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# State of Utah

## DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF SOLID AND HAZARDOUS WASTE

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May 20, 1999

Johnny Pappas, Sr. Environmental Engineer  
Cyprus Plateau Mining Corporation  
Willow Creek Mine  
847 Northwest Highway 191  
Helper, Utah 84526

Subject: Abandonment of Mining Machinery Underground

Dear Mr. Pappas:

Your letter of March 26, 1999 has been reviewed. The issues and questions in your letter depend very much on the safety of mine personnel and on the requirements of other government agencies that have regulatory authority over your operations.

*ACT/007/006 #2*  
*Copy Mary Ann, Kara,*  
*Joe, Sam,*  
*Bill,*  
*FFO.*

To answer the most important question first, the Division of Solid and Hazardous Waste does not expect the lives of mine personnel to be endangered in order to retrieve equipment that is left underground nor does the Division expect you to endanger lives to retrieve hazardous material. However, the Division does expect you to remove waste materials at the appropriate time to avoid situations where the material can not be retrieved.

In your letter, you ask if your generator status, small quantity or conditionally exempt, makes any difference in whether waste must be removed from underground. Your generator status relates only to generated hazardous waste, which should always be removed from the mine if possible. If hazardous waste must be left underground (i.e., an emergency situation), a report must be filed with the Executive Secretary of the Solid and Hazardous Waste Control Board. The report should include a description of the emergency, the type and quantity of waste left in the mine and the responsible party's intended course of action regarding the waste. Your hazardous waste generator status does not have an effect on the disposal of non-hazardous solid waste. Non-hazardous solid waste disposal is covered by Utah Administrative Code R315-301 through 320.

Proper disposal of non-hazardous solid waste is done when the waste disposal does not affect human health or the environment. The solid waste rule stated above provides the framework to ensure that waste disposal will have no adverse effects. Abandoned equipment appears to fit the definition of

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waste and proper disposal should be the goal of your operation. Proper disposal could be removal to a landfill or a recycler.

Equipment that has been drained of all fluids and consists of mostly steel does not appear to present an environmental or human health hazard when left in a mine. The Division could approve the abandonment of equipment when the regulatory agency with oversight over the mining operation approves. The Division wishes to work with you and the other government agencies that regulate mining activity.

If you have any questions, please contact Ralph Bohn at 801-538-6715.

Sincerely,



Dennis R. Downs, Director  
Division of Solid and Hazardous Waste

DRD/RB/msr

- c: David Cunningham, Director, Southeastern Utah District Health Department
- David Ariotti, DEQ Southeastern District Engineer
- Daron Haddock, Permit Supervisor, Division of Oil Gas and Mining
- Stan Perkes, Bureau of Land Management
- Jennet Kaiser, forest Supervisor, Manti La Sal National Forest
- Justin Quigley, School and Institutional Trust Lands Administration