

SECTION 8

COMPLIANCE WITH AIR AND WATER QUALITY LAWS AND REGULATIONS

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SECTION 8

COMPLIANCE WITH AIR AND WATER QUALITY LAWS AND REGULATIONS

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SECTION 8

COMPLIANCE WITH AIR AND WATER QUALITY LAWS AND REGULATIONS

LIST OF REVISIONS DURING PERMIT TERM

REV. NUMBER	REVISION DESCRIPTION	DATE APPROVED
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SECTION 8 COMPLIANCE WITH AIR AND WATER QUALITY LAWS AND REGULATIONS

8.1 Effluent Limitations and NPDES Compliance

Navajo Transitional Energy Company (NTEC) complies with the Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) regulations under 40 CFR Part 434 for point source discharges and 40 CFR Part 122 for storm water discharges. NTEC will utilize an individual NPDES permit No. NN0028193, and Multi-Sector General Permit (MSGP) No. AZR051299 from the appropriate agencies. The Navajo Nation Environmental Protection Agency (NNEPA) has obtained primacy for processing applications for certification of compliance with water quality requirements and standards for projects that are subject to federal agency permits or licenses pursuant to Section 401 of the CWA. NTEC will obtain the appropriate 401 certifications as necessary. NTEC utilizes engineered structures and other best management practices (BMPs) to comply with NPDES effluent limitations for point source and storm water discharges. Applicable design criteria and certified drawings for engineered structures and BMPs are found in Part 4 Sediment Control Plan within this permit and in the Stormwater Pollution Prevention Plan (SWPPP). Information identifying storm water discharge locations are maintained onsite at Navajo Mine.

NTEC maintains copies of the current NPDES permit and associated NNEPA 401 certification onsite. Applicable permits, certifications, and plans are available for review by the regulatory authority upon request.

8.2 Wetlands and Protection of Navigable Waters

NTEC is currently seeking a jurisdictional determination from the United States Army Corps of Engineers (USACE) – Albuquerque District regarding potential waters of the United States (WOTUS) within the permit area. Based on the latest definition of WOTUS, it is anticipated that no waterways within the permit boundary are considered WOTUS and therefore no Section 404 individual permit is necessary. There are no wetlands in the permit boundary.

8.3 Spill Prevention, Control, and Countermeasure Plan

NTEC complies with the Clean Water Act, 40 CFR Part 112, Spill Prevention Control and Countermeasure Requirements and other applicable federal, state, and tribal water quality laws and regulations for spill prevention and control of oil and related materials. Bulk fuel, oil, and other lubricants are stored in designated locations within the mine facility. The storage locations are designed with secondary storage to capture and/or prevent any leaks or spills. All storage locations are regularly maintained and inspected. The Spill Prevention, Control, and Countermeasures Plan (SPCC) will be filed onsite in accordance with 40 CFR Part 112 and available for review by the regulatory authority upon request.

8.4 Waste Handling and Disposal

8.4.1 Used Oil Handling

NTEC complies with the Resource Conservation and Recovery Act (RCRA), 40 CFR Part 279, and other applicable federal, state, and tribal regulations regarding handling and disposal of used oil. Used oil is collected on site in approved storage areas with secondary containment then periodically transported offsite to an approved used oil recycling facility. A description of the on-site remediation of soil containing petroleum products from spills can be found in Section 20 Mining Operations. Records of used oil testing and shipments will be maintained onsite in accordance with 40 CFR Part 279 and available for review by the regulatory authority upon request.

8.4.2 Universal Waste Handling

NTEC complies with RCRA, 40 CFR Part 273, and other applicable federal, state, and tribal regulations for handling and disposal of universal wastes. Materials classified as universal waste, fully defined in 40 CFR 273.9, include waste such as batteries, lamps, and mercury-containing equipment. Universal wastes are stored onsite in a manner that prevents releases to the environment for a period of no longer than one year from the date of generation, then transported to an offsite, permitted RCRA facility for recycling, treatment, or disposal. All shipment records or bills of lading are maintained onsite in accordance with 40 CFR Part 273 and available for review by the regulatory authority upon request.

