BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
in and for the STATE OF UTAH

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| IN THE MATTER OF THE VIOLATION OF RULES MC 700 et seq., OF THE BOARD OF OIL, GAS AND MINING BY PLATEAU MINING COMPANY, STARPOINT MINES, CARBON COUNTY, UTAH. | ) ) ) ) ) | INTERIM ORDER<br>Cause No. ACT/007/006 |

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This cause came on for hearing before the Board of Oil, Gas and Mining, Department of Natural Resources, State of Utah, at 9:00 a.m., on Tuesday, June 26, 1979, in the Executive Room of the Holiday Inn, 1659 West North Temple, Salt Lake City, Utah. The following Board Members were present:

Charles R. Henderson, Chairman
Edward T. Beck
Thadis Box
E. Steele McIntyre
John Bell
Ray Juvelin

Also present and representing the Division:

Cleon B. Feight, Director,
Division of Oil, Gas, and Mining
Ron Daniels, Coordinator of Mined Land Development
Mary Ann Wright, Reclamation Biologist
Mike Thompson, Engineering Geologist
Tom Suchoski, Reclamation Hydrologist
Jim Smith, Reclamation Soils Specialist
Denise A. Dragoo, Special Assistant Attorney General

Appearances were made as follows:

Plateau Mining Company:

Tom Bailey
Steve Rigby
Mark Atkins
Jim Jensen, Attorney for Plateau Mining Company

NOW, THEREFORE, The Board having heard the testimony of the witnesses and having considered the evidence and being advised in the premises, now makes and enters the following:

## FINDINGS OF FACT

1. Due and regular notice of the time, place and purpose of the hearing was given to all interested parties in the form and manner and within the time required by law and the rules and regulations of the Board.

2. The Board has jurisdiction over this matter and over the parties interested therein and has authority to issue the Interim Order hereinafter set forth.

3. The Division of Oil, Gas and Mining and the U.S. Office of Surface Mining conducted an inspection of Starpoint #1 & #2 Mine on January 9, 1979, during which ten violations of the Division MC Rules 700 et seq. were discovered.

4. The Division informed Plateau Mining Company of the violations discovered at the above-mentioned mine and detailed the performance measures necessary to correct such violations in a letter to the company dated January 31, 1979.

5. The present proceedings are before the Board as an Order to Show Cause as to whether or not the Board should issue an abatement or compliance order against Plateau Mining Company for failure to correct violations discovered at the before-mentioned inspection of January 9, 1979.

## INTERIM ORDER

IT IS THEREFORE ORDERED BY THE BOARD THAT:

1. The following five violations have been abated to the satisfaction of the Board and Division:

| No. | Rule | Performance Measure |
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| 2 | MC 717.12(b) | The sign at the entrance to the mine has been installed. |
| 4 | MC 717.15 | Exhibit "B", presented at the proceedings and entitled "Report of Engineering Studies Stability and Construction Method Study - Active Coal Refuse Pile No. 1211-UT-9-0008, Wattis, Utah" satisfies this performance measure. Of paricular note in this report is the consultant's recommendation that piezometers within the pile be maintained as the height of the coal refuse pile is increased. The Division and Board shares in this recommendation that the operator should maintain such records in the event that future stability analyses are required. It is also notable that the material strength data used in the analysis is only applicable to a coal refuse pile height no higher than 150 feet (page 17). The Division with further evaluate the pile's stability when this point is reached. |
| 5 | MC 717.15 (715.15(a)(6)) | The operator testified to a commitment to conserve topsoil upon further expansion of the lower waste pile. If the pile is expanded to virgin area the Division will be notified in advance of said work and that suitable maps showing the proposed expansion and topsoil stockpile will be submitted for approval by the Division. |

| No. | Rule | Performance Measure |
|---|---|---|
| 6. | MC 717.15 (715.15(b)(4)) | A showing was made at hearing that topsoil has been conserved adjacent to the upper disposal area. In addition, the operator committed to continuing tests in mulching, soil treatment, and in revegetating the upper waste pile cover material. |
| 10 | MC 717.20 | The operator demonstrated that topsoil conservation on the site of the Lion Portal Deck extension was an expensive and difficult task. He further described the properties of the existing overburden and made a commitment to undertake continuing test plantings to determine the best methods to be applied in utilizing the overburden as a plant support medium. |

2. The following four violations have been found to be continuing violations which will not be abated until the following requirements are met:

| No. | Rule | Information Needed to Abate |
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| 1 & 9 | MC 717.17 | The operator's testimony revealed that a hydrologic monitoring plan is now in the process of being prepared by a consultant, Vaughn Hansen & Associates. The deadline for submission of a preliminary plan is six weeks from June 26, 1979. The Division will review said submittal within two weeks of its receipt. The operator has committed to the implementation of a temporary hydrologic monitoring plan as an interim compliance measure and a show of good faith. The temporary monitoring plan was transmitted to the operator on July 3, 1979, and is included with this order. |
| 7 & 8 | MC 717.15 | The Board and Division has now been informed that the upper coal processing pile is indeed an area where coal waste is to be deposited. The operator needs to supply further information on this facility to obtain approval. Information which is yet lacking on the pile is: a. A revised certification (Exhibit "B") that states, in addition to that which is already certified, that the pile is constructed in accordance with MC 717.15 (715.15(b)). |

| No. | Rule | Information Needed to Abate |
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| | | b. An analysis including a map showing the watershed area, which demonstrate that the culvert passing under the pile will meet the hydrologic requirements under MC 717.17.<br>c. A final abandonment plan to permanently divert the drainage that flows under the upper pile.<br>d. A copy of the Mine Safety and Health Administration approval for the upper pile.<br>e. A drawing that shows the final configuration, including elevations, of the waste disposal facility. |

3. With respect to violation number three concerning the placement of fill material on the down-slope below the new road east of the mine's Lion Portal Extension in violation of Rule MC 717.14(c), the Board has determined that it will hear further testimony from Plateau Mining Company concerning a variance from Rule MC 717.14(c). The Board has authority to issue such a variance pursuant to Rule M-10 of the Board's Regulations where a proper showing is made by the operator. Evidence will be taken by the Board concerning the appropriateness of a variance at the Board's Hearing on July 27, 1979. The following factors will be among those considered by the Board in determining whether or not to grant a variance:

1. Demonstration that the proposed road construction is consistent with local practices for the construction of a non-haul road of the type proposed.

2. Demonstration through geotechnical tests that a static safety factor of at least 1.3 can be achieved by using proposed construction techniques.

3. A showing that greater environmental damage will result from following the standards of Rule MC 717.14(c) than will result from the proposed construction techniques applied by the Company in this case.

4. A showing of the need for the variance based upon a site-specific analysis of:

a. Lack of available space to store the fill material as required by Rule MC 717.14(c).

b. Demonstration that the proposed road construction will not significantly degrade the local hydrologic regime.

c. A cost/benefit analysis concerning the Company's failure to complete construction upon the proposed road.

5. A commitment on the part of the Company to revegetate fill material placed on the down-slope and to submit, to the Division, a plan for such revegetation supported by test plot data.

SO ORDERED by the Board of Oil, Gas and Mining this 27th day of June, 1979.

Thalia R. Busby
Secretary of the Board