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The Energy People

007/005 #2
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DIVISION OF
OIL GAS & MINING

0012

January 26, 1993

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

Dear Mr. Haddock:

We have reviewed your memo outlining the remaining deficiencies for the renewal of our Mining and Reclamation Plan. We have been able to respond to the majority of these deficiencies. However, there are still a few deficiencies that we have been unable to properly respond to for a variety of reasons. On these items, we have included a brief explanation of our difficulty and a new proposed response date when we will be able to respond. We are including 14 copies of any changes made to maps, figures and page of the M&RP.

DEFICIENCIES & RESPONSES

1. R645-301-222

Replace Plate 2.11-1 and refer to 1980 Supplemental Soils Report on Page 2-114.

RESPONSE:

Plate 2.11-1 should be removed and Page 2-114 has been changed.

2. R645-301-230

Remaining Deficiency:

1. The plan needs to contain a method for anchoring straw mulch.

Utah Fuel Company

A SUBSIDIARY OF THE COASTAL CORPORATION
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RESPONSE:

We have changed Pages 4-38 and 4-38(a).

3. R645-301-231.400

Deficiency:

1. Cover requirements for waste rock are not addressed in these calculations. Approximately 9,000 yd³ remain from the RRLO topsoil stockpile which could be used for additional cover over waste rock. Cover material must be dedicated to meet the requirements of R645-301-553.250 until test plots substantiate lesser cover. I recommend that Table 4.6-4 reflect cover requirements for the waste rock site.

RESPONSE:

We have changed Pages 4-38(c) and 4-38(d) to reflect the use of the material in the RRLO topsoil stockpile. However, we feel that the Division may be misinterpreting R645-301-553.252. As we read this regulation, we do not interpret it to require four feet of topsoil. It does require four feet of best available, non-toxic, non-combustible material that will meet the requirements of R645-301-244.200 and R645-301-353 through R645-301-357. So in the final analysis, we may actually haul little if any of the RRLO topsoil to the waste rock disposal site.

4. R645-301-240 and R645-301-342

Deficiency:

A contradiction remains between Plate 4.4.1-1A and Table 4.6.4 concerning the acreage of disturbance the portal mine site. See discussion under deficiency #1 R645-301-231.400, Portal Yard.

RESPONSE:

We have corrected acreage on Map 4.4.2-1A

5. R645-301-322

Remaining Deficiency:

Changes to the high interest species status of red bats and western smooth green snakes need to be made in Tables 2.9-1 and 2.9-3.

RESPONSE:

Tables 2.9-1 and 2.9-3 have revised to reflect the requested changes.

Remaining Deficiency:

1. The plan must include data from recent Wildlife Resources fisheries surveys.

RESPONSE:

Recent fish surveys would reflect the results of constant blockage by an irrigation diversion and be beaver dams. In addition, Scofield Reservoir was recently poisoned to eradicate trash fish. Consequently, any recent DWR fisheries surveys would not provide any meaningful data on mining related impacts. These reports are not in the applicants possession nor have they been requested of DWR.

6. R645-301-341.300

Remaining Deficiency:

1. The Operator must demonstrate that areas of the conveyor bench and associated cut slopes are reclaimable according to the plans presented in the mining and reclamation plan. As an alternative to the current plan, Skyline may consider changing the postmining land use for this area.

RESPONSE:

We are unable to respond to this deficiency at this time. Our plan is to negotiate a change with the land owner to allow a change in the postmining land use. To date, we have not been able to successfully negotiate an agreement with the Marakis Estate. We feel we should conclude these negotiations in the next couple of months, and will respond to this deficiency by May 3, 1993.

7. R645-301-413

Remaining Deficiency:

1. The right of entry information for the land at the loadout must be updated in the plan in accordance with R645-301-114.100.

RESPONSE:

We can not respond to this deficiency at this time. We will respond to this deficiency by May 3, 1992.

Remaining Deficiency:

1. If the lease agreement between Coastal States Energy and Nick and Koula Marakis and Helen Lumbi is to constitute comments on the postmining land use, the agreement cannot be considered confidential and Skyline must indicate how this agreement is to be inserted into the plan, including reference to it in the text of the plan.

