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GLEN A. ZUMWALT
 Vice President and
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007/005 #2

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June 14, 1990

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DIVISION OF
 OIL, GAS & MINING

Daron Haddock, Permit Supervisor
 Division of Oil, Gas & Mining
 355 West North Temple
 3 Triad Center, Suite 350
 Salt Lake City, Utah 84180-1203

Re: Coal Stacking Tube and Reclaim Tunnel Amendment

Dear ^{Daron} Mr. Haddock:

We have reviewed your conditional approval letter of 5-17-90 and are responding to the deficiencies which were outlined in your letter.

DEFICIENCY:

R614-301-232 Topsoil and Subsoil Removal - (HS)

The operator states that no additional disturbance will occur in association with the above mentioned amendment. The operator equates "mud flow" deposition with "disturbed area." According to R614-100-200 Definitions, mud flows are excluded from the disturbed area definition. Hence, the operator must fulfill the requirements of this section which require the removal, segregation, and storage and eventual redistribution of topsoil material.

RECOMMENDATION:

The operator and the regulatory authority (the Division) must meet on site to determine the aerial extent of the new disturbance and the approximate volume of salvageable, suitable topsoil.

RESPONSE:

We feel the reviewer has misinterpreted "R614-100-200 Definitions -- Disturbed Area." Mud flows are not specifically excluded from the definition. Neither are they specifically included. However, the definition does say, "Disturbed Area" means an area where vegetation, topsoil, or overburden is removed----." R614-100-200 Definition also states that, "Topsoil" means the A and E soil horizons layers of the four major soil horizons." Since the area in question is a depositional area of a mud flow, the material there is an admixture of:

1) all the four major soil horizons; 2) gravel, rocks and boulders; and 3) stumps, logs and other wooden debris. The deposition material has no discernible soil horizons. The mud flow scouring action has removed the existing vegetation and topsoil. We feel the area does meet the definition in R614-100-200 of "Disturbed Area." As discussed with you on 6-11-90, we will plan on using any excavated material from this area in the berms associated with the inlet structure. Since this material is an admixture it should prove to be an adequate growth medium for interim reclamation.

Since we have excess topsoil in our topsoil storage, we will have adequate soil for final reclamation of this new area.

DEFICIENCY: R.S.

The designs provided by EarthFax Engineering, Inc. need to be accompanied by certification statement.

RESPONSE:

The cover page of the EarthFax Engineering, Inc. report contains the signed seal of registered professional engineer Kenneth T. Klebba. This is a typical and a commonly accepted method of certifying a document. We have enclosed another copy of this cover page in case you have misplaced the one sent to you earlier.

DEFICIENCY: R.S.

Plate 3.2.1.1 needs to be certified with current revision date.

RESPONSE:

Our registered professional engineer has dated and initialed the approval in the revision block on map 3.2.1-1. We have enclosed a copy of this map for your review.

DEFICIENCY: R.S.

Section 4.19.2 states that the diversions (DU-2, DU-3) were designed using a 100 yr. - 24 hr. event. The calculations provided designs for a 10 yr. - 24 hr. event (EarthFax Report 11/89). Please revise text.

RESPONSE:

We have revised page 4-86 of section 4.19.2 to reflect the 10 yr. - 24 hr. event. A copy of this page is enclosed for your review.

DEFICIENCY: R.S.

The applicant needs to propose a buffer zone and buffer zone markers for the new disturbance.

RESPONSE:

On page 3-42 in section 3.2.7 of our approved M&RP it states: "Stream Buffer Zone Markers -- Signs requiring protection of the environment have been placed at those points of the operation where public or employee access to perennial and intermittent streams is possible. Those points include the portal area on the southwest and middle forks of upper Eccles Creek."

We feel that it should meet the necessary criteria if we move the existing buffer zone signs in the Middle Fork of Eccles Creek upstream to the vicinity of the new inlet structure.

DEFICIENCY: R.S.

The EarthFax report proposes several options for the culvert design for diversion DU-2 (i.e., 15 - 18 inch inlet connected to 12 inch or 15 - 18 inch full length). The proposal should specify which design will be used.

RESPONSE:

Map 3.2.1-1 indicates which size of pipe we intend to use.

DEFICIENCY: R.S.

The applicant should add narrative to the text discussing the energy dissipators for DU-2 and DU-3 (including location, reference to calculations, and size of protection). The location of the dissipators should be depicted on Plate 3.2.1-1.

RESPONSE:

Energy dissipators have been added to the M&RP in section 4.19.2 page 4-86 and the location shown on map 3.2.1-1. The engineering calculations for the dissipators are in section five of volume 5 , pages 19a - 19e of the M&RP. We have enclosed a copy of those changes for your review.

DEFICIENCY: R.H.

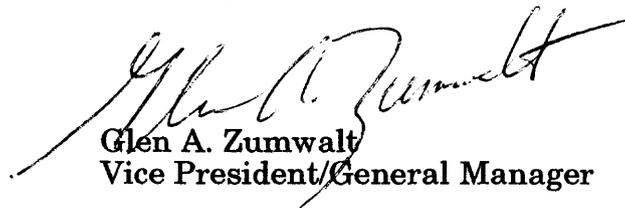
The operator needs to submit a revised Reclamation Agreement to include the revisions in the area to be bonded and the bond amount. The revisions to the Reclamation Agreement should be submitted to the Division within 30 days from the date of approval by the Division.

RESPONSE:

We have enclosed a copy of the rider to increase our total bond to \$2,652,000. Kevin Yocum of our Salt Lake City office is currently preparing a revised Reclamation Agreement which will include revisions in the area to be bonded and the bond amount. He will submit this information to your office as soon as the map has been returned from the bonding company.

We appreciate your review and conditional approval for this project. We have received the Stream Channel Alteration Permit and have attached a copy for your records. We have opened the bids and have selected the CDK Contracting Company to do the work. If you need any additional information contact Keith Zobell.

Sincerely,



Glen A. Zumwalt
Vice President/General Manager

GAZ:KZ:lm

Enclosure