



**NEW MEXICO
ENVIRONMENT DEPARTMENT**



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Certificated Mail – Return Receipt Requested

August 22, 2014

Mr. David Partridge, Vice President
Chevron Mining Inc. (CMI)
116 Inverness Drive East, Suite 207
Englewood, CO 80112

Re: Minor Individual Permit; SIC 1221; NPDES Compliance Evaluation Inspection; CMI / Ancho-Gachupin-Bracket Mine; NM0030180; July 22, 2014

Dear Mr. Partridge:

Enclosed please find a copy of the report and check list for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Introduction, treatment scheme, and problems noted during this inspection are discussed in the “Further Explanations” section of the inspection report.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Racquel Douglas, MS, ET
US Environmental Protection Agency, Region VI
Enforcement Branch (6EN-WM)
1445 Ross Avenue
Dallas, Texas 75202-2733

Bruce Yurdin
New Mexico Environment Department
Surface Water Quality Bureau,
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

Page 2 of 2
David Partridge, Chevron Mining Inc.
Ancho-Gachupin-Bracket Mine
August 22, 2014

If you have any questions about this inspection report, please contact Erin Trujillo at 505-827-0418 or at erin.trujillo@state.nm.us.

Sincerely,

/s/Bruce J. Yurdin

Bruce J. Yurdin
Program Manager
Point Source Regulation Section
Surface Water Quality Bureau

cc: Rashida Bowlin, USEPA (6EN-W) by e-mail
Gladys Gooden-Jackson, USEPA (6EN-WC) by e-mail
Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
Racquel Douglas, USEPA (6EN-WM) by e-mail
Brent Larsen, USEPA (6WQ-PP) by e-mail
Dave Clark, EMNRD, MMD, Coal Program by e-mail
Robert Italiano NMED District II by e-mail
Ian Robb, Project Manager, Chevron Mining, Inc. by e-mail
Steve Linse, P.E., Project Manager, Trihydro by e-mail
Cameron Twing, P.E., Civil Engineer, Trihydro by e-mail



NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES										yr/mo/day					Inspec. Type	Inspector	Fac Type										
1	N	2	5	3	N	M	0	0	3	0	1	8	0	11	12	1	4	0	7	2	2	17	18	C	19	S	20	2
Remarks																												
B I T U M I N O U S C O A L M I N E																												
Inspection Work Days						Facility Evaluation Rating						BI		QA		-----Reserved-----												
67						70						71		72		73 74 75 80												

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) Chevron Mining, Inc., York Canyon Mine Complex Trihydro Raton Office, 216 Park Avenue, Raton, NM 87740. From I-25 at Raton to Ancho-Gachupin-Bracket Mine at 3310 Hwy 555, Raton, NM, take Exit 450 at Raton, travel approximately 33 miles west to locked gate. Colfax County.	Entry Time /Date 0945 hours / 07/22/2014	Permit Effective Date July 1, 2009
	Exit Time/Date 1620 hours / 07/22/2014	Permit Expiration Date June 30, 2014
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Cameron Twing, P.E., Civil Engineer, Trihydro, 1252 Commerce Drive, Laramie, Wyoming 82070 / 307-745-7474	Other Facility Data <u>Mine Entrance Gate</u> Latitude: 36.874354° Longitude: -104.920913°	
Name, Address of Responsible Official/Title/Phone and Fax Number David Partridge, Vice President, Chevron Mining Inc., 116 Inverness Drive East, Suite 207, Englewood, CO 80112 / 303-930-4065, General 303-930-4000	Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
SIC 1221		

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

M	Permit	M	Flow Measurement	M	Operations & Maintenance	N	CSO/SSO
M	Records/Reports	M	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
S	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
U	Effluent/Receiving Waters	S	Laboratory	N	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

- See attached report and further explanations.

