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STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

October 23, 1984

Mr. Dan W. Guy, Manager
Permitting and Compliance
Beaver Creek Coal Company
P. O. Box 1378
Price, Utah 84501

Dear Mr. Guy:

RE: Proposed Notice of Violation Abatement for N84-6-13-1,
Gordon Creek #7 Mine, ACT/007/016, #3 and #7, Carbon
County, Utah

The Division has reviewed the proposed abatement plans for Notice of Violation (NOV) N84-6-13-1 (received October 5, 1984), regarding containment of runoff at the belt transfer area of the #7 Mine facilities. In order to fully satisfy the abatement requirements of the NOV, the following inadequacies of the plan must be addressed:

An average annual precipitation event, estimated to be approximately 0.57 inches of rainfall, falling over the belt transfer area (approximately 9,000 ft²) will produce a runoff volume of about 3,000 gallons. The runoff, when routed along the new containment wall at a hydraulic slope of 11.9 percent and corresponding high velocities, will probably not be confined to the area designated on the plan as "Transfer Runoff Containment Area." The runoff will probably be diverted around the containment structure, eventually entering the drainage ditch as toxic effluent.

To further complicate the situation, any runoff that makes its way to the belt-transfer area from the upper reaches of the watershed could magnify the problem.

It is suggested that Beaver Creek Coal Company contain the hydraulic fluid leaks in as small an area as possible, separating the fluid from any local runoff. Construction of adequate sediment control structures to trap the particles

Page 2

Mr. Dan W. Guy, Manager

ACT/007/016

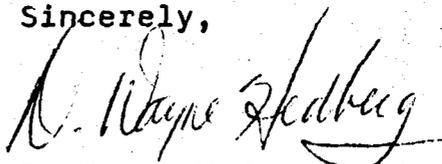
October 23, 1984

before they reach the undisturbed drainage is recommended. Coal fines should be controlled by reinstallation of the belt scraper as well. The resulting effluent reaching the undisturbed drainage is subject to the settleable solid limitation standards stated in UMC 817.42(d).

The Division cannot approve the abatement plan as submitted, until modifications are made on the plan that more adequately address the disturbed runoff drainage problem at the belt transfer. As an example, plans should be modified to include hydraulic and channel characteristics information on any new drainage ditch, storage information on a proposed catchment or storage pond, structure and areal extent of any hydraulic fluid containment structure, and type and placement of sediment control structures.

If you have any questions or problems concerning this matter, feel free to contact me or David Hooper at your convenience.

Sincerely,



D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

DH/btb

cc: Allen Klein
Robert Hagen
Joe Helfrich
Dave Hooper
Bart Kale
Jim Smith
Ken Wyatt

03380-23 & 24

COMPANY/MINE Beaver Creek Coal Co. NOV/CO # 84-6-13-1
 PERMIT # HCT/001/017 VIOLATION # 1 OF 1

EVENT VIOLATIONS INSPECTORS STATEMENT

A. SERIOUSNESS

1. What harmful event was this regulation designed to prevent? Refer to the DOGM reference list of events below and remember that the event is not the same as the violation. Circle and explain each event.

- a. Activity outside the approved permit area.
- b. Injury to the public (public safety).
- c. Damage to property.
- d. Conducting activities without appropriate approvals.
- e.** Environmental harm.
- f. Water pollution.
- g. Loss of reclamation / revegetation potential.
- h. Reduced establishment of a permanent, diverse and effective vegetative cover.
- i. Other.

2. Has the event occurred? Yes No

If yes, describe it. If no, what would cause it to occur and how likely is it that it would happen.

Offsite disturbance in newly created undisturbed drainage. Contaminated area (coal and hydraulic fluid) flushed down undisturbed drainage during maintenance of conveyor. Undisturbed drainage is stained with coal showing path of contaminated water.

3. Would and/or does damage extend off the disturbed and/or permit area?

DISTURBED AREA

PERMIT AREA

Would: Yes No
 Does: Yes No

Would: Yes No
 Does: Yes No

4. Describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not damage would extend off the disturbed and/or permit area.

The ^{new} conveyor rides above area that drains to undisturbed. At transfer point of the two belts this area is serviced by hydraulics. At time of inspection area was leaking hydraulic fluid profusely at various locations. Some one had hosed down area from newly constructed transfer line. Flushed area into drainage - would have continued as regular maintenance without discovery.

Potential damage off the disturbed area. Yes No

Potential damage off the permit area. Yes No

The area in question is not contained to keep toxic materials from leaving the area. Also coal regularly falls off the conveyor.

B. DEGREE OF FAULT (Only one question applies to each violation, check one and discuss.)

() No Negligence

If you think this violation was not the fault of the operator (due to vandalism or an act of God), explain. Remember the permittee is considered responsible for actions of all persons working on the mine site.

() Ordinary Negligence

If you think this violation was the result of not knowing about DOGM regulations, indifference to DOGM regulations or the lack of diligence or reasonable care. Explain.

The operator maintained that because the location was approved by Division Permitting staff that they were not responsible for performance standards of area. At the same time operator stated he was not aware of maintenance of conveyor by hesing down equipment. Although trail of coal into culvert was obvious. Maintenance crew should have been aware of the obvious violations involved with hesing down equipment into undisturbed.

() Recklessness:

If the actual or potential environmental harm or harm to the public should have been evident to an operator, describe the situation and what if anything, the operator did to correct it prior to being cited.

() Knowing and Willful Conduct

Was the operator in violation of a specific permit condition? Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation? Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

Work for part one was 60-70% OK when inspected 1 week later. Coal in drainage was being covered to improve visuals but not removed. (Removal was not required) Plans not received with 2 days to go on Part 2

2. Explain whether or not the operator had the necessary resources onsite to achieve compliance.

NCS Resources involve plans and minor construction all of which BCC is ~~not~~ able

3. Was the submission of plans prior to physical activity required by this NOV? Yes No If Yes, explain.

Oct 1 1984
DATE

Barton D. Dale
AUTHORIZED REPRESENTATIVE

#5231

Beaver Creek Coal Company
P.O. Box AU
Price, Utah 84501
Telephone 801 637-5050



RECEIVED

OCT 05 1984

DIVISION OF OIL
GAS & MINING

October 3, 1984

Mr. Barton Kale
Mining Field Specialist
Utah Division of Oil, Gas, & Mining
4241 State Office Building
Salt Lake City, UT 84114

RE: NOV 84-6-13-1
ACT/007/014
Carbon County, Utah

Dear Bart:

I have enclosed three (3) sets of plans showing our proposal to permanently handle containment at the #7 Mine belt transfer. This plan is submitted as an abatement (Step 2) of the above referenced NOV, and will be a minor modification to our approved M.R.P.

I am prepared to implement this plan immediately upon approval.

Respectfully,

Dan W. Guy
Manager of Permitting and Compliance

DWG/sb

Enclosures

cc: Dan Meadors
Chuck Dunbar
File: 4-p-5-1-6-2