

File AKT/007/004
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0016

PRICE RIVER COAL COMPANY
P.O. BOX 629 HELPER, UTAH 84526 (801) 472-3411

September 28, 1981

JIM
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CERTIFIED MAIL - Return Receipt Requested

Mr. James W. Smith, Jr.
Coordinator of Mined Land Development
State of Utah
Department of Natural Resources
Division of Oil, Gas, and Mining
1588 West North Temple
Salt Lake City, Utah 84116

RECEIVED

DIVISION OF
OIL GAS & MINING

Dear Mr. Smith:

On September 24, 1981, I received a letter and a copy of an inspection memo concerning an inspection performed by your Messrs. Fidler, Doutre and Portle on September 3, 1981. My review of this letter has evoked the following responses which range from requests for policy clarification to downright disagreement. Please bear with me if my comments occasionally mirror the tact and subtlety of the normal DOGM communique.

The first point I wish to address is the reference on both letter and memo to the "Braztah Complex". The entity, "Braztah", has not existed since December of 1979. Please discontinue use of the name, "Braztah", when referring to Price River Coal Company, except for historical explanations.

My first serious concern is with the turgid language of paragraph 2 of the referenced letter. We have been ordered, under threat of N.O.V., to install "adequate" perimeter markers within 15 days. Our existing markers, consisting of blue survey flagging on lathe, pole and bushes, have been deemed unsatisfactory in both durability and location considerations. We would make every effort to comply with this vital requirement if it were not for two problems. The 15 day time allotment is not sufficient to install a more durable marker along our cumulative site perimeter of several miles. I estimate that if we were to use painted lathe or roof bolts, as has been suggested, it would require two men a minimum of 15 work days to complete the job. This would presume that management established an absolute priority for this work. Since no environmental protection imperative is involved, could we not be relieved of this fertive 15 day compliance requirement and be allowed to install the more durable markers in a timely, more cost effective manner and after the second part of our problem is clarified.

It is not clear exactly what perimeter is to be marked. The problem with location is closely related to the intent of marking the perimeter. It has been suggested, by at least one DOGM inspection team, that perimeter markers were important to define the area for which we are controlling and treating drainage. This intent would establish the markers on or near our outside berms and diversions and exclude most cut banks on which we will ultimately be required to perform reclamation. The original intent of perimeter marking requirements in mining legislation was to define an exact area of ground, analogous to a line on a map for which a reclamation bond

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would be required. This methodology of using a dollar increment per unit area has been applicable in bonding of strip mining operations where the character of disturbance and reclamation activities are reasonably uniform. There is no direct relationship between the area disturbed and the type and cost of reclamation required on an underground mine surface facility. The determination of bond amount for such facilities is based on costs per activity, i.e., building disassembly and disposal, portal sealing, etc. It is only after the high cost work has been completed that the reclamation of the underground surface facility resembles strip mine reclamation. In all fairness, two separate types of bonds should be required on a deep mine facility; one for dirt work on a per acre basis and the other to insure disassembly and disposal type work. For example, the original 12 acres proposed in Crandall Canyon are bonded at \$350,000. It would be ludicrous to presume that it would cost nearly \$30,000 per acre to perform the dirt work and re-vegetation on this site. I depart into the inequities of bonding only to point out the error in logic associated with relating bonding to perimeters of underground facilities using the present structure and interpretation of regulations.

The easiest approach to perimeter marking might be to merely mark the outer edge of raw dirt near a surface facility. This, however, could cause several problems. Contentions between inspectors and company officials would be perennial concerning areas affected prior to 1977 that are no longer used, but are company owned. Another problem is that the actual raw dirt extent of activity and usage may be beyond the inspectors historical or necessary extent of tour. An actual perimeter is not always the observable raw dirt, apparent boundary. To compound the problem no submitted site maps of PRCC facilities show any perimeter line which corresponds to points on the ground. The information depicted consists of buildings, roads, portals, etc. During your technical review of our applications, you may require that we draft on such lines, but several policy decisions first must be reached.

Our pressure position is summed up by three points:

1. We must and will comply with this and all regulations.
2. We believe that this regulation is a hold over from strip mining and, in its current form, is non-applicable to surface facilities of underground mines.
3. We would prefer not to embark on the costly and time consuming installation of "durable" markers until we receive a policy decision from your office as to exactly where and what you want marked. We would like to avert continual petty bickering about whether a given marker is too high or too low or not usable enough or.....!

The next area of concern is references made to potential violations in Crandall Canyon, particularly numbers 4 and 5 mentioned in the letter. These items were also mentioned in the coal file memo. Comment No. 4 requires that

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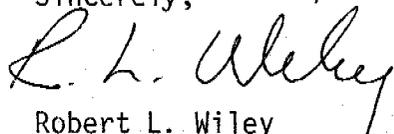
we correct what appeared to be an unstable slope or a violation would be written. Before addressing the problem of slope stabilization, please clarify the violation as to section of law or rule which controls or addresses a cut slope that is neither a fill situation or a road cut. If the slope were to fail, what violation would have occurred? We may, by extreme interpretation of 817.99, be required to call you, but any action you might require, we will probably already have taken, i.e., removal of slumped materials and re-establishment of drainage controls. More to the point, we do intend to stabilize this bank. After shaft construction is completed and final site grade has been achieved, we will install a retaining wall in this and any other critical areas. We do not yet want to be tied to a certain type of wall, but we will not risk damage to the final site development by leaving unstabilized cut banks.

Comment No. 5 needs some clarification of terminology. The items mentioned as "Non-Coal Wastes" have been erroneously identified. The items are, in fact, parts of various structures and activities, such as pulleys, metal sheeting, braces, oil tanks, cable spools and various other barely describable, but definitely functional non-waste materials. The description as, "outside the designated perimeter area", is not completely accurate. Many items are on an existing road corridor which was designated as access to our original topsoil storage site. Most of the area in question was included in drainage control design and is properly controlled. Our contractor has been advised not to proceed any further up canyon and to remove items from any questionable areas. Be aware that we are discussing a few dozen square feet of ground that will shortly be disturbed by upper site preparation.

My final concern is to provide details to the oil spill mentioned on page 3 of the coal file memo. The quantity was about 1-2 quarts of new oil. New oil is not a hazardous waste.

We will make every effort to adequately address all other situations and requirements mentioned in the letter and the memo to the coal file.

Sincerely,


Robert L. Wiley
Environmental Engineer

RLW:ga

cc: E. Buoy
K. B. Hutchinson
M. Keller
T. Portle
J. Doutre
R. Fidler
File