Name(s) and Signature(s) of Inspector(s) Erin S. Trujillo /s/Erin S. Trujillo	Agency/Office/Telephone/Fax NMED/SWQB/505-827-0418	Date 08/22/2014
Signature of Management QA Reviewer Sarah Holcomb /s/Sarah Holcomb	Agency/Office/Phone and Fax Numbers NMED/SWQB/505-827-2798	Date 08/22/2014

SECTION A - PERMIT VERIFICATION

PERMIT SATISFACTORILY ADDRESSES OBSERVATIONS

 S M U NA (FURTHER EXPLANATION ATTACHED Yes).DETAILS: **See further explanations – Section B**

1. CORRECT NAME AND MAILING ADDRESS OF PERMITTEE.

 Y N NA

2. NOTIFICATION GIVEN TO EPA/STATE OF NEW DIFFERENT OR INCREASED DISCHARGES.

 Y N NA3. NUMBER AND LOCATION OF DISCHARGE POINTS AS DESCRIBED IN PERMIT. **Not documented** Y N NA4. ALL DISCHARGES ARE PERMITTED. **Not documented for reclaimed topsoil stockpile area** Y N NA

SECTION B - RECORDKEEPING AND REPORTING EVALUATION

RECORDS AND REPORTS MAINTAINED AS REQUIRED BY PERMIT.

 S M U NA (FURTHER EXPLANATION ATTACHED Yes).DETAILS: **NetDMR subscriber agreement was approved 01/20/2011. Reviewed DMRs since last CEI on 08/07/2012.**

1. ANALYTICAL RESULTS CONSISTENT WITH DATA REPORTED ON DMRs.

 Y N NA

2. SAMPLING AND ANALYSES DATA ADEQUATE AND INCLUDE.

 S M U NA

a) DATES, TIME(S) AND LOCATION(S) OF SAMPLING.

 Y N NA

b) NAME OF INDIVIDUAL PERFORMING SAMPLING.

 Y N NA

c) ANALYTICAL METHODS AND TECHNIQUES.

 Y N NA

d) RESULTS OF ANALYSES AND CALIBRATIONS.

 Y N NA

e) DATES AND TIMES OF ANALYSES.

 Y N NA

f) NAME OF PERSON(S) PERFORMING ANALYSES.

 Y N NA3. LABORATORY EQUIPMENT CALIBRATION AND MAINTENANCE RECORDS ADEQUATE. **CEI did not include commercial lab** Y N NA

4. PLANT RECORDS INCLUDE SCHEDULES, DATES OF EQUIPMENT MAINTENANCE AND REPAIR.

 Y N NA

5. EFFLUENT LOADINGS CALCULATED USING DAILY EFFLUENT FLOW AND DAILY ANALYTICAL DATA.

 Y N NA

SECTION C - OPERATIONS AND MAINTENANCE

TREATMENT FACILITY PROPERLY OPERATED AND MAINTAINED.

 S M U NA (FURTHER EXPLANATION ATTACHED Yes).DETAILS: **2013 Sediment Control Plan Annual Report submitted 10/7/13 lists major measures (original contouring, impoundments, BMPs, Vegetation). Facility has maintenance list/map that includes items for repair erosion, clean trash racks, etc.**

1. TREATMENT UNITS PROPERLY OPERATED.

 S M U NA**Corrective actions/Maintenance in progress**2. TREATMENT UNITS PROPERLY MAINTAINED. **Controls at observed outfalls = overall satisfactory** S M U NA

3. STANDBY POWER OR OTHER EQUIVALENT PROVIDED.

 S M U NA

4. ADEQUATE ALARM SYSTEM FOR POWER OR EQUIPMENT FAILURES AVAILABLE.

 S M U NA

5. ALL NEEDED TREATMENT UNITS IN SERVICE.

 S M U NA

6. ADEQUATE NUMBER OF QUALIFIED OPERATORS PROVIDED.

 S M U NA

7. SPARE PARTS AND SUPPLIES INVENTORY MAINTAINED.

 S M U NA

8. OPERATION AND MAINTENANCE MANUAL AVAILABLE.

 Y N NASTANDARD OPERATING PROCEDURES AND SCHEDULES ESTABLISHED. **Schedule not documented** Y N NA

PROCEDURES FOR EMERGENCY TREATMENT CONTROL ESTABLISHED.

