



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
SUITE 310
625 SILVER AVENUE, S.W.
ALBUQUERQUE, NEW MEXICO 87102

April 25, 1990



In Reply Refer To:

0027

cc LP
D. Haddock
Joe Helfrich
Pfb

Greg mine file
route three
L Brexton

RECEIVED
APR 27 1990

DIVISION OF
OIL, GAS & MINING

Dr. Dianne R. Nielson, Director
Division of Oil, Gas and Mining
Department of Natural Resources
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

Re: Skyline Mine, TDN 90-02-107-3(1-3)

Dear Dr. Nielson:

The following is a written finding, in accordance with 30 CFR 842.11, regarding the Division of Oil, Gas and Mining's (DOGM) response to the above-referenced Ten-Day Notice (TDN).

On March 8, 1990, the Albuquerque Field Office (AFO) conducted a random sample inspection (RSI) of the Skyline Mine. The inspection resulted in the issuance of the above three-part TDN for alleged violations of the Utah regulations. DOGM received the TDN via certified mail on March 19, 1990, thereby setting the response due date at March 29, 1990. AFO received DOGM's March 28, 1990, written response on April 2, 1990.

Part 1 of the TDN was issued for the operator's failure to certify the minesite sediment pond after modifying its design.

DOGM's response indicates the operator will submit a recertified as-built pond certification on or before the TDN deadline date of March 29, 1990.

On April 5, 1990, Rade Orell of AFO contacted Mr. Daron Haddock of DOGM to confirm the Division's receipt of the as-built certification. Mr. Haddock advised Mr. Orell that the certification was received on March 27, 1990. Therefore, AFO finds DOGM's response to part 1 of the TDN appropriate.

Part 2 of the TDN was issued for the operator's alleged failure to obtain a permit before engaging in or carrying out underground coal mining activities. The TDN references the alternate sediment control practice (ASCP) located outside the permit area at the loadout. The ASCP treats runoff from part of the loadout.

DOGM's response indicates the Division considers the failure to permit the loadout ASCP a permit defect which will be addressed as an Incidental Boundary Change. The response further states the operator will be required to revise the maps to reflect the change by April 19, 1990.

Because the approved mining and reclamation plan specifically addresses the ASCP as being located outside the permit boundary, AFO finds DOGM's response to part 2 of the TDN appropriate.

Part 3 of the TDN was issued for the operator's alleged failure to pass all surface drainage from the disturbed area through a sedimentation pond * * * before leaving the permit area. The TDN cites the outslope of the pad east of Special Exempt Area No. 6.

DOGM's response states that Plate 3.2.1-1 of the approved MRP indicates that the area in question is not part of the MRP except the road berm within the permit boundary. The response further states that the failure to pass is moot because the road drainage is directed to the pond and, consequently, part 3 of the TDN should be withdrawn.

The copy of the approved Map 3.2.1-1 available at the time of the inspection indicated the area in question was within the permit area. Rade Orell talked with both Rick Sommers and Randy Harden of DOGM on March 12, 1990. During the telephone conversation, the DOGM representatives indicated that the map depicting the area outside the permit boundary would not be approved. The TDN was issued for failure to pass on that basis. If the DOGM representatives had indicated that the map was approved depicting the disturbed area outside the permit boundary, the issue would have been included under part 2 of the TDN. Therefore, AFO withdraws part 3 of TDN 90-02-107-3. In its place, TDN 90-02-107-5 has been issued for the operator's alleged failure to obtain a permit before engaging in or carrying out coal mining and reclamation operations. In addition, the failure to pass at the site of the pad outslope still remains an issue for which DOGM should take appropriate action.

If you wish to discuss this matter further, please contact John Kathmann or me at (505) 766-1486.

Sincerely,



Robert H. Hagen, Director
Albuquerque Field Office

Acting For