with a minimum of rainfall of 2.60 inches over a 24-hour period.

1. The permittee must show that the discharge or increase in discharge resulted from a precipitation event having rainfall exceeding 2.60 inches over a 24-hour period and is required reporting the measured inches of precipitation from an onsite precipitation gage or from the nearest weather station.
2. The permittee shall inspect and repair BMPs, if necessary, after a precipitation event having rainfall of 2.60 inches or more over a 24-hour period.
3. If discharges occur, the permittee must immediately take all reasonable steps to address BMP conditions, including cleaning up any contaminated surfaces so the pollutants will not be discharged in subsequent storm events.
4. When the BMP requires a new or replacement control or significant repair, the permittee shall install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days, the permittee must document and report to EPA and NMED why it is infeasible to complete the installation or repair within the 7-day timeframe and provide a schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 7-day timeframe.
5. The results from AEL samples are not to be included in the monthly average calculation.

C. MINIMUM QUANTIFICATION LEVEL (MQL)

EPA-approved test procedures (methods) for the analysis and quantification of pollutants or pollutant parameters, including for the purposes of compliance monitoring/DMR reporting, permit renewal applications, or any other reporting that may be required as a condition of this permit, shall be sufficiently sensitive. A method is "sufficiently sensitive" when (1) the method minimum level (ML) of quantification is at or below the level of the applicable effluent limit for the measured pollutant or pollutant parameter; or (2) if there is no EPA-approved analytical method with a published ML at or below the effluent limit (see table below), then the method has the lowest published ML (is the most sensitive) of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, for the measured pollutant or pollutant parameter; or (3) the method is specified in this permit or has been otherwise approved in writing by the permitting authority (EPA Region 6) for the measured pollutant or pollutant parameter. The Permittee has the option of developing and submitting a report to justify the use of matrix or sample-specific MLs rather than the published levels. Upon written approval by EPA Region 6 the matrix or sample-specific MLs may be utilized by the Permittee for all future Discharge Monitoring Report (DMR) reporting requirements.

Current EPA Region 6 minimum quantification levels (MQLs) for reporting and compliance are provided in Appendix A of Part II of this permit. The following pollutants may not have EPA-approved methods with a published ML at or below the effluent limit, if specified:

POLLUTANT	CAS Number	STORET Code
Total Residual Chlorine	7782-50-5	50060
Cadmium	7440-43-9	01027
Silver	7440-22-4	01077
Thallium	7440-28-0	01059
Cyanide	57-12-5	78248
Dioxin (2,3,7,8-TCDD)	1764-01-6	34675
4,6-Dinitro-O-Cresol	534-52-1	34657
Pentachlorophenol	87-86-5	39032
Benzidine	92-87-5	39120
Chrysene	218-01-9	34320
Hexachlorobenzene	118-74-1	39700
N-Nitrosodimethylamine	62-75-9	34438
Aldrin	309-00-2	39330
Chlordane	57-74-9	39350
Dieldrin	60-57-1	39380
Heptachlor	76-44-8	39410
Heptachlor epoxide	1024-57-3	39420
Toxaphene	8001-35-2	39400

Unless otherwise indicated in this permit, if the EPA Region 6 MQL for a pollutant or pollutant parameter is sufficiently sensitive (as defined above) and the analytical test result is less than the MQL, then a value of zero (0) may be used for reporting purposes on DMRs. Furthermore, if the EPA Region 6 MQL for a pollutant or parameter is not sufficiently sensitive, but the analytical test result is less than the published ML from a sufficiently sensitive method, then a value of zero (0) may be used for reporting purposes on DMRs.

D. 24-HOUR ORAL REPORTING: DAILY MAXIMUM LIMITATION VIOLATIONS

Under the provisions of Part III.D.7.b. (3) of this permit, violations of daily maximum limitations set forth in Part I, Section A for the following pollutants shall be reported orally (or via email at R6_NPDES_REPORTING@epa.gov) to EPA Region 6, Enforcement Compliance and Assurance Division, Water Enforcement Branch (6EN-W), Dallas, Texas, and NMED Surface Water Quality Bureau at SWQ.Reporting@env.nm.gov within 24 hours from the time the permittee becomes aware of the violation followed by a written report in five days.

Total aluminum, total mercury and total selenium

E. PERMIT MODIFICATION AND REOPENER

In accordance with 40 CFR Part 122.44(c), the permit may be reopened and modified during the life of the permit if relevant portions of New Mexico's Water Quality Standards for Interstate

and Intrastate Streams are revised, or new State of New Mexico water quality standards are established and/or remanded.

In accordance with 40 CFR Part 122.62(a)(2), the permit may be reopened and modified if new information is received that was not available at the time of permit issuance that would have justified the application of different permit conditions at the time of permit issuance. Permit modifications shall reflect the results of any of these actions and shall follow regulations listed at 40 CFR Part 124.5.

F. SMCRA BOND RELEASE

When the appropriate regulatory authority returns a reclamation or performance bond based upon its determination that reclamation work has been satisfactorily completed on a watershed or a specific part of a disturbed area, the permittee may request to terminate the corresponding NPDES discharge points to that specific drainage area, if the permittee can demonstrate that the Phase III bond for that particular drainage area has been released.