 Y N NA

SECTION C - OPERATIONS AND MAINTENANCE (CONT'D)

9. HAVE BYPASSES/OVERFLOWS OCCURRED AT THE PLANT OR IN THE COLLECTION SYSTEM IN THE LAST YEAR? Y N NA
 IF SO, HAS THE REGULATORY AGENCY BEEN NOTIFIED? Y N NA
 HAS CORRECTIVE ACTION BEEN TAKEN TO PREVENT ADDITIONAL BYPASSES/OVERFLOWS? Y N NA

10. HAVE ANY HYDRAULIC OVERLOADS OCCURRED AT THE TREATMENT PLANT? Y N NA
 IF SO, DID PERMIT VIOLATIONS OCCUR AS A RESULT? Y N NA

SECTION D - SELF-MONITORING

PERMITTEE SELF-MONITORING MEETS PERMIT REQUIREMENTS. S M U NA (FURTHER EXPLANATION ATTACHED Yes).
 DETAILS:

1. SAMPLES TAKEN AT SITE(S) SPECIFIED IN PERMIT. **But, not frequency (see below)** Y N NA

2. LOCATIONS ADEQUATE FOR REPRESENTATIVE SAMPLES. Y N NA

3. FLOW PROPORTIONED SAMPLES OBTAINED WHEN REQUIRED BY PERMIT. Y N NA

4. SAMPLING AND ANALYSES COMPLETED ON PARAMETERS SPECIFIED IN PERMIT. Y N NA

5. SAMPLING AND ANALYSES PERFORMED AT FREQUENCY SPECIFIED IN PERMIT. Y N NA

6. SAMPLE COLLECTION PROCEDURES ADEQUATE Y N NA

a) SAMPLES REFRIGERATED DURING COMPOSITING. Y N NA

b) PROPER PRESERVATION TECHNIQUES USED. Y N NA

c) CONTAINERS AND SAMPLE HOLDING TIMES CONFORM TO 40 CFR 136.3. Y N NA

7. IF MONITORING AND ANALYSES ARE PERFORMED MORE OFTEN THAN REQUIRED BY PERMIT, ARE THE RESULTS REPORTED IN PERMITTEE'S SELF-MONITORING REPORT? Y N NA

SECTION E - FLOW MEASUREMENT

PERMITTEE FLOW MEASUREMENT MEETS PERMIT REQUIREMENTS. S M U NA (FURTHER EXPLANATION ATTACHED Yes).
 DETAILS: **Part I.A flow measurement type is "Estimate."**

1. PRIMARY FLOW MEASUREMENT DEVICE PROPERLY INSTALLED AND MAINTAINED. Y N NA
 TYPE OF DEVICE

2. FLOW MEASURED AT EACH OUTFALL AS REQUIRED. **Estimate not at frequency required at each outfall.** Y N NA

3. SECONDARY INSTRUMENTS (TOTALIZERS, RECORDERS, ETC.) PROPERLY OPERATED AND MAINTAINED. Y N NA

4. CALIBRATION FREQUENCY ADEQUATE. Y N NA
 RECORDS MAINTAINED OF CALIBRATION PROCEDURES. Y N NA
 CALIBRATION CHECKS DONE TO ASSURE CONTINUED COMPLIANCE. Y N NA

5. FLOW ENTERING DEVICE WELL DISTRIBUTED ACROSS THE CHANNEL AND FREE OF TURBULENCE. Y N NA

6. HEAD MEASURED AT PROPER LOCATION. Y N NA

7. FLOW MEASUREMENT EQUIPMENT ADEQUATE TO HANDLE EXPECTED RANGE OF FLOW RATES. Y N NA

SECTION F - LABORATORY

PERMITTEE LABORATORY PROCEDURES MEET PERMIT REQUIREMENTS. S M U NA (FURTHER EXPLANATION ATTACHED Yes).
 DETAILS: **CEI did not include commercial laboratory. Reviewed analytical report dated 10/04/2013.**

1. EPA APPROVED ANALYTICAL PROCEDURES USED (40 CFR 136.3 FOR LIQUIDS, 503.8(b) FOR SLUDGES). Y N NA

SECTION F - LABORATORY (CONT'D)

