

**NPDES Written Findings**

Mining Permit No. 01930302

NPDES Permit No. PA0223239

Site Name: Pitts Quarry

**1. Facility description**

Applicant: Specialty Granules, LLC

Municipality: Hamiltonban

County: Adams

Type of Facility:  Coal  Noncoal

Surface  Prep Plant  Underground Mine  Coal Refuse Reprocessing

Receiving Stream: Unnamed Tributary to Toms Creek and Toms Creek

This watershed is a Special Protection Watershed designated as HQ or EV Yes  No

This watershed is identified as an impaired stream (TMDL) Yes  No

If yes, it is impaired for N/A.

This permit is for

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

This permit includes the following:

- Point source discharge(s) which require numerical effluent limits.
- Narrative effluent limits in lieu of numerical limits (Best Management Practices)

The discharges are as follows:

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

For the type of discharge use Stormwater (SW), Mine Drainage Treatment (MDT) or Other (O)

For frequency use Continuous (C) Intermittent (I) or Precipitation Dependent (P)

Or

There is no point source discharge authorized for this facility. All water, including stormwater, will be contained within the site.

**2. TMDL Waste Load Allocation**  Not Applicable-Not a TMDL Stream

A waste load allocation for this permit is:

- not needed because there will be no treated wastewater discharge
- available from completed permit number
- built into the existing TMDL report
- limits at criteria TMDL requires a WLA to be Requested (Kiski-Conemaugh TMDL)
- not needed because the effluent limits meet in-stream criteria and the TMDL does not require WLA

### 3. Basis for Permit Conditions

This NPDES permit contains the mandated standard conditions as required in 40 CFR 122.41. In addition, the permit contains the following conditions:

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

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

For any parameters listed in the effluent characterization condition on page 4, a non-degrading discharge from outfall 001 shall be permitted during a 10-year/24-hour storm event or greater if the difference in the concentrations between SS-9 and SS-10 is not statistically significant given the natural variability of such parameters and has not caused or contributed to an adverse impact on human health, aquatic life, public water supply uses, cold water fishes or recreational uses of the stream.

For any parameters listed in the effluent characterization condition on page 4, a non-degrading discharge from outfall 002 shall be permitted during a 100-year/24-hour storm event or greater if the difference in the concentrations between SS-9 and SS-10 is not statistically significant given the natural variability of such parameters and has not caused or contributed to an adverse impact on human health, aquatic life, public water supply uses, cold water fishes or recreational uses of the stream.

The permittee must commence collecting water samples for total suspended solids (TSS) and for the parameters listed in the effluent characterization condition on page 4 with flow measurements at the below referenced points during a precipitation event which exceeds the 10-year/24-hour storm event for outfall 001, during a precipitation event which exceeds the 100-year/24-hour storm event for outfall 002 or during any precipitation event where outfall 001 and/or outfall 002 appears possible to discharge:

Outfall 001 – Pitts Pond 1

Outfall 002 – Pitts Pond 2

SS-5 – Downstream Point on Unnamed Tributary to Toms Creek

SS-9 – Upstream of Pitts Pond 1 on Unnamed Tributary to Toms Creek

SS-10 – Downstream of Pitts Pond 2 on Unnamed Tributary to Toms Creek

TC-1 – Downstream of TC-7 on Toms Creek

TC-7 – Downstream of Pitts Ponds on Toms Creek

TC-8 and TC-9 – Upstream on Toms Creek

The operator is required to report all the above referenced monitoring information with their quarterly sampling results. In addition, the operator is to provide a yearly report of the data collected during the discharge events at 001 (Pitts Pond 1) and 002 (Pitts Pond 2).

After a minimum of three (3) precipitation events exceeding the 10-year/24-hour storm event for outfall 001, three (3) precipitation events exceeding the 100-year/24-hour event for outfall 002 or any precipitation events where outfall 001 or 002 discharge, sampling results will be evaluated to determine reasonable potential for an exceedance of the corresponding water quality criterion for each parameter. Should reasonable potential for an exceedance be established, water quality based effluent limits will be calculated and implemented during precipitation events, as described above, and the permit will be revised at that time to include these limits.

**4. Alternatives to standards**

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

Or

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

SGI will implement a non-discharge alternative that includes: (1) the installation of oversized pond Pitts Pond 2 (outfall 002) and related drainage structures, (2) collection and transfer of water from the Pitts Pond 1 & 2 systems to the Lower Mill Pond System, and (3) the water use technologies that are part of the Lower Mill Pond System. The Pitts Quarry permit plan utilizes an alternative discharge location which will collect runoff from the Pitts Quarry permit area and discharge such waters to a non-specially protected watershed via the Lower Mill Three Pond System in all instances except for a storm that is of greater intensity or magnitude than a 10-year/24-hour storm event for outfall 001 and 100-year/24-hour storm event for outfall 002, when there would be the potential for a discharge via an auxiliary spillway to reach Unnamed Tributary to Toms Creek. As such, SGI has completed an SEJ for the potential discharges that may occur from outfalls 001 and 002 with the original permit application issued on September 7, 1994.

**5. Procedures for reaching a final decision**

Date of the notice of the tentative determination for this application was published in the Pennsylvania Bulletin July 25, 2020

Period for public comment: July 25, 2020 to August 25, 2020

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

Was there a public hearing?  Yes  No

Was this application subject to EPA review?  Yes  No

If yes, have the issues that were raised been resolved?  Yes  No  NA

**6. Calculations or explanation of effluent limits**

Effluent limits for this permit are based on:

- BAT
- In-stream (TMDL requirement)
- WQBEL
  - WQSS
  - PENTOX
  - Mass Balance Calculations
  - Limits defined by TMDL

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

**7. Waivers**

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

**Findings**

The review of the NPDES and mining permit application materials indicates that there is a reasonable potential for pollutants in the discharges:

- No
- Yes, limitations will control the pollutants.

- The Department has determined that there is reasonable assurance that in-stream water quality will be protected to meet designated uses and can meet water quality criteria at 25 Pa. Code Section 93.6 and 93.7.

- The proposed discharges from the planned treatment facilities will not cause an excursion of the applicable water quality criteria.

- The proposed treatment facilities have been designed according to generally accepted engineering standards.

- The proposed discharges from stormwater facilities will not cause an excursion of the applicable water quality criteria because erosion and sedimentation controls have been designed according to generally accepted engineering standards and only stormwater will be directed to the stormwater handling facilities

- No adverse impacts are expected to local hydrology which includes consideration of groundwater pumping and historical mining results on the same formation in the local area.

Signature         *[Handwritten Signature]*         Date         5/12/21