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ACT 1015/015
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SCOTT M. MATHEWSON
Governor

GORDON E. HARRISTON
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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THADIS W. BOX
C. RAY JUVELIN

May 8, 1978

Mr. John M. Kaufman
Regional Supervisor
Environmental Quality Control
Consolidation Coal Company
Western Region
2 Inverness Drive East
Englewood, CO. 80110

Re: Emery Deep Mine
ACT - -

Dear Mr. Kaufman:

In reply to your letter of April 24th 1978, concerning compliance with the surface monitoring requirements of the Initial Federal Surface Mining Regulations, I feel that the Division cannot completely concur with Consol's position.

The Division will accept the NPDES permit reports for discharges covered by them. A copy of the completed reporting form as required for the NPDES permit is sufficient only if the reporting requirements and data meet the frequency and other requirements of paragraph 717.17 (b) (1) (v). The monitoring program must cover discharge from the disturbed area and the underground operations. Consol's permit (UT-0022616) is for discharge from the underground workings only. Therefore, I do not feel that submittal of the NPDES reports will satisfy all of the requirements of Part 717.17 (b) (1).

I suggest that Consol initiate a monitoring program for the surface runoff to compliment the present monitoring program for the underground discharge that is covered by NPDES discharge permit (UT-0022616). I would not suggest that Consol revise the NPDES permit to include surface runoff. The EPA will probably try to include total dissolved solid criteria as established for the Colorado River Basin in the next permit issued to Consol.

If you have any questions or feel that the subject needs to be discussed further, please feel free to call. Thank you for your cooperation.

Sincerely,

K. MICHAEL THOMPSON
RECLAMATION HYDROLOGIST

from the de of

May 3, 1978



JOHN M. KAUFMAN

To

Tom Daniels

Per your request, attached are two copies of the Emergency Deep Mine Drainage Control Plan.

Please be advised that this plan is subject to change.

JK



fill
ACT-
015-015

Route RM4

Jim _____

Brian _____

Row Na

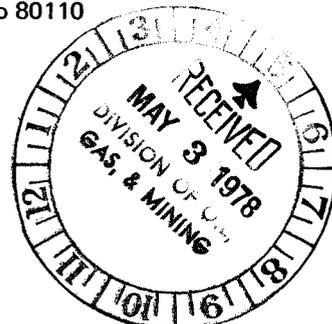
File in Embry Consol Deep Mine



with
see letter of reply
Partly! not
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Consolidation Coal Company

Western Region
2 Inverness Drive East
Englewood, Colorado 80110
303-770-1600



Certified Mail - Return Receipt Req.

April 24, 1978

Mr. Cleon B. Feight, Director
Division of Oil, Gas, and Mining
1588 West North Temple
Salt Lake City, Utah 84116

Re: Compliance with the Surface
Water Monitoring Requirements
of the Initial Federal Surface
Mining Regulations

Dear Mr. Feight:

As you know, section 717.17(b)(1) of the initial federal surface mining regulations requires that the permittee submit to the regulatory authority for approval a surface water monitoring program which meets the following requirements:

1. Provides adequate monitoring of all discharges from the disturbed area and from the underground operation;
2. Provides adequate data to describe the likely daily and seasonal variation in discharges from the disturbed area in terms of flow, pH, total iron, total manganese, and total suspended solids and, as requested by the regulatory authority, any other parameter characteristic of the discharge;
3. Provides monitoring at appropriate frequencies to measure normal and abnormal variations in concentrations;
4. Provides an analytical quality control system including standard methods of analysis such as those specified in 40 CFR 136; and
5. Provides regular reports of all measurements to the regulatory authority within 60 days of sample collection unless violations of permit conditions occur in which case the regulatory authority must be notified immediately after receipt of analytical results by the permittee.

However, if the discharge is subject to regulation by a federal or state permit issued in compliance with section 301 of the Federal Water Pollution Control Act Amendment of 1972 (33 U.S.C. Section 1311), a copy of the completed reporting form supplied to meet the permit requirements and submitted quarterly to the regulatory authority should satisfy the reporting requirements of 1 through 5 as stated above.

Consolidation Coal Company (Consol) presently has a National Pollutant Discharge Elimination System (NPDES) permit, UT 0022616, for the discharge from the Emery underground mine located near Emery, Utah. We believe that compliance with the NPDES permit conditions constitutes compliance with the water quality monitoring requirements of section 717.17(b)(1) of the initial regulations. As previously stated, we will submit to you on a quarterly basis the completed NPDES reporting form supplied to meet the permit requirements.

In closing, we believe that your concurrence with our position as stated is important. Therefore, your concurrence is requested. Furthermore, we invite any comments or suggestions which you may have regarding this matter.