2. IF ALTERNATIVE ANALYTICAL PROCEDURES ARE USED, PROPER APPROVAL HAS BEEN OBTAINED. Y N NA
3. SATISFACTORY CALIBRATION AND MAINTENANCE OF INSTRUMENTS AND EQUIPMENT. **Did not inspect lab** S M U NA
4. QUALITY CONTROL PROCEDURES ADEQUATE. S M U NA
5. DUPLICATE SAMPLES ARE ANALYZED. 5 % OF THE TIME. **See Further Explanations** Y N NA
6. SPIKED SAMPLES ARE ANALYZED. 5 % OF THE TIME. **See Further Explanations** Y N NA
7. COMMERCIAL LABORATORY USED. Y N NA

LAB NAME **TestAmerica Laboratories, Inc. (303-736-0100)**LAB ADDRESS **4955 Yarrow Street, Arvada, CO 80002**PARAMETERS PERFORMED **Total/Dissolved Aluminum**SECTION G - EFFLUENT/RECEIVING WATERS OBSERVATIONS. S M U NA (FURTHER EXPLANATION ATTACHED Yes).

OUTFALL NO.	OIL SHEEN	GREASE	TURBIDITY	VISIBLE FOAM	FLOAT SOL.	COLOR	OTHER
Outfall 034	No	No	No	No	No	Clear	Seepage

RECEIVING WATER OBSERVATIONS **Seepage below rock check dam at Outfall 034 is within Brackett Canyon. Water in channel below Outfall 005 was turbid.**

SECTION H - SLUDGE DISPOSAL

SLUDGE DISPOSAL MEETS PERMIT REQUIREMENTS. S M U NA (FURTHER EXPLANATION ATTACHED No).

DETAILS:

1. SLUDGE MANAGEMENT ADEQUATE TO MAINTAIN EFFLUENT QUALITY. S M U NA
2. SLUDGE RECORDS MAINTAINED AS REQUIRED BY 40 CFR 503. S M U NA
3. FOR LAND APPLIED SLUDGE, TYPE OF LAND APPLIED TO: _____ (e.g., FOREST, AGRICULTURAL, PUBLIC CONTACT SITE)

SECTION I - SAMPLING INSPECTION PROCEDURES (FURTHER EXPLANATION ATTACHED No).

1. SAMPLES OBTAINED THIS INSPECTION. Y N NA
2. TYPE OF SAMPLE OBTAINED
GRAB _____ COMPOSITE SAMPLE _____ METHOD _____ FREQUENCY _____
3. SAMPLES PRESERVED. Y N NA
4. FLOW PROPORTIONED SAMPLES OBTAINED. Y N NA
5. SAMPLE OBTAINED FROM FACILITY'S SAMPLING DEVICE. Y N NA
6. SAMPLE REPRESENTATIVE OF VOLUME AND MATURE OF DISCHARGE. Y N NA
7. SAMPLE SPLIT WITH PERMITTEE. Y N NA
8. CHAIN-OF-CUSTODY PROCEDURES EMPLOYED. Y N NA
9. SAMPLES COLLECTED IN ACCORDANCE WITH PERMIT. Y N NA

Compliance Evaluation Inspection
Chevron Mining, Inc. / Ancho-Gachupin-Bracket (Ancho) Mine
NPDES Permit No. NM0030180
July 22, 2014

Further Explanations

Introduction

On July 22, 2014, Erin S. Trujillo of the State of New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB) conducted a Compliance Evaluation Inspection (CEI) at the Ancho-Gachupin-Bracket (Ancho) owned by Chevron Mining, Inc. or CMI (formerly owned by Pittsburg & Midway Coal Mining Company) located approximately 33 miles west of Raton, New Mexico in Colfax County.

Ancho Mine is classified as a minor discharger under the federal Clean Water Act, Section 402 National Pollutant Discharge Elimination System (NPDES) permit program and is assigned permit number NM0030180. The 2009 permit expired on June 30, 2014. CMI renewal application was received by USEPA on January 8, 2014 and determined to be administratively complete (USEPA letter dated January 29, 2014). After this CEI on July 29, 2014, USEPA issued the 2014 Final Permit which becomes effective on September 1, 2014 (see http://www.epa.gov/region6/water/npdes/finalpermit/nm0030180_anchomine.pdf).

