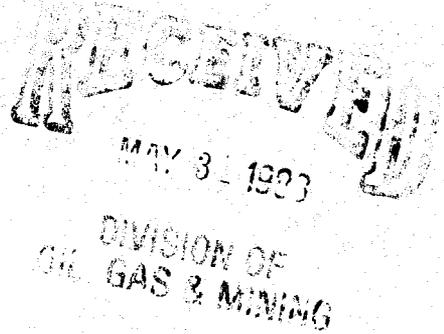


0010

ACT/041/002
#6



MAY 25 1983

Ref: 8MM-C

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ken Payne
Vice President and General Manager
Southern Utah Fuel Company
P.O. Box P
Salina, Utah 84654

Re: Notice of Violation and Order
Docket/Number 83-05
33 U.S.C. 1319

Dear Mr. Payne:

Enclosed, please find a Notice of Violation and Order which has been issued pursuant to Section 309(a)(3) of the Clean Water Act, 33 U.S.C. 1319(a)(3).

The Order is based upon effluent violations of your NPDES permit limits (UT-0022918) as indicated by the Discharge Monitoring Reports (DMRs) submitted to the Agency for the period covering July 1982 through March 1983. Another purpose of this Order is to formalize the actions outlined in Southern Utah Fuel Company's (SUFCo) letters to this Agency dated January 27, 1983 and March 24, 1983.

Parts I.A.3. and I.A.4. of the NPDES permit contain alternate effluent limitations for a discharge caused by a precipitation event provided that the treatment facility is designed, constructed, operated, and maintained to contain at a minimum the volume of water which would drain into the treatment facility during a 10-year, 24-hour precipitation event (or snowmelt of equivalent volume). However, Part I.A.6. of the permit states that the permittee shall have the burden of proof that the aforementioned conditions have been met in order to qualify for the alternate effluent limitations. Therefore, if SUFCo feels that their facility qualifies for the alternate effluent limitations, information substantiating this belief must be submitted to this Agency for review.

In accordance with Section 508 of the Act, 33 U.S.C. 1368, we must advise you that under Executive Order 11738 and EPA regulations issued thereunder (40 CFR, Part 15) facilities to be utilized in Federal contracts, grants, and loans must be in full compliance with all standards established pursuant to the Clean Water Act and Clean Air Act. A violation of the requirements of the enclosed Order may result in the subject facility being declared ineligible for participation in any work associated with a Federal contract, grant, or loan.

If you should have any questions concerning this Order, please contact Ms. Barbara Hanson of my staff, telephone (303) 837-4335.

Sincerely yours,

ORIGINAL SIGNED BY
MAX H. DODSON

Max H. Dodson
Director
Water Management Division

Enclosure

cc: Mr. Fred Pehrson w/encl. *WSP*
Utah Bureau of Water
Pollution Control

Mr. Rick Summers
Utah Natural Resources and
Energy
Oil, Gas, and Mining

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

IN THE MATTER OF)
SOUTHERN UTAH FUEL COMPANY)
COAL MINE)
P.O. BOX P)
SALINA, UTAH 84654)

DOCKET NUMBER 83-05
NOTICE OF VIOLATION AND ORDER
(33 U.S.C. 1319)

FINDINGS OF FACT

Pursuant to the above-referenced statutory authority, which has been delegated to me by the Regional Administrator, I hereby make the following Findings of Fact:

1. Southern Utah Fuel Company (hereinafter, "SUFCo") was issued a National Pollutant Discharge Elimination System (NPDES) permit (UT-0022918) on October 23, 1981.

2. SUFCo owns and operates an underground coal mine in Sevier County, Utah. The above-referenced NPDES discharge permit authorizes discharges of mine drainage water from the coal mine and discharges from point sources associated with runoff control sedimentation structures to East Spring Canyon. East Spring Canyon is a tributary to Quitchupa Creek which is part of the Colorado River Basin.

