STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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February 13, 1985

TO: Lorin Nielson, Research Consultant
Mary Ann Wright, Assessment Officer

FROM: Thomas L. Portle, Soils Specialist TLP

RE: NOV N84-6-15-1, Plateau Mining Company, Star Point Mine, ACT/007/006, Folder No. 3 and 7, Carbon County, Utah

Response to PMC Letter of
January 23, 1985 and November 8, 1984

A prudent operator may never assume approval without notification from the Division. He would have put strawbales in place as directed and would not forgo protection of the material in question.

Strawbales were required to maintain the status quo until the Division made its determination as to the adequacy of the November 8, 1984 PMC submission. If doubt existed he would contact the Division rather than presuppose that the quality of information submitted would automatically meet with Division approval.

Indeed, PMC representative Bob Lauman had verbally committed to Dave Lof and Tom Portle placing strawbales at the site.

The irony of the situation is that the simple placement of strawbales would have prevented this entire situation!

Statements that the Division has signed off on stipulation 9-23-3 are misleading. The OGM approved an ongoing process tied to the test plot programs provided as a response to special stipulation #6. Nothing about this process has been finalized.

PMC makes reference to the fact that a soils supervisor was present on-site during removal activities as approved by the Division. This is put forth in a way that implies that the process is infallible. Any number of things could have caused a failure to remove all viable soil in this area.

In fact the PL5 is described in a PMC submission as very deep and well drained. It occurs on alluvial valleys and fans. It also states that the substratum is loam or clay loam to a depth of 60 inches or more.

Further credence is given to the potential usefullness of this material in that the January 23, 1985 letter from the operator himself states that material below the B_2 horizon in the PL5 area is supporting vegetation as can be proven by test plots.

Statements that the inspector deemed that the operations at the refuse expansion area and at the subsoil stockpile were complete means that activity had ceased and are misleading. The inspector is not a soil scientist qualified to make decisions on soil quality. It does not mean operations have been completed adequately. In fact, the source of the investigation was another inspectors opinion that more soil may have been present.

In short it shows a pattern of PMC activity and diligence regarding soils handing at the refuse expansion area. It is a shame that the process broke down due to a failure to place strawbales when specifically directed by the Division.

Preliminary Review of
November 8, 1984 Letter

PMC begins by stating their concern that they may receive a violation as a result of the Division's November 2, 1984 letter. A violation would never have been issued had PMC provided strawbales. The sequence of approval activities and good faith exercised in soil removal at the refuse expansion area were never in question.

Further the Division never implied that fully 100 % of the soil could ever be obtained but did state that it appeared that more useable soil material was present. The material I viewed on October 19, 1984 was loose material of a loamy or clay loam type texture and appeared to be useable material based on physical properties. The area is of relatively low slope and would pose no equipment limitations.

It should be pointed out that stipulation 9-23-3 and special stipulation #6 are tied together. Further the topsoil balance of the entire operation is the subject of 9-22-3 (not limited to to the refuse expansion area). This has not been addressed by the PMC in the November 8, 1984 letter. PMC in past responses (February 17, 1982) to special stipulation #6 has indicated that a topsoil depth study and technology advances will yield a specific topsoil replacement depth for each portion of the operation. PMC states that test plot data wil be applicable to other portion of the mine in their August 18, 1982 response. Thus potential soil deficit is a problem for the entire operation. Statements that suggest two years of data prove anything are ill-founded.

jvb
cc: B. Kale
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