The 2009 permit, in effect on the day of this inspection, authorizes mine drainage discharge due to precipitation events from reclamation areas at Outfalls 004-007, 011-012, 014-023, 030-034, and 037 to Salyers Canyon, Ancho Canyon, Gachupin Canyon, Bracket Canyon, and tributaries to Vermejo River, thence to the Canadian River in Segment 20.6.4.309 NMAC of the Canadian River Basin. Gachupin Canyon, Bracket Canyon and an unnamed tributary to Bracket Canyon is subject to 20.6.4.97 New Mexico Administrative Code (NMAC).

Use Attainability Analyses for 18 Unclassified Non-Perennial Stream Segments which includes Gachupin Canyon, Bracket Canyon and an unnamed tributary to Bracket Canyon within Ancho Mine is available at

<http://www.nmenv.state.nm.us/swqb/UAA/>.

An entrance interview was conducted with Mr. Cameron Twing, P.E., Civil Engineer, Trihydro Corporation at Trihydro Corporation Office, 216 Park Avenue, Raton, New Mexico upon arrival at approximately 0945 hours on the day of this inspection. Trihydro Corporation is the reclamation and operational contractor for CMI at the York Canyon Complex, which includes Ancho Mine. The inspector made introductions, presented credentials and discussed the purpose of the inspection. Ms. Trujillo and Mr. Twing traveled to the York Canyon Complex and conducted a tour of both the CMI York Canyon Mine and the Ancho Mine. Following the tour, an exit interview was conducted with Mr. Twing at the Trihydro Corporation Raton Office. The inspector left Trihydro Corporation, Inc. Raton Office at approximately 1620 hours on the day of the inspection.

NMED performs a certain number of CEIs for the U.S. Environmental Protection Agency (USEPA) each year. The purpose of this inspection is to provide USEPA with information to evaluate the permittee's compliance with their NPDES permit. This report is based on review of files maintained by the permittee and NMED, on-site observation by NMED personnel, and information provided by the permittee's representative. Findings of the York Canyon Mine CEI, USEPA Permit No. NM0000205, are provided under a separate USEPA 3560 form.

CMI submitted a Notice of Intent (NOI) with USEPA on January 27, 2009 (NPDES Tracking No. NMR05GE82) to obtain permit coverage under the expired 2008 Multi-Sector General Permit (MSGP)

for industrial stormwater discharges for the York Canyon Complex. An industrial stormwater MSGP CEI was not conducted on the day of this inspection.

Following and independently of this CEI, USEPA issued an Administrative Order, Docket Number and Notice of Proposed Assessment of Penalty that refers to a list of the reported aluminum daily maximum effluent limitation exceedences at Outfalls 004, 005, 006, 007, 011, 012, 014, 015, 018, 031, 034, 037 at the Ancho Canyon Mine. This CEI report is not NMED's comments on USEPA's administrative order or complaint.

Western Alkaline Coal Mining Operations Requirements / Treatment Scheme

Ancho Mine is currently in reclamation. There is no active mining in regards to disturbance and removal of overburden or coal. The facility has received a Phase II Bond Release. Requirements, found in 40 Code of Federal Register (CFR) 434, Subpart H, applies to drainage at western alkaline coal mining operations from reclamation areas, brushing and grubbing areas, topsoil stockpiling areas, and regraded areas. The 2009 permit requires, among other things, a site specific Sediment Control Plan (SCP); using watershed models to demonstrate that implementation of the SCP will result in average annual sediment yields that will not be greater than the sediment yield levels from pre-mined, undisturbed conditions; and an annual Sediment Control Report. The 2009 permit also requires reclamation inspections.

