

Natural Resources Defense Council, Inc.

Public Lands Institute
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DENVER, COLORADO 80206
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December 21, 1982

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Mr. Allen Klein, Director
Western Technical Center
Office of Surface Mining
1020 - 15th Street
Denver, Colorado 80202

Dear Mr. Klein:

I am writing to request an up-date and obtain additional information on the compliance of Valley Camp of Utah, Inc. with the terms of the Mar. 25, 1982 letter from the Western Technical Center to the Utah Division of Oil, Gas and Mining.

That letter gave approval for a "minor modification for...maintaining production at the existing mine." At that time Valley Camp had not obtained a permanent program permit and had not submitted a complete permit application. In addition, the Center granted the "minor modification" so the company could mine federal coal, which was not under any permit, and set an expiration date of Dec. 31, 1982.

My questions are these:

1. When did Valley Camp submit a response to the ACR and was it complete?
2. Has OSM prepared a Technical Analysis, Environmental Analysis and Decision Package?
3. Has Valley Camp requested any additional "minor modifications" since Mar. 25, 1982? If so, please provide a copy of that request and your response.
4. What definition and legal authority does OSM use for granting "minor modifications" to mines which do not have permits under the permanent program? Have State or OSM inspections found any violation at the Belina mines since Mar. 25, 1982? If so, please send me copies of the inspection reports.

Thank you for your courtesy and attention to this matter, and I would appreciate a response by December 30, 1982. If you are unable to provide the documents by that date, I would appreciate a telephone call.

Sincerely yours,

Carolyn R. Johnson

Carolyn R. Johnson
Senior Public Lands Specialist

CRJ/km

January 11, 1983

Ms. Carolyn R. Johnson
Senior Public Lands Specialist
Natural Resources Defense Council, Inc.
Public Lands Institute
1720 Race Street
Denver, Colorado

Dear Ms. Johnson:

This letter is in response to your December 21, 1982 request for information concerning the Helena Mine Complex, operated by Valley Camp of Utah, Inc. In addition to the requested attached documents, the following responses are offered to your specific questions.

1. When did Valley Camp submit a response to the ACR and was it complete? Valley Camp submitted two separate responses to the October 20, 1981 Apparent Completeness Review (ACR). The first response was submitted in May, 1982, the second on November 9, 1982. These submissions were accepted as complete for those specific subjects; however, we expect to receive additional material as the technical analysis proceeds for several elements of the application including: (783.14) Geology Description, (783.19) Vegetation Information, (783.13) Reclamation Plan General Information, (784.13) Revegetation, (784.13) Backfilling and Grading, and (817.97) Protection of Fish, Wildlife and Selected Environmental Values.

Valley Camp contends in the attached December 6, 1982 letter to the Utah Division of Oil, Gas and Mining (UDOGM) that this information could not be gathered due to weather related delays of the annual Forest Service aerial photography flight. However, OSM and UDOGM have determined that alternatives exist for obtaining this information; therefore, the company is required to complete its permit application by March 18, 1983.

2. Has OSM prepared a Technical Analysis, Environmental Analysis, and Decision Package?:

Work has been initiated on complete sections of the permit application. It is anticipated that the final Technical Environmental Analysis will be completed by July 1, 1983 with the Decision Package being completed in August, 1983. This schedule is dependent upon the company completing its application by March 18, 1983.

3. Has Valley Camp requested any additional "minor modifications" since March 25, 1982? If so, please provide a copy of that request and your response.

Valley Camp requested a time extension to the termination date specified in the March 25, 1982 minor modification in order to mine additional Federal coal in its December 6, 1982 letter to Utah DCM. As you requested, this letter, OSM's December 22, 1982 response, and Utah DCM's December 29, 1982 response are attached.

4. a) What definition and legal authority does OSM use for granting "minor modifications" to mines which do not have permits under the permanent program?:

Valley Camp has an existing mine plan approval issued in 1977 under 30 CFR 211. The minor modification issued by OSM on March 25, 1982 dealt only with changes to the coal recovery plan within the previously approved lease and mine area. This modification was based upon the concurrence of the Area Mining Supervisor of the Minerals Management Service (formerly USGS) and their responsibilities for reviewing coal recovery modifications under 30 CFR 211. The modification did not authorize any new surface disturbance over those previously approved. Valley Camp has submitted a permanent program permit application and that pursuant to 30 CFR 741.11 and 771.13. They have been authorized by the State of Utah to continue the existing mine operations under "administrative delay". In conclusion, the new coal recovery plan of Valley Camp were reviewed and approved as a minor modification under the authority of 30 CFR 211.10(d)(2)(iii). The OSM and State of Utah are presently conducting a technical review of the Valley Camp submission in order to finalize the permanent program permit for this mine. The requirements for a permanent program permit (30 CFR 741.11 and 771.21) does not negate the responsibility for the Federal government to consider modifications to previously approved mine plans in order to most efficiently utilize the coal resources in a mine area while the permanent program submission is being reviewed by the regulatory agencies.

4. b) Have State or OSM inspections found any violation at the Belina mines since March 25, 1982? If so, please provide copies of inspection reports.

OSM has not issued any notices of violation to Valley Camp since March 25, 1982; however, the Utah DCM issued two Notices of Violations (NOV) on July 2, 1982. The first violation involved stockpiling of coal in a sedimentation pond. The company was fined \$440.00 and was sent a finalized assessment on December 23, 1982. The problem was corrected on December 12, 1982. The second violation involves failure to meet effluent standards for NPDES requirements in sedimentation pond #3. Valley Camp has requested permission to enlarge this pond to correct the problem and was given until July 1, 1983 (after spring thaw) to do so. The requested inspection reports providing more details will be sent to you as soon as we receive them from the State.

I hope that this letter adequately answers your questions and concerns. If you require any further information, please feel free to call me.

Sincerely,

Allen D. Klein
Administrator
Western Technical Center

Attachment

bcc:
ADMIN
DIV
OFC

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