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July 30, 1981

Mr. John S. Huefner, Engineer
Kaiser Steel Corporation
Western Coal Operations
P. O. Box D
Sunnyside, Utah 84539

RE: Abatement of Notice of
Violation #81-1-3-5
Sunnyside Mine
ACT/007/007
Carbon County, Utah

Dear Mr. Huefner:

Pursuant to UMC 817.173, Roads: Class III: Drainage, paragraph (a)(2) states that sediment control shall comply with UMC 817.42 and 817.45. In accordance with UMC 817.42, Hydrologic Balance: Water Quality Standards and Effluent Limitations, paragraph (a)(4), disturbed area shall not include areas affected by surface operations in which roads are installed. Therefore, an exemption is not granted since roads are exempted from sedimentation ponds and treatment facilities as required under UMC 817.42.

The violation cited above was cited for violation of UMC 817.170(b) and UMC 817.175(a). UMC 817.170(b) states:

"To the extent possible using the best technology currently available, Class III Roads shall not cause damage to fish, wildlife and related environmental values and shall not cause additional contributions of suspended solids to streamflow or to runoff outside the permit area. Any such contributions shall not be in excess of limitations of State or Federal law."

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UMC 817.175(a) states:

"Class III road maintenance shall be sufficient to ensure minimization of erosion for the ~~life~~ ^{life} of the road."

The Board of Oil, Gas and Mining (Board) Order of May 12, 1981, found that the use of coarse coal processing refuse material:

"(c) contributes somewhat to the biotic community degradation due to an increase of fine sediments in the stream" (Grassy Trail Creek) "from erosion of roadbed materials;

(d) impacts only the physical characteristics of the stream; and

(e) impacts would be negligible by control of erosion of the roadbed materials into the stream channel, due to marginal quality of biotic communities."

Further, the Board ordered Kaiser Steel Corporation to comply with the following stipulations:

Stipulation 5-81-1

Kaiser Steel Corporation shall submit to the Division and obtain approval of a detailed sediment control plan that shows adequate ditching to be employed, sufficient sedimentation ponds to be constructed and the use of fabric silt fences, or other suitable measures to be installed. The applicant shall properly prevent any deterioration of streams by the continued use of coal processing refuse as surfacing for roads.

Stipulation 5-81-3

Kaiser Steel Corporation shall provide a water monitoring plan for Grassy Trail Creek and maintain results at the minesite as well as provide results to the Division of Oil, Gas and Mining. The objective of monitoring is to maintain a record to demonstrate that the surface medium does not further deteriorate Grassy Trail Creek.

Since it is clear from the above requirements, an exemption for sediment control measures would not be keeping with the Board Order or the performance standards of Class III roads. It is imperative for Kaiser Steel Corporation to complete and submit a control plan and monitoring plan as soon as possible. Since a well designed monitoring program would provide hard evidence of whether UMC 817.170(b) is being met in that the sediment control measures are effective in containing additional contributions of suspended solids to streamflow or to runoff outside the permit area.

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The Division hereby acknowledges the information for abatement of the violation, however, Kaiser Steel Corporation must institute maintenance procedures that will comply with UMC 817.175(a), in that, the road must be maintained to control erosion. The Division enforcement officer has agreed to vacate this violation based on the Board Order that the Kaiser Steel road situation is already being addressed by the information required by the Board Order of May 12, 1981. Kaiser Steel Corporation shall submit the Sediment Control Plan and Monitoring Plan within 90 days hereof, pursuant to the Board Order stipulations.

Sincerely,



RONALD W. DANIELS
DEPUTY DIRECTOR

RWD/LCS/btm