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**U. S. Steel  
Mining Co., Inc.**

a Subsidiary of United States Steel Corporation

P. O. BOX 807  
EAST CARBON, UTAH 84520  
801 / 888-4431

WESTERN DISTRICT

File  
ACT/007/012  
Copy to NOV  
File  
Joe Tom P. &  
Wayne Ron  
JIM

April 28, 1982

MAY 12 1982

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MAY 03 1982

Mr. Ronald W. Daniels  
Division of Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

**DIVISION OF  
OIL, GAS & MINING**

Dear Mr. Daniels:

NOV N 81-3-24-1 was issued December 18, 1981 as follows:

Nature of Violation:

Failure to dispose of, place and store non-coal waste in a controlled manner in a designated portion of the permit area or in an approved landfill.

Provisions of the Regulations, Act or Permit Violated:

1. Storage sites for garbage, refuse, and scrap metal to the north of the fuel storage building.
2. Oil drum storage site northeast of coal cleaning plant.
3. All other storage sites of material described in UMC 817-89(c).

Remedial Action Required:

1. Submit plans in which a scheme including storage locations, runoff and leachate protection from storage locations; material consolidation timetables for removal and consolidation and contemporaneous reclamation of unused storage areas are addressed.

The operator answered the alledged violation by letter on December 30, 1981 with the following points:

Mr. Ronald W. Daniels

April 28, 1982

Page 2

1. The operator did not understand the intent of the inspector or the violation.
2. That the scrap metal is not non-coal waste but is recyclable materials.
3. The oil drums on site were not waste.
4. The storage site for various materials were placed for the convenience of the operator in managing the plant operation.
5. Other waste which is classified as non-coal waste was accumulated in designated locations for transfer to the county landfill.

The operator submitted "Operating Plans for Open Air Storage of Operating Material and Supplies for Disposal of Non-Coal Waste and Disposal of Recyclable Materials" in accord with the remedial action required by the NOV. The submission of the plan in our opinion met the requirements of the NOV remedial action and the violation should have been abated.

The operator received a 'Proposed Assessment for State Violation No. 81-3-24-1' on January 14, 1982. The operator requested an assessment conference on January 22, 1982 protesting the violation and the assessment.

The formal report of the December 18, 1981 inspection by Inspector T. L. Portle was received by the operator on February 2, 1982. The portion of the report covering the alledged violation pointed out that several inspectors in the past had noted the accumulations of scrap, non-coal waste and storage of material and that no action had been taken by the operator. It is our continuing opinion that:

1. The subject scrap metal piles, non-coal waste accumulation areas, and the storage areas are within the permit area, they are not causing any environmental harm through runoff or otherwise and that operation of the non-coal waste accumulation pile, scrap metal, oil drums, and storage areas is within the operators latitude and not at the direction of the Division.

The operator received a letter from the Division authored by Inspector T. L. Portal on February 25, 1982 in response to the plan submitted on January 8, 1982. The review of the comments by Mr. Portle indicated a need for a visit by a Division Hydrologist to survey runoff potential and make

Mr. Ronald W. Daniels

April 28, 1982

Page 3

an appraisal of the operators position that there is no discharge from the permit area. Mr. Wayne Hedberg - Reclamation Hydrologist visited the plant site on March 18, 1982 accompanied by T. L. Portle and David Darby. The report of their visit is contained in Mr. Hedberg's letter to the operator dated March 21, 1982. The only item (1. a) that addressed the NOV concerned prevention of a possible oil spill leaving the site. The balance of the letter items were outside of the concerns of the NOV. The deadline relative to the extension of NOV No. 81-3-24-1 was included with Mr. Hedberg's letter. We now believe we can answer Mr. Portle's letter of February 23rd relative to our submitted plan.

The following is our answer to the Divisions February 23, 1982 response to the "Plan" submitted to the Division on January 8, 1982.

#### Holding Areas and Disposal of Non-Coal Waste

We believe that our plan to haul non-coal waste off site as required by the operation is adequate. The sites have been in use for an extended period of time, the accumulated material will not result in environmental harm due to leachate or other causes, it is within the permit area and since the accumulation of this material is not permanent disposal, the timing to haul off site should be granted to the operator.

The visit to this site by Mr. Hedberg and comment during this visit did not identify a problem with runoff from this site. It is still our conclusion that runoff, if any, is minimal and will not leave the permit area.

#### Oil Drum Storage Sites

In response to runoff containment from the oil drum storage pad the operator proposed a berm to insure containment. We do not have an approval or rejection of this plan. The small size of the bermed pad will preclude runoff from the pad. Mr. Hedberg's comment relative to this site concerned the possible use of an oil skimming device.

