



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT

219 CENTRAL AVENUE, NW
ALBUQUERQUE, NEW MEXICO 87102

January 20, 1984

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CERTIFIED MAIL NO. P201229476
RETURN RECEIPT REQUESTED

Dr. Dianne Nielson, Director
Utah Division of Oil, Gas and Mining
4241 State Office Building
Salt Lake City, UT 84114

**DIVISION OF
OIL, GAS & MINING**

Dear Dr. Nielson:

The Office of Surface Mining (OSM) is concerned about the results of the assessment conference held for the failure to abate Cessation Order (CO) 83-1-1-1 issued to Valley Camp's Belina #1 Mine.

It appears that Mr. Ron Daniels vacated this CO because the operator showed one sample in March of 1983 which was in compliance. This decision does not appear to be consistent with the history of the Notice of Violation (NOV) and CO.

NOV 83-1-1-1 was issued on April 12, 1983 for failure to meet effluent limitations on TSS levels reported for January and February. This notice applied to the Belina #1 sediment pond #4 discharge, which has been a continuing problem. The operator was given 30 days to abate the violation. The abatement date was extended to July 11, 1983 on June 21, 1983. A sample taken by the state inspector on July 14, 1983 was analyzed as containing 50 mg/l TSS. Based on this sample, as well as several past samples taken during the abatement period, CO 83-1-1-1 was issued for failure to abate. The state inspector continued to sample the discharge of pond #4 and did not obtain an acceptable sample until August 18, 1983 based on the State water quality limits for average daily discharge.

The following samples were taken by the state inspector:

<u>Date</u>	<u>Time</u>	<u>TSS mg/l</u>
04/26/83	11:59 am	40
06/23/83	3:14 pm	157
08/04/83	1:27 pm	39
08/12/83 #1	1:00 pm	49
08/12/83 #2	1:00 pm	55
08/18/83	3:55 pm	23
08/24/83	3:17 pm	43
08/26/83		11
09/01/83	2:15 pm	18
09/28/83	10:10 am	37
11/09/83	10:47 am	27

The State's TSS effluent limits are as follows: 25 mg/l daily average and 45.0 mg/l maximum allowable.

The company's records show non-compliance with TSS effluent limitations as follows:

<u>Month</u>	<u>Monthly Average (TSS mg/l)</u>	<u>Maximum</u>	<u>Minimum</u>
October 1982	46.0	-	-
February 1983	44.5	47.0	-
April 1983	40.0	58.0	22.0
May 1983	86.0	106.0	53.0
June 1983	72.4	128.0	44.0
July 1983	91.0	162.0	50.0
August 1983	26.0	68.0	5.6
September 1983	16.0	43.0	2.8
October 1983	37.8	85.0	< .1

Even if the less stringent federal regulations were being used (35 mg/l daily average and 70 mg/l max.) there are 3 documented samples clearly showing non-compliance. OSM did not take enforcement action during our last inspection because we believed the state was handling the situation properly through the NOV and CO.

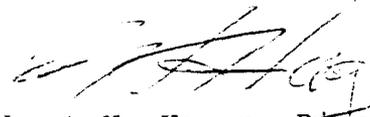
OSM does not understand why the CO was vacated when the water sample submitted by the operator was taken before the CO was in effect. In fact, even though the NOV was based on samples taken in January and February, it's effective date was April 12, 1983 which is after the operators sample was taken.

OSM believes it is improper to terminate or vacate an effluent violation based on one sample taken by the operator, especially since other samples taken by the state were out of compliance. However, if the Assessment Officer wishes to handle it in such a manner, then NOV's must be reissued for each documented instance of non-compliance.

We conclude that appropriate enforcement action was not taken in this case.

Therefore the enclosed Ten-Day Notice, No. 84-2-242-1, is being issued. Please let this office know within ten days as to what action Utah has taken.

Sincerely,


Robert H. Hagen, Director
Albuquerque Field Office

Attachment

UNITED STATES DEPARTMENT OF THE INTERIOR Office of Surface Mining Reclamation and Enforcement TEN-DAY NOTICE	Originating Office: Office of Surface Mining
	219 Central Avenue, NW, Suite 216
	Albuquerque, NM 87102
	Telephone Number: (505) 766-1486
Number: X - 84 - 2 - 242 - 1 TV 10	

Ten-Day Notice to the State of UTAH

You are notified that, as a result of vacation of CO 83-1-1-1 (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: <u>Valley Camp of Utah</u> <small>(Or Operator if No Permit)</small>	County: <u>Carbon</u>	<input type="checkbox"/> Surface
Mailing Address: <u>P. O. Box 507, Clear Creek, UT 84517</u>		<input checked="" type="checkbox"/> Underground
Permit Number: <u>ACT/007/001</u>	Mine Name: <u>Belina #1</u>	<input type="checkbox"/> Other _____

NATURE OF VIOLATION AND LOCATION: Discharging water from sediment pond #4 which does not meet State and Federal water quality laws and regulations and the requirements of UMC 817.42(a)(7). Sample taken by State Inspector on / 6/23/83 contained 157 mg/l of TSS.

Section of State Law, Regulation or Permit UCA 40-10-17(2)
 Condition believed to have been violated: (j)(ii)(A) and UMC 817.42(a)(7) and 817.42(c)

NATURE OF VIOLATION AND LOCATION: Discharging water from sediment pond #4 which does not meet State and Federal water quality laws and regulations and the requirements of UMC 817.42(a)(7). Two water samples taken by State Inspector at different times on 8/12/83 had 49 mg/l and 55 mg/l of TSS.

