

## NOTICE OF VIOLATION NO. N95-32-3-2, 1 of 2

## WHITE OAK COMPLEX

**NATURE OF VIOLATION:**

"Failure to comply with the terms and conditions of the approved permit, all applicable performance standards and requirements of the State Program. Failure to submit, to the Division of Oil, Gas and Mining, discharge monitoring reports for January, February and March, 1995, for UPDES outfalls at the White Oak Complex, ACT/007/001.

**CIRCUMSTANCES SURROUNDING VIOLATION:**

During the partial state inspection of June 28, 1995, Mr. Tanner informed me that the mine facility sedimentation pond (UPDES Outfall # 004A) UPDES effluent limitation standard for total dissolved solids had been exceeded in previous months. I ask Mr. Tanner if he had informed the DOGM of the incident(s). He told me that he had informed the DEQ/Division of Water Quality and the E.P.A. Subsequent to the inspection this writer was unable to find White Oak's Discharge Monitoring Reports (DMR) for January-March, 1995.

**REQUIREMENTS of the APPROVED PERMIT:**

Please refer to page 700-55 of 100 of the White Oak Mining and Reclamation Plan (enclosed).

The following statement is a part of the approved permit: "As requested, UPDES reporting will continue to be copied and submitted to UDOGM on a monthly basis as defined in the permit for the Utah Department of Health."

**REQUIREMENTS of the UTAH COAL MINING RULES:**

R645-301-731.223. Surface-water monitoring data will be submitted at least every three months for each monitoring location. Monitoring submittals will include analytical results from each sample taken during the approved reporting period. When the analysis of any surface water sample indicates noncompliance with the permit conditions, the operator will promptly notify the Division and immediately take the actions provided for in R645-300-145 and R645-301-731. The reporting requirements of this paragraph do not exempt the operator from meeting any National Pollutant Discharge Elimination System (NPDES) reporting requirements;

STATION	PARAMETER	UNITS	STATISTICS			
			MINIMUM	MAXIMUM	AVERAGE	STANDARD DEVIATION
Filter Pond 005A	Flow	gpm	45	382	191	76
	pH	-	6.70	8.70	7.69	0.24
	Suspended Solids	mg/l	1.50	81.00	19.51	20.23
	Oil & Grease	mg/l	0.40	15.40	2.57	2.85
	Iron (Total)	mg/l	0.05	4.38	0.56	0.63
	TDS	mg/l	349	680	501	76

As requested, UPDES reporting will continue to be copied and submitted to UDOGM on a monthly basis as defined in the permit for the Utah Department of Health. Violations to the permit as given in the preceding table and as outlined in 1993 Appendix 750 which seriously endanger health or the environment must be reported to the EPA, Region VIII, Emergency Response Branch in Colorado as soon as possible but in no case longer than 24 hours. Other less serious violations, their timing and reporting requirements can be reviewed in the accompanying appendix material submitted with this permit as identified above.

#### 731.222. DETERMINATION OF MINING IMPACTS.

Water quality data collected through the surface and ground water monitoring program outlined herein will be used to identify impacts resulting by mining through graphical and statistical analyses completed on a yearly basis as described herein. Selected data will be plotted on time graphs for individual water samples over a moving five year period of record to identify the occurrence of trends in the data. If an undesirable trend is believed to be occurring, further evaluations will be conducted including statistical trend analyses. Should the analyses completed indicate that trends do exist, a more in-depth study will be conducted to identify the source of the trend and whether the trend is acknowledging a condition outlined in the PHC. Solutions will be investigated which may potentially decrease or reverse negative trends. Water quality parameters which are anticipated for use in these surface water trend analyses include Flow, Oil & Grease, pH, Iron, TDS, TSS and the Anions-Cations.

As an additional aid to monitoring the potential impacts due to mine dewatering or subsidence, spring depletion curves will be prepared for each spring on an annual basis. These curves will be plotted for at least the previous five years so that trends may be identified over time.

#### 731.222.1 thru 222.2. ADDITIONAL MONITORING REQUIREMENTS.

The additional monitoring requirements for 731.222.1 are met as shown in Table 731.211a. Requirements of 40 CFR Parts 122 and 123, 751, and by the Utah Division of Environmental Health for National Pollutant Discharge Elimination System (referenced herein as UPDES)

NOTICE OF VIOLATION NO. N95-32-3-2, 2 of 2

WHITE OAK COMPLEX

**NATURE OF VIOLATION:**

"Failure to demonstrate compliance with the R645-301-526 et. seq. and R645-301-536 et. seq."

**PORTION OF THE OPERATION TO WHICH NOTICE APPLIES:**

The violation refers to the Coal Mine Waste (Temporary) Storage Area as depicted on Map R645-301-731.720d (Exhibit).

