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October 26, 2001

TO: Internal File

FROM: Michael J. Suflita, Reclamation Specialist *MSJ*

RE: Abatement of NOV 39-01-1-1, Canyon Fuel Co. LLC, Skyline Mine, C/007/005-AM01J

SUMMARY:

On September 6, 2001 a Notice of Violation (NOV) was issued to Skyline Mine. Remedial actions were required within 30 days. An amendment to the Mining and Reclamation Plan was received by the Division on October 4, 2001. This Technical Memo is a review of the proposed amendment to determine if it complies with the required remedial action. The action does comply so there are no deficiencies.

TECHNICAL ANALYSIS:

OPERATION PLAN

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 773.17, 774.13, 784.14, 784.16, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-300-140, -300-141, -300-142, -300-143, -300-144, -300-145, -300-146, -300-147, -300-147, -300-148, -301-512, -301-514, -301-521, -301-531, -301-532, -301-533, -301-536, -301-542, -301-720, -301-731, -301-732, -301-733, -301-742, -301-743, -301-750, -301-761, -301-764.

Analysis:

Sediment control measures

On 8/16/01 the mine encountered substantial underground water which had to be pumped to the surface. Pumping rates were in the 4,500 gpm range. While pumping was occurring, an underground event caused coal fines to be pumped to the surface and discharged into Eccles

TECHNICAL MEMO

Creek. The sludge-laden discharge was believed to have begun about 3 am, but was not discovered until 9am on 8/28/01. Black sludge from coal dust was found on stream vegetation and on the stream bottom for about 3 miles below the discharge site.

In addition to the exceedance of UPDES permit limits, there was concern the coal fines could damage vegetation and the Macroinvertebrate populations in the stream. No dead or injured fish were found.

The NOV listed remedial action as: "1) Stop coal fines from entering Eccles Creek, immediately." This was done. "2) Submit a revised plan to be incorporated into the MRP which will prevent additional contributions of suspended solids outside the permit area. 3) Commit, in the MRP, to perform Macroinvertebrate studies of Eccles Creek semi-annually for three consecutive years starting in the year 2002, which will provide data that can be compared to prior data." Items 2 and 3 were to be done within 30 days of receipt of the NOV. This amendment is the required plan and commitment.

The amendment describes, "Instruments for monitoring suspended solids will be installed on all the mine discharge water lines. The instruments will be set below the discharge limit of 25 mg/l as established by the UPDES discharge permit." Further descriptions detail how, when the water exceeds the set limits, an automatic valve will engage to direct the water away from Eccles Creek and into a series of sand filters. Such sand filters are very effective in removing particulate matter and are even used to clean drinking water. The filtered water will then be discharged into Eccles Creek. The filters are cleared of particulate material using an automatic backwash and the material will be put into the coal stockpile.

Phone conversations with the Operator indicated previously-connected monitoring equipment had been disconnected which probably contributed to the event. The Operator is reminded and strongly encouraged to keep these, and all similar pollution control devices, fully connected and operational at all times.

The amendment also describes implementing a semi-annual Macroinvertebrate study just the same as described as required in the NOV remedial actions described above. Data resulting from the surveys will be included in Appendix A-3 which contains similar data from 1979 through 1983. There is a commitment that, "If impacts are found, the significance of the impacts will be determined and appropriate mitigation if necessary will be performed." All of the above appears to satisfy the NOV remedial actions and bring the MRP, and mine operations back into conformance with the regulatory requirements.

After the event, the mine Inspector took water samples to determine levels of coal fine contamination. Such testing is very difficult and the test results did NOT indicate the presence of coal fines. Every one of the 17 parameters that were looked for in the tests did not show up. The results for each of them was listed as "undetected" even though the test instruments have fairly low detection levels. This is consistent with visual observations that the coal fines had

“flushed through” and were no longer present in the water itself. There were, however, observations by the Inspector and others of a black “bathtub ring” along the edges of the stream and on vegetation in the stream.

Findings:

The amendment meets minimum regulatory requirements.

RECCOMENDATIONS:

The amendment can be approved in its present form.