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Governor

TEMPLE A. REYNOLDS
Executive Director,
NATURAL RESOURCES

CLEON B. FEIGHT
Director



STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS, AND MINING
1588 West North Temple
Salt Lake City, Utah 84116
(801) 533-5771

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July 21, 1981

#0367489

REGISTERED - RETURN RECEIPT REQUESTED

Mr. David Myers
Beaver Creek Coal Company
1109 South Carbon Ave.
Price, Utah 84501

ACT/015/004 ✓
ACT/009/016
ACT/007/017

RE: Compliance

Dear Mr. Myers:

As discussed during the inspection on July 16, 1981, and during an inspection on June 12, 1981, the following compliance measures are required within the specified time frames or notices of violation will be issued under the Section cited. Several of the compliance requirements listed were given a deadline of July 30, 1981 as agreed upon during the inspection on June 12, 1981, to compensate for time lost during vacation, the rest of the requirements were given a reasonable time for compliance of 30 days or until August 16, 1981. It can be inferred from this letter and from discussions during the two previous inspections that failure to adequately complete all compliance measures within the time frames required is evident negligence subject to the penalties assigned for a knowing and intentional violation.

Huntington Canyon #4

1. Clean up trash and all noncoal waste and permanently dispose of it as required in UMC 817.89. Deadline: July 30, 1981.
2. Remove timbers being temporarily stored outside of the disturbed area perimeter and store at a site prepared for compliance under UMC 817.42(a)(1). Deadline: August 16, 1981.
3. Clean up coal spillage from stockpile failure and determine measures to prevent a recurrence. If modifications are necessary, submit plans to the Division in reference to UMC 817.41, 817.43 and 817.45, and implement modifications immediately upon approval.
4. Fill in gully, grade and stabilize fill around pipeline alongside the sediment pond inlet as required under UMC 817.106. Deadline: August 16, 1981.

Mr. David Myers
July 21, 1981
Page Two

5. Stabilize inlet to sediment pond to comply with requirements under UMC 817.106 and 817.45. Deadline: August 16, 1981.

6. Reestablish surface grade, undisturbed drainage channels and berms along the upper pad and maintain surface grade, ditches and culverts on the middle and lower pads, and access roads to meet design and maintenance requirements of UMC 817.42(a)(1), 817.45, 817.63, 817.153, 817.155, 817.163 and 817.165(b). Deadline: July 30, 1981.

7. Prepare SPCC plans in accordance with the Federal Water Pollution Control Act and regulations under Title 40, Chapter 1, Subchapter D, Part 112-Oil Pollution Prevention. Submit plans to Division in an addendum to the Permanent Mine Plan required by UMC 782.19. Implement plans immediately. Of particular concern is the close proximity of powerlines to the diesel tank on the middle pad, the tank should be relocated to prevent a fire hazard as to 40-10-18(2)(h) of the Utah State Code, Annotated 1953. Deadline: July 30, 1981.

Gordon Creek #6

1. Refer to UMC 817.41, 817.43 and 817.45 in developing plans for a surface grade and berms to retain pad runoff from the downslopes and overland flow diversions to reduce runoff volume and flow velocity thereby reducing erosion, controlling sediment and preventing another washout of the mine facilities and sediment pond.

2. As required in #7 above, prepare SPCC plans for immediate implementation at each of the Gordon Creek operations also.

3. Post perimeter markers immediately at all Gordon Creek operations as required in a letter dated July 19, 1981 and in UMC 817.11(b).

4. All underground openings that are temporarily or permanently inactive, should be addressed as required under UMC 817.14 and 817.15 respectively. Openings of particular concern are at the abandoned ventilation pad below Gordon Creek #2, at Gordon Creek #6 and Huntington Canyon #4. Deadline: August 16, 1981.

Gordon Creek #3

1. Repair sediment pond to approved design immediately. Repair leak in bypass culvert under the pond to prevent discharge or short circuiting to the unaffected drainage (UMC 817.42(a)(1), 817.45, 817.46(e)). Deadline: August 16, 1981.

