



From the desk of
Jan Brown

0029

10-20-94

Pam:

For your review - send
to file if you feel does
not require "Protocol Status"





State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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Governor
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October 6, 1994

ACT/007/011 #5

TO: James Carter, Director
FROM: Paul Baker, Reclamation Biologist
RE: Violation N94-41-2-2, part 2 of 2

AMAX Coal Company has appealed the fact of the above-referenced violation. The following summary is provided in response to the appeal.

Fact of Violation

On June 13 and 15, 1994, I conducted an inspection of the Castle Gate Mine. Reclamation was ongoing in Sowbelly Gulch with the reclamation contractor doing mostly grading and some channel construction work.

According to the State Climatologist's office, Price received 0.09 inches of precipitation on June 1, a trace on June 20, and 0.01 inches on June 21. This was the entire precipitation for June. When I visited the site, it was very dry and dusty with up to about three inches of powdery dust in some places. Equipment was raising clouds of dust that sometimes completely obscured the equipment. I saw no sign that the roads and staging area discussed below had been watered or otherwise treated to control fugitive dust.

The portion of the road inside the mine's disturbed area boundary begins where the road to the substation intersect the main access road to the mine. (Please see copy of portions of Exhibit 3.2-4 from the mining and reclamation plan, attached as Exhibit 1.) At the time of the inspection, the area in the side canyon near pond 17 (then pond 5) was being used as a staging area. Most of the grading work was being done in the area to the east of SBRD-1B and south of SBRD-2. The portion of SBRD-1 (main channel) below pond 16 had not yet been riprapped and was being used as a road to transport equipment and rock to riprap the upper portions of SBRD-1. The equipment was raising a lot of dust as it travelled. On the two days when I was inspecting the mine, equipment I saw operating included a semi-trailer truck, a dozer, and a front-end loader.

Julie Rose of Air Quality told me by telephone on June 22, 1994, that any area over which equipment travels repeatedly to get to another place is considered a "road." Thus, the channels that were being used by equipment operators to drive over would be considered roads where fugitive dust should be controlled. Also, the staging area near pond 17 was considered an area where fugitive dust could be controlled. She said that Air Quality would



not normally require areas being graded to be watered.

In response to my questions about Air Quality regulations, Jesse McDonald of the Division of Air Quality inspected the site on June 29, 1994. His inspection report (Exhibit 2) said the facility was in compliance with Section 4.5.4 UACR at the time of his inspection. By the time of the Air Quality inspection, violation N94-41-2-2, part 2 of 2, had been abated. The Air Quality inspection report also said, "The site foreman was aware of previous dust problems but said that ≈ 5 loads of water/day was working."

Reasons for the Violation

Regulations promulgated under the Clean Air Act (quoted below) require that fugitive dust be controlled as an integral part of site preparation, mining activities, and reclamation operations. The facilities in Sowbelly Gulch were built before the Clean Air Act became effective, so the operator is not required to have an Air Quality Permit for this area. However, the regulations requiring fugitive dust control still apply.

The area had not received any rain for twelve days when I began the inspection. Even the rain received on June 1 was not enough that it would preclude the watering requirement in a normal Air Quality Permit. The dry, powdery dust was the first thing I noticed as I left my vehicle.

The violation was written because of the amount of dust on roads and in the staging area. Any construction or reclamation site necessarily has some dust when the weather is dry, and it is impractical and not required by the Air Quality regulations to try to control dust in areas that are being graded. The regulations do apply to areas being used as roads, such as the staging area and parts of the channel being used to move rock and equipment.

Provisions of the Act

(Some portions of the Air Quality regulation that do not apply to this situation are not included.)

R645-301-420 Air Quality.
421 Coal mining and reclamation operations will be conducted in compliance with the requirements of the Clean Air Act (42 U.S.C. Sec. 7401 et seq.) and any other applicable Utah or federal statutes and regulations containing air quality standards.

R307-1-4.5.4 Mining Activities

- A. Fugitive dust, construction activities, and roadways associated with mining activities are regulated under the provisions of this paragraph 4.5.4 and not by paragraphs 4.5.2 and 4.5.3.
- B. Any person who owns or operates a mining operation shall minimize fugitive dust as an integral part of site preparation, mining activities, and reclamation operations.
- C. The fugitive dust control measures to be used may include, but are not limited to:
 - (1) periodic watering of unpaved roads,
 - (2) chemical stabilization of unpaved roads,
 - (3) paving of roads,
 - (4) prompt removal of coal, rock minerals, soil, and other dust-forming debris from roads and frequent scraping and compaction of unpaved roads to stabilize the road surface,
 - (5) restricting the speed of vehicles in and around the mining operation,
 - (6) revegetating, mulching, or otherwise stabilizing the surface of all areas adjoining roads that are a source of fugitive dust,
 - (7) restricting the travel of vehicles on other than established roads,
 - (10) minimizing the area of disturbed land,
 - (11) prompt revegetation of disturbed lands,
 - (18) other techniques as determined necessary by the Executive Secretary.



