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STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

File

ACT/007/004

June 7, 1984

TO: Barbara W. Roberts, Assistant Attorney General

FROM: Sandy Pruitt, Mining Field Specialist

SUBJECT: Response to Price River Coal Company's Petition for Review of NOV #N83-2-15-1.

This memorandum is provided for your assistance in the preparation of the response to Price River Coal Company's (PRCC) petition for review of NOV N83-2-15-1. I have provided an account of the observations I made during the November 3, 1983 inspection when NOV N83-2-15-1 was issued. I have also made reference to the allegations made by PRCC in the petition and in a January 19, 1984 letter from Rob Wiley (attached) in response to the proposed assessment. The January 19, letter presents basically the same position as that presented by Rob Wiley during the March 28, 1984 Assessment Conference. No new evidence was provided in the petition with the exception of Item 9.c..where the petitioner contests the assigned points for Good Faith in regard to what resouces were availiable for abatement of the NOV. In a brief discussion of Item 9.c., Lorin Nielsen and I agreed that difficult abatement would apply in areas 1 and 3 of the 5 areas cited.

The sediment control structures in all 5 areas cited were not maintained to provide adequate sediment control at the time of my inspection November 3, 1983. I will address the circumstances for each of these areas below providing a description of the sediment control structures, the extent of damage evident from the violation, and the potential of off site damage. I have mentioned items for consideration of the extent of negligence by PRCC for each area cited. Abatement measures taken and the time by which abatement was completed are also provided.

AREA 1

A series of strawbales in a road drainage ditch provided sediment control for the # 3 mine yard and parking lot (about 5.7 acres). Not one strawbale barrier (which may consist of two or three strawbales in a group) in the series of 7 bale barriers was entirely functional. All strawbale barriers were either short circuited and/or buried in sediment (photo documented). The strawbale series ends at the mine permit boundary (where the mine identification sign is posted). It had rained heavily the day before the inspection, drainage patterns were evidence that runoff

short circuited the bales and flowed off site toward an ephemeral drainage channel. The drainage channel was dry at the time of this inspection and has historically been impacted by mining operations in Hardscrabble Canyon.

Because of the paved surfaces, runoff velocities were most likely high. Loose earth material used to insulate a water tank directly above the strawbale series and an old stockpile of sediment and old bales stored in the parking lot were major sources of sediment, along with that accumulated in the poorly maintained drainage ditch and over the strawbales themselves. No significant off site sedimentation was evident. The Price River, the closest flowing stream channel, is approximately two miles away so water pollution was unlikely (without consideration of sedimentation in the ephemeral drainage channel).

During an October 13, 1983 inspection, the strawbale series was in a poor state of repair, some strawbales partially buried in sediment and others short circuited. PRCC received a warning to maintain the strawbale series at that time. The next inspection was November 3, 1983 and absolutely no maintenance work was apparent. The strawbales were in much worse condition. Historically PRCC has received four other warning during inspections, June 10, 1982, October 7, 1982, November 9, 1982 and February 17, 1983 for maintenance of sediment control structures below the #3 mine yard. OSM has recorded 13 violations for maintenance of sediment control measures in the #3 mine yard area (but not limited to the strawbale series) in their report dated May 17, 1984. The strawbale series is readily visible upon access to the complex in Hardscrabble Canyon. In the January 19, 1984 letter, Rob Wiley acknowledges that PRCC was aware of the problem in Area 1 since the rain storm caused additional damage to the strawbale series during the week of October 17, 1983, but were committed to the completion of fall seeding approximately of 15 acres initiated September 15, 1983 and scheduled for completion November 10, 1983.

In abatement of the NOV, PRCC reportedly needed to reconvert the backhoe which was used as a farm tractor in seeding for use in maintenance of the ditch line. That conversion allegedly takes one to two working days with the limited manpower available. It involves transporting the equipment from Crandall Canyon, where seeding was underway, possibly to Willow Creek for the conversion, and then to the mine site for the abatement work (traveling approximately six miles, possibly seven). The seeding project was interrupted, the backhoe converted and the ditch line and strawbale barrier reestablished by November 8, 1983, before the original November 11, 1983 abatement deadline.

AREA 2

Strawbales providing sediment control for a small material (cable spools) storage area (less than 1000 square feet) in Hardscrabble Canyon were eaten by cattle so that only a layer of straw remained. The bales were placed right along an ephemeral drainage diversion so that runoff leaving the site would flow over the straw (which could provide some sediment control) and directly into the drainage diversion. The drainage was dry and no sedimentation damage was evident.

This area is not located in an active portion of the mine site so it was not readily visible to PRCC personnel. PRCC was not responsible for the cattle.

Reportedly the strawbales were not replaced until November 8, 1983.

