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STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

May 11, 1988

CERTIFIED RETURN RECEIPT REQUESTED
(P 879 596 361)

Mr. Robert Hagen, Director
Albuquerque Field Office
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 (#88-02-107-4-TV2), Kaiser Coal Corporation, Sunnyside Mines, ACT/007/007, Folder #5, Carbon County, Utah

This letter responds to the above referenced Ten-Day Notice (TDN), the certified copy of which was received at the Division office on May 2, 1988.

Number 1 of 2 was issued for "Failure to provide for an appropriate combination of principal and emergency spillways at the following ponds: Railcut Pond, New Coarse Refuse Pond, Mainshaft Pond, SSSF Pond, Pasture Pond, and Upper and Lower No. 2 Canyon Ponds."

Response - The new Coarse Refuse Toe Pond, and the SSSF Pond are designed to contain the 100 year, 24 hour event. Both ponds have open, chute-type emergency spillways with grouted riprap. A decant device also is in place to dewater the ponds. The Division contends that due to the overdesigned capacity and the spillway configuration for these two ponds, the requirements of UMC 817.46 have been met.

The remaining ponds were approved by the Division, but do not appear to comply with UMC 817.46(i). Because Kaiser Coal Corporation (Kaiser) operated in good faith, in compliance with Division approvals, no enforcement action is appropriate. The Division will direct Kaiser to submit plans for emergency spillways for each pond except for the two noted above. Kaiser will be required to submit plans by June 15, 1988 and implement the emergency spillways by September 15, 1988.

Number 2 of 2 was issued for "Failure to pass surface drainage from disturbed areas through a sedimentation pond and/or failure to demonstrate that the disturbed drainage qualifies for a small area exemption", see UMC 817.46(i).

Response - The Division concurs with OSMRE on the adequacy of sediment control for the two borrow areas east of the East Slurry Cell. The disturbed area drainage combined with the undisturbed drainage entering the borrow areas from the east is significant, and will require modification to the existing configuration. The Division will direct Kaiser to submit plans for either an undisturbed diversion on the east side of the borrow areas to allow the borrow areas to be treated with alternate sediment controls (i.e., small area exemption); or a sediment pond for the area in question. Kaiser will be directed to submit plans by June 30, 1988 and implement the approved plans by September 30, 1988.

The small disturbed area near water monitoring point GT-4 that was bypassing a silt fence was corrected by Kaiser and field checked by DOGM inspector Bill Malencik on May 5, 1988.

Sincerely,

Lowell P. Braxton
Administrator
Mineral Resource Development
and Reclamation Program

djh
cc: B. Grossley
K. May
J. Helfrich/W. Hedberg
0799R/16-17