Sincerely,



John M. Kaufman
Regional Supervisor,
Environmental Quality Control

JMK/cm

cc: R. Daniels

EPA

Rob Walline

303-837-4901

Permit No. MI UT-0022616

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended,
(33 U.S.C. 1251 et. seq; the "Act"),

the Consolidation Coal Company,

is authorized to discharge from a facility located at Emery, Utah,

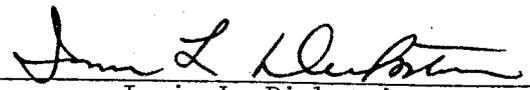
to receiving waters named Quitchupah Creek, a tributary to Ivie Creek,

in accordance with effluent limitations, monitoring requirements and other conditions set forth
in Parts I, II, and III hereof.

This permit shall become effective on the date of issuance.*

This permit and the authorization to discharge shall expire at midnight, June 30, 1980.

Signed this 21 day of May, 1976



Irwin L. Dickstein
Director, Enforcement Division

* Thirty (30) days after the date of receipt of this permit by the Applicant.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning immediately and lasting through December 31, 1976,
the permittee is authorized to discharge from outfall(s) serial number(s) 001.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations				Monitoring Requirements	
	kg/day (lbs/day)		Concentration		Measurement Frequency	Sample Type
	Daily Avg	Daily Max	mg/l Daily Avg	mg/l Daily Max		
Flow—m ³ /Day (MGD)	N/A	N/A	N/A	N/A	<u>2/</u>	<u>1/</u>
Total Dissolved Solids	N/A	N/A	N/A	N/A	Monthly	Grab
Total Suspended Solids	N/A	N/A	N/A	N/A	Monthly	Grab
Total Iron	N/A	N/A	N/A	N/A	Monthly	Grab

The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units and shall be monitored monthly by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):
At the point of discharge just prior to mixing with the receiving stream.

- 1/ Flow may be measured through the use of pump logs and rating curves. Rating curves shall be updated and checked for accuracy at least once every six (6) months.
- 2/ All pump flow records shall be accumulated and reported quarterly following issuance of this permit.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning January 1, 1977, and lasting through June 30, 1980, the permittee is authorized to discharge from outfall(s) serial number(s) 001.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations				Monitoring Requirements	
	kg/day (lbs/day)		Concentration		Measurement Frequency	Sample Type
	Daily Avg	Daily Max	mg/l Daily Avg	mg/l Daily Max		
Flow—m ³ /Day (MGD)	N/A	N/A	N/A	N/A	2/	1/
Total Dissolved Solids	N/A	N/A	N/A	N/A	Monthly	Grab
Total Suspended Solids	N/A	N/A	25	50	Monthly	Grab
Total Iron	N/A	N/A	N/A	N/A	Monthly	Grab

The concentration of Oil and Grease shall not exceed 10 mg/l and there shall be no visible sheen. This discharge shall be monitored on a visual basis.

The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units and shall be monitored monthly by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):
At the point of discharge just prior to mixing with the receiving stream.

/ Flow may be measured through the use of pump logs and rating curves. Rating curves shall be updated and checked for accuracy at least once every six (6) months.

/ All pump flow records shall be accumulated and reported quarterly following issuance of this permit.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - SEE ANY ADDITIONAL REQUIREMENTS UNDER PART III.

1. Effluent Limitations

Effective July 1, 1980, Utah Effluent Standards require that the quality of effluent discharged by the facility shall, as a minimum, meet the limitations as set forth below:

<u>Average Effluent Concentration</u>		
<u>Parameter</u>	<u>30 Consecutive Day Period</u>	<u>7 Consecutive Day Period</u>
BOD ₅ - mg/l	10 <u>a/</u>	20 <u>b/</u>
Total Suspended Solids - mg/l	10 <u>a/</u>	20 <u>b/</u>
Fecal Coliform - number/100 ml	20 <u>c/</u>	40 <u>c/</u>
Total Coliform - number/100 ml	200 <u>c/</u>	400 <u>c/</u>
Total Residual Chlorine - mg/l		1.0 <u>d/</u>
pH - units	Shall remain between 6.5 and 9.0 <u>d/</u>	

a/ This limitation shall be determined by the arithmetic mean of a minimum of three (3) consecutive samples taken on separate weeks in a 30-day period (minimum total of three (3) samples); not applicable to fecal coliforms - see footnote c/.

b/ This limitation shall be determined by the arithmetic mean of a minimum of three (3) consecutive samples taken on separate days in a 7-day period (minimum total of three (3) samples); not applicable to fecal coliforms - see footnote c/.

c/ Averages for fecal and total coliforms shall be determined by the geometric mean of a minimum of three (3) consecutive grab samples taken during separate weeks in a 30-day period for the 30-day average, and during separate days in a 7-day period for the 7-day average. (minimum total of three (3) samples)

d/ Any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.

B. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:
 - (a) Commencement of construction: June 30, 1976
 - (b) Completion of construction : September 30, 1976
 - (c) Operational Level Attained : December 31, 1976

2. No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

C. MONITORING AND REPORTING

1. *Representative Sampling*

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. *Reporting*

Monitoring results obtained during the previous 3 months shall be summarized for each month and reported on a Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period. The first report is due on **October 28, 1976**. Duplicate signed copies of these, and all other reports required herein, shall be submitted to the Regional Administrator and the State at the following addresses:

U.S. Environmental Protection Agency
Suite 900, 1860 Lincoln Street
Denver, Colorado 80203
Attention: Enforcement - Permits

Utah Division of Health
Bureau of Environmental Health
Water Quality Bureau
44 Medical Drive
Salt Lake City, Utah 84113

3. *Definitions*

- a. The "daily average" discharge means the total discharge by weight during a calendar month divided by the number of days in the month that the production or commercial facility was operating. Where less than daily sampling is required by this permit, the daily average discharge shall be determined by the summation of all the measured daily discharges by weight divided by the number of days during the calendar month when the measurements were made.
- b. The "daily maximum" discharge means the total discharge by weight during any calendar day. (See CONTINUATION - next page)

4. *Test Procedures*

Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304(g) of the Act, under which such procedures may be required.

5. *Recording of Results*

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling;
- b. The dates the analyses were performed;
- c. The person(s) who performed the analyses;

- d. The analytical techniques or methods used; and
- e. The results of all required analyses.

6. *Additional Monitoring by Permittee*

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form (EPA No. 3320-1). Such increased frequency shall also be indicated.

7. *Records Retention*

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years, or longer if requested by the Regional Administrator or the State water pollution control agency.

CONTINUATION

3. Definitions (continued)

b. (continued)

This limitation shall be determined by the analyses of a properly preserved composite sample composed of a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow at the time of sampling.

- c. The "daily average" concentration means the average concentration during a calendar month. Where less than daily sampling is required by this permit, the average concentration shall be determined by the summation of all measured daily samples divided by the number of days during the calendar month when the measurements were made.

- d. The "daily maximum" concentration shall be determined by the analysis of a properly preserved composite sample composed of a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow at the time of sampling.

A. MANAGEMENT REQUIREMENTS

1. *Change in Discharge*

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new NPDES application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit issuing authority of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

2. *Noncompliance Notification*

If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit, the permittee shall provide the Regional Administrator and the State with the following information, in writing, within five (5) days of becoming aware of such condition:

- a. A description of the discharge and cause of noncompliance; and
- b. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

3. *Facilities Operation*

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.

4. *Adverse Impact*

The permittee shall take all reasonable steps to minimize any adverse impact to navigable waters resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. *Bypassing* (See additional requirements under PART III)

Any diversion from or bypass of facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited, except (i) where unavoidable to prevent loss of life or severe property damage, or (ii) where excessive storm drainage or runoff would damage any facilities necessary for compliance with the effluent limitations and prohibitions of this permit. The permittee shall promptly notify the Regional Administrator and the State in writing of each such diversion or bypass.

6. *Removed Substances*

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

7. *Power Failures*

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

a. In accordance with the Schedule of Compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater control facilities;

or, if such alternative power source is not in existence, and no date for its implementation appears in Part I,

b. Halt, reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

B. RESPONSIBILITIES

1. *Right of Entry*

The permittee shall allow the head of the State water pollution control agency, the Regional Administrator, and/or their authorized representatives, upon the presentation of credentials:

a. To enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; and

b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any discharge of pollutants.

2. *Transfer of Ownership or Control*

In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Regional Administrator and the State water pollution control agency.

3. *Availability of Reports*

Except for data determined to be confidential under Section 308 of the Act, all reports prepared in accordance with the terms of this permit shall be available for public

inspection at the offices of the State water pollution control agency and the Regional Administrator. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Act.

4. *Permit Modification*

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

5. *Toxic Pollutants*

Notwithstanding Part II, B-4 above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

6. *Civil and Criminal Liability*

Except as provided in permit conditions on "Bypassing" (Part II, A-5) and "Power Failures" (Part II, A-7), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

7. *Oil and Hazardous Substance Liability*

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

8. *State Laws*

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

9. *Property Rights*

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

10. *Severability*

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

PART III

OTHER REQUIREMENTS

Additional Bypassing Requirements

If, for other reasons, a partial or complete bypass is considered necessary, a request for such bypass shall be submitted to the State of Utah and to the Environmental Protection Agency at least sixty (60) days prior to the proposed bypass. If the proposed bypass is judged acceptable by the State of Utah and by the Environmental Protection Agency, the bypass will be allowed subject to limitations imposed by the State of Utah and the Environmental Protection Agency.

If, after review and consideration, the proposed bypass is determined to be unacceptable by the State of Utah and the Environmental Protection Agency, or if limitations imposed on an approved bypass are violated, such bypass shall be considered a violation of this permit; and the fact that application was made, or that a partial bypass was approved, shall not be a defense to any action brought thereunder.

Total Dissolved Solids

Limitations on Total Dissolved Solids shall be revised as appropriate and in accordance with future salinity standards or limitations that are established for the Colorado River Basin.