3. Based on information submitted to the Agency pursuant to the self-monitoring requirements of the above-referenced NPDES permit, SUFCo is in violation of that permit. The finding

of violation is specifically based upon SUFCo's failure to comply with its permitted effluent limits as determined by the Agency's review of self-monitoring reports submitted by SUFCo between July 1982 and March 1983. The violations indicated in the reports are listed below:

Discharge Point 002

Total Dissolved Solids (TDS) - mg/l

<u>Month</u>	<u>Permit Limitation</u>		<u>Reported Results</u>	
	<u>Daily Maximum</u>	<u>Minimum</u>	<u>Maximum</u>	
<u>1982</u>				
July	650	890	1,904	
August	650	1,310	1,500	
September	650	820	975	
October	650	695	705	
November	650	750	868	
December	650	920	3,050	
<u>1983</u>				
January	650	- -	3,390	
February	650	830	1,980	
March	650	885	2,150	

Total Suspended Solids (TSS) - mg/l

<u>Month</u>	<u>Permit Limitation</u>		<u>Reported Results</u>	
	<u>Daily Average</u>	<u>Daily Maximum</u>	<u>Average</u>	<u>Maximum</u>
February 1983	25	70	71.8	181
March 1983	25	70	48.5	109

4. On January 14, 1983, the U.S. Environmental Protection Agency (EPA) issued a warning letter to SUFCo concerning the continued TDS violations. This same letter requested that SUFCo submit a schedule for resolving its TDS noncompliance situation.

5. On January 27, 1983, SUFCo submitted the TDS compliance schedule requested by EPA's January 14th letter. This same letter indicated that a sand-salt storage bin will be constructed to control the salt contamination problem.

6. Part I. C.3.c. of the NPDES permit states that "Measurements of flow shall be performed by a direct flow measurement technique such as a flow meter, weir, or gauge." On February 9, 1983, EPA conducted an inspection of SUFCo's water treatment system. During this inspection, it was noted that flow rates were being measured using pump calibration curves which is a violation of Part I. C.3.c. of the NPDES permit.

7. On March 9, 1983, EPA transmitted the results of the February 9th inspection to SUFCo. This same letter requested corrective measures proposed to be taken to comply with Part I. C.3.c. of the permit.

8. By a letter dated March 24, 1983, SUFCo notified the EPA that V-notch weirs would be installed at its discharge points by May 15, 1983.

ORDER

Based upon the foregoing Findings of Fact, and pursuant to the provisions of 33 U.S.C. 1319(a)(3), I hereby order that:

1. SUFCo immediately take all steps necessary to come into compliance with the terms of this Order.

2. SUFCo adhere to the following schedule, as submitted by its January 27, 1983, letter, for attaining compliance with its TDS permit limitation for Discharge Point 002:

- a. Commence construction of the sand-salt storage bin on or before June 1, 1983.
- b. Complete construction of the sand-salt storage bin on or before June 15, 1983.
- c. Attain operational status of the sand-salt storage bin on or before July 1, 1983.

SUFCo shall submit a written notice of compliance or noncompliance to EPA within fourteen (14) days following a date identified in the above compliance schedule. Any negative report or written notice shall include the cause for noncompliance and any remedial actions being taken.

3. SUFCo develop and implement a plan to come into compliance with its TSS permit limitation for Discharge Point 002 or provide justification as to why such a plan is unnecessary. Such compliance plan shall include dates of

completion for each activity and shall be submitted to this Agency in writing within thirty (30) days of receipt of this Order. Once received and approved by this Agency, this plan shall become an enforceable condition of this administrative order.

4. SUFCo by no later than June 15, 1983, install flow measurement devices at all discharge points which will allow flow measurements to be taken in accordance with Part I. C.3.c. of the NPDES permit. SUFCo shall, within fifteen (15) days of completion of such action, notify this Agency of such completion.

5. The following interim limits for Discharge Point 002 shall be achieved to the maximum extent possible for the duration of this Order:

<u>Parameter</u>	<u>Discharge Limitation</u>		
	<u>Daily Average</u>	<u>7-Day Average</u>	<u>Daily Maximum</u>
Total Suspended Solids - mg/l	25	35	70
Total Dissolved Solids - mg/l	N/A	N/A	2,000
- lb/day	100	N/A	N/A

Definition and explanation of limitations, self-monitoring requirements, and reporting remain the same as in the NPDES permit.

6. This Order terminate upon modification or reissuance of the permit

7. Within fourteen (14) days of its receipt of this Order, SUFCo give written notice to this Agency of its intent to comply with the requirements of the Order. Such written notice will be sent to: Mr. Douglas M. Skie, Chief, Compliance Assurance Section, Compliance Branch, Water Management Division. U.S. Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295.

Dated: This 25th day of May 1983.

Max H. Dodson
Max H. Dodson
Director
Water Management Division
U.S. Environmental
Protection Agency
1860 Lincoln Street
Denver, Colorado 80295