Section of State Law, Regulation or Permit UCA 40-10-17 (2)
 Condition believed to have been violated: (j)(ii)(A) and UMC 817.42(a)(7) and 817.42(c)

NATURE OF VIOLATION AND LOCATION: Discharging water from sediment pond #4 which does not meet State and Federal water quality laws and regulations and the requirements of UMC 817.42(a)(7). Water samples reported by operator for February 1983 show 44.5 mg/l TSS as daily average and 47.0 mg/l as maximum TSS

Section of State Law, Regulation or Permit UCA-40-10-17(2)
 Condition believed to have been violated: (j)(ii)(A) and UMC 817.42(a)(7) and 817.42(c)

Remarks or Recommendations: _____

Date of Notice: <u>1/18/84</u>	Signature of Authorized Rep.: <u>Jodie Merriman</u>
	Print Name and ID: <u>Jodie Merriman, #242</u>

TEN-DAY NOTICE

CONTINUATION OF

Number: X - 84 - 2 - 242 - 1 TV 10

Originating Office:

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Telephone Number:

Ten-Day Notice to the State of _____

You are notified that, as a result of _____ (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: _____
(Or Operator if No Permit)

County: _____

- Surface
- Underground
- Other _____

Mailing Address: _____

Permit Number: _____ Mine Name: _____

NATURE OF VIOLATION AND LOCATION: _____
Discharging water from sediment pond #4 which does not meet State and Federal water quality laws and regulations and the requirements of UMC 817.42(a)(7). Samples reported by operator for April 1983 show a daily average of 40 mg/l TSS and a maximum of 58 mg/l of TSS.

UCA 40-10-17(2)(j)(ii)(A) and UMC 817.42(a)(7) and 817.42(c)

Section of State Law, Regulation or Permit Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: _____
Discharging water from sediment pond #4 which does not meet State and Federal water quality laws and regulations and the requirements of UMC 817.42(a)(7). Samples reported by operator for May 1983 show a daily average of 86 mg/l TSS and a maximum of 106 mg/l TSS.

UCA 40-10-17(2)(j)(ii)(A) and UMC 817.42(a)(7) and 817.42(c)

Section of State Law, Regulation or Permit Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: _____
Discharging water from sediment pond #4 which does not meet State and Federal water quality laws and regulations and the requirements of UMC 817.42(a)(7). Samples reported by operator for June 1983 show a daily average of 72.4 mg/l TSS and a maximum of 128 mg/l TSS.

UCA 40-10-17(2)(j)(ii)(A) and UMC 817.42(a)(7) and 817.42(c)

Section of State Law, Regulation or Permit Condition believed to have been violated:

Remarks or Recommendations: _____

Date of Notice: 1/18/84

Signature of Authorized Rep: *Jodie Merriman*

Print Name and ID: Jodie Merriman, #242

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Reclamation and Enforcement
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You are notified that, as a result of _____ (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: _____
(Or Operator if No Permit)

County: _____

Surface

Mailing Address: _____

Underground

Permit Number: _____

Mine Name: _____

Other _____

NATURE OF VIOLATION AND LOCATION: _____

Discharging water from sediment pond #4 which does not meet State and Federal water quality laws and regulations and the requirements of UMC 817.42(a)(7). Samples reported by operator for June 1983 show a daily average of 72.4 mg/l TSS and a maximum of 128 mg/l TSS.

UCA 40-10-17(2)(j)(ii)(A) and
UMC 817.42(a)(7) and 817.42(c)

Section of State Law, Regulation or Permit
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: _____

Discharging water from sediment pond #4 which does not meet State and Federal water quality laws and regulations and the requirements of UMC 817.42(a)(7). Samples reported by operator for August 1983 show a maximum of 68 mg/l TSS.

UCA 40-10-17(2)(j)(ii)(A) and
UMC 817.42(a)(7) and 817.42(c)

Section of State Law, Regulation or Permit
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: _____

Discharging water from sediment pond #4 which does not meet State and Federal water quality laws and regulations and the requirements of UMC 817.42(a)(7). Water samples reported by operator for July 1983 show 91 mg/l TSS as daily average and a maximum of 162 mg/l TSS.

UCA 40-10-17(2)(j)(ii)(A) and
UMC 817.42(a)(7) and 817.42(c)

Section of State Law, Regulation or Permit
Condition believed to have been violated:

Remarks or Recommendations: _____

Date of Notice: 1/18/84

Signature of Authorized Rep.: *Jodie Merriman*

Print Name and ID: Jodie Merriman, #242

UNITED STATES DEPARTMENT OF THE INTERIOR

Office of Surface Mining
Reclamation and Enforcement

TEN-DAY NOTICE

Originating Office:

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Permittee: _____
(Or Operator if No Permit)

County: _____

Surface

Mailing Address: _____

Underground

Permit Number: _____ Mine Name: _____

Other _____

NATURE OF VIOLATION AND LOCATION:

Discharging water from sediment pond #4 which does not meet State and Federal water quality laws and regulations and the requirements of UMC 817.42(a)(7). Samples reported by operator for October 1983 show a daily average of 37.8 mg/l TSS and a maximum of 85 mg/l TSS.

UCA 40-10-17(2)(j)(ii)(A) and UMC 817.42(a)(7) and 817.42(c).

Section of State Law, Regulation or Permit Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: _____

Section of State Law, Regulation or Permit Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: _____

Section of State Law, Regulation or Permit Condition believed to have been violated:

Remarks or Recommendations: _____

Date of Notice: 1/18/84

Signature of Authorized Rep.: *Jodie Merriman*

Print Name and ID: Jodie Merriman, #242