Type of Inspection: Initial () Stack Test () CEM () Annual () Followup () Surveillance () Complaint (X)

Date: 6/29/94 Time Arrived 2:45 PM Time Departed 3:20 PM

Memorandum To: F.I.E - COMPLAINT

Through: JEFF N. DEAN, COMPLIANCE MGR

Company: AMAX COAL CO.

Location & County: HELPER / CARBON CO

Phone: 412-381 (MEL COONROD)

Mailing Address: 4941 N. SPRINGGLEN ROAD
HELPER, UT 84566

Date County Contacted:

Observer's Signature: [Signature]

Certification Date: 4/94

Copy Of Report Given To: DAVID SEED, FORMAN

I Have Received A Copy Of These Observations

Signature: [Signature]

OBSERVATION AND WEATHER CONDITIONS

Source Class: A1 () A2 () B () Unknown (X) State ID:

Distance To Source: VARIOUS

Government Code: FED () ST () CO () Municipal () District ()

Background Description: LANDSCAPE (AROUND)

Status: Under Construction () Temp. Shut Down ()

Plume Color: INV Length: N/A

Seasonal () Permanently Shut Down () Operating (X)

Steam Plume Y / Attached Y / Length of Steam Plume: N/A

Code: SIP () PSD () NESHAP () NSPS () CDS: N/A

Wind Direction: SW Speed: 0-5 mph

Source: MINING / RECLAMATION OPERATIONS

Ambient Temp: 95°F Relative Humidity: 20%

Height Of Discharge: VARIOUS Dimensions: VARIOUS

Operating Parameters Of Source - Normal Yes (X) No ()

