



0037

STATE OF UTAH  
NATURAL RESOURCES & ENERGY  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

MEMORANDUM  
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*AOI/009/001*

TO: Ron Daniels, Assessment Officer  
FROM: Sandy Pruitt, Reclamation Officer *SP*  
DATE: August 16, 1982  
SUBJECT: Assessment Conference for NOV #N82-4-5-1

As the Assessment Conference for NOV #1 (N82-4-5-1) was not scheduled on a day when the responsible inspector, Dave Lof, would be available and upon review of PRCC's request for a review of the assessment, I find it necessary to clarify issues brought forth in the request, which in addition to the inspector's statements of fact, may help prevent a misrepresentation of the events surrounding the subject violation in the inspector's absence. As an outside party familiar with the problem of the sediment pond and excess water generated in shaft development, and with the course of events leading to mitigation of the problem, it is evident to me that PRCC has presented a bias (yet factual) sequence of permitting events in failing to regard pertinent events prior to the April 28, 1982 letter.

This office was aware of the problem of the existing sediment pond once alerted to the excess shaft water problem and PRCC's intent to build a new pond since December 1981. PRCC submitted a temporary mitigation plan (attached) on January 7, 1982 to pump excess shaft water into a holding tank and then directly into the stream channel. This plan was approved on February 3, 1982 with two stipulations (attached). One stipulation, #2-4-82-2-sk, being that PRCC submit plans 90 days prior to construction of a new sediment pond. These sediment pond modification plans were received on a Thursday, April 29, 1982, almost three months later (and essentially five months after PRCC initially proposed the modification) and requested review and approval of the plan by May 1, 1982 when the retaining wall would be completed, thereby allowing two weeks for PRCC to finish work on the new pond. The "emergency" stressed in the April letter was the need for additional area to accommodate fill material generated in shaft construction, thereby preventing cessation of the shaft construction. It was requested that the Division approve the modification prior to review based on the provision of UMC 817.49(h)(5), which allows for unapproved modifications as necessary to eliminate emergency conditions constituting a hazard to public health, safety or the environment. The Division did not consider UMC 817.49(h)(5) to be applicable in this situation as PRCC, in association with the cementation contractor, had been responsible for cleaning the pond regularly to minimize stress on the pond resulting from an excessive accumulation of sediment and reduced capacity. But the modification was expeditiously reviewed and within 42 days (June 10, 1982) a response citing pertinent technical deficiencies of concern to the

Memorandum

To: Ron Daniels

August 16, 1982

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DOGM and the State Engineer's Office (comments dated June 9, 1981) was directed to PRCC (attached). PRCC reinitiated the DOGM review with the July 27, 1982 submittal. The sediment pond relocation was approved by DOGM on August 6, 1982 based on designs submitted on April 28, June 9, and July 27, 1982 (attached). State Health has not yet granted a construction permit pending review of information submitted August 10, 1982. The pond can not be constructed without this permit.

In the July 26, 1982 letter, PRCC has requested that the fine be deleted. While admitting to the fact of the violation that PRCC failed to maintain the sediment pond resulting in the discharge in excess of effluent limitations, there is no evidence presented for reduction of the seriousness charge. Discharge sample results (dated June 18, 1982), presented with the inspector's statement, show that water containing 2,580 ppm TSS was discharged from the sediment pond indicating that offsite damage did occur. A more appropriate request would be for a reassessment of the negligence penalty. As I pointed out above, the problem with the sediment pond which resulted in the NOV is not due solely to an extended permitting process as PRCC has inferred in the July 26 letter but is additionally due to PRCC's poor planning since December, their disregard to the review time requirement alerted to in the DOGM letter dated February 3, 1982, and the cementation contractors admitted failure to maintain the pond as necessary.

Since the violation was issued, inspectors Dave Lof and Joe Helfrich have attempted to work with the operator in developing a less costly method of cleaning the pond with equipment on site. (Refer to inspection memo dated June 28, 1982). The violation has not yet been terminated.

SP/dc

Attachments



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August 10, 1982

Mr. Robert Wiley  
Environmental Engineer  
Price River Coal Company  
P.O. Box 629  
Helper, Utah 84626

RE: Assessment Conference for  
State Violation No. N82-4-5-1

Dear Mr. Wiley:

Pursuant to your request of July 26, 1982, I have established Wednesday, August 18, 1982, at 1:30 P.M., for the assessment conference on State Violation No. N82-4-5-1.

The conference will be held in this office.

Please let me know if this arrangement creates any problems for you.

Sincerely,

  
RONALD W. DANIELS  
ACTING ASSESSMENT OFFICER

RWD/mn

cc: Legal Specialist  
Field Supervisor



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August 6, 1982

Mr. Rob Wiley  
Environmental Engineer  
Price River Coal Company  
P. O. Box 629  
Helper, UT 84526

RE: Sedimentation Pond  
Relocation  
Crandall Canyon  
ACT/007/00#4

Dear Rob:

The Division has completed the review of information detailing the design of the proposed sedimentation pond in Crandall Canyon. Those deficiency items which were discussed at the July 2, 1982 meeting have been adequately addressed except for one item. The proposed depth of the bentonite clay liner in the pond (1"-2") is questioned. The feasibility of spreading an intact 1" seal over the entire pond seems hard to guarantee. This concern is warranted based on the potential hazards of a constant operational flow and water accumulation in the pond. The pond relocation is approved based on the combination of designs submitted on April 28, June 9, and July 27, 1982. A condition to this approval is that PRCC line the pond with 2"-4" of bentonite clay to guarantee a more even seal and to meet the stipulations of the State of Utah's Dam Safety Engineer.

If you have further questions, contact Sally Kefer or Pam Grubaugh-Littig.

Sincerely,

JAMES W. SMITH, JR.  
COORDINATOR OF MINED LAND  
DEVELOPMENT

JWS/SK/dc

cc: Allen Klein, OSM, Denver  
Joe Helfrich, DOGM  
Tom Tetting, DOGM