Due to rain events prior to this CEI, some mine roads had fallen rock, washouts or were not accessible. Not all outfall locations were observed during this CEI. CMI renewal application map dated December 2013 indicates impoundments above Ancho Canyon Outfalls 004, 005, 006, 007, 011, 012, 014, 015, 017, 018, and 031; and Gachupin-Brackett Canyon Outfalls 014, 015, 017, 018, and 031. CMI renewal application map indicates that the other outfalls were located below other or combination of other types control measures--rock check dam and sediment fence at Outfall 016; rock check dams at Outfalls 019, 020, 021, 030, 032, 033, 034, and 037; and sediment fence and grass filter at Outfalls 022 and 023. The associated rock check dam and Outfall 034 is within Bracket Canyon. Outfall 037 also appears with a tributary of Bracket Canyon based on CMI's renewal application map, but was not observed during this CEI.

Section A - Permit Verification - Overall rating of "Marginal"

Section B - Reporting Evaluation - Overall rating of "Marginal"

2009 Permit Requirements

Part II.A(A) of the 2009 Permit states *"This subpart applies to drainage at western alkaline coal mining operations from reclamation areas,...topsoil stockpiling areas..."* and Part II.A(A)(e) of the permit states *"The term topsoil stockpiling area means the area outside the mined-out area where topsoil is temporarily stored for use in reclamation, including containment berms."*

Part III.D.9 (Standard Conditions, Reporting Requirements, Other Information) of the Permit states *"Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information."*

Part III.D.4 of the 2009 Permit states *"The permittee shall submit...all other reports required by Part III.D to the EPA...."*

Mailing addresses for USEPA and NMED SWQB to submit reports and duplicate copies are provided in Part III.D of the 2009 Permit.

Findings

During the tour, the Permittee on-site representative indicated that drainage from a reclaimed topsoil stockpile area was not monitored by an outfall under this permit, but was included in the Permittee's MSGP. The Permittee's renewal application map dated December 2013 does not show a topsoil stockpile or drainage areas. The Permittee can contact the USEPA Permit Writer to confirm that 40 Code of Federal Register (CFR) 434 Subpart H applies to all reclamation areas, including a former topsoil stockpiling area.

Section D - Self-Monitoring - Overall rating of "Marginal"

Section E - Flow Measurement - Overall rating of "Marginal" and

Section F - Laboratory - Overall rating of "Satisfactory" – Further Explanation on Quality Program

2009 Permit Requirements

Part I.A (Effluent Limitations and Monitoring Requirements) of the 2009 Permit requires:

PART I – REQUIREMENTS FOR NPDES PERMITS							
SECTION A. LIMITATIONS AND MONITORING REQUIREMENTS							
1. <u>OUTFALL(s) 004-007, 011-012, 014-023, 030-034, and 037</u>							
During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from Outfall(s) listed above - mine drainage due to precipitation events from reclamation areas. Such discharges shall be limited and monitored by the permittee as specified below:							
EFFLUENT CHARACTERISTICS		DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
POLLUTANT	STORET CODE	lbs/day, unless noted		mg/l, unless noted		MEASUREMENT FREQUENCY	SAMPLE TYPE
		Monthly Average	Daily Maximum	Monthly Average	Daily Maximum		
Flow	50050	Report MGD	Report MGD	N/A	N/A	1/Month	Estimate
Total Aluminum	01105	N/A	N/A	N/A	0.75	1/Month	Grab
Dissolved Aluminum	01106	N/A	N/A	N/A	Report	1/Month	Grab
Reclamation Inspection		Report ^(*)		Report ^(*)		1/Quarter	Study

Footnotes:
*1 The permittee shall conduct reclamation inspections within the drainage areas associated with the outfalls list above in conjunction with vegetation and erosion studies no less than once/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) Photodocumentation of findings if necessary. And,
- (6) The signature of delegated officer.

Part III.C.5c (Standard Conditions, Monitoring Procedures) of the permit states:

An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory.

Findings (Monitoring/Measurement Frequency)

Samples were not taken and flow measurement were not estimated at outfalls at a monitoring frequency specified in the permit. Below is a list of “no analysis conducted” reported on DMRs since the last inspection. In the case of flow, “no analysis conducted” would mean no estimate reported.

