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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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April 18, 1989

CERTIFIED RETURN RECEIPT REQUESTED
(P 879 596 392)

Mr. Robert 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: TDN #X-88-02-107-9-TV1 and TDN #X-89-02-250-1 TV 1,
Cyprus-Plateau Mining Company, Starpoint Mine, ACT/007/006,
Folder #5, Carbon County, Utah

This letter responds to the above referenced Ten-Day Notices (TDN), the certified copies of which were received at the Division office on October 3, 1988 and April 10, 1989.

TDN No. X-88-02-107-9, TV1 was issued for failure to divert 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 divert 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. Diversion ditch design for both undisturbed and disturbed area drainage should address the 100-year, 24-hour criterion.

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Response: The Division prefaces its review of this TDN with the remark that the current federal rules and the proposed Utah rules require the 100-year, 6-hour storm design criteria to address design of diversions away from coal waste. The Division feels that based on these changes and proposed changes, the 100-year, 6-hour design criteria is appropriate and OSM has concurred with this event. Therefore, all subsequent discussion will be tied to this design criteria.

The Division, after checking the calculations, concurs with the Office of Surface Mining (OSM) that the diversions and culverts diverting water away from the Coarse Refuse Pile are not designed on paper to meet the 100-year, 6-hour storm design criteria spelled out in the new rules under Rule R-614-301-746.330.

It therefore becomes necessary to require Cyprus-Plateau Mining Company (PMC) to change the designs in their PAP to bring these diversions and culverts into compliance with the 100-year, 6-hour storm design criteria, as well as prove the diversions and culverts in the field meet this criteria.

After reviewing the field conditions of diversions 6B, 7E, 16 (A, B, C, D, E and F), 8 and 76, it was felt that these diversions were potentially capable of meeting the upgraded design requirements. It is therefore necessary for PMC to survey those ditches to ascertain compliance with the 100-year, 6-hour storm design criteria, and submit this information to the Division to document compliance or upgrade those ditches needing upgrading, based on the new design criteria.

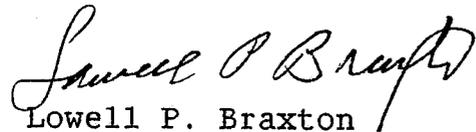
A Notice of Violation was issued on April 18, 1989, addressing PMC's failure to design all diversions and culverts diverting surface water runoff from areas above and from the surface of coal processing waste piles for the 100-year, 6-hour design precipitation event. As an abatement to the NOV, the operator is required to survey existing diversions to determine compliance with the 100-year, 6-hour design precipitation event, and modify the PAP to incorporate the 100-year, 6-hour designs. It will also be an abatement requirement for PMC to upgrade any ditches or culverts not in compliance with the new rule.

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TDN No. X-89-02-250-1, TV 1 was issued for failure to install diversions at the site of the coal processing waste, in accordance with the approved designs in the Mining and Reclamation Plan. Diversion ditchces 6B, 7E, 16 (A, B, E and F), and 8.

Response: This TDN assumed that the designs contained in the PAP were already changed to reflect the 100-year, 6-hour storm design criteria, and this was not the case. Therefore, the Division feels that the response to TDN No. X-88-02-107-9 TV1 dated April 18, 1989, adequately addresses the concern of TDN X89-02-250-1TV1 through the issuance of the NOV requiring updating the diversion plans in the PAP and establishing conformance in the field.

Sincerely,



Lowell P. Braxton
Administrator
Mineral Resource Development
and Reclamation Program

TM/djh
cc: R. Smith, DOGM
AT5/34-36