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Vice President and
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*orig mine file
cl L. Braxton
PRN
J. Helfrich
S. Pruitt*



**Utah Fuel
Company**

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RECEIVED

JUL 22 1985

July 19, 1985

**DIVISION OF OIL
GAS & MINING**

Subsidiary of
Coastal States
Energy Company

Dr. Dianne Nielson, Director
DIVISION OF OIL, GAS & MINING
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

*ACT/007/005
#7*

Re: Abatement of NOV N84-2-24-3 (s of 3)

Dear Dr. Nielson:

We have received a letter from Lowell Braxton dated July 12, 1985 regarding the abatement of NOV N84-2-24-3 (2 of 3). As we have discussed with Lowell on the telephone, we are not in total agreement with the conditions as outlined in this letter. We are responding to each item specifying our concerns, points of agreements, areas of disagreement and a suggestion as to how, from our point of view, an agreement can be reached.

Item #1. Utah Fuel Company will submit to the Division a survey and contour map of the sediment pond (with two foot contour intervals) before September 13, 1985 (no such map presently exists). A calculation of the pond volume must be included with the submittal and the survey and map must be certified by a registered professional engineer.

Response: We agree that a contour map of the sediment pond is needed. However, we question the validity of requiring this for the abatement process. This is an additional item being required by the Division that was not agreed to at our joint April 3, 1985 meeting. In our submittal for abatement of NOV N84-7-5-2 (1 of 2) we submitted as-built plans for the sedimentation pond. One of our registered professional engineers, Douglas E. Johnson, certified, "I certify that the area in red represents a true and accurate survey of the as-built sedimentation pond at the Skyline mine site." The survey was based on (1) actual survey of the surface area of the pond, (2) design criteria of the slopes and depth of the pond, and (3) construction notes of the actual construction of the pond and photographs of the constructed pond before it was filled with water. We feel that this survey was done by acceptable civil engineering practices and is accurate.

We did not submit construction notes, actual photos or design criteria

Dr. Dianne Nielson
July 19, 1985
Page two

to your office. We felt that a certification by a registered professional engineer was an acceptable document. However, not to belabor this point any longer, we do commit to provide the Division with a contour map of the sediment pond (with two foot contour intervals) by September 15, 1985. We will be cleaning out our sedimentation pond in late August and will prepare a contour map at that time. The map will again be certified by a registered professional engineer. If the timing works out right, it is possible that the map will be prepared by aerial photogrammetric methods. If not, the pond will be surveyed.

Item #2: Utah Fuel Company will be allowed to discharge a volume greater than 240,000 gpd only under emergency conditions. Utah Fuel Company must contact the Division a minimum of one working day prior to the emergency discharge. Utah Fuel will be required to implement a more stringent monitoring plan during the period of emergency discharge. This monitoring plan will be finalized and approved by the Division at the time of each emergency discharge.

Response: Webster defines an emergency as "an unforeseen combination of circumstances or the resulting state that calls for immediate action." We agree that it would be nice to be able to predict an emergency one working day in advance; however, to date we have not been granted prophetic powers.

UMC 817.46(c) states, "Sedimentation ponds shall provide the required theoretical detention time for the water inflow or run-off entering the pond from a 10-year, 24-hour precipitation event (design event), plus the average inflow from the underground mine." It is specific for the surface run-off to have 24-hour detention; however, mine water is the average inflow. We do not believe it is intended for the average mine water flow to be a 24-hour average. We feel that the average mine water flow is to be calculated over a considerably longer period of time than 24 hours. We feel this should probably be a 30-day average.

Another point to consider is the fact that if no surface run-off is occurring, there is an additional 169,340 cubic feet of volume in the sedimentation pond that is available for detention time of mine water flows. This 169,340 cubic feet converts to 1,266,663 gallons per day.

Skyline Mine is an official weather reporting station for the National Oceanic and Atmosphere Administration of the U.S. Government. If no precipitation or snow melt is occurring, why can't this volume in the pond be used to treat additional mine water? In reality, this is what does actually happen. So when does an actual emergency discharge condition exist? Perhaps an emergency condition should be defined as "The average (30-day) inflow from the underground mine

Dr. Dianne Nielson
July 19, 1985
Page three

that exceeds the volume in the sedimentation pond that is dedicated to treat mine water plus other sedimentation pond volumes that are not currently being used for other inflows."

We agree that a more stringent monitoring plan should be utilized during an emergency discharge. However, we do not feel that this monitoring plan should be finalized and approved by the Division at the time of each emergency discharge.

We would like to recommend that whenever an emergency discharge condition exists that we contact the Division immediately. This will require a contact person that we could call on holidays, week-ends and during the night. Our past experience indicates that many of our water problems occur during "offshift" times.

We would also like to recommend that rather than finalize a monitoring plan after the fact that we agree on the plan now. We recommend that if an emergency discharge exists, that we increase our monitoring and take a sample once every 24 hours during the period of emergency discharge for constituents approved in our NPDES permit.

Item #3: After initial contact, Utah Fuel Company must verify each emergency condition in writing.

Response: We agree and commit to this item.

Item #4: In order to abate the NOV referenced above, Utah Fuel Company must commit in writing no later than July 19, 1985 to the following:

1. Acceptance of the above conditions;
2. Utah Fuel will install and maintain water discharge recording equipment provided by the Division of Oil, Gas & Mining for a minimum of 120 days. Responsibility for monitoring will be evaluated by the Division at that time.

Response: (1) We can accept the above conditions if the recommendations that we have made can be incorporated into these conditions and (2) As previously stated in our July 9, 1985 letter, we cannot agree with this as a "carte blanche" statement. We cannot agree to install "whatever" the Division decides to install. If we knew exactly what you are proposing, we could be more precise in our agreement. In a telephone conversation with Randy Harden, we understand that you are proposing to installed a Rustrak Model 288 recorder. If this is the case, we will agree to provide an electrician to help with the installation. However, we feel that since it is your recorder and the information is yours, that you should have your personnel take the lead in the installation to insure that it is installed and calibrated to your satisfaction. Since this is

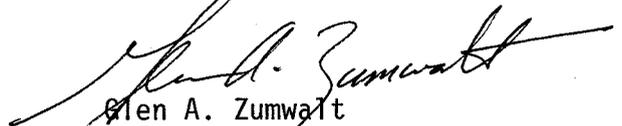
Dr. Dianne Nielson
July 19, 1985
Page four

a 30-day recorder, we will change the recording paper for you and mail it to you during the 120-day period. If this arrangement is satisfactory with you, we will need at least 10 working days' notice so we can schedule our electrician to help with the work.

We do not understand the meaning of the last sentence "Responsibility for monitoring will be evaluated by the Division at that time". We do not know what is intended by this statement and don't know what we are agreeing with. Could you please be more specific about what you intend.

Each additional DOGM requirement and question regarding this NOV seems to only perpetuate this already frustrating experience. I hope our cooperation and willingness to supply more information in gathering additional data will help expedite the abatement process.

Sincerely,



Glen A. Zumwalt
Vice President & General Manager

GAZ:KZ:jsg

cc: Lowell P. Braxton
Joseph Helfrich
Keith Zobell