

February 4, 1985

TO: Coal File, Inspection and Enforcement
FROM: David Lof, Mining Field Specialist 
RE: Comments on Plateau Mining Company's January 23, 1985 letter to the Division regarding NOV N84-6-15-1, Star Point Mines, ACT/007/006, Folders #7 & 8, Carbon County, Utah

I have prepared comments on the letter mentioned above as per a request made by Mining Field Specialist, Barton Kale. The comments I have made are only on segments which I feel pertain directly to myself. In addition, I have provided some information which the operator has not provided in their letter and it's attached chronology.

On Page 3, in the first full paragraph, the operator states that they were "very surprised to receive a violation in the mail," and that they were "alarmed that the Division, after having been closely involved with the project over a long period, would issue a violation on something that happened almost two years previously."

Comments: It is my understanding that the violation was issued for the operator's failure to protect topsoil/subsoil material which may have remained on the site following the operator's efforts to remove the topsoil/subsoil from the coal refuse expansion area.

The operator should not have been surprised. They had, on four separate documented occasions, been told to install straw bales in order to prevent the loss of any topsoil/subsoil material which remained in the area:

- June 26-27, 1984 inspection
- August 22-23, 1984 inspection
- September 28, 1984 inspection
- November 2, 1984 letter from Division Soil Specialist, Tom Portle, to the operator

In addition, they were fully aware of the Division's concern that there could be salvageable topsoil/subsoil material left on the site even though they may have removed more material from the site than what they had said they would. The operator is responsible to remove all topsoil/subsoil material available in an area, even though they have already removed more than what they promised to, and the Division is required to protect this topsoil resource.

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Mr. Barton Kale
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On Page 3 of the Chronology the operator states that on June 26 and 27 of 1984, Tom Portle and myself made an inspection, at which time we questioned if all the soil in the PL5 area had been removed. In addition, it states that we "requested a trench to be dug to determine if any more subsoil needed to be removed from that area."

Comment: In the manner in which this is written, it seems to indicate that we asked that a trench be dug to determine if any more subsoil needed to be removed from the PL5 area in general. This is not the case, the "area" discussed with the operator was the specific area between the PL3 area and the small undisturbed island in the PL5 area, not the entire PL5 area. This is documented in my August 13, 1984 memo for that inspection.

In the "Note" following the June 26 and 27, 1984 section of the Chronology, it states that the "trench was dug on the 27th before the inspector left the site and was so advised, but to our knowledge, the inspector did not look at it."

Comment: I do not believe that this statement is true. I don't think that I was told about the trench until my July 17, 1984 inspection, at which time, I did not have time to look at the trench.

On August 22 and 23, 1984, I conducted an inspection, at which time I looked at the trench and found that the operator had removed all soil possible from the small area between the PL3 area and the small undisturbed island in the PL5 area. I also found that the operator had not installed straw bales as requested. I asked Mr. Grimes once again to install straw bales and he promised to do so.

During a September 28, 1984 inspection with Bob Lauman, I told him that they needed to install the straw bales or silt fence as requested, seed the area, inventory the soils left in place, and let the Division know what their plans were for the remaining soil material. This is documented in my field notebook, but not in my memo for that inspection.

On three separate occasions, June 26-27, August 22-23, and September 28, 1984 I asked the operator to install straw bales or silt fence along the east side of the PL5 area. Each time, the operator committed to installing the straw bales.

cc: Joe Helfrich, DOGM
Barton Kale, DOGM
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