AREA 3

A berm was breached above the ephemeral drainage diversion adjacent to the upper substation in Sowbelly Canyon. The berm breach was located at a low spot where it was apparent that excessive ponding had occurred. The berm breach appeared intentional to drain the ponding. In the January 19, 1984 letter, PRCC alleges that the breach was caused by a rain storm during the week of October 17, 1983.

Disturbed area runoff did flow into the dry ephemeral drainage course as was evident by erosion on the stream bank (photo documented). The eroded channel was still moist, possibly from runoff during the rainstorm prior to this inspection. Minimal sedimentation was apparent in the stream channel basin. Sowbelly Canyon is about four miles from the Price River. Spring Canyon Creek, an intermittent stream, is only about one mile from the #5 mine site.

When the berm breach was first discovered during the inspection, Rob Wiley attempted to repair the berm by shoveling dirt into the breach. Permanent repairs to the berm were not completed until November 7, 1983. The backhoe was necessary for this abatement work.

AREA 4

There were no functional runoff control measures provided for a small coal storage and diesel gas tank area (about one half acre) at the Castlegate plant. The surface grade providing drainage control from the tactifier tank across a railroad access road had

not been maintained so there was a potential for disturbed area runoff to flow out onto the road and railroad tracks. Immediately downstream the disturbed area drainage diversions (surface grade and ditch line) before the railroad tracks were covered by three separate coal stockpiles right up to the railroad tracks so that runoff and diesel gas spillage would flow directly off site onto the rail line. The Price River is across the railroad tracks about 100 feet from Area 4.

The railroad line itself is covered with coal so damage from the off site runoff was not evident here. Significant damage was not likely unless runoff flowed all the way to the Price River where water pollution, erosion of the stream bank and stream sedimentation would likely occur. This damage was not evident on November 3, 1983.

This is an active coal loading area. The poor state of runoff control measures should have been readily apparent especially since coal was placed right up against the railroad tracks (photo documented).

In abatement PRCC immediately removed the coal stockpiles, the surface grade was improved and the drainage diversion to the sediment pond was reestablished by November 4, 1983. A front end loader available at the plant was used to complete the abatement work.

AREA 5

The berm north of the railroad loading station at the Castlegate plant, that retains drainage off the plant yard from the railroad line, had been driven over several times such that it was essentially nonexistent on November 3, 1983. There were gullies up to 6 inches deep in the coal material, which is relatively more erodible but which also allows for greater infiltration. This is evidence that either continual drainage off site was allowed to occur or that there was a high volume/high velocity runoff event (that such an event was caused by precipitation is unlikely based on observations of the rest of the plant area).

Damage, in the form of erosion and off site sedimentation (deposition of coal fines), had occurred off site but along the railroad line which was already heavily affected by coal spillage and railroad activities so that it was insignificant. There was no evidence of drainage or damage to the Price River.

In the January 19, 1984 letter and during the March 28, 1984 assessment conference, Rob Wiley pointed out that the berm was driven over several times by employees of Denver and Rio Grande

To complete the required abatement PRCC used the front end loader available at the plant to regrate the erosion and reestablish the berm by November 4, 1983. Railroad, Utah Power and Light and the Price City Water Improvement District in gaining access to their various facilities. Area 5 is another active coal loading area that is readily visible to PRCC personnel.

In conclusion and in response to item 9 of petition I'll provide the following:

9.a. Seriousness - There is no evidence that water pollution occurred at any site but the potential was likely. Potential offsite damage was likely at Areas 3 and 2. Minor offsite damage occurred at Areas 1, 4 and 5.

9.b. Negligence - PRCC was working diligently on a fall seeding program employing the entire surface crew and a backhoe. PRCC received a prior warning on Area 1. PRCC points out in the January 16 letter that the violations at Areas 1 and 3 occurred during a rain storm October 17,1983 but PRCC hadn't repaired the damage over two and a half weeks. Damage to the sediment control structures and Area 5 were caused, over time, by outside personnel, PRCC should implement a design to accomodate this activity or continue to repair the structures each time they're impacted. The placement of coal stockpiles right up to the railroad tracks and on top of the drainage control structures at Area 4 should have been an apparent violation to the PRCC personnel responsible. PRCC was not negligent in the violation at Area 2.

9.c. Goodfaith - This abatement was difficult when considering the interuption of operations (seeding and coal loading). Abatement was acheived before the abatement deadline.

Based upon limited information provided in the petition it is the opinion of Lorin Nielsen and myself that only Good Faith points should be reexamined. in the development of policy as to what is "available" resources for meeting abatement requirements. The points assessed for the extent of negligence and for seriousness were judgement calls based upon information provided. As there is no new evidence provided, the assessment still appears reasonable.

I hope this memorandum provides all necessary information

for your preparation of the response. If you have any additional questions, please feel free to contact Lorin Nielsen, Ron Daniels or myself.

SP:re

Enclosure

cc: Lorin Nielsen, Natural Resources and Energy
Ron Daniels
Joe Helfrich
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