8.4.3 Hazardous Waste Handling

NTEC complies with RCRA, 40 CFR Parts 260-299, and other applicable federal, state, and tribal laws and regulations for handling and disposal of hazardous waste. Materials classified as hazardous waste by the U.S. Environmental Protection Agency (EPA) are accumulated, managed, and disposed of following the applicable U.S. and Navajo Nation EPA, Department of Transportation (DOT), and Office of Safety and Hazard Administration regulations. Hazardous wastes are accumulated in designated temporary or satellite accumulation areas then shipped offsite by a RCRA-permitted transportation, storage and disposal facility for recycling, treatment, or disposal. Hazardous waste manifests and other hazardous waste management records are maintained onsite in compliance with 40 CFR Part 262 and are available for review by the regulatory authority upon request.

8.4.4 Polychlorinated Biphenyls Handling

NTEC does not currently utilize polychlorinated biphenyls (PCBs) for mining activities or mining-related mobile equipment. Should the case arise when use of PCBs is necessary or PCBs are found in old transformers, NTEC will comply with the Toxic Substances Control Act, 40 CFR Part 761, and other applicable federal, state, and tribal regulations for handling and disposal of PCBs.

8.4.5 Solid Waste Disposal Act Compliance

NTEC will comply with the Solid Waste Disposal Act, 40 CFR Parts 257 and 258, and other applicable federal, state, and tribal laws and regulations for handling and disposal non-hazardous solid wastes. Municipal trash and other non-hazardous solid wastes from mine operations will be accumulated in dumpsters located around the site and transported to a permitted landfill by an approved contractor.

Incidental coal spillage materials are regularly cleaned up around the mine and coal plant, then placed in the mine pit. Material will be placed along the bottom of a pit adjacent to the wedge or spoil side. Coal not meeting contract specifications is disposed of in the pit.

8.5 Clean Air Act Compliance

NTEC complies with all applicable requirements of the federal Clean Air Act (CCA) and the Navajo Nation Air Pollution Prevention and Control Act.

Emissions are minimized by various control measures, as described in Part 5 (Reclamation Plan) and Part 6 (Environmental Protection, Probable Hydrologic Consequences, and Monitoring). Control measures include, but are not limited to, periodic watering of frequently traveled roads, revegetation as soon after regrading as possible, and efficient topsoil storage procedures to minimize wind erosion. In all mining activities, mine personnel will make an effort to minimize fugitive dust emissions and ensure that total suspended particulate standards are not violated by NTEC. The Air Quality Monitoring Plan can be found in Part 6 (Environmental Protection, Probable Hydrologic Consequences, and Monitoring), Section 42 (Monitoring, Maintenance, Inspections and Examinations).

Table 8.1-1 Other Permits and Licenses

Issuing Authority Name	Type of Permit	Approval/ Notification Date	Permit/ Identification Number
U.S. Environmental Protection Agency, Region IX	402 National Pollution Discharge Elimination System (NPDES)	June 1, 2025	NN0028193
	NPDES Storm Water Multi-Sector General Permit	March 1, 2021	AZR051299
Navajo Nation Dept. of Water Resources	License to Use Specified Water in Operations	July 18, 2022	WUP#22-0190 to WUP#22-223
Navajo Nation Environmental Protection Agency	401 Water Quality Certification (NPDES permit)	March 14, 2025	2023-0105SR
	401 Water Quality Certification (Section 404 IP)	May 15, 2015	2012-0029SR
United States Army Corps of Engineers	404 Individual Permit for Dredge and Fill Activities	July 27, 2015	SPA-2012-00253-ABQ
Office of the State Engineer State of New Mexico	Permit to Appropriate Surface Waters	Oct 10, 1958	Permit 2838
United States of America Department of Transportation Pipeline and Hazardous Materials Safety Administration	Hazardous Materials Certificate of Registration	June 30, 2020	081518550033AB
U.S. Environmental Protection Agency, Region IX,	Notification of Hazardous Waste Activity (RCRA)	February 9, 2017	NND0429937525
U.S Fish and Wildlife Service Migratory Bird Office	Migratory Bird Special Purpose Utility Permit	4/1/2025	MB09048B
Federal Communication Commission	Radio Licenses	10/6/2031 (exp. date)	WQYT290, WQYT291, WQYT292, WQYT293, WQYT294, WQYT295- (FRN: 0026071290).
Bureau of Reclamation Colorado River Storage Project	Colorado River Storage Project	April 11, 1968	14-06-400-5138
US. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives	20 – Manufacturer of Explosives	January 16, 2017	5NM-045-20-6C-00357
Dept. of Labor Mine Safety and Health Administration (MSHA)	MSHA Mine ID	January 25, 2017	29-00097