



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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September 27, 1985

Mr. Glen A. Zumwalt
Vice President & General Manager
Utah Fuel Company
P.O. Box 719
Helper, Utah 84526

Dear Mr. Zumwalt

Re: Request for Small Area Exemption, Portion of Truck Haul Route, Railroad Loadout Area, Skyline Mine, ACT/007/005, Folder #3, Carbon County, Utah

The Division has reviewed your recent request for a small area exemption (received September 23, 1985) to be applied to a portion of the truck haul route at the lower railroad loadout area. The company's request for exemption of that portion of the disturbed area drainage from the road accessing the loadout area is not acceptable. The Division has determined that the small area cannot be exempted for the following reasons:

1. UMC 817.42 (a)(3)(i) - This section of the regulation outlines the requirements under which the Division may grant small area exemptions. An exemption may be granted if the applicant demonstrates, by use of alternative sediment control measures, that the drainage will comply with all applicable State and Federal effluent standards.

Currently, that portion of the access/haul road under exemption request is draining through a combination of approved sediment treatment facilities (i.e., berms, straw bales, culverts, sediment pond, etc.). The applicant's proposal to alternatively treat certain portions of the disturbed area drainage from the access road by paving the road surface and placing clean washed gravels along the road shoulders, fails to demonstrate that the runoff from this area will still meet with the applicable effluent standards.

Page 2
Mr. Glen Zumwalt
ACT/007/005
September 27, 1985

2. UMC 817.42 (a)(4) - This regulation specifies certain areas affected by surface mining operations which do not fall under the specific requirements of this Part (i.e., exempted from the requirement to pass all disturbed area drainage through a sedimentation pond and meet applicable effluent standards). Roads in which the upstream area is not otherwise disturbed by the operator, are exempted from this section.

The Division has interpreted this rule to apply only to roads outside of the designated disturbed permit area. Those sections of the access road delineated on Sheet 3 of Utah Fuel's September 18th submittal are within the loadout's disturbed area boundary and therefore do not qualify for an exemption under this regulation. Roads within a disturbed area are considered part of the same and drainage from the road surface must comply with the requirements of UMC 817.42.

The Division does not object to the operator's plan to pave the road surface. However, the surface drainage must be routed through adequate sediment control facilities which will demonstrate that all applicable effluent standards will be met. The alternative controls proposed in the September 18th request for small area exemption are not adequate to demonstrate compliance with the applicable regulatory standards.

The Division acknowledges the concerns which Utah Fuel has outlined with regard to potential impacts to the road sub-grade and increased soil movement should the current berms not be removed. It is our opinion that there are several alternative engineering practices and designs which could alleviate these concerns and still meet with the intent of the regulations. We would be happy to sit down and discuss other design options with your engineers should you desire to do so.

Page 3
Mr. Glen Zumwalt
ACT/007/005
September 27, 1985

In the interim, the operator will be held accountable for continuing to provide adequate sediment and erosion control for the areas in question under the current approved plans, until a suitable alternative design is presented and approved by this office.

Should you have questions please contact me or D. Wayne Hedberg of the permitting staff.

Sincerely,



L. P. Braxton
Administrator
Mineral Resource Development
and Reclamation Program

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