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FILE ACT/015/015

FOLDER # 7

Consolidation Coal Company  
Western Region  
2 Inverness Drive East  
Englewood, Colorado 80112  
(303) 770-1600

DIVISION OF  
OIL, GAS & MINING

September 14, 1983

Office of Oil, Gas, and Mining  
State of Utah  
4241 State Office Building  
Salt Lake City, Utah 84114

ATTN: Dave Lof

RE: Notice of Violation N83-4-11-2  
Emery Deep Mine  
ACT/015/015

The following information is provided as dictated in the abatement sections of Violations 1 and 2 of the subject Notice of Violation.

Violation 1

The violation was issued for failure to construct a sedimentation control facility (an overland flow diversion) upstream of sedimentation pond 005 (prep plant pond). Required remedial action allowed Consol to show why the diversion should not be built at this time. The following is provided for that showing.

The diversion was included as a part of the approved mining and reclamation plan of the permit, but is not integral to the safe and proper functioning of the sedimentation pond. As submitted, described, and approved in the permit application, the pond was designed to collect runoff from the entire watershed, sans diversion, from a 10 year - 24 hour storm and safely pass runoff from the entire watershed from a 25 year - 24 hour storm. The diversion was in the mining and reclamation plan for the purpose of keeping upstream runoff away from the prep plant facilities, not to reduce the watershed area for the pond (as you must have assumed). The diversion is not a sediment control structure as alleged in the NOV; it is structure designed to minimize operational problems associated with runoff passing through the prep plant and associated facilities.

Because of, the then urgent, time considerations, Consol requested an early approval for construction of the sedimentation pond during the review of the prep plant permit modification application. DOGM approved the sedimentation pond on November 25, 1981 (the prep plant permit modification was approved September 21, 1982). As stated in the

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Salt Lake City, Utah 84114

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approval "The only stipulation to this approval is that Consolidation Coal shall obtain a construction permit from the State of Utah, Division of Water Pollution Control prior to construction and an NPDES permit before actually operating the pond for treatment of the disturbed area runoff." [Emphasis added]. Note that DOGM approved construction of the pond without stipulating that the diversion also be constructed.

On December 2, 1981, the Department of Health, Bureau of Water Pollution Control approved the construction permit with four stipulations. The permit letter, which was copied to DOGM, reiterated the specifications of the pond and stated, "The construction of the storm water runoff diversion from undisturbed areas will add a measure of safety for the pond capacity and will be constructed within a year." [Emphasis added]. The stipulation was subsequently modified on November 16, 1982 by the Department of Health at Consol's request. The letter, which was copied to DOGM (and available to the inspector) stated ". . . the company is not required to construct the diversion ditches until the preparation plant is constructed."

Prior to making the request for modifying the Health Department Stipulation, I contacted Jim Smith of your office by telephone and asked if we should route the request through DOGM. He correctly noted that the stipulation was attached to the Health Department approval not DOGM's approval and that the request should be made directly to them. He requested that he be copied in on the correspondence, which he was, and noted that DOGM relied on the expertise of the Health Department for those matters anyway. The November 3, 1982 letter from Consol requesting the modification was copied to DOGM (and presumably available to the inspector) and stated "Although the future construction of the storm water runoff diversion from the undisturbed areas would add a measure of safety for the pond capacity by reducing the pond watershed area by 75.1 acres, the pond is presently capable of handling all runoff from the watershed." [Emphasis added].

As you can see, the design of the sediment pond, as originally reviewed and approved by both DOGM and the State Health Department did not require construction of the diversion for its proper functioning. The diversion is ancillary to the prep plant in exactly the same way that the roads, foundation pads, stockpiles, etc. are, and until the prep plant is constructed, the diversion, (like the roads, foundation pads, stockpiles, etc.) is not needed.

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Violation 2

This violation pertains to a stream flow monitoring flume installed in Quitchupah Creek for the purpose of determining the total flow of Quitchupah Creek and Christiansen Wash just below the confluence of the two streams. The concrete flume was installed in July 1982. A description of the planned installation was provided to DOGM in a letter dated October 6, 1981. Consol received no comment on the plan from DOGM. Between May 16 and early July 1983, the creek rechanneled itself around the flume. The abatement action required that Consol provide plans to DOGM which show how the flume will be reconstructed. Those plans are described below.

Site #3 Quitchupah below confluence (subject of Violation)

Consol proposes to remove the flume and ancillary equipment and change streamflow measurement at this location from continuous recording to instantaneous measurement with a pygmy meter at the time of water quality sampling. If flows are too high such that instantaneous measurement by wading the channel with a pygmy meter is too dangerous, flow can be obtained by adding flows at site #4 and 5 after recorder data has been reduced.

