

Performance standards for Treatment plant <sup>explains diff betw permit of 201</sup>

Explaining limits in both

# FACT SHEET

(Tech back)  
ref in permit

ROD meeting the substance  
ref of the CWA

Public Comment Period Start Date: August 29, 2011

Public Comment Expiration Date: September 29, 2011

Falty: call Fran Allen to ask her where in the ROD are the NPDES require CWA effluent limits other than point out that limits in permit as same as in ROD (vice versa)

The United States Environmental Protection Agency (EPA) Plans To Modify A CWA - So as to National Pollutant Discharge Elimination System (NPDES) Permit

NORANDA MINING COMPANY, INC. A DEFUNCT MINING COMPANY, Salmon, Lemhi County, IDAHO 83467

Contact: Dru Keenan Email: [keenan.dru@epa.gov](mailto:keenan.dru@epa.gov) Phone: 206-553-1219, 800-424-4372, ext. 1219

## EPA Proposes To Terminate NPDES Permit No. ID 002525-9

EPA is seeking public comment on its proposal to terminate the NPDES permit issued to the facility referenced above. The proposed action would terminate CWA coverage for the above reference facility's wastewater discharge into the Salmon River and tributaries. The facility and its discharge into the Salmon River and tributaries would remain under jurisdiction of a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Record of Decision for clean-up action.

Noranda Mining Co. received its first NPDES permit for their Blackbird mine September 21, 1980. At that time the owners were conducting exploratory operations at the mine area. In the early part of 1982, Noranda elected to place the Blackbird Project on a care and maintenance status and closed the mine. At that time Noranda revised their application for a NPDES permit to reflect its status at that point. EPA issued the permit in September of 1984. The NPDES permit was renewed, with changes on March 30, 1990.

The Blackbird Mine site has been under the jurisdiction CERCLA clean-up actions since 1995. Cleanup actions have collected contaminated runoff water in the mine area and treated it for copper and cobalt. These cleanup actions have also stabilized waste-rock piles at the mine. Soils contaminated with arsenic along the banks of Panther Creek have been removed. The Record of Decision (ROD) signed in March 3, 2003 (2003 ROD) and modified in July 27, 2007. Among other clean-up requirements, the ROD incorporated the NPDES requirements that applied to the discharge from the wastewater treatment plant. The monitoring, recording and reporting requirements are also included in the ROD. These requirements of the ROD are enforceable under CERCLA. For CERCLA remedial actions, compliance with substantive environmental laws including the Clean Water Act is accomplished through identification of applicable or relevant and appropriate requirements (ARARs) under section 121(d). 42 U.S.C. § 9621(d).

scam

have Kim & Falty review.  
Lisa Olsen

The ROD incorporates the requirements of the CWA, Idaho water quality standards, and the requirements of the NPDES permit by:

- requiring continued operation of the WTP
- incorp substantive requirements of the NPDES permit in the ROD (water quality limits; monitoring requirements);
- attainment of water quality standards for the protection of the designated beneficial uses in Panther Creek, Big Deer Creek, and South Fork Big Deer Creek.
- attainment of water quality standards for the protection of the designated beneficial uses in Blackbird and Bucktail creeks.

Given the substantive requirements of the NPDES permit are incorporated in the ROD, a NPDES permit is no longer required pursuant to CERCLA section 121(e) since the discharge is 'onsite' within the meaning of 40 CFR 300.5. The requirements contained in the ROD make the NPDES permit duplicative and unnecessary. Therefore, EPA would like to terminate the NPDES permit assigned to Blackbird and consolidate the record keeping and regulatory requirements under one authority, in this case CERCLA.

### **Description of the Facility**

The Blackbird Mine is located in central Idaho, approximately 25 miles west of Salmon Idaho. Blackbird Mine is an inactive mine located 25 miles west of the town of Salmon in east central Idaho (Lemhi County). The Blackbird Mine Site covers approximately 830 acres of private patented mining claims and 10,000 acres of unpatented mining claims within the Salmon-Challis National Forest. The area is mountainous and varies in elevation from 6000 feet to 7500 feet. The drainage within which the permitted discharges occur is the Blackbird Creek drainage, which is tributary to Panther Creek a little over four miles down gradient of the mine.

### **Public Comment**

Persons wishing to comment or request a Public Hearing on the termination of the NPDES permit ID 0025259 for this facility may do so in writing by the expiration date of the Public Comment period. A request for a Public Hearing must state the nature of the issues to be raised as well as the requester's name, address and telephone number. All comments and requests for Public Hearings must be in writing and should be submitted to EPA as described in the Public Comments Section of the attached Public Notice.

After the Public Notice expires, and all comments have been considered, EPA's Regional Director for the Office of Water and Watersheds will make a final decision regarding permit termination. If no substantive comments are received, the tentative termination will become final. If comments are received, EPA will address the comments. The

termination will become effective 30 days after the date of the Director signs the termination decision unless an appeal is submitted to the Environmental Appeals Board within 30 days.

**Documents are Available for Review. (??)**

- Blackbird Mine NPDES Permit ID0025259

- Mine Superfund Site Record of Decision, February 2003

*can be reviewed or obtained by visiting or contacting EPA's Regional Office in Seattle between 8:30 a.m. and 4:00 p.m., Monday through Friday (see address below). The draft permit, fact sheet, and other information can also be found by visiting the Region 10 website at "www.epa.gov/r10earth/water.htm."*

*United States Environmental Protection Agency Region 10 1200 Sixth Avenue, Suite 900, OWW-130 Seattle, Washington 98101*

*(206) 553-2108 or 1-800-424-4372 (within Alaska, Idaho, Oregon and Washington)*

