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November 18, 1992

TO: Lowell Braxton, Associate Director, Mining

THRU: Daron Haddock, Permit Supervisor

FROM:  Priscilla Burton, Senior Soils Reclamation Specialist

RE: Hardscrabble Mine Reclamation Conditional Approval dated 10/26/92, AMAX Coal Company, Castle Gate Mine, ACT/007/004, Folder #2, Carbon County, Utah

SUMMARY:

Recent approval (10/26/92) of Hardscrabble Canyon reclamation was made with a condition that coal refuse or mine development waste encountered during regrading would be disposed of in accordance with R645-301-553.250. A response from Mr. Richard Allison was received on 11/4/92, in which AMAX Coal Company questions this condition. This memo outlines the Division's position on final disposal and reclamation of coal mine waste and some mis-statements in Mr. Allison's letter.

DISCUSSION:

First, Mr. Allison states that Chapter IX of the Mining and Reclamation Plan contains soils information which was rewritten and approved by the Division of Oil Gas and Mining. Mr. Baker (DOGM) recently reviewed and recommended approval of Chapter IX. Mr. Baker has stated that Chapter IX contains no soils information.

Chapter VIII contains the soils information and was rewritten in 1991. I reviewed amendments to the Chap VIII soils information which were requested under Division Order Items 2, 6, 7, 8, 9, 10, 11, 25, and 26 (technical memos dated 10/16/91 and 7/3/91). Items 5, 6, 14, 16, and 23 were designated "completed" in a letter to James Buck on 11/8/91. (The same letter granted Castle Gate temporary relief from Items 2, 3, 4, 13, 17, 18, 19, 21 and 25.) Chapter VIII outlines the soil survey information for all canyons and provides information on topsoil substitution based on sampling of 0-4' depth of the surface in each canyon lacking a topsoil storage supply. AMAX Coal Company has not referred to Chapter VIII information in any 1992 submittals of the Hardscrabble reclamation plans which the Division has been reviewing under Docket 91-001.

With regard to final reclamation of coal mine waste, Mr. Allison states that R645-301-553.250 does not apply in this situation. He cites R645-301-537 and R645-301-553.500 as the appropriate regulations for Hardscrabble Canyon. R645-301-537 and R645-301-553.500 apply to previously mined areas where an exclusion from the requirements of regrading to achieve Approximate Original Contour are granted due to the fact that the material is settled, stable and revegetated. In this case, AMAX Coal Company plans to disturb the operations pad to reconfigure the area in preparation for final reclamation. This activity may expose coal mining waste cast aside by previous owners of the site.

R645-301-537.250 may be an appropriate regulation to allow any unexpected coal mine waste to remain in place, buried. This regulation states that the Division may determine that disturbance of underground development waste would create more environmental harm than burial of the waste in place. The depth of burial would be based upon identification and characterization of the material. Burial requirements under R645-301-553.250 should not be exclusive of R645-301-537.250. The requirements of R645-301-553.250 do not differentiate whether coal mine waste is generated pre or post-SMCRA. All coal mine waste regardless of location requires 4' of cover unless the Division authorizes less. The conditioned approval does impose a responsibility for identification and characterization, which will allow the Division to determine adequate cover for burial purposes, either under R645-301-553-250 or under R645-301-537.250.

CONCLUSION:

The Division appropriately conditioned the reclamation permit to ensure protection of the environment and reclaimability of the site. I understand that AMAX Coal has always maintained that acid/toxic material would be disposed of according to the regulations (Responses to TDR, 12/4/92; Response to DO-Item #11 3/1/91). For coal mine waste encountered upon final reclamation there are two issues: 1) whether burial of four feet under R645-301-553.250 is required, or whether lesser cover will suffice also under R645-301-553.250 based upon sampling characteristics; 2) whether waste can be buried in place under R645-301-537.250, with the amount of cover required dependent upon the waste characteristics as determined by sampling, or whether waste must be moved to a refuse disposal site.

Only testing and observation of the spoil exposed during grading will allow the Division and AMAX Coal Company to determine the nature of the material encountered. An informed decision concerning burial location and cover depths can then be made.

PWB:mbm
cc: R. Hardin
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