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CYPRUS PLATEAU MINING CORPORATION
A Cyprus Amax Company

Cyprus Plateau Mining Corporation
Post Office Drawer PMC
Price, Utah 84501
(801) 637-2875

March 7, 1996

ACT/007006
#2

Mr. James W. Carter
Director
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

Re: Notice of Violation No. N95-41-3-1

Dear Mr. Carter:

AMAX Coal Company is herewith providing the Division its position with respect to the aforementioned. The violation should have never been issued for failure to conduct water monitoring in accordance with the approved Mining and Reclamation Plan for the following reason.

1. Water monitoring station B-22 was established to monitor **Spring Flow**.

2. Location of sampling point is marked by a Sign that has been there for many years..

3. Existing water monitoring locations have been approved by the Division, as evident by the recent MRP renewal.

4. The Division's position that B-22 should be sampled in the bottom of the stream channel is in direct conflict with the monitoring intent. B-22 was established to monitor groundwater from a spring in Crandall Canyon, not base-flow in Crandall Creek which by definition is considered surface water.

5. **Stream flow** (surface water) is considered to consist of the base-flow fraction made up of groundwater that infiltrates into the channel and a direct-runoff fraction that enters the drainage system during and soon after precipitation (USGS Water-Supply Paper 2254, Third Edition 1992).

6. If Permittee began sampling B-22 within the bottom of the stream channel, then the Permittee would really be monitoring surface water and not groundwater. The monitoring would be further complicated when sampling occurred during the runoff period, because the question would have to be asked," are we monitoring surface water or groundwater at that point in the channel bottom"?

7. If the Division were to call every Coal Mining Permittee and ask the question," what would you do if your designated sampling point was dry, but just a few feet away, say 10 to 20 feet, there was flow"? I dare say that 100% of the Permittees would denote the sampling point as **Dry**. To do otherwise would skew the data.

8. AMAX took it upon itself to go ahead and establish a new water monitoring point B-44, that will sample the base-flow within Crandall Creek, even though it is not necessary. My question to the Division. Are we monitoring groundwater or surface water? Please tell me so that I can test for the appropriate parameters.

Based on the above, AMAX Coal Company did not fail to monitor as required by its MRP. Therefore, AMAX Coal Company is requesting the Division vacate NOV N95-41-3-1 issued November 27, 1995. This is being provided to you, so that when we meet on Monday, March 11, 1996, at 2:30 p.m., the Division will have ample time to consider our position.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Johnny Pappas

Johnny Pappas
Environmental Engineer

cc: J. Trackemas
J. Borla

Chrono: JP960304.LTR
File: NOV N95-41-3-1