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DEPARTMENT OF HEALTH  
DIVISION OF ENVIRONMENTAL HEALTH

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orig mine file ACT007/007  
Route 1000 K. Johnston



FEB 26 1990

DIVISION OF  
OIL, GAS & MINING

February 23, 1990

**Certified Mail  
(Return Receipt Requested)**

W.P. Balaz, Mine Manager  
Sunnyside Reclamation and Salvage, Inc.  
P.O. Box 99  
Sunnyside, Utah 84539

Re: Administrative Order I90-01  
UPDES Permit No. UT0022942

Dear Mr. Balaz:

Transmitted herewith is Administrative Order I90-01 from the Utah Water Pollution Control Committee for your immediate attention. If you have any questions, please contact this office at 538-6146.

Sincerely,

Utah Water Pollution Control Committee

Don A. Ostler, P.E.  
Executive Secretary

MDH/ag

- cc: Kenneth Alkema, Director, Division of Environmental Health
- Fred Nelson, Assistant Attorney General
- Pauline Afshar, EPA Region VIII
- Robert L. Furlow, Southeastern Utah District Health Department
- Dave Ariotti, District Engineer
- Tim Provan, Director, Division of Wildlife Resources
- Larry Dalton, Division of Wildlife Resources
- Dianne Nielson, Director, Division of Oil, Gas & Mining

S:AdminOrd.ltr

**UTAH WATER POLLUTION CONTROL COMMITTEE**

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**IN THE MATTER OF  
SUNNYSIDE RECLAMATION  
AND SALVAGE, INC.  
CARBON COUNTY, UTAH  
UPDES PERMIT NO. UT0022942**

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&**

**DOCKET NUMBER I90-01  
NOTICE OF VIOLATIONS  
AND ORDER**

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**STATUTORY AUTHORITY**

This **NOTICE OF VIOLATION** and **ORDER** is issued by the Executive Secretary of the **UTAH WATER POLLUTION CONTROL COMMITTEE** (hereinafter "the **COMMITTEE**") pursuant to the authority of *Utah Code Annotated (UCA) 26-11-7 and 26-11-12*.

**FINDINGS**

1. **SUNNYSIDE RECLAMATION & SALVAGE, INC.** (hereinafter "**SRS**") owns and operates an underground coal mining operation near Sunnyside, Utah in Southeastern Carbon County.
2. **SRS** has a Utah Pollutant Discharge Elimination System (UPDES) permit, No. UT0022942, to discharge to Grassy Trail Creek. This permit was issued June 1, 1988 by the **COMMITTEE** and will expire at midnight July 31, 1992.
3. Utah Administrative Code (UAC) R448-8-4.1(1)(a) and Part III.A. of UPDES permit UT0022942 state that the permittee (**SRS**) must comply with all conditions of said permit and that any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
4. UCA 26-11-8(1) states that it is unlawful for any person to discharge a pollutant into waters of the State or to cause pollution which constitutes a menace to public health or welfare, or is harmful to wildlife, fish or aquatic life, or impairs domestic, agricultural, industrial, recreational, or other beneficial uses of water, or to place or cause to be placed any wastes in a location where there is probable cause to believe they will cause pollution. Any such action is a public nuisance.
5. UCA 26-11-8(2)(a) states that it is unlawful for any person to make any discharge not authorized under an existing valid discharge permit.

6. UAC R448-2-7.2 states that it shall be unlawful, and a violation of these regulations, for any person to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste; or conditions which produce undesirable aquatic life or which produce objectionable tastes in edible aquatic organisms; or concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, as determined by bioassay or other tests performed in accordance with standard procedures as determined by the **COMMITTEE**.
7. Part I.B.2 of UPDES permit UT0022942 requires oil and grease in the effluent to be limited to a maximum of 10 mg/l and total dissolved solids (TDS) loading to be limited to 14,000 lbs per day total from all discharge points.
8. On Friday March 24, 1989 SRS had a spill of approximately 2000 gallons of an oil/water emulsion to Grassy Trail Creek with the result of a fish kill. An Administrative Order I89-02 was issued on July 20, 1989 and a settlement agreement resolving the violations of water pollution laws and regulations cited in said order was executed on February 22, 1990.
9. On December 16, 1989 SRS had an emulsion oil spill of approximately 1,097 gallons (5% oil: 95% water emulsion). This oil/water emulsion was pumped from a lower sump collection area to a sedimentation pond known as discharge point 002A in UPDES permit UT0022942 and subsequently to Grassy Trail Creek. Oil and grease samples were collected at discharge point 002A. Analyses of such samples produced the following results:

