



State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF WATER QUALITY

Norman H. Bangerter
Governor
Kenneth L. Alkema
Executive Director
Don A. Ostler, P.E.
Director

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miss file ACT 007/005
Folder # 7
cc: *Seamless*
Linell *RB*
Doran

Reply to: Department of Environmental Quality
Division of Water Quality
288 North 1460 West
P.O. Box 144870
Salt Lake City, Utah 84114-4870

0035

April 22, 1992

CERTIFIED MAIL (Return Receipt Requested)

Mr. Keith Welch, Environmental Coordinator
Coastal States Energy Company
175 East 400 South, Suite 800
Salt Lake City, Utah 84111

RE: Administrative Order 192-03

Dear Mr. Welch:

Transmitted herewith is Administrative Order 192-03 from the Utah Water Quality Board for your immediate attention. If you have any questions, please contact Mike Herkimer of this office at 538-6146.

Sincerely,

Utah Water Quality Board

Don A. Ostler, P.E.
Executive Secretary

Enclosure
DAO:MH:ja

cc: Kenneth Alkema, Director, Dept. of Environmental Quality, w/encl.
Fred Nelson, Assistant Attorney General, w/encl.
Steve Burkett, EPA Region VIII, w/encl.
Claron Bjork, Southeastern District Health Dept., w/encl.
David Ariotti, District Engineer, w/encl.
✓ Priscilla Burton, Division of Oil Gas & Mining, w/encl.

S:COASTAL.LTR
FILE:UPDES

RECEIVED

APR 23 1992

DIVISION OF
OIL GAS & MINING

UTAH WATER QUALITY BOARD

IN THE MATTER OF	§	DOCKET NUMBER I92-03
COASTAL STATES ENERGY COMPANY	§	NOTICE OF VIOLATION
UTAH FUEL COMPANY, SKYLINE MINE	§	AND ORDER
UPDES PERMIT NO. UT0023540	§	

STATUTORY AUTHORITY

THE UTAH WATER QUALITY BOARD (hereinafter "**BOARD**") issues this Notice of Violation and Order under the *Utah Water Quality Act* (the "*Act*"), including sections 19-5-104, 19-5-105, 19-5-106, 19-5-107, 19-5-111 and 19-5-115, *Utah Code Annotated* ("*UCA*"), and in accordance with the *Utah Administrative Procedures Act*, subsections 63-46b-1, et seq.

FINDINGS

1. Coastal States Energy Company - Utah Fuel Company, Skyline Mine (hereinafter "**SKYLINE**"), Carbon County, Utah, owns and operates an underground coal mining operation permitted by the State of Utah under Utah Pollutant Discharge Elimination System (UPDES) permit number UT0023540. This permit was issued September 1, 1990 and will expire September 30, 1994. **SKYLINE** is permitted to discharge to Eccles Creek.
2. Part I.C.1 of **SKYLINE**'s UPDES permit requires (Outfalls 001 and 002) that:
 - a. Total dissolved solids (TDS) in the effluent be limited to a 1000 mg/L daily maximum value, with a yearly average not to exceed 723 mg/L. These values are based on a grab sample taken twice per month.
 - b. Total sulfates in the effluent be limited to a daily maximum of 500 mg/L based on a grab sample taken quarterly.

3. **SKYLINE** has submitted information indicating a TDS average of over 1200 mg/l for 1991. **SKYLINE** has also submitted the following data in discharge monitoring reports (DMR) as required by their UPDES permit:

Date	Outfall	Daily Maximum for:	
		TDS (mg/L)	T-Sulfate (mg/L)
9-30-90	001	*	515
11-30-90	001	1034	*
12-31-90	001	1092	583
1-31-91	001	1046	527
2-28-91	001	1148	-
3-31-91	001	1431	590
4-30-91	001	1153	-
5-31-91	001	1077	-
6-30-91	001	1236	650
7-31-91	001	1377	710
8-31-91	001	1562	800
9-30-91	001	1426	764
10-31-91	001	1258	-
11-30-91	001	1465	-
12-31-91	001	1400	800
1-31-92	001	1189	-
2-29-92	001	1231	680

- * Value shown on DMR was in compliance
 - Sulfate samples taken quarterly

4. **SKYLINE** has studied the reasons for the high TDS and sulfate levels and in correspondence dated June 27, 1991 and February 21, 1992 identified the cause of their problem as inclusion of gypsum in their rock dusting operation and has taken steps to reduce the gypsum in their rock dusting. **SKYLINE** states their proposed solution is to allow the rock dust to be leached from the mine by ground water. Skyline does not know how long this leaching process will take and has given no proposed time frame for achieving compliance.

5. Because of the unknown time frame for achieving compliance, the Executive Secretary finds the plan submitted by **SKYLINE** is not acceptable.

VIOLATIONS

SKYLINE is in **VIOLATION** of Part I.C.1 of their UPDES permit as per **FINDINGS 2 and 3** for;

1. Exceeding the TDS daily maximum limitation.
2. Exceeding the TDS yearly average.
3. Exceeding the total-sulfate daily maximum limitation.

ORDER

SKYLINE is hereby **ORDERED** to:

1. Immediately comply with all conditions of their UPDES permit.
2. Submit within thirty (30) days of receipt of this **ORDER** a detailed plan of how **SKYLINE** will come into compliance with their UPDES permit. This plan shall contain a schedule for implementation and a deadline for compliance. It shall indicate how total sulfate and TDS effluent concentrations can be brought into compliance in a more timely manner than waiting for dissolution of rock dust, (alternative solution(s)).
3. **SKYLINE** must submit within thirty (30) days of receipt of this order a study plan to evaluate impacts on Eccles Creek. The study plan must address as a minimum the following questions:
 - a. What are the effects of high concentrations of TDS and total sulfate on Eccles Creek?
 - b. What types of restoration projects on Eccles Creek could be done by **SKYLINE** as a result of potential negative impacts due to TDS and total sulfate?
 - d. Identify factors other than total sulfate and TDS concentration that may be effecting Eccles Creek and what can be done to eliminate those factors?
4. Within thirty (30) days of approval by the Executive Secretary of the plan submitted as per **ORDER** Item 2., begin implementation of the plan.

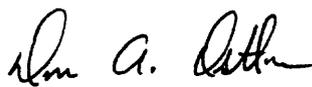
NOTICE

Any further administrative proceedings in this case should be conducted formally, under *Utah Code Annotated* subsections 63-46b-6 through 63-46b-14, inclusive; and *UAC R317-1-8*. If you want to contest this Notice of Violation and Order, you must respond to it in writing and request a hearing from the BOARD. The response and request for a hearing must be received by the Executive Secretary within thirty (30) days of the date of receipt of this Notice of Violation and Order. If no response and request for hearing is received, the Notice of Violation and Order shall be considered final.

Under *Utah Code Annotated Section 19-5-115*, one who violates the *Act* or a related permit, rule, or order may be subject to a civil penalty of up to \$10,000 per day of violation. Under certain circumstances of willfulness or gross negligence, violators may be fined up to \$25,000 per day.

Dated this 22nd. day of April, 1992.

Utah Water Quality Board



Don A. Ostler, P.E.
Executive Secretary

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