**CIRCUMSTANCES SURROUNDING VIOLATION:**

The "Coal Waste Temporary Storage Area" (Amendment ACT/007/001-94E, verbally approved on 9/27/1994) contains sediment pond waste from the cleaning of Sediment Pond 004A and possibly other coal mine waste material. The material has slumped since the previous inspection. The material has not been adequately compacted nor has the surface been stabilized. A "permanent" disposal location has not identified. The ultimate disposition of this facility, its classification (proposed substitute topsoil material or mine waste disposal area, etc.) and engineering design has not been clearly and adequately described to meet the requirements of the R645-301 and R645-302 Rules. Determination of program compliance by the undersigned inspector was hindered.

**REQUIREMENTS of the APPROVED PERMIT:**

Please refer to Amendment ACT/007/001-94E file folder (Exhibit).

**REQUIREMENTS of the UTAH COAL MINING RULES (emphasis added):**

512.200. Plans and Engineering Designs. Excess spoil, durable rock fills, coal mine waste, impoundments, primary roads and variances from approximate original contour require certification by a qualified registered professional engineer.

512.230. Coal Mine Waste. The professional engineer experienced in the design of similar earth and waste structures must certify the design of the disposal facility according to R645-301-536.

526. Mine Facilities. The permit application will include a narrative explaining the construction, modification, use, maintenance and removal of the following facilities (unless retention of such facility is necessary for the postmining land use as specified under R645-301-413.100 through R645-301-413.334, R645-302-270, R645-302-271.100 through R645-302-271.400, R645-302-271.600, R645-302-271.800, and R645-302-271.900:

526.100. Mine Structures and Facilities.

526.110. Existing Structures. A description of each existing structure proposed to be used in connection with or to facilitate the coal mining and reclamation operation. The description will include:

526.111. Location;

526.112. Plans or photographs of the structure which describe or show its current condition;

526.113. Approximate dates on which construction of the existing structure was begun and completed;

526.114. A showing, including relevant monitoring data or other evidence, how the structure meets the requirements of R645-301;

526.115. A compliance plan for each existing structure proposed to be modified or reconstructed for use in connection with or to facilitate coal mining and reclamation operations. The compliance plan will include:

526.115.1. Design specifications for the modification or reconstruction of the structure to meet the design standards of R645-301;

526.115.2. A construction schedule which shows dates for beginning and completing interim steps and final reconstruction;

526.115.3. A schedule for monitoring the structure during and after modification or reconstruction to ensure that the requirements of R645-301 are met; and

526.115.4. A showing that the risk of harm to the environment or to public health or safety is not significant during the period of modification or reconstruction; and

528.300. Spoil, coal processing waste, mine development waste, and noncoal waste removal, handling, storage, transportation, and disposal areas and structures;

528.320. Coal Mine Waste. All coal mine waste will be placed in new or existing disposal areas within a permit area which are approved by the Division for this purpose. Coal mine waste will meet the design criteria of R645-301-536, however, placement of coal mine waste by end or side dumping is prohibited.

536. Coal Mine Waste. The permit application will include designs for placement of coal mine waste in new or existing disposal areas within approved portions of the permit area. Coal mine waste will be placed in a controlled manner and have a design certification as described under R645-301-512.

536.100. The disposal facility will be designed using current prudent engineering practices and will meet design criteria established by the Division.

536.110. The disposal facility will be designed to attain a minimum long-term static safety factor of 1.5. The foundation and abutments must be stable under all conditions of construction.

536.120. Sufficient foundation investigations, as well as any necessary laboratory testing of foundation material, will be performed in order to determine the design requirements for foundation stability. The analyses of the foundation conditions will take into consideration the effect of underground mine

workings, if any, upon the stability of the disposal facility.

536.200. **Coal mine waste will be placed in a controlled manner to:**

536.210. **Ensure mass stability and prevent mass movement during and after construction;**

536.220. Not create a public hazard; and

536.230. Prevent combustion.

536.300. Coal mine waste may be disposed of in excess spoil fills if approved by the Division and, if such waste is:

536.310. Placed in accordance with applicable portions of R645-301-210, R645-301-513.400, R645-301-514.200, R645-301-528.322, R645-301-536.900, R645-301-553.250, and R645-301-746.200;

536.320. **Nontoxic and nonacid forming; and**

536.330. Of the proper characteristics to be consistent with the design stability of the fill.

536.400. **New and existing impounding structures constructed of coal mine waste or intended to impound coal mine waste will meet the requirements of R645-301-512.230, R645-301-515.200, R645-301-528.320, R645-301-536 through R645-301-536.200, R645-301-536.500, R645-301-542.730, and R645-301-746.100.**

536.410. Coal mine waste will not be used for construction of impounding structures unless it has been demonstrated to the Division that the stability of such a structure conforms to the requirements of R645-301 and R645-302.

536.420. The stability of the structure will be discussed in detail in the design plan submitted to the Division in accordance with R645-301-512.100, R645-301-512.230, R645-301-521.169, R645-301-531, R645-301-533.600, R645-301-533.700, R645-301-536.800, R645-301-542.500, R645-301-732.210, and R645-301-733.100.