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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

*min f.*

Norman H. Bangerter  
Governor  
Dee C. Hansen  
Executive Director  
Dianne R. Nielson, Ph.D.  
Division Director

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340

September 18, 1989

CERTIFIED RETURN RECEIPT REQUESTED  
P 075 063 199

Mr. John Palfy  
Kaiser Coal Company  
P.O. Box 1107  
Raton, New Mexico 87720

Dear Mr. Palfy:

Re: Proposed Assessment for State Violation No. C-89-25-1-1, ACT/007/007, Folder #5, Carbon County, Utah

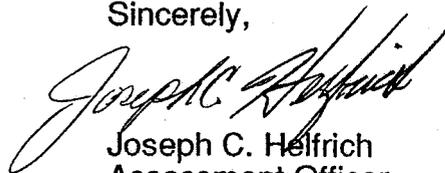
The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under UMC/SMC 845.11-845.20.

Enclosed is the proposed civil penalty assessment for the above referenced violation. This violation was issued by Division Inspector, Tom Munson on April 19, 1989. Rule UMC/SMC 845.2 et seq. has been utilized to formulate the proposed penalty. By these rules, any written information which was submitted by you or your agent within fifteen (15) days of receipt of this Notice of Violation has been considered in determining the facts surrounding the violation and the amount of penalty.

Within fifteen (15) days after receipt of this proposed assessment, you or your agent may file a written request for an assessment conference to review the proposed penalty. (Submit a request for conference to Vicki Bailey, at the above address).

**IF A TIMELY REQUEST IS NOT MADE, THE PROPOSED PENALTY(IES) WILL BECOME FINAL, AND THE PENALTY(IES) WILL BE DUE AND PAYABLE WITHIN THIRTY (30) DAYS OF THE PROPOSED ASSESSMENT.** Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,

  
Joseph C. Helfrich  
Assessment Officer

jb  
Enclosure  
MN39/8

WORKSHEET FOR ASSESSMENT OF CESSATION ORDERS  
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Kaiser CoallCompany

CO # C-89-25-1-1

PERMIT # ACT/007/007

VIOLATION 1 OF 1

INSPECTOR Tom Munson

DATE ISSUED 4/19/89

NATURE OF THE CESSATION ORDER: Failure to abate Notice of Violation  
# N-89-26-1-1

DATE OF ABATEMENT OF CESSATION ORDER: April 20, 1989

DATE OF RECEIPT OF CESSATION ORDER: Notified by phone 4/18/89, sent  
via Airborne Express 4/19/89 #513 653 324

LIST THE DAYS OF FAILURE TO ABATE: April 15, 16, 17, 18 and 19, 1989  
See Attachement

TOTAL NUMBER OF DAYS OF FAILURE TO ABATE: 5

NUMBER OF DAYS X \$750.00/DAY = TOTAL ASSESSED FINE: \$3,750.00

ASSESSMENT DATE 9/18/89

ASSESSMENT OFFICER Joseph C. Helfrich

\$3,750.00 PROPOSED ASSESSMENT

\$3,750.00 FINAL ASSESSMENT



State of Utah  
 DEPARTMENT OF NATURAL RESOURCES  
 DIVISION OF WILDLIFE RESOURCES

Norman H. Bangertter  
 Governor  
 Dee C. Hansen  
 Executive Director  
 Timothy H. Provan  
 Division Director

Southeastern Region  
 455 West Railroad Avenue  
 Price, Utah 84501-2829  
 801-637-3310

cc. R. Smith  
 D. Warden  
 T. Munson  
 B. Stettler

RECEIVED  
 APR 24 1989

DIVISION OF  
 OIL, GAS & MINING

April 21, 1989

Mr. Bill Malencik  
 Utah Division of Oil, Gas & Mining  
 Box 169  
 451 East 400 North  
 Price, UT 84501

Ref: Sunnyside Reclamation and Salvage/Discharge of Sludge From Pole Canyon UPDES Discharge Facility (UT0022942)

Dear Bill:

*2100 gpm*

Sunnyside Reclamation and Salvage Inc.'s mine water discharge pipe that flows 1.65 million gallons of water per day into the Pole Canyon UPDES (UT0022942) discharge pond, broke on Saturday, April 15, 1989. It was repaired that day, but its support blocks slipped allowing the water to discharge against the pond's bottom rather than onto the surface. The intense velocity of the water stirred up a black sludge primarily composed of coal fines, thus the pond discharged a high level of suspended solids into Grassy Trail Creek. Its effluent remained clouded as of April 20, 1989, in spite of a series of straw settling basins and filter dikes placed by the mine in the 300 foot segment of Pole Canyon Creek between the pond and Grassy Trail Creek. Exxon Chemicals (Sam Deal) was on site assessing how to treat the Pole Canyon Pond in order to control discharge of the suspended solids.