Site #4 Christiansen Wash above confluence

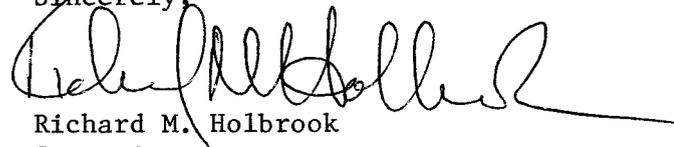
Consol proposes to replace the equipment which the USGS is removing due to discontinuance of monitoring station and continue flow measurements at this site.

Site #5 Quitchupah Creek above confluence

Consol will continue to maintain this site.

I have provided copies of the referenced correspondence. If you have any questions or desire additional clarification, please contact me at your convenience.

Sincerely,



Richard M. Holbrook  
Supervisor  
Environmental Quality Control

cc: J. Higgins            R. Hughes  
S. Jaccaud



STATE OF UTAH  
 NATURAL RESOURCES & ENERGY  
 Oil, Gas & Mining

Scott M. Matheson, Governor  
 Temple A. Reynolds, Executive Director  
 Cleon B. Feight, Division Director

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

November 25, 1981

Mr. Carl Muha, Jr., P.E.  
 Preparation and Quality Control Engineer  
 Consolidation Coal Company  
 Western Division  
 #2 Inverness Drive East  
 Englewood, Colorado 80112

*Prep Plant*

RE: Sediment Pond #5 Approval  
 Emery Deep Mine  
 ACT/015/015  
 Emery County, Utah

Dear Carl:

The Division of Oil, Gas and Mining has reviewed Consol's sediment pond plans and approves of the construction of sedimentation pond #5 proposed in the Preparation Plant and Loadout Facility Permit Application. The Office of Surface Mining has verbally concurred and will follow-up with their written approval. The only stipulation to this approval is that Consolidation Coal shall obtain a construction permit from the State of Utah, Division of Water Pollution Control prior to construction and an NPDES permit before actually operating the pond for treatment of the disturbed area runoff.

Sincerely,

JAMES W. SMITH, JR.  
 COORDINATOR OF MINED  
 LAND DEVELOPMENT

cc: Robert Hagen, OSM

JWS/SK/btb

*COPIES:* BRAY, D.  
 HIGGINS, J.  
 HOLBROOK, R.  
 ORMISTON, M.J.

Kick H.

Scott M. Matheson  
Governor

STATE OF UTAH  
DEPARTMENT OF HEALTH  
DIVISION OF ENVIRONMENTAL HEALTH

150 West North Temple, P.O. Box 2500, Salt Lake City, Utah 84110



Alvin E. Rickers, Director  
Room 426 801-533-6121

(801) 533-6146  
December 2, 1981

James O. Mason, M.D., Dr.P.H.  
Executive Director  
801-533-6111

DIVISIONS

Community Health Services  
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Health Care Financing  
and Standards

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Health Planning and  
Policy Development  
Medical Examiner  
State Health Laboratory

Ms. Mary Jo Ormiston  
Consolidation Coal Company  
2 Inverness Drive East  
Englewood, Colorado 80112

Re: Construction Permit for ;  
Preparation Plant Area Drainage  
Sedimentation Pond

Dear Ms. Ormiston:

We have reviewed the plans and specifications for construction of a sedimentation pond for disturbed areas around the proposed preparation plant. We hereby issue a construction permit for this sedimentation pond, subject to the following conditions:

1. The invert of the decant pipe must be raised to at least two feet above the maximum maintained sedimentation level. Also we recommend that the size of the decant pipe be increased to at least 6" diameter to avoid plugging problems.
2. Diversion channels to route storm water away from the disturbed area around the preparation plant must be constructed within a year.
3. An antiseepage collar should be provided on the outlet through the embankment.
4. An NPDES permit for any discharge from the sedimentation pond must be obtained through the Region VIII offices of EPA.

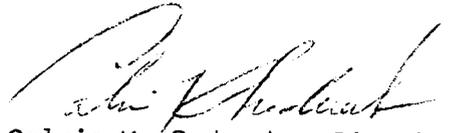
It is our understanding that the pond will capture all storm drainage from the plant site and surrounding area of a maximum of 115 acres and provide 3.6 acre feet storage for sediment control. The pond design is for containment of the 10 year 24 hour storm for the entire 115 acres maximum disturbed area for the present planned life of the plant. An inverted oil trap is provided on the decant outlet. The construction of the storm water runoff diversion from undisturbed areas will add a measure of safety for the pond capacity and will be constructed within a year.

