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orig mine file  
cc K. May  
L. Brayton  
DRN



United States Department of the Interior  
OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
219 CENTRAL AVENUE, NW  
ALBUQUERQUE, NEW MEXICO 87102

OCT 07 1985

ACT/007/006  
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DIVISION OF OIL  
GAS & MINING

Dr. Dianne Nielson, Director  
Division of Oil, Gas & Mining  
355 W. North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84108

Dear Dr. Nielson:

On August 20 and 21, 1985, an oversight inspection was conducted at Plateau Mining Company, Starpoint 1 and 2 Mines, permit #ACT-007-006. The inspection was conducted jointly with Barton Kale and Henry Austin representing our respective agencies. (Please refer to OSM Minesite Evaluation Inspection Report dated September 19, 1985.)

During the inspection and on a subsequent follow-up inspection conducted by Mr. Austin on September 11, 1985, it was determined that sedimentation pond #1 had been exempted from obtaining an engineering certification pursuant to UMC 817.46(R). (Please reference your letter to Mr. Walter Mueller, Jr., dated July 19, 1984, concerning engineering certification of sediment ponds 1, 3, and 5.)

In related correspondence, letters directed to you from the Albuquerque Field Office, dated October 12, 1984 and February 13, 1985, both address this same issue. I would direct your attention to the letter of February 13, 1985, page two, which reads "Ron Daniels stated he would question Mr. Hedberg and obtain a written history of the case (P.E. certification of the sedimentation ponds at the Star Point Mines.)" A request was also made in this letter to supply us with the written history of this case, which to date has not been received by this office. The October 12, 1984 letter indicates that all water impoundments, no matter what their designation, fall under UMC 817.49, Permanent and Temporary Impoundments, which requires P.E. certification. This was discussed in the September 20, 1984 meeting referred to in the above referenced letter. At that time, it was this office's impression the Division concurred that certifications were mandated on all water impoundments.

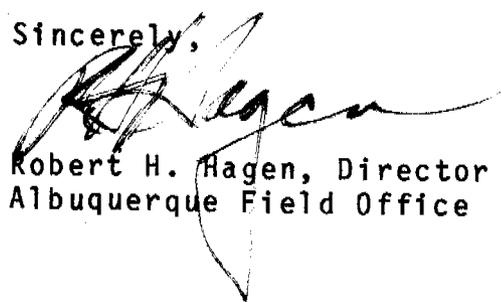
In order for the Albuquerque Field Office to accurately evaluate the Division's actions and policy regarding the redesignation of sediment pond #1 at the Starpoint Mine, written clarification of the redesignation process is necessary.

The written clarification we are requesting should address the following:

- 1) Which statute or final rule of the approved Utah Coal Mining and Reclamation Permanent Program authorizes the designation or redesignation of a water impoundment as a treatment facility?
- 2) In your letter dated July 19, 1984 to Mr. Walter Mueller, Jr. you state, "The structure (sedimentation pond #1) has met and is in compliance with the performance standards for treatment facilities." Please indicate what performance standards are referred to, and how it was determined that sedimentation pond #1 met these performance standards at the time the redesignation to a treatment facility was approved. Your July 19, 1984 letter indicates Division approval was given August 16, 1983. Please provide the Albuquerque Field Office with a copy of the August 16, 1983 approval documentation.
- 3) Has the designation or redesignation of water impoundments to treatment facilities occurred at any other Utah coal mining operations? If so, please provide a listing of their locations, including the name of the mining operation, permit number, and a copy of the documentation approving the treatment facility designation.

If you have any questions concerning this request, please feel free to contact our office.

Sincerely,



Robert H. Hagen, Director  
Albuquerque Field Office