2. Repair road damage first evident during the June 12, 1981 inspection. Establish a more permanent grade and drainage system to convey runoff as designed. Or submit plans to the Division for a new drainage system permanently incorporating this runoff path to the sediment pond. Also submit plans for control of runoff from the road alongside the sediment pond. Plans should be designed and implemented to comply with UMC 817.45. Deadline: July 30, 1981.

3. Fill in, grade and stabilize the gully down to the stream below the sediment pond as required in UMC 817.106. Deadline: July 30, 1981.

4. Maintain surface grade and conveyance ditches and reestablish berms to adequately address the requirements of UMC 817.42(a)(1), 817.43(c) and 817.45. Deadline: July 30, 1981.

Gordon Creek #2

1. Consolidate trash and noncoal waste and dispose or store it as required under UMC 817.89. Deadline: July 30, 1981.

2. Stabilize downslope of upper pad and backfilled material over culvert extension to meet requirements of UMC 817.41(d)(2)(i), 817.45(b), 817.101 and 40-10-17(2)(d) of the Utah State Code. Plans should be submitted to the Division. It is recommended that the spoil piles in the drainage of the Right Fork of Bryce Canyon be removed for use as a portion of the fill material in meeting the above mentioned requirements in addition to UMC 817.71(a). Deadline: August 16, 1981.

3. The runoff control measures for the entire mine area should be redesigned or maintained to adequately address requirements of UMC 817.42(a)(1) and 817.45. In particular, undisturbed drainage should be protected from disturbed area runoff with the proper implementation and maintenance of berms and adequately sized and protected diversion channels. Disturbed area runoff should be treated for sediment control before leaving the permit area and erosion and ponding should be minimized to the greatest extent possible. The pad grades, conveyance ditches and berms for the entire mine area are poorly maintained and are not functioning as designed. Runoff control and subsidence stabilization is necessary for the proposed test plot location. Measures to prevent runoff from leaving the permit area and to minimize erosion should be implemented for the small area in the fan exhaust path and on the downstream embankment of the sediment pond. Measures may include, but are not limited to those mentioned under UMC 817.41 and 817.45.

Mr. David Myers
July 21, 1981
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4. As discussed during the June 12, 1981, inspection the sizing calculations for the disturbed area runoff conveyor from the bathhouse across the main access road to the sediment pond should be submitted to the Division to determine the adequacy of the structure. At that time, Tom Portle also requested that plans for the fan relocation be submitted to the Division. Deadline: July 30, 1981.

5. Upon brief review of the permanent mine plan submittal, inspectors were unable to determine the design criteria such as the size and characteristics of the adjacent watersheds as used to determine runoff volume in design of the pond. It is recommended that design criteria and calculations be compiled for submittal to the Division as required under UMC 784.16(b)(1) and 817.46 before the plan is reviewed for apparent completeness sometime next month, thereby expediting review and permitting.

The Notice of Violation has been modified to extend the abatement deadline 30 days, or until August 12, 1981, to adequately address abatement measures required. In particular, energy dissipators are required at the discharge point of the culverted diversion (UMC 817.43(f)(3), 817.47). Ensure that the channel lining installed along the seep drainage minimizes erosion along the entire channel and is not short circuited (UMC 817.43). Extend the berm above the Right Fork Bryce Canyon drainage to prevent disturbed area runoff from leaving the permit area (UMC 817.42(c)(1), 817.45). As mentioned above, these compliance requirements should be met no later than the specified deadlines or violations with severe penalty are warranted. Please be sure to contact Division members Tom Portle, Dave Lof or Sandy Pruitt if you have any questions or problems concerning these requirements.

Sincerely,

for 
SANDY PRUITT
RECLAMATION OFFICER

SP/te

cc: Tom Ehmett, O.S.M.
Dan Guy, Beaver Creek
Inspection Staff