



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter

Governor

Dee C. Hansen

Executive Director

Dianne R. Nielson, Ph.D.

Division Director

355 West North Temple

3 Triad Center, Suite 350

Salt Lake City, Utah 84180-1203

801-538-5340

ACT/007/005  
#5

0045

December 2, 1991

## CERTIFIED RETURN RECEIPT

P 755 090 766

Mr. Robert Hagen, Director  
Office of Surface Mining  
Reclamation and Enforcement  
Suite 310, Silver Square  
625 Silver Avenue, S.W.  
Albuquerque, NM 87102

Dear Mr. Hagen:

Re: Response to TDN #X-91-02-244-9 and TDL #91-02-244-6, Utah Fuel Company, Skyline Mine, ACT/007/005, Folder #5, Carbon County, Utah

This letter responds to the above referenced Ten-Day Notice and Ten-Day Letter which were received at the Division offices on November 22, 1991.

The Ten-Day Letter was written for failure to have a combination of principal and emergency spillways on a sediment pond that will safely discharge a 25-year, 6-hour precipitation event. (Mine water pond.)

The Ten-Day Notice was written for failure to divert runoff from areas above the pile and from the surface of the pile into stabilized diversion channels to pass runoff from a 100 yr 6 hr event (waste rock pile)

### Response

The Division had reviewed the situations at both the refuse pile and the mine site sediment pond during the permitting process and continues to review permitting issues as warranted. The Division staff was fully aware of and actively pursuing resolution of the situation at the mine site sediment pond prior to and during the time of the oversight inspection. Please refer to the attached technical memo which further explains the Divisions position with regard to this matter. An emergency spillway has been or will be installed

Page 2  
ACT/007/005  
December 2, 1991

within this week.

The issue may have been resolved but the appropriateness of forcing the issue through a TDL may be still in question. Imposing the TDL timeframes on this review forced an expedient solution to a possible complex problem. A more cautious and thorough review (which the Division was in the process of conducting) may have resulted in a technically superior alternative.

With respect to the Waste Rock Disposal Area diversions, again these were thoroughly reviewed by the Division's technical staff during the permitting process. The diversions in question were in place with the exception of one that would handle runoff from an area consisting of 1.57 acres (refer to attached memo). Since the runoff from this area is considered inconsequential, no diversion was installed. This situation has also been forced by a TDN and a diversion has now been installed.

Both situations have been rectified. However, the Division feels that we have and continue to prudently and diligently pursue the permitting responsibilities at the Skyline mine. We respectfully request that TDN #X-91-02-244-9 and TDL #91-02-244-6 be withdrawn.

Sincerely,



Lowell P. Braxton  
Associate Director, Mining

cc: D. Haddock  
R. Summers  
SKYLTDNR.LET