<u>Date</u>	<u>Collected By</u>	<u>Oil and Grease Concentrations</u>
12-17-89	SRS	76.9 mg/l
12-18-89	Div. of Oil, Gas and Mining	45.9 mg/l
12-18-89	Bureau of Water Pollution Control	232 mg/l
12-18-89	SRS	40.3 mg/l

SRS has also had high TDS loading values as indicated in their discharge monitoring report (DMR) forms and shown below:

<u>Date</u>	<u>DMR Form Total TDS Loading lbs/day</u>	
February 1989	20,896	
March 1989	20,325	
July 1989	24,677	
August 1989	19,052	UPDES Permit Limit
September 1989	24,004	for Total TDS
October, 1989	21,832	Loading in lbs/day = 14,000
November, 1989	17,263	

10. A report from the Division of Wildlife Resources dated January 12, 1990 concludes that the fishery in Grassy Trail Creek was adversely affected as a result of the emulsified oil release and resulted in a fish kill and reduced macroinvertebrate population.

### VIOLATIONS

SRS is in **VIOLATION** of:

1. Part I.B.2 of their UPDES permit for exceeding the total dissolved solids loading and oil & grease limitations.
2. UCA 26-11-8-(2)(a) for discharge of oil and grease and TDS at a level not authorized by the discharge permit.
3. UCA 26-11-8(1) and UAC R448-2-7.2 for the spill and release of emulsified oil into Grassy Trail Creek and its resultant effect on the fish and other aquatic life of Grassy Trail Creek.
4. Part III.A of the UPDES permit and UAC R448-8-4.1(1)(a) for failure to comply with all conditions of their UPDES permit which constitutes a violation of the Utah Water Pollution Control Act.

**ORDER**

SRS is **HEREBY ORDERED** to:

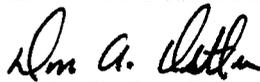
1. Take all necessary actions to achieve and maintain compliance with the UPDES oil and grease and TDS permit limits. Submit a report to the Executive Secretary within thirty (30) days of receipt of this **ORDER** that defines in detail the actions taken and/or planned to be implemented in order to comply with this **ORDER**.
2. With regard to total dissolved solids effluent limitation exceedances, develop and submit a plan for compliance with these limits. Include in the plan as a minimum answers to the following questions: what causes the increase in TDS; has SRS been pumping more water than Kaiser; what types of dust control chemicals are used in the mine; what is the natural groundwater TDS concentration in the area; and how has flow measurement changed to get a more accurate handle on TDS loading. In considering your plan for compliance with the TDS limitation the State will consider the cost per ton of salt removed from the discharge. The plan and associated information must be submitted within thirty (30) days of receipt of this **ORDER**.
3. Update the proposed SPCC Plan submitted on September 6, 1989 as indicated in the "Plan Review and Revision" section of that document by identifying any additional physical facilities and implementing operational procedures which will significantly reduce the chance of an oil emulsion spill or prevent a spill from reaching Grassy Trail Creek. Submit this SPCC plan revision within thirty (30) days of receipt of this **ORDER**.
4. Develop a plan to provide for immediate response and cleanup of the Pole Canyon drainage way and Grassy Trail Creek impacted by such spill events. A written plan for undertaking this effort must be submitted within 30 days of receipt of this **ORDER**.

You are advised that failure to comply with this **ORDER** is in violation of the UCA 26-11-16. Any violation of the UCA including those mentioned herein, may be subject to up to \$10,000 per day penalty per violation and up to \$25,000 per day penalty per violation for willful violations. As provided in UCA 26-11-12 you have the right to appeal this **NOTICE** and **ORDER** by submitting a written application for a hearing before the **COMMITTEE** within thirty (30) days of receipt of this **NOTICE** and **ORDER**.

Dated this 23<sup>rd</sup> day of February 1990

Sincerely,

Utah Water Pollution Control Committee



Don A. Ostler, P.E.  
*Executive Secretary*