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United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
BROOKS TOWERS
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DENVER, COLORADO 80202



In Reply Refer To:

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November 22, 1988

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ALBUQUERQUE FIELD OFFICE

MEMORANDUM

TO: Director, Albuquerque Field Office
FROM: Chief, Technical Assistance Division
SUBJECT: Wellington Preparation Plant

This is in response to your September 2, 1988 subject memorandum and attachments. Michael Rosenthal of the Physical Sciences Branch (PSB) and Bernard Freeman of your staff met with Rick Summers and Randall Harden of the Utah Division of Oil, Gas and Mining (DOG M) at the Wellington Preparation Plant refuse areas to evaluate compliance considerations.

Part 2 of the Ten Day Notice (TDN) applies to two structures at the Wellington Preparation Plant: The coarse refuse pile located south of the plant and the east side of the lower coal slurry cell located northeast of the plant. There are separate regulatory requirements for these two structures.

The coal slurry cell is an impounding structure and is regulated by UMC 817.92(b) [30 CFR 817.84(d)]. We do not interpret the Utah regulation to mean that in all cases there must be a constructed 100-year, 24-hour diversion for each coal refuse impounding structure. There is a qualifier to this regulation. A diversion is not required if runoff from the area above the facility is not expected to cause instability or erosion.

During the site visit, more than 4 feet of freeboard from the bottom of the lower cell to the discharge pipe was noted.

There is no reason to divert water away from a structure if that structure can safely contain, without discharge or erosion, the inflow from a 100-year, 24-hour precipitation event. cursory field calculations indicate that the structure has ample capacity to hold the inflow from such an event.

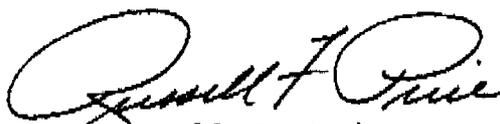
The TDN with respect to the impounding structure can be satisfied if the State can show that the structure in question can contain the required event. In making these calculations, we would recommend that the State use a runoff coefficient curve number (CN) of 80 or greater.

There has, however, been a recent change in the OSMRE regulations [FR/Vol. 53, No. 208/October 27, 1988/Page 43608]. The new regulation at 30 CFR 817.84(b)(2) now requires the structure to contain the inflow from a probable maximum precipitation (PMP) event of 6 hours duration. If the State's calculations show that the impounding structure can store the inflow from a PMP, this should put the matter to rest. At this time, however, this regulation is not applicable to the State, and the State should apply the requirements of their approved program.

The nonimpounding refuse disposal area (Coarse Refuse Pile) is regulated by UMC 817.72(d) [30 CFR 817.83(a)(2)]. In this regulation, there are no qualifying statements. There must be a 100-year, 24-hour diversion to protect this structure. The recent field review revealed that this diversion is not in place. Because of the small drainage area and a natural and constructed partial diversion around the coarse refuse pile, OSMRE believes compliance with UMC 817.72(d) will require minimum effort on the part of the operator.

At this time, the company responsible for this operation is in bankruptcy, operations have ceased, and a buyer is being sought to take over operations. We believe the TDN, with respect to the coarse refuse pile, would be satisfied if the State were to review the permit, when it again became operational, for a permit deficiency. If, at that time, the permit is found to be deficient, the State should inform the company in writing that there is a permit deficiency and require the operator to submit a design for a 100-year, 24-hour diversion around the coarse refuse pile. Upon approval of this design, the diversion would be constructed.

Should you have any questions concerning this matter, please contact Michael Rosenthal, Chief, Physical Sciences Branch, at (FTS) 564-2579.


Russell F. Price