

### Document Information Form

Mine Number: C/015/015

File Name: Internal

To: DOGM

From:

Person N/A

Company N/A

Date Sent: December 19, 1983

Explanation:

Inspection Memo

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cc:

File in: C/015, 015, Internal

Refer to:

- Confidential
- Shelf
- Expandable

Date \_\_\_\_\_ For additional information

December 19, 1983

Inspection Memo  
To Coal File:

RE: Consolidation Coal Company  
Emery Deep Mine  
ACT/015/015, Folder No. 7  
Emery County, Utah

DATE: August 26, 1983  
TIME: 10:15 a.m. - 4:00 p.m.  
WEATHER: Clear and Hot  
COMPANY OFFICIAL: Ron Hughes  
STATE OFFICIAL: David Lof  
ENFORCEMENT ACTION: Notice of Violation N83-4-11-2

Compliance With Permanent Performance Standards

UMC 771 et al Permits

The following permits and approvals were reviewed at the operator's mine office.

1. The operator's MR1 and MR2 forms which were submitted to the Division on June 24, 1977.
2. A September 22, 1975 letter from State Health approving the construction of the operator's wastewater disposal system.
3. A March 16, 1982 letter from the Division approving the undisturbed diversion of the waste disposal site.

UMC 817.11 Signs and Markers

A complete and adequate mine identification sign was posted at the entrance to the mine site.

The topsoil stockpile for the refuse area undisturbed diversion and a topsoil stockpile for the new coal stockpile area were properly marked.

UMC 817.21-.25 Topsoil

An inspection of the topsoil stockpiles associated with the refuse area undisturbed diversion and new coal stockpile area indicated that there were no signs of erosion on the stockpiles, and that the stockpiles were vegetated by annual forbs. It was apparent that none of the species which the operator had seeded the stockpiles with had been successful.

File in:

- Confidential
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- Expandable

Refer to Record No. 0601 Date 12-19-83

In C/ 015, 015, Internal

For additional information

Inspection Memo to Coal File  
ACT/015/015  
December 19, 1983  
Page 2

UMC 871.41-.52 Hydrological Balance

During my July 27, 1983 partial inspection I issued Notice of Violation N83-4-8-1 for failure to maintain the disturbed area runoff diversion and berm on the south side of the coal stockpile. The violation was abated on the day following the inspection (July 28, 1983) this was confirmed on August 4, 1983, by Jodie Merriman of OSM. The site appeared to be in good condition at the time of this inspection and the violation was terminated on September 2, 1983, effective July 28, 1983.

The minor maintenance work which was needed on the berm adjacent to the mine fan had been completed as requested during my last inspection.

At the time of this inspection the operator was still in the process of designing new inlet structures for Sediment Pond # 5.

At the time of my June 1983 inspection the mine water discharge pond appeared to be in good condition except for the question of the amount of freeboard required for the pond. During this inspection the operator provided me with a copy of the engineers report for the mine water pond which was submitted to State Health, on August 16, 1976. In the engineers report the plans called for 3 feet of freeboard. Between the time of my last complete inspection and this inspection the operator had surveyed the pond to determine the amount of freeboard which they had at that time. They found that they only had 1 1/2 feet of freeboard in the northeast corner of the mine water pond. They also found that when the pond was originally constructed a v-notched board was placed in the outlet structure to serve as a weir for the measurement of flows from the mine water pond. By doing this they effectively forced the level of the pond to rise to above the specified maximum level. Approximately one year ago the operator installed a flume at the end of the outlet structure to measure the discharge, since the v-notched board was no longer needed Mr. Hughes removed the board from the outlet structure which in turn allowed the level of the pond to lower so that there would be adequate freeboard. In removing the board the force of the water discharging from the mine water pond displaced some of the riprap in the channel which conveys the mine water discharge to the tributary of Quitchupah Creek. The operator reriapped this channel and in the process caused some minor disturbance in the area adjacent to the channel. I informed the operator that they would need to seed this area this fall.

The entire length of the undisturbed diversion of the refuse area was inspected, it appeared to be in very good shape with very little erosion occurring until that point where the irrigation water enters the channel. Some minor erosion was occurring from this point down to the end of the channel. However, because of the additional water, vegetation in this area was coming in very well and starting to stabilize the channel. I briefly discussed with the operator the possibility of placing some rock gabions between the point where the irrigation water comes in and the end of the channel.

While inspecting the proposed preparation plant area during my June 29, 1983 complete inspection, I found that the undisturbed diversion which was suppose to have been installed above the preparation plant area, in order to convey water away from Sediment Pond #5 had not been installed. The Department of State Health's December 2, 1981 approval for Sediment Pond #5 included a stipulation which required the construction of the above mentioned diversion within a year of the date of approval. This stipulation was subsequently modified by State Health in a letter to the operator dated November 16, 1982. They modified the stipulation so that the diversion would not have to be constructed until the preparation plant was constructed. Since the operator did not have a variance from the Division for the construction of the diversion ditch and the Division had based its approval of Sediment Pond #5 upon the understanding that the diversion ditch would be constructed, I felt that the matter warranted further investigation.

