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State of Utah
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
 Governor

Ted Stewart
 Executive Director

James W. Carter
 Division Director

355 West North Temple
 3 Triad Center, Suite 350
 Salt Lake City, Utah 84180-1203
 801-538-5340
 801-359-3940 (Fax)
 801-538-5319 (TDD)

ACT/007/005
 #2

June 7, 1995

TO: Daron Haddock, Permit Supervisor

FROM: Steven M. Johnson, Reclamation Hydrologist *SMJ*

RE: Mid-Term Review Response, Skyline Mine, Utah Fuel Company, ACT/007/005, Working File, Carbon County, Utah #2

In responding to the Division's Mid-term Review of the Skyline Mine MRP, Utah Fuel claimed, in a letter dated June 1, 1995, that many parts of the review were not valid as reviewable items under the Division's directive on mid-term reviews. However, Utah Fuel did not view the reviews under hydrologic resources as part of the invalid issues. Utah Fuel responded to this section, particularly, the issue of stream buffer zones and clarification of the measure that are used to prevent activities within stream buffer zones from causing or contributing to degradation of water quality.

In the June 1 letter, Utah Fuel says that the emphasis of R645-301-731.611 based on water quality standards will not be violated, and therefore the sampling program that is currently in place should be adequate to show that activity within 100-feet of the perennial stream is not contributing to water quality standards violations. There are two points that must be made about this response.

First, the regulations demand that, in order that the Division permits coal mining activities within the stream buffer zone, it must find that such activities will not cause or contribute to water quality standards violation *and will not adversely affect the water quantity and quality or other environmental resources of the stream.* To this point the Division has never made such findings and Utah Fuel has not provided necessary information which would aid the Division in making such findings.

Second, Utah Fuel says that their sampling program is showing that no water quality standards are being violated. However, once again, the Utah Fuel sampling data for Eccles Creek has shown a consistent trend in degradation of water quality. Without the information requested in the original mid-term review, one cannot concluded that this trend is not as a result of the mining operations within 100-feet of the creek.



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While Utah Fuel believes that sampling, in itself, shows that they have not caused or contributed to water quality standards violations--it does not show that coal mining activities within 100-feet of Eccles Creek has not contributed to the degrading water quality of the stream. All coal mining activities within a stream's buffer zone can only be permitted after the Division has found that those activities will not adversely affect the water quality or quantity in addition to finding that no water quality standards will be violated. The Division has never made these finding. Therefore, Utah Fuel must submit necessary information that would allow the Division to conclude that the degradation of Eccles Creek is not resulting from their coal mining activities within the stream buffer zones.

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