Note: In a response to the last August 7, 2012 CEI report that also described that samples may not be obtained (Trihydro Corporation letter dated March 22, 2013 was copied to staff at USEPA) it was stated, “Chevron is researching the feasibility of using auto samplers to collect discharge samples whenever personnel cannot access remote sampling sites due to adverse weather conditions or time constraints. In addition, modeling options are being considered....” Automated samplers were not located at the facility on the day of this inspection.

Summary of Reported NODI = E (No Analysis Conducted)

Outfall	Reporting Period	Aluminum, total and dissolved	Flow
Outfall 014A	June 2013	No Analysis Conducted	
Outfall 016A	June 2013	No Analysis Conducted	No Analysis Conducted (Estimate)
Outfall 018A	August 2013	No Analysis Conducted	No Analysis Conducted (Estimate)
Outfall 019A	June 2013	No Analysis Conducted	No Analysis Conducted (Estimate)
Outfall 020A	June 2013 and July 2013	No Analysis Conducted	No Analysis Conducted (Estimate)
Outfall 021A	June 2013	No Analysis Conducted	No Analysis Conducted (Estimate)
Outfall 022A	June 2013	No Analysis Conducted	No Analysis Conducted (Estimate)
Outfall 023A	June 2013	No Analysis Conducted	No Analysis Conducted (Estimate)
Outfall 030A	June 2013	No Analysis Conducted	No Analysis Conducted (Estimate)
Outfall 031A	June 2013	No Analysis Conducted	No Analysis Conducted (Estimate)
Outfall 032A	June 2013	No Analysis Conducted	No Analysis Conducted (Estimate)
Outfall 033A	June 2013	No Analysis Conducted	No Analysis Conducted (Estimate)
Outfall 034A	July 2013	No Analysis Conducted	No Analysis Conducted (Estimate)

Findings (Quality Assurance/Quality Control Procedures)

Trihydro Corporation Water Monitoring Procedures for York Canyon Complex, which includes Ancho Mine, dated June 2, 2012 primarily described procedures for groundwater samples. Update, clarification, or additional written procedures to document that surface water compliance monitoring meets conditions of the NPDES Permit, including requirements in 40 CFR 136.3 for approved methods and sample preservation, appears needed.

Reviewed written procedures described plans to obtain duplicate and spike samples (e.g., one for each sampling batch of 20 samples or less) or 5 percent of the time. According to USEPA’s NPDES Inspection Manual, “10 percent of the samples should be duplicated.” Written procedures did not document reasons why the control sample frequency was adequate.

Section G – Effluent / Receiving Water - Overall rating of “Unsatisfactory”

USEPA Administrative Order, Docket Number and Notice of Proposed Assessment of Penalty refers to a list of the reported aluminum daily maximum effluent limitation exceedances at Outfalls 004, 005, 006, 007, 011, 012, 014, 015, 018, 031, 034, 037 at the Ancho Canyon Mine thru September 2013. No exceedances were reported for October 2013 thru March 2014.

Section B - Reporting Evaluation - Overall rating of “Marginal”

Section C - Operations and Maintenance – Overall rating of “Marginal”

Permit Requirements

Part I.A of the 2009 Permit conditions (see above) have requirements for reclamation inspection within the drainage areas associated with the outfalls at a frequency no less than once/quarter. An inspection report for each associated outfall shall be submitted every quarter.

Part II.A(B) of the 2009 Permit states *“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.”* Part II.A (C) of the Permit states *“The operator must submit an annual Sediment Control Report...This report shall demonstrate that the facility has met requirements set forth in the above sub-sections (B)...”*

Findings

Within the drainage area associated with the outfalls and/or for each associated outfall, actions that should be taken to correct BMP deficiencies were not documented in submitted 2013 and 2014 Quarterly Reclamation Inspection Reports. Submitted 2014 1st and 2nd and 2013 1st, 2nd, 3rd and 4th Quarter Reclamation Inspection Reports dated between January 11, 2013 and July 17, 2014 state *“No Deficiencies were noted...”* and *“No corrective actions are required.”* Other reports of the same time period indicate actions within the drainage area associated with outfalls:

- Permittee’s submitted non-compliance reports for aluminum exceedances dated between July 23, 2013 and June 12, 2014 indicate for corrective action *“BMP’s to be repaired upstream of outlet, BMPs damaged during storm event.”*
- Permittee’s 2013 Sediment Control Plan Annual Report dated October 7, 2013 refers to aluminum exceedances and states *“CMI is implementing corrective actions to mitigate the high total aluminum levels by repairing and seeding erosion features.”*

Reviewed record keeping and reports do not include a maintenance schedule (or expected completion dates).

