

BEFORE THE BOARD OF OIL, GAS AND MINING
 DEPARTMENT OF NATURAL RESOURCES
 in and for the STATE OF UTAH

IN THE MATTER OF THE APPLICATION)	
OF A SPECIAL COARSE REFUSE USE)	ORDER
STUDY AT SUNNYSIDE MINES, TOWNSHIP)	
14 SOUTH, RANGE 14 EAST, CARBON)	CAUSE NO. ACT/007/007
COUNTY, UTAH)	

This cause came before the Board of Oil, Gas and Mining, Department of Natural Resources, State of Utah, on the 1st day of May, 1981, in the Wildlife Resources Auditorium, 1596 West North Temple, Salt Lake City, Utah, for further hearing continued from the hearing of the 27th day of March, 1981, by order of the Board.

Appearances for the Board were made by:

Charles R. Henderson, Chairman
 E. Steel McIntyre, Board Member
 John L. Bell, Board Member
 Edward T. Beck, Board Member
 Robert R. Norman, Board Member
 Margaret Bird, Board Member

Appearances for the Division were made by:

Cleon B. Feight, Director
 Ronald W. Daniels, Deputy Director
 Leland C. Spencer, Reclamation Engineer
 D. Wayne Hedberg, Reclamation Hydrologist
 Joseph C. Helfrich, Reclamation Soils Specialist
 Ann Stirba, Assistant Attorney General

Appearances for Kaiser Steel Corporation were made by:

John S. Huefner, Professional Engineer
 Denise A. Dragoo, Attorney

Leland C. Spencer of the Division of Oil, Gas and Mining presented a review and recommendation to the Board for approval of the retention and further use of Coal Processing Coarse Refuse on the roads at the Sunnyside Operations of Kaiser Steel Corporation.

FINDINGS OF FACT

1. Kaiser Steel Corporation was issued a Notice of Violation by the Division on April 13, 1979, relating to Rule MC 717.17, maintaining and surfacing access roads with coal processing waste material.

2. The Board of Oil, Gas and Mining held a Hearing, Cause No. ACT/007/007, regarding said violation on September 26, 1979, and as a result issued a Board Order for Kaiser Steel Corporation to conduct a study to demonstrate that the use of such material as a road surfacing medium does not pose a threat to either public safety or the environment.

3. Pursuant to said Order, Kaiser Steel Corporation prepared a "Special Coarse Refuse Use Study Report" dated February 25, 1981, and presented same to the Board and Division for review at the March 27, 1981, Board Hearing.

4. Review of said study by the Division staff found that the coarse coal processing refuse material:

- (a) is durable as a road surface material;
- (b) is nontoxic and nonacidic;
- (c) contributes somewhat to the biotic community degradation due to an increase of fine sediments in the stream from erosion of road bed materials;
- (d) impacts only the physical characteristics of the stream; and
- (e) impacts would be negligible by control of erosion of road bed materials into the stream channel, due to the marginal quality of the biotic communities.

5. Kaiser Steel Corporation did not complete said study pursuant to Appendix A of the Board Order dated October 24, 1979, with the following items still to be addressed:

III. NATURAL VEGETATION GROWTH

VIII. ROAD DRAINAGE PATTERNS

IX. SUPPORTING MATERIALS

6. The possible beneficial use of coarse refuse for road materials is desirable.

7. Additional evidence of possible environmental degradation due to the use of coal processing refuse was presented to the Board in the hearings on March 27, 1981 and May 1, 1981.

8. A letter from James P. Simone, Carbon County Commissioner, dated June 22, 1979, states that Carbon County finds the road materials (coal processing refuse) to be acceptable for use on the Whitmore Canyon Road, Carbon County, Utah.

9. The Utah Department of Transportation tested the materials and found the refuse to conform to the general standards for road base materials.

10. The Utah Bureau of Water Pollution Control is not opposed to the use of coarse refuse for road base where adequate sediment control measures are provided.

CONCLUSION

The Board concludes that the use of coal processing coarse refuse on the roads at Sunnyside Mines is not detrimental to the existing environment if sediment from the refuse is controlled, the water quality of Grassy Trail Creek is monitored and Kaiser Steel Corporation commits to final reclamation standards. The Board finds Kaiser Steel Corporation's continued use of coarse coal processing refuse on roads acceptable.

ORDER

IT IS NOW THEREFORE ORDERED BY THE BOARD OF OIL, GAS AND MINING THAT:

1. Kaiser Steel Corporation does not need to remove coal processing refuse from existing roads.
2. Kaiser Steel Corporation may continue using the coarse coal processing refuse for upgrading 7.9 miles of existing roads in the future.
3. Violation #4 MC 717.17, Part (4) issued by the Division on April 13, 1979, is hereby terminated.
4. Kaiser Steel Corporation is ordered to comply with the following stipulations:

Stipulation 5-81-1:

Kaiser Steel Corporation shall submit to the Division and obtain approval of a detailed sediment control plan that shows adequate ditching to be employed, sufficient sedimentation ponds to be constructed, and the use of fabric silt fences, or other suitable measures to be installed. The applicant shall properly prevent any deterioration of streams by the continued use of coal processing refuse as surfacing for roads.

Stipulation 5-81-2:

Prior to using additional coal processing refuse as road surfacing material, Kaiser Steel Corporation shall obtain and provide to the Division of Oil, Gas and Mining concurrence from the Utah Division of Wildlife Resources for approval of the sediment control plan.

Stipulation 5-81-3:

Kaiser Steel Corporation shall provide a water monitoring plan for Grassy Trail Creek and maintain results at the minesite as well as provide results to the Division of Oil, Gas and Mining. The objective of monitoring is to maintain a record to demonstrate that the surface medium does not further deteriorate Grassy Trail Creek.

Stipulation 5-81-4:

Kaiser Steel Corporation shall provide a reclamation plan for final reclamation of all roads that demonstrates compliance with UMC 817.166, Road: Class II: Restoration; UMC 817.101-.106, Backfilling and Grading; and, UMC 817.111-.117, Revegetation. Pursuant to revegetation requirements, Kaiser Steel Corporation shall provide plans for and commit to maintain revegetation test plots in coal processing refuse and in refuse with mixtures of other material to determine revegetation potential of the roads. The test plots shall conform to specifications established by the Division of Oil, Gas and Mining. Kaiser Steel Corporation shall provide results of the test plots for two consecutive years (1981 and 1982) growth.

Stipulation 5-81-5:

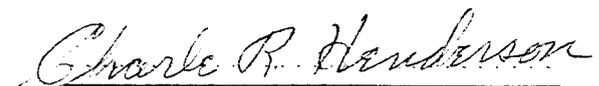
Kaiser Steel Corporation shall make use of coarse refuse on roads as part of the Application for a Permit and comply with all the requirements for disposal of coal processing waste in UMC 817.81, and these stipulations. Kaiser Steel shall also maintain all sediment structures along roads installed in a condition adequate for their intended purpose.

Stipulation 5-81-6:

Kaiser Steel Corporation must satisfactorily address Items III, VIII and IX pursuant to Appendix A of the Board Order dated October 24, 1979.

DATED this 24 day of May, 1981.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING



Charles R. Henderson
Chairman, Board of Oil, Gas
and Mining