Actual UNKNOWN Design UNKNOWN

Type Of Burner Fuel N/A

Control Facility WATER TRUCK

Applicable Regulations/Approval Orders/Limitations Compliance

SECTION 4.5.4 UACR (X) Y/N

Y/N

Y/N

Y/N

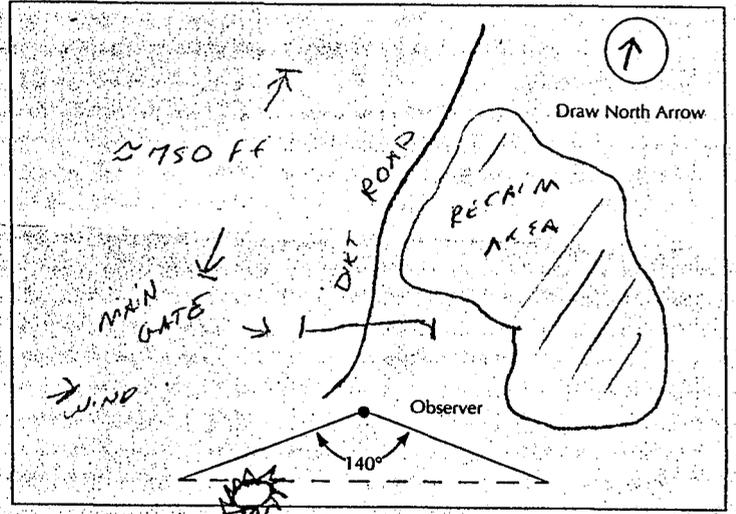
Y/N

Y/N

Y/N

Y/N

Y/N



Maximum Allowable Emission Rate

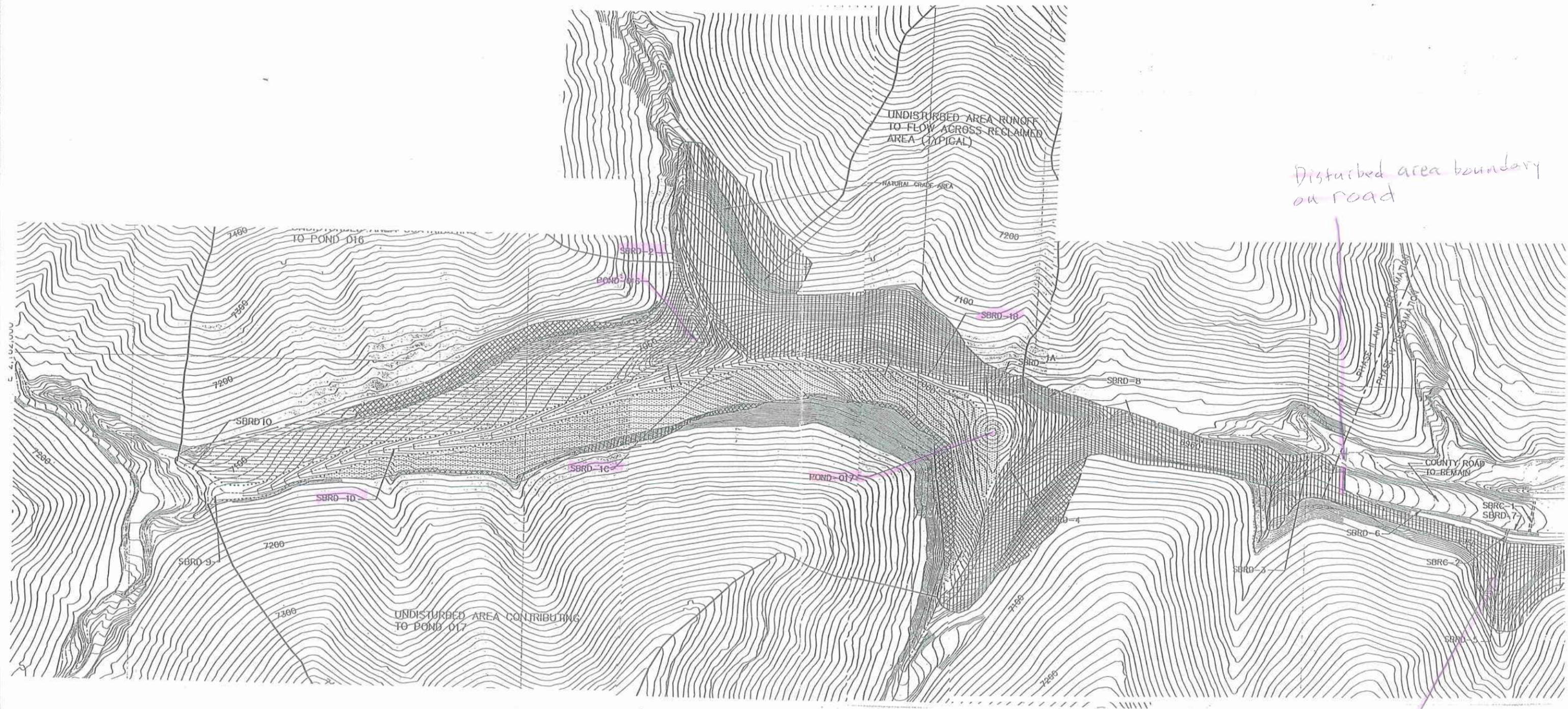
Last Test Date Test Due Date

Table with 7 columns: No., Hr: Min, 0, 15, 30, 45, Avg. Row 1: 2:55, 0, 0, 0, 0, 0. Row 2: 0, 0, 0, 0, 0, 0. Row 3: 0, 0, 0, 0, 0, 0. Row 4: 0, 0, 0, 0, 0, 0. Row 5: 0, 0, 0, 0, 0, 0. Row 6: 0, 0, 0, 0, 0, 0.

Table with 7 columns: No., Hr: Min, 0, 15, 30, 45, Avg. Row 1: 2:50, 0, 0, 0, 0, 0. Row 2: 0, 0, 0, 0, 0, 0. Row 3: 0, 0, 0, 0, 0, 0. Row 4: 0, 0, 0, 0, 0, 0. Row 5: 0, 0, 0, 0, 0, 0. Row 6: 0, 0, 0, 0, 0, 0.

COMMENTS: UPON ARRIVAL AT THE MAIN GATE THE ROADS WERE IN A MOIST CONDITION, A 4 WHEEL DRIVE VEHICLE WOULD BE NEEDED TO TRAVEL BEYOND THE RECLAIM AREA. NO FUGITIVE DUST WAS NOTED ON THE ROADS OF RECLAIM OPERATIONAL AREA. A WATER TRUCK WAS OBSERVED TO BE OPERATING AS FAR NORTH AS I COULD SEE AND TRAVELED DOWN TOWARD ME DURING THIS INSPECTION. THIS TRUCK WAS EQUIPPED WITH A MANNED SPRAY NOZZLE TO RECLAIM AREAS AWAY FROM THE ROAD. THE SITE FORMAN WAS AWARE OF PREVIOUS DUST PROBLEMS BUT SAID THAT 2-5 LOADS OF WATER/PRY WAS WORKING.

RECOMMENDATION: THIS FACILITY WAS IN COMPLIANCE WITH SECTION 4.5.4 UACR AT THE TIME OF THIS INSPECTION.



Disturbed area boundary on road

Substation

North
 1" = 244'

EXHIBIT 1