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DEPARTMENT OF NATURAL RESOURCES
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August 17, 1993

TO: Jim Carter, Division Director

FROM: Henry Sauer, Senior Reclamation Soils Specialist *HS*

RE: Abatement of N92-32-14-1 (Sunnyside Coarse Refuse Seep) and the Role of the Department of Environmental Quality - Division of Water Quality (DEQ-DWQ)

Notice of Violation N92-32-14-1 was issued during the complete state inspection of November 10-12, 1992. The violation was issued for "Failure to meet State and Federal Water Quality Effluent Limitation Standards. Failure to handle earth material to prevent water pollution." The violation applies to the seep emanating from the base of the Sunnyside Coarse Refuse Pile. The remedial actions required are as follows: "Obtain a UPDES discharge permit from the Department of Water Quality (i.e. DEQ-DWQ). Treat water so as to meet all state and federal water quality standards."

The source of the water emanating from the base of the Sunnyside Coarse Refuse Pile (SCRCP) is primarily from the dewatering of the East and West Slurry Cell, which are on top of the SCRCP. The water which emanates from the base of the SCRCP (sample point Coarse Refuse Seep {CRS}) proceeds through a wetlands and is sampled at the permit area boundary (sample point Coarse Refuse Boundary {CRB}). The effluent then discharges and is a tributary to Icelander Wash. The issued violation is based on water quality analyses (see histogram and table), provided by Sunnyside Coal Company, of water samples collected at the permit area boundary.

40 CFR Chapter I, Part 434, Subpart A, Sec. 434.20 grants programmatic jurisdiction to all discharges from coal preparation plants and associated areas. UPDES Permit No. UT0022942 (UPDES Permit for the Sunnyside Mine, approved August 20, 1992), page 4, part B, states that "Discharges at any location not authorized under a UPDES permit is a violation of the Act..." In accordance with Standards of Quality for Waters of the State (Utah), Revised April 21, 1988, Icelander Wash is classified as a Type 3C, Aquatic Wildlife Use and Type 4, Agriculture Use.



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40 CFR Chapter I, Part 434, Subpart B, Sec. 434.22 (b) prohibits discharges from coal preparation plant associated areas which exceed a maximum Iron concentration of 7 mg/l (see histogram and note BPT Limitation). The state standard for Total Dissolved Solids is 1200 mg/L. This standard has been exceeded every month for which water quality data is available during 1986-1988 and 1990-1993. The state standard for Iron is 1.0 mg/L. This standard has been exceeded during the following months: Feb./1986; Aug./1986; Nov./1986; Mar./1987; Aug-Nov./1987; Jan. & Feb./1988; April-June/1988; Aug./1988 (Water Monitoring was not conducted in 1989); Sept.-Dec./1990; Feb./1991; Dec./1991; Sept./1992; Oct.-Dec./1992 and Mar./1993.

On December 16, 1992, Sunnyside Coal Company (SCC) requested a revision to their UPDES permit to include the CRS as a point discharge. In a phone conversation with Mr. Mike Herkimer (DEQ-DWQ), on January 5, 1993, he informed me that the request by SCC would be denied. Mr. Herkimer based this decision on the fact that Sunnyside Cogeneration Association owned the property and that it would be inappropriate to accept the revision request from SCC. Mr. Herkimer was verbally informed by me that the ownership of the property was not a factor. Especially when one considers that the owner and operator, in a number of mines in Utah which receive UPDES permits at the request of the operator, are not the same entity. In addition, I stated that regardless of the ownership issue, the CRS was the result of and effected by mining activity and should therefore require a UPDES permit. The DEQ-DWQ decision and the bases thereof was later reflected in a letter, dated May 10, 1993, from Don A. Ostler, Executive Secretary DEQ-DWQ, to SCC.

Subsequent to numerous conversations and meetings with Mr. Herkimer and based on his recommendations, the Division decided to request assistance from the DWQ in assessing the water quality of the CRS (see letter dated January 22, 1993 from Lowell Braxton to Richard Denton DWQ). DWQ agreed to sample and analyze the CRS. The DWQ was supposed to sample the CRS six temporally separate times. Unfortunately two or three samples were taken at the wrong location. However, the Division has obtained analyses from the February and March sampling. These data support and are similar to the data provided by the operator which was the basis for the violation.

In conclusion, the DEQ-DWQ interprets the 40 CFR, Subpart B in the context of end use. As if the Division is required to determine the effect of the degradation of water quality upon the aquatic environment and/or human health. Their seems to be an attitude that if there are no fish floating on the surface there

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is no problem. I realize that this may be a low priority for the DEQ-DWQ, but the Division has identified a direct (potentially adverse) impact of mining activity upon water quality which has extensive implication for the reclamation of the Sunnyside Refuse Pile and the way in which the Division views the potential for the formation of acid and/or toxic forming materials and polluted runoff.

cc: Pamela Grubaugh-Littig
Joe Helfrich
Ken Wyatt
DEQ-DOGM.CRS