RESPONSE:

As outlined in our deficiency response to R645-301-341.300, we are planning on negotiating a change in our lease agreement with the Marakis estate, and respond to this deficiency. Our Right of Enter information is in Sec. 1.6 (Pages 1-13 through 1-17), and the Marakis agreement is referenced in this section. Many of our agreements do contain confidential information as outline in R645-203-210. We will provide the Division with confidential documents when necessary or make them available to persons who have a legal right to review these documents. However, they are not public information and are not to be included in M&RP.

Remaining Deficiency:

1. The cross reference must show the locations of surface owner or manager comments concerning the postmining land use for all areas.

RESPONSE:

Page 1-13 has been changed to add reference to Manti-La Sal National Forest Approved Land Use Management Plan. Page 6 of cross reference has been changed.

8. R645-310-522

Remaining Deficiency:

1. The Applicant must demonstrate that the mining operations will maximize the use and conservation of the coal resources.

RESPONSE:

Pages 3-8 and 3-8(a) have been changed.

9. R645-301-525.100

Remaining Deficiency:

1. The subsidence control map will be certified by a qualified registered professional engineer. The map will show the permit boundaries, the areas where subsidence is anticipated, the areas where subsidence is permitted and areas protected from subsidence.

RESPONSE:

A new certified subsidence control map has been enclosed.

10. R645-301-528.323

Remaining Deficiency:

1. The Applicant must address this regulation in the Mine and Reclamation Plan.

RESPONSE:

This was addressed in our December, 1992 response on Page 3-56.

11. R645-301-536

Deficiency:

Sample analyses from 8/11/92 were found the submittal. The analytical report should be referred to on page 4-87 of the MRP. Acid/base accounting results should be included with these reports.

RESPONSE:

Page 4-87 has been changed and we have added Pages 4-87(b), 4-87(c) and 4-87(d).

Deficiency:

The Permittee is in compliance with this deficiency, however a recent (1992) analysis is requested for inclusion in Exhibit 4.4.5.

RESPONSE:

We have enclosed the 8-17-92 analysis which is to be added to Exhibit 4.4.5.

12. R645-301-540

Deficiency:

For the purpose of determining the non-toxic, non-acidic nature of the material, the following analyses (described in Table 6 of the "Guidelines for Management of Topsoil and Overburden...") should be added to Table 1: acid/base accounting, selenium, boron.

RESPONSE:

Acid/base accounting, selenium and boron have been added to Page 40-38(b).

Deficiency:

No changes to the present plan could be found in Section 4.6.4.1, 4.7.7 or Section 4.4.5 was noted. Further information is requested concerning a sampling program for the final graded surface of the waste rock site, if a reduced level of cover is finalized.

RESPONSE:

We do not understand this deficiency. On Page 4-40 of our M&RP, we outline our sampling plan. One sample per 2,000 tons of material. The material is in two lifts. It takes more than 2,000 tons to make a lift, so we take more than one sample per two foot lift. We have added acid/base accounting, selenium and boron to this list, which already included SAR, EC and percent coal. We do not have any plans to put additional waste material at the RRL0. As we read R645-540, we can not see where we are deficient.

13. R645-301-700

Remaining Deficiencies:

1. Shallow and deep water levels appear to reversed in well W35-1.
2. Contour lines on Plate 2.3.4-2 don't correspond with water levels given for well W22-2 (and for well W35-1 if the shallow and deep values have been switched).
3. Well W26-1 monitors the shallow aquifer rather than the deep aquifer as shown on Plate 2.3.4-2.
4. The dates related to Plates 2.3-4-2 nd 7, 11 and 12 at the top of page 2-29a are reversed.

RESPONSE:

1. The well water levels are reversed on well W35-1.
2. The contour lines will be reviewed with the consultant and revisions made as appropriate.
3. Well W26-1 is indeed a shallow well and the notation on Plate 2.3.4-2 will be corrected.

The above three items all require corrections to Plate 2.3.4-2. A revised map will be submitted after a review by the consultant. A new submittal will be made by March 1, 1993.

4. The dates at the tope of Page 2-29a were reversed. A corrected page is attached.

Remaining Deficiency:

1. Cross sections and maps submitted to satisfy current deficiencies to the MRP are not certified, as required by R645-301-512, as having been prepared by or under the direction of a qualified registered professional engineer or land surveyor, with assistance from experts in related fields such as hydrology and geology.

