



State of Utah

Department of
Environmental Quality

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Executive Director

DIVISION OF WATER QUALITY
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December 19, 2005

Mr. Dennis Oakley
Senior Environmental Engineer
Energy West Mining Co.
15 North Main Street
P.O. Box 310
Huntington, Utah 84528

*Heaving
12/19/2005*

Dear Mr. Oakley:

Subject: Rescission of Denial to Dispose of Wastewater into Abandoned Mine Workings; North Rilda Canyon Expansion of the Deer Creek Mine

In our letter dated 20 July 2005, the Division of Water Quality (DWQ) denied a request by Energy West Mining Company (Energy West) to dispose of wastewater into abandoned mine workings as part of the plan for the North Rilda Canyon expansion of the Deer Creek Mine in Emery County, Utah. Our denial was based on the assumption that the quality of the wastewater to be discharged into the abandoned mine workings would be similar to that in the Deer Creek Sediment Pond, analytical results of which have shown a Total Dissolved Solids (TDS) content ranging from a minimum of 801 mg/l to a maximum of 8,460 mg/l with a mean of 2,633 mg/l for the past 2 years. Furthermore, there was concern that the continual hydraulic loading of the Star Point Sandstone would result in the formation of springs that would be a continual source of contamination to Huntington Creek, which has shown TDS values ranging from a minimum of 176 mg/l to a maximum of 312 mg/l with an average of 244 mg/l based on state water quality monitoring of Huntington Creek at the Bear Creek Campground above the UP&L diversion for the period between July 2002 to June 2003.

At the request of Energy West, a meeting was held on 17 November 2005 at the DWQ offices to allow Energy West the opportunity to clarify information originally submitted and to present additional information supporting their proposal. At this meeting, Energy West indicated that the wastewater analysis from the Deer Creek Sediment Pond was *not* representative of the wastewater to be discharged into the abandoned mine workings. The wastewater in the Deer Creek Sediment Pond has a high TDS concentration due to the use of de-icing agents in the capture zone for the pond. De-icing agents will not be used in the capture area for the collection box in North

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Rilda Canyon expansion; therefore, the TDS concentration of the wastewater is expected to be significantly lower than originally anticipated.

Based on this new information and preliminary mass balance calculations to determine potential impact to Huntington Creek, DWQ hereby rescinds its initial denial (our letter of 20 July 2005) of the proposed wastewater discharge into abandoned mine workings but offers the following alternative to ensure protection of Huntington Creek from potential impact. DWQ does not consider it necessary to issue a Utah Pollutant Discharge Elimination System (UPDES) permit. However, after conferring with Jim Smith of DOGM, we have concluded that the best course of action to ensure that water quality impacts from the proposed discharge into the abandoned mine workings are addressed is to require that you amend your mining plan to include the following items:

1. Energy West will periodically monitor the wastewater collected in the Collection Box so that fluctuations, seasonal or otherwise, in the water quality of the discharged wastewater can be documented. We suggest quarterly sampling events unless Energy West can supply justification for less frequent sampling. This sampling should be documented and held in files for review by DWQ staff, if requested;
2. Energy West will document the visual inspections of the hillsides with potential for the development of seeps due to the proposed discharge into the abandoned mine workings. This documentation will be held in files for review by DWQ staff, if requested;
3. If springs develop along the hillside, Energy West will assess the flow rate and TDS concentration, then based on a mass balance calculation determine the potential for adversely impacting Huntington Creek, and choose a course of action based upon that determination.

If you have any questions or comments, please feel free to contact Candace Cady by phone at (801) 538-9260 or by email at ccady@utah.gov.

Sincerely,



John Whitehead, Branch Manager
Permits, Compliance, and Monitoring Branch

JW:RH:CC:st

cc: Ms. Lucia Malin, DOGM
Mr. Jim Smith, DOGM
Mr. Jeff Studenka, DWQ UPDES
Ms. Amy Dickey, DWQ TMDL
Mr. David Ariotti, DEQ SE Regional Engineer
Mr. Ira W. Hatch, Emery County Commission