



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MININGNorman H. Bangarter
GovernorDee C. Hansen
Executive DirectorDianne R. Nielson, Ph.D.
Division Director355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

December 1, 1988

CERTIFIED RETURN RECEIPT REQUESTED
(P# 879 596 383)Mr. Robert H. Hagen, Director
Office of Surface Mining
Reclamation and Enforcement
Suite 310, Silver Square
625 Silver Avenue, S. W.
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

Re: Response to Letter of November 22, 1988, Ten-Day-Notice
88-02-107-9, Cyprus-Plateau Mining Company, Star Point Mine,
ACT/007/006, Folder #5, Carbon County, Utah

This TDN was issued for "failure to direct all surface drainage from the area above the coal processing waste and from the crest and face of the waste in accordance with the requirements of the regulations: failure to direct surface water from the area above the fill through diversion channels designed to pass safely the runoff from the 100-year, 24-hour precipitation event."

In response to the concerns noted in your letter of November 22, 1988, Division technical staff have reviewed the methodology and assumptions utilized in the Star Point Permit Application Package (PAP). The assertion that a permit defect exists is not supportable based on the following letter.

Your letter indicates that when utilizing a different methodology, a peak flow prediction exceeding the one in the approved Permit Application Package is achieved and thus a permit defect exists. Unfortunately, all approaches to predicting peak flows use empirical models.

Page 2

Mr. Robert Hagen

TDN 88-02-107-9

ACT/007/006

December 1, 1988

A wide range of predicted peak flows can be obtained, utilizing a number of accepted models and reasonable input assumptions, but the subject of this letter is resolution of TDN X88-02-107-9TV1. Since the peak flow methodology used by the operator was an accepted methodology and demonstrates compliance, no permit defect exists, your letter of November 22, 1988 notwithstanding.

It is not the practice, nor will it be the practice, of the Division to require a permit change, utilizing such peak flow models that may be developed in subsequent years after permit approval unless site conditions so dictate.

The Division inspection and enforcement program will continue to identify onsite conditions which indicate ditches are undersized or eroding. Appropriate corrective action will be taken, based on these observations. Field conditions were not mentioned in this TDN, however.

In conclusion, your letter of November 17 inferred that a permit defect may exist. Since the Utah program does not specify which models are to be utilized, and since the model run by the operator and verified by the Division is an accepted technique and supports compliance, the TDN is incorrect and should be withdrawn.

Sincerely,



Lowell P. Braxton
Administrator
Mineral Resource Development
and Reclamation Program

JJW/djh

cc: B. Grimes, Plateau

T. Munson

J. Whitehead

P.F.O.

AT7/90-91