Having reviewed the operators Mining and Reclamation Plan (MRP) I found that Sediment Pond #5 was designed to handle runoff from approximately 115 acres of area during a 25 year, 24 hour precipitation event, this area would provide a discharge of approximately 43 cfs. The sediment pond's emergency spillway was designed to safely pass 45 cfs. Because of the undisturbed diversion which has not been constructed an additional 75 acres of area was contributing to the sediment pond. This diversion ditch was designed to handle 20 cfs. Since the emergency spillway was designed to pass only 45 cfs and the design storm would produce 43 cfs leaving a safety margin of only 2 cfs, it was obvious that the spillway could not accommodate an additional 20 cfs.

Since the undisturbed diversion had not been constructed in accordance with the operators approved mine plan and the sediment pond could not possibly safely pass the additional runoff, Notice of Violation N83-4-11-2, #1 of 2 was issued, It reads as follows:

#### Nature of the Violation

Failure to mine in accordance with an approved mine plan. Failure to construct approved sediment control structures, to prevent to the extent possible additional contributions of sediment to stream flow and runoff outside the permit area, and to minimize erosion to the extent possible.

#### Provisions of the Regulations, Act, or Permit Violated

UCA 40-10-22(1)(c)  
UMC 771.19  
UMC 817.45

#### Portion of the Operation to which Notice Applies

Undisturbed diversion associated with Sediment pond #5.

Remedial Action Required

Construct the above mentioned diversion in accordance with the approved mine plan.

Time for Abatement

Two weeks from date of receipt of this Notice of Violation.

The violation was issued from the Division on August 31, 1983 and received by the operator on September 2, 1983.

Following a discussion between myself, Ron Daniels, Division Assessment Officer, and Rick Holbrook of Consolidation Coal Companys' Denver office, on September 6, 1983, the remedial action required section of the violation was modified on September 6, 1983 to give the operator the option to either construct the undisturbed diversion or to submit to the Division plans for modification of their approved plan which substantiate why the undisturbed diversion is not needed.

On September 16, 1983, the Division received plans for the abatement of the Notice of Violation. After reviewing the operators submittal, their approved MRP, and digitizing the areas associated with Sediment Pond #5 and the undisturbed diversion as shown on Plate 15-8 entitled, "Sediment Control and Water Management Plan" from the operators MRP I found that the MRP was worded incorrectly and that the 75 acres associated with the undisturbed diversion were infact a part of the 115 acres which Sediment Pond #5 was designed to accommodate. Therefore, I contacted Mr. Holbrook of Consol and asked him to submit to the Division a statement clarifying the MRP so it would read correctly. Upon receipt of the statement I vacated the Notice on November 1, 1983.

At the time of my June 29, 1983 complete inspection, I noted that Quitchupah Creek had rechanneled around and washed out the flume at surface water monitoring site #3 which is located approximately 300 yards downstream from the confluence of Quitchupah Creek and Christiansen Wash. At that time Mr. Ron Thompson of Consol informed me that they were planning on rebuilding the flume this summer. At the time of this inspection, the flume site had not been reconstructed nor was the operator able to provide me with stream flow quantity data indicating that damage to the flume and stream channel were due to natural causes rather than the site being poorly designed and constructed. Also, during the course of my inspection I found some stream flow data for monitoring site # 3 which indicated that between August and December of 1980 stream flows exceeding 33 CFS occurred five times during that five month period. This would seem to indicate that either a larger flume should have been installed or a more adequate means of safely passing "overflow" events. Because of this information, Notice of Violation N83-4-11-2, # 2 of 2 was issued, it reads as follows:

Nature of the Violation

Failure to conduct underground coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area. Failure to construct stream channel diversions to remain stable and prevent additional contributions of suspended solids to stream flow.

Provisions of the Regulations Act, or Permit Violated

UCA 40-10-18(2)(i)(ii)  
UMC 817.44 (b)(1)

Portion of the Operation to Which Notice Applies

The parshall flume located below the confluence of Quitcupah Creek and Christiansen Wash.

Remedial Action Required

- A. Develop and submit to the Division plans which detail how the flume site will be reconstructed.
- B. Implement said plans immediately upon Division approval.

Time for Abatement

- A. Two weeks from date of receipt of this Notice of Violations

The violations were issued from the Division on August 31, 1983 and received by the operator on September 2, 1983.

On September 16, 1983, the operator submitted to the Division information regarding the abatement of the violation. Rather than reconstructing the flume the operator proposed to remove the flume and associated equipment, and change the streamflow monitoring at this location from continuous recording to an instantaneous measurement using a pygmy meter at the time of water quality sampling. On November 3, 1983, Division Hydrologist Dave Darby, sent the operator a letter approving this proposal.

UMC 817.52 Surface and Ground Water Monitoring

The operators 3 NPDES permits were reviewed as were their discharge monitoring reports for the permits. Reports were available through June of 1983. Surface and ground water monitoring data was also available through July of 1983.

Inspection Memo to Coal File  
ACT/015/015  
December 19, 1983  
Page 6

UMC 817.89 Disposal of Noncoal Waste

According to the operator they have a contract with American Kinfolk to haul and dispose of their noncoal waste. When asked exactly where the materials were being disposed of the operator said that they did not know, but they assumed that it was being disposed of in an approved sanitary landfill. I suggested to them that they contact American Kinfolk to insure that the noncoal waste was being properly disposed of since the operator is still liable for the waste materials even when it is removed from the site by a contracted disposal service.



DAVID LOF  
FIELD SPECIALIST

DL:re

cc: Jodie Merriman, OSM  
Ron Hughes, Consolidation Coal  
Joe Helfrich, DOGM

Statistics: See Hiawatha Complex Memo dated October 19, 1983