We are not aware of any State Health Department rule that defines permanent storage. We maintain that the present practice and plan for accumulation of "returnable oil drums", use of other drums for accumulation of waste oil, and retention of other drums for use by the operator (such as collecting and shipment of coal samples) is adequate. Mr. Hedberg did not appear to have a problem with runoff from this site. It is our conclusion that any runoff from this site will not leave the permit area.

Mr. Ronald W. Daniels

April 28, 1982

Page 4

### Material and Equipment Storage Area

The plan for operation of this area states the operator's previous and continuing practice for storage and retrieval of materials for use in the operation of the cleaning plant. It is the operator's position that this area is within the permit area, that the operation does not result in environmental harm, the Mining and Reclamation Plan recognizes reclamation of this area and it is the operator's option to use this area in accord with the need for storage and retrieval of equipment and materials stored in this area.

### Scrap Metal Storage Area

Mr. Hedberg did not indicate a problem with runoff from the scrap metal storage pile. We continue our position that there is no problem with runoff from these piles and that any runoff would not leave the permit area.

### Recovered Wood Material

The operator has not identified a need for sediment control for runoff from this storage pile. Mr. Hedberg in his report did not address any problem with runoff therefore, we conclude that he is in accord with our assessment for the need for sediment control. We have not determined a final disposition of this material on a continuing basis. We do not see any environmental harm resulting from the accumulation of this wood material. Since the storage pile is within the permit area and does not cause environmental harm, it is the operators option regarding the timing and disposition of this material.

The operator maintains that the "Plan" as submitted is adequate to protect the environment. We have no evidence, (and apparently Mr. Hedberg concurs) of surface runoff leaving the coal cleaning plant permit area. Reclamation of the above identified areas is included in the Mining and Reclamation Plan submitted to the Division on March 20, 1981. It is our position that the environmental management of the Wellington Preparation Plant is outlined in the submitted plan and in the Mining and Reclamation Permit Application. The day to day operation in that permit area requires decisions that must be made by the operator of the facility; unless restricted by state law and regulations the U. S. Steel Mining Co., Inc. will make those decisions. Unless the Division can cite a violated regulation, we will continue operations as outlined in our Plan and Application.

In accord with our operation under these plans we have disposed of a major portion of the non-coal waste at the county landfill and have shipped scrap material from the scrap metal piles. We have also moved material identified as no longer usable from the material storage area to the scrap pile for shipment to the Geneva Steel Plant for recycling.

Mr. Ronald W. Daniels

April 28, 1982

Page 5

Based on our appraisal that no runoff will leave the permit area and the absence of observed runoff evidence during the visit by Mr. Hedberg it is concluded that no violation has occurred in relation to the non-coal waste pile, scrap pile, oil storage area and the material and storage area. It is requested that the violation be withdrawn.

It appears to us that the items of concern noted in this NOV should be addressed in the determination of adequacy of the Mining and Reclamation Plan that is on file with the Division. It also appears inappropriate to bypass this part of the plan approval through Notices of Violations.

Sincerely,



Robert E. Yourston  
General Superintendent

cc: T. L. Portle, OG&M  
Wayne Hedberg, OC&M  
B. Gardner, USSC  
B. Kirkwood, WD-USSMCI  
F. Boinsky, USSC  
Environmental Contact File

File ACT/007/012



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a Subsidiary of United States Steel Corporation

P. O. BOX 807  
EAST CARBON, UTAH 84520  
801 / 888-4431

WESTERN DISTRICT

March 5, 1982

James W. Smith, Jr.  
Coordinator of Mined Land Development  
Division of Oil, Gas, and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

**JIM**

**MAR 09 1982**

Attn: Lynn Kunzler

Re: Power Line and Raptor  
Protection Policy  
Letter dated 2/26/82

Dear Mr. Smith:

This letter is to request that the Division contact the United States Fish and Wildlife Service to arrange for a survey of the existing powerlines at the Wellington Coal Cleaning Plant. Please ask the Fish and Wildlife Service to notify me at telephone number 801-888-4431 one or two days prior to when they desire to conduct the survey. I will arrange to have a U.S. Steel Mining Company representative accompany the Fish and Wildlife Service during the survey.

Yours truly,

Glenn H. Sides  
Chief Engineer

cc: V.R. Watts  
Environmental Contact File  
B.L. Kirkwood  
P.E. Watson

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**MAR 08 1982**

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