Ms. Mary Jo Ormiston  
Page Two  
December 2, 1981

If for any reason this pond does not meet the required capacity limits for the area or the Federal and State discharge standards then the company must proceed to modify or install new facilities to achieve compliance and submit plans for such modification for concurrence and approval from this office.

If there are questions regarding this permit please contact Brian Nelson of my office.

Sincerely,



Calvin K. Sudweeks, Director  
Bureau of Water Pollution Control

BLN:drb

cc: EPA - Denver Permits  
Gerald Story, Southeastern District Health Department  
Sally Keffer - Division of Oil, Gas and Mining

*Copy of [unclear]  
to [unclear]  
to [unclear]  
to [unclear]*



**Consolidation Coal Company**  
Western Region  
2 Inverness Drive  
East Building  
Englewood, Colorado 80110  
303-770-1600

November 3, 1982

Mr. Calvin K. Sudweeks, Director  
Bureau of Water Pollution Control  
State of Utah  
Department of Health  
150 West North Temple  
P. O. Box 2500  
Salt Lake City, UT. 84110

Re: Emery Mine - Construction Permit for  
Preparation Plant Area Drainage  
Sedimentation Pond  
(Issued December 2, 1981)

Dear Mr. Sudweeks:

Since the issuance of the above-referenced Construction Permit of the sedimentation pond for disturbed areas around the proposed Emery Mine preparation plant, Consolidation Coal Company has delayed the construction of the proposed preparation plant because of the depressed coal market. We, therefore, request an extension of the one-year time limit for construction of the diversion channels as stated in Condition #2 of the original December 2, 1981 Construction Permit until such time that construction of the proposed preparation plant begins.

The sedimentation pond is constructed to capture all storm drainage from the proposed plant site and surrounding area of the entire 115-acre watershed and provides for 3.6 acre feet storage for sediment control. The pond design is for containment of the 10-year, 24-hour storm for the entire 115-acre area. Although the future construction of the storm water runoff diversion from the undisturbed areas would add a measure of safety for the pond capacity by reducing the pond watershed area by 75.1 acres, the pond is presently capable of handling all runoff from the watershed.

If there are any questions regarding this request, please contact Rick Holbrook or me of this office.

Sincerely,

A handwritten signature in cursive script that reads "Carl R. Muha, Jr.".

Carl R. Muha, Jr., P.E.  
Preparation & Quality Control Engineer

CRM:jm

cc: Mr. J. W. Smith, Jr.  
S. M. Jaccaud  
J. T. Higgins  
R. M. Holbrook  
K. A. Seaton

Scott M. Matheson  
Governor



STATE OF UTAH  
DEPARTMENT OF HEALTH  
DIVISION OF ENVIRONMENTAL HEALTH

150 West North Temple, P.O. Box 2500, Salt Lake City, Utah 84110-2500

Marv H. Maxell, Ph.D., Acting Director  
Room 474 801-533-6121

533-6146

November 16, 1982

James O. Mason, M.D., Dr.P.H.  
Executive Director  
801-533-6111

Carl R. Muha, Jr.  
Preparation and Quality Control Engineer  
Consolidation Coal Company  
2 Inverness Drive  
East Building  
Englewood, CO 80110

DIVISIONS

Community Health Services  
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Management Planning  
Medical Examiner  
State Health Laboratory

RE: Diversion Ditch

Dear Mr. Muha:

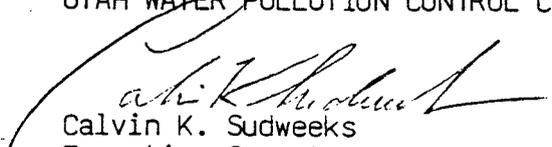
This Bureau has reviewed your November 3, 1982 letter regarding delayed construction of diversion ditches at the Consolidation Coal Company preparation plant near Emery.

It is our understanding that the preparation plant has not been constructed and it may be over a year before it is constructed. According to information from the company, the sedimentation basin is designed and constructed to handle the runoff from the site.

Therefore this letter modifies our December 2, 1982 construction permit so that the company is not required to construct the diversion ditches until the preparation plant is constructed.

Sincerely,

UTAH WATER POLLUTION CONTROL COMMITTEE

  
Calvin K. Sudweeks  
Executive Secretary

SRM:laf  
cc: Division of Oil, Gas & Mining

1175-3

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J. HIGGINS  
R. HOLBROOK  
K. SEATON  
FILE.