During a routine mine inspection on Tuesday, April 18, 1989, a Division of Oil, Gas & Mining employee (Jim Munson) noted the ongoing discharge. DOGM (Brent Stettler) notified DWR (Larry Dalton and Walt Donaldson) early morning on Wednesday, April 19, 1989. It was then recommended that DOGM advise the mine to place a series of sediment traps in Grassy Trail Creek at the farthest downstream point where the sludge could be identified in order to contain it in the shortest reach of stream as possible. DWR, on April 19, 1989, notified Southeastern Utah's Division of Environmental

Health (secretary) of the problem; also. The mine, on April 19, 1989, placed a series of temporary sediment traps and filter dikes below the Pole Canyon Pond's effluent in order to lessen the amount of sludge reaching Grassy Trail Creek. DWR contacted the mine (Carl Housekeeper) at 1:15 PM, April 19, 1989, to express concern relative to damage of Grassy Trail Creek's substrate from the black sludge. The mine was advised that it would be prudent to contain the sludge in as short a stream length as practicable in order to lessen further impacts to the stream's biotic system and ultimate clean up costs.

On April 20, 1989, DOGM (Bill Malencik, Lynn Kunzler, and Brent Stettler) and DWR (Larry Dalton) personnel, as well as mine officials (Bill Balaz and Carl Housekeeper) inspected the problem area. A 0.76 mile length of Grassy Trail Creek between Pole Canyon and Pasture Canyon evidenced substantial degradation of the substrate due to adherence of the sludge. Macroinvertebrates were essentially eliminated (only crane fly larvae could be found) in the upper segment immediately below Pole Canyon. (Note, they had earlier been reduced by 91% due to an oil spill caused by the mine. Fish life had also been eliminated by the March 24, 1989 oil spill.) It was determined that the substrate needs to be mechanically cleaned of the sludge in order to facilitate recovery of the streams biotic communities.

It was recommended that the mine immediately place a series of at least five temporary sediment traps/filter dikes within Grassy Trail Creek at Pasture Canyon. A larger series could be needed, but the goal is to discharge clear water from the last filter dike. This will contain the sludge within the stream length where it currently exists. There is evidence that flows are moving the material further downstream, and a precipitation event would accelerate that process. Cost for cleanup can be minimized by the company containing the sludge where it now lies. Additionally, the mine must stop the discharge of sludge from the Pole Canyon Pond. Hopefully, Exxon Chemical Company will find an environmentally safe technique to precipitate the suspended solids with an anion treatment and/or float them with a cation treatment and ultimately capture the coal fines and other compounds of the sludge. Any chemical treatment of the pond must assess threats to macroinvertebrates and rainbow trout.

It is further recommended that the substrate be cleaned (vacuumed) with a hydro-dredge. Such a process has been successfully utilized to clean up a gilsonite spill on a similar size and local creek (Willow Creek in Carbon County which lies adjacent to U-191). This action should occur immediately upon cessation of the sludge discharge from the pond.

Bill, the Pole Canyon UPDES discharge pond needs to be cleaned of sludge. It may be advantageous to temporarily discharge from the mine water pipe directly into the Pole Canyon drainage. Possibly the mine water could be diverted to another discharge area, then the pond could be allowed to dry and be cleaned.

*W Councils would  
Please see a second  
water part*

If the division can be of any further assistance, please don't hesitate to give me a call.

Sincerely,

*Larry B Dalton*

Larry B. Dalton  
Wildlife Program Manager  
Resource Analysis/Habitat Protection

LBD/rrd

cc: Bill Balaz, SRS  
Lowell Braxton, DOGM  
RAS/SLO  
EPA