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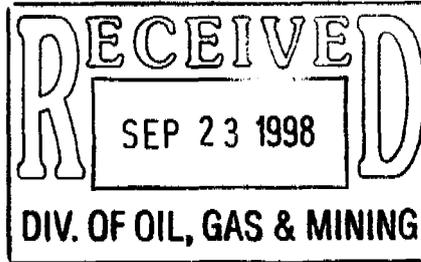
Michael O. Leavitt
Governor
Dianne R. Nielson, Ph.D.
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State of Utah
DEPARTMENT OF ENVIRONMENTAL QUALITY
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Executive Secretary

September 21, 1998



Mr. Johnny Pappas
Senior Environmental Engineer
Cyprus Plateau Mining Corporation
Post Office Drawer PMC
Price, Utah 84501

*Copy Sharon Ken
ACT/007/038 #2
PAX TFO*

Dear Mr. Pappas:

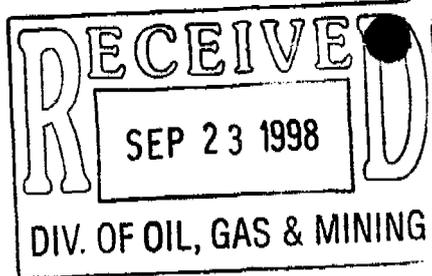
Subject: Permit Development And Discharge Of Treated Mine Water, UTG040012

Recently Mike Herkimer and Jerry Jackson of our Division of Water Quality (DWQ) staff visited your mine for a short underground tour. They are appreciative of your hospitality and noted first hand the additional problems encountered as a result of the natural release of crude oil into your mine. During that visit you and Johnny Green brought up several questions. This letter in an answer to those questions.

We have long ago received your request for a permit modification. As previously indicated your general permit cannot be modified because the discharge, when inclusive of the K-seam discharge would exceed 1 ton per day of total dissolved solids (TDS) which is the TDS limit in the general coal permit. Therefore, modification of the general permit was abandoned and we indicated an individual permit was needed. In the process of developing an individual permit, a number of problems occurred with the K-seam water such as failing acute and chronic toxicity testing and the high concentration of TDS. We recognize your efforts in pursuing a TIE/TRE and completing a ground water study for the Colorado Salinity Control Forum requirements. As indicated in our meeting of August 27th we are waiting for your final submittal on the WET and TDS issues. Once we have those submittals we can proceed to a final draft of the permit.

Based on Utah Administrative Code R317-8-2.5(2)(b)3 your previous general permit is still viable until your new individual permit takes effect. Therefore, you can discharge from any points identified in that general permit. However, discharge from the K-seam is not allowed because it was not identified as being included in any outfall in the previous general permit. Based on the fact that some type of crude oil is being released from the mine, if you discharge we would ask that you monitor for oil and grease on a weekly basis during discharge.

Mr. Johnny Pappas
September 17, 1998
Page 2



Part of the process of developing an individual permit for any facility is to request more intensive monitoring of all wastewater discharge points. Our primary concern at all mines and specifically the Willow Creek Mine are mine water discharges which should be monitored for the following parameters; acute whole effluent toxicity (WET), inorganic total metals such as aluminum, arsenic (trivalent), cadmium, chromium (hexavalent), chromium (trivalent), copper, cyanide, iron, lead, mercury, nickel, selenium, silver and zinc and organic parameters associated with petroleum such as benzene, ethyl benzene, toluene, xylene and naphthalene (BTEXN). This monitoring can occur during discharge or prior to discharge if an adequate sample can be obtained.

I hope this letter has answered your questions and alleviated some of your concerns. If you have any questions regarding this letter, please contact Mike Herkimer at 538-6058.

Sincerely,

A handwritten signature in cursive script that reads "Donald A. Hilden".

Donald A. Hilden, Ph.D., Manager
Permits & Compliance Section

DAH:MDH:ja/st

cc: Claron Bjork, Southeast District Health
Dave Ariotti, District Engineer
Sharon Fulvey, DOGM

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