RESPONSE:

The deficiency fails to identify which documents have not been certified. Appropriate certifications will be made after the Division identifies which specific cross sections and maps need to be certified.

Remaining Deficiency:

1. Location and extent of ground water at the waste rock disposal site are not shown on maps or cross sections, specifically Plates 2.3.4-2 which shows the potentiometric surface of the regional system, and 2.2.1-2, which shows the cross section at the waste rock disposal site.

RESPONSE:

The M&RP modification relating to ground water at the waste rock disposal site has not been submitted. Data on the monitoring well, which was drilled in the fall of 1992, will be submitted as part of that modification.

14. R645-301-728

Remaining Deficiency:

1. A determination of the PHC to the cutthroat trout spawning habitat in Burnout Creek and Upper Huntington Creek, based on current knowledge, has not been made.

RESPONSE:

The value of the cutthroat trout spawning habitat in Burnout Creek and upper Huntington Creek is currently being evaluated by the Forest Service under the direction of personnel at the Intermountain Research Station in Logan. Releasable reports on this study are not yet available. As stated previously, the applicant does not control this study, so it is

inappropriate to make it a subject of Division comment and modification in the M&RP. As reports become available, copies will be made and sent to the Division to be inserted as consultant documents in the proper M&RP appendix. This will aid in the preparation of future PHC's and CHIA's.

Remaining Deficiency:

1. It is unclear what is meant by the concluding statement of Section 3.2.3 on page 3-8 of the PHC that there is not evidence that mining operations are impacting the nature of the stream bed, when previous pages contain a discussion of facts the mine operation is having on the stream bed.

RESPONSE:

The referenced statement is indeed unclear and adds nothing to the discussion. The statement, therefore, has been removed. This condition of the stream is a function of many factors including some being totally unrelated to mining activity. In recent years, the stream has experienced a proliferation of beaver dams, which capture and redistribute sediments. Also, in recent years, the snow pack has been so low and spring thaws so gradual that the stream has not experienced its normal flush allowing an accumulation of sediments.

Subsequent to preparation of the PHC, the mine discharge has successfully passed a chronic toxicity test. A copy of these test results have been submitted to the Division.

15. R645-301-731.200

Remaining Deficiency:

1. Information on monitoring point M-1, similar to that given for other surface water monitoring points, is not given in the MRP.

RESPONSE:

During preparation of the hydrological documents, Vaughn Hansen Associates sampled many points to help characterize the regional water quality. Some of these points were later incorporated into a routing monitoring plan, while others may have been sampled only once. Monitoring point VC-9 is one of the routing stations identified in Table 2.3.7-3. Monitoring

point M-1 is not a routine monitoring station and the applicant has no data from this point to place in the M&RP.

Remaining Deficiencies:

1. If wells W22-2-2- and W14-2B have been abandoned, proper abandonment procedures have not been followed.
2. The MRP does not contain data and arguments that support abandonment of monitoring the Star Point Aquifer at wells W22-2-2 and W14-2B.

RESPONSE:

The status of these two failed wells will need to be the subject of further discussion with the Division, particularly in the area of their validity in establishing the PHC.

An approach to the Forest Service concerning the possibility of re-establishing these wells was met with a firm negative response, because of the resulting environmental damage. A mutually agreeable response will be attempted by March 1, 1993.

In addition to answering the above deficiencies, we have also included the following information to incorporate the overland conveyor information into the M&RP renewal.

1. Acreage information on Pages 2-98, 2-101, 3-21 has been corrected and incorporated on Pages 2-99, 2-99(a), 2-101, 2-101(a), 3-25 and 3-25(a).
2. The .39 acres on Page 4-8 is the correct figure.
3. The information that was on Page 3-24 has been incorporated on to Page 4-36 and 4-36(a).
4. Modification to the PHC to include the overland conveyor were on Page 3-13 of the PHC and submitted to the Division on 10-5-92.
5. Map 3.2.3-3A has been updated to include an acreage figure that had been left off.

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Deficiencies and Responses

We appreciate your help in this renewal effort and hope that this response will finalize this renewal. If you need any additional information, please contact Keith Zobell.

Sincerely,



Glen A. Zumwalt
Vice President/General Manager

Keith Zobell/Keith Welch:gb
attachments