Note: Reviewed maintenance list record keeping, in this case, Tihydro Corporation maintenance list and map dated January 9, 2014 of proposed work task items for Ancho Mine includes clean trash rack, repair erosion, clean out culvert items. In an e-mail dated July 24, 2014, the on-site permittee representative states *“Please find attached the 2014 Maintenance Maps for the York Canyon Surface, York Canyon Underground, Ancho Surface, and Gachupin-Brackett Surface mines that we used during our 7/22/14 site inspection of the NPDES-permitted outfalls. Please note that the maintenance tasks identified pertain only to 2014 and, while work may occur within the watershed, are not related specifically to the outfalls.”*

NMED/SWQB Official Photograph Log Photo # 1		
Photographer: Erin S. Trujillo	Date: 07/22/2014	Time: 1241 hours
City/County: Approximately 33 miles West of Raton / Colfax County		State: New Mexico
Location: Chevron Mining, Inc. / Ancho-Gachupin-Bracket (Ancho) Mine		
Subject: Pond above Outfall 005. Arrow points to trash rack inlets to pipe at Outfall 005. Water level is near top of inlets.		



NMED/SWQB Official Photograph Log Photo # 2		
Photographer: Erin S. Trujillo	Date: 07/22/2014	Time: 1242 hours
City/County: Approximately 33 miles West of Raton / Colfax County		State: New Mexico
Location: Chevron Mining, Inc. / Ancho-Gachupin-Bracket (Ancho) Mine		
Subject: Arrows point to water in channel below Outfall 005 which is above Salyers Canyon. Water appeared turbid.		



NMED/SWQB Official Photograph Log Photo # 3		
Photographer: Erin S. Trujillo	Date: 07/22/2014	Time: 1300 hours
City/County: Approximately 33 miles West of Raton / Colfax County		State: New Mexico
Location: Chevron Mining, Inc. / Ancho-Gachupin-Bracket (Ancho) Mine		
Subject: Arrow points to status of corrective action to install rock mulch and re-vegetation above Outfall 007. Erosion above Outfall 007 was discussed in Permittee's 2012 3 rd Quarter Reclamation Inspection Report dated October 22, 2012.		



NMED/SWQB Official Photograph Log Photo # 4		
Photographer: Erin S. Trujillo	Date: 07/22/2014	Time: 1329 hours
City/County: Approximately 33 miles West of Raton / Colfax County		State: New Mexico
Location: Chevron Mining, Inc. / Ancho-Gachupin-Bracket (Ancho) Mine		
Subject: Arrow points to linear erosion feature in reclaimed slope above impoundment associated with Outfall 014.		



NMED/SWQB Official Photograph Log Photo # 5		
Photographer: Erin S. Trujillo	Date: 07/22/2014	Time: 1404 hours
City/County: Approximately 33 miles West of Raton / Colfax County		State: New Mexico
Location: Chevron Mining, Inc. / Ancho-Gachupin-Bracket (Ancho) Mine		
Subject: Water above rock check dam associated with Outfall 034 in Bracket Canyon.		



NMED/SWQB Official Photograph Log Photo # 6		
Photographer: Erin S. Trujillo	Date: 07/22/2014	Time: 1405 hours
City/County: Approximately 33 miles West of Raton / Colfax County		State: New Mexico
Location: Chevron Mining, Inc. / Ancho-Gachupin-Bracket (Ancho) Mine		
Subject: Arrow points to example of water below rock check dam associated with Outfall 034. Water appeared to have a substantially lower turbidity compared to water shown in previous photo.		

