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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

February 18, 1983

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

#8
RE: Assessment Conference
For State Violation
N82-4-17-2
ACT/007/004
Carbon County, Utah

Dear Mr. Wiley:

Pursuant to your request of February 10, 1983 and our subsequent telephone conversations I have established Thursday, March 10, 1983 at 1:30 P.M. for your assessment conference for State Violation #N82-14-17-2. The conference will allow you the opportunity to contest the fact of the violation and will be held in this office.

Please be reminded of the requirement that you escrow the proposed civil penalty with the Division prior to any contest of a violation.

Sincerely,

A handwritten signature in cursive script that reads "Ronald W. Daniels".

RONALD W. DANIELS
ASSESSMENT OFFICER

RWD/lm

Set up Ac f
Send the
same letters as
Kaiser:

1:30 PM on 3/10/83

800 total

PRICE RIVER COAL COMPANY

P.O. BOX 629 HELPER, UTAH 84526 (801) 472-3411

February 3, 1983

3586

CERTIFIED RECEIPT REQUESTED
Certified No. 562059

RECEIVED
FEB 07 1983

**DIVISION OF
OIL GAS & MINING**

Mr. Ron W. Daniels
Acting Assessment Officer
Division of Oil, Gas and Mining
4241 State Office Building
Salt Lake City, Utah 84114

Re: State Violation #N82-4-17-2 - Request for Assessment Conference

Dear Mr. Daniels:

I wish to request a conference to discuss both the facts and the assessment of state violation #N82-4-17-2, 1 of 2 and 2 of 2. My objections are as follows:

No. 1 of 2

We have been cited for failure to post buffer zone signs. Buffer zone signs have been posted since August of 1981. There were two signs posted along the Price River near the coal preparation plant. The day the inspector cited us the sign near the new stacking tube was down; however, the pole to which it was attached was undisturbed. I do not know whether it blew down or was vandalized but the latter is most probable. The other sign, about 500 yards south was, however, intact. The missing sign was replaced within two days of the inspector's visit. The inspector could have merely brought the missing sign to our attention and it would have been replaced, promptly. It is not completely clear in the regulations that a missing sign, once posted, is a violation. A suggestion would have worked in lieu of the fine.

No. 2 of 2

I am concerned that we received no good faith consideration from Part A of this violation. The infraction occurred on the morning of 12-22-82 when a loader operator got out of hand and shaved off about 200 linear feet of berm while clearing a truck turnaround area. The problem was discovered during the inspection at approximately 1:30 p.m. on 12-22-82. Men and equipment were immediately brought to the site to begin repairs. Such repairs were completed to the inspector's satisfaction prior to 3:00 p.m. on 12-23-82. The inspector returned to the site during the afternoon of 12-23-82 and informed the work crew that the job was well done. We do not contest the occurrence of the violation; these things happen, but how much more rapidly could we have responded?

Part B of Violation 2 of 2 is related to snow removal; an issue brought up by DOGM in a letter from Wayne Hedburg on 2-23-82 and far from settled by his

Mr. Ron W. Daniels, DOGM
February 3, 1983
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suggestions. The issue of snow removal was not addressed in the SMCRA regulations and until regulations are developed the notice of violation should not be the instrument used to deal with the problem. First, the problem should be analyzed; the mechanisms of snow melt erosion explained with a quantification of potential impacts. Discussions should be initiated between the R.A. and the coal operators to devise strategies or regulations to deal with the problem, if it found that one exists. It is just possible that a real problem may not exist. It is not proven that a given pile of dirty snow would, if melted, exceed the effluent limitations. Isn't it most likely that inadvertently sediment contaminated snow would melt slowly and deposit any contained sediments at the location of the pile. Most diversions and berms (at least at PRCC) are composed of soil materials. It is most likely that dirty snow would not deposit noticeable quantities of sediments in dirt lined diversions or on berms. Should excessive sediments be deposited the best solution would be to clean them during normal spring diversion maintenance which removes the vast quantity of winter caused colluvium from the ditches. The potential amount of snow carried sediment is negligible compared to the normal, natural deposit.

Another consideration is the limits of liability for effluent limitations based on runoff from the ten-year, 24-hour storm. Precipitation in excess of this design event allows a variance to discharge characteristics. It is probable that only rainfall was considered in development of theoretical storm and maximum intensity calculations since it is not uncommon to receive in a single day winter storm, three feet of snowfall which converts to about 3.6" of water; exceeding the 25-year, 24-hour event. Pond spillway systems need only be designed for the 25-year event.

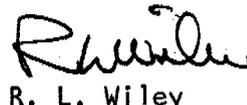
Is it possible that placing snow in diversions is tantamount to complying with 817.45(d); "Diverting Runoff Away From Disturbed Areas"? This is not as silly as it sounds. This may be preferable to having to disturb and reclaim new ground to develop, as Mr. Hedburg suggests, a snow disposal area; which would be PRCC's only alternative (other than shutting down until spring thaw) considering the restrictive size of the present sites.

817.42(a)(1) states that all surface drainage... shall be passed through a sedimentation pond.... It is noteworthy that snow is not surface drainage until it melts.

It is suggested that the coal task force be utilized as the forum for solving the snow removal problem and that no more violations be issued on "dirty snow" until a joint resolution is obtained.

I request that part B, Violation 2 of 2 be set aside until the facts and procedures related to snow removal are mutually agreed upon by the R.A. and the coal operators.

Sincerely,



R. L. Wiley
Environmental Engineer

CC: K. Hutchinson
M. Keller