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STATE OF UTAH
NATURAL RESOURCES & ENERGY
Oil, Gas & Mining

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

The stip was satisfied according to Wayne 1/25/82

MEMORANDUM
* * * * * * * * * * *

TO: Ron Daniels
FROM: D. Wayne Hedberg
SUBJECT: United States Fuel Company
Hiawatha-King VI [NOV 81-1-8-7 (#1)]
Stipulation: 7-81-14
DATE: January 18, 1982

The purpose of this memorandum is to present the background information and rationale leading to the assignment of Stipulation 7-81-14 to the overall approval for the Hiawatha-King VI modification.

Initially when U.S. Fuel Company requested approval for the King VI conveyor modification, the Office of Surface Mining and this Division felt it could be approved as a minor modification to an existing interim approved plan.

Upon review of the plans submitted by Sharon Steel Corporation and John T. Boyd Company for this modification, the technical staff noted a number of questionable areas concerning proper conveyance and control of surface drainage as depicted on maps for the King VI portal and surface facilities area.

A cursory review of the Hiawatha Mine Complex files followed, in an attempt to locate any other plans which might delineate better detail and/or previous Division approval for the area in question.

It was noted that two studies had apparently been done for the King VI portal development area, one by Rollins, Brown and Gunnell, Inc., in May 1979, and one by Vaughn Hansen and Associates in February 1980. Some confusion resulted as to which plan was implemented by U.S. Fuel Company on site.

It could not be readily determined which plan had been utilized for design purposes, or that a Division approval letter had been issued for either plan; therefore, the technical staff felt that a stipulation attached to the overall King VI approval would help clarify the issue.

Since it has been a DOGM/OSM requirement that the applicant demonstrate "on the ground compliance" as a condition for approval of a minor modification to an interim plan, prior to the issuance of a permit under the permanent program, the staff felt justified in issuing this stipulation.

Board/Charles R. Henderson, Chairman • John L. Bell • E. Steele McIntyre • Edward T. Beck
Robert R. Norman • Margaret R. Bird • Herm Olsen

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Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

This memo is the basis for voiding 1 of 7 NOV N81-1-8-7

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If a previous plan had been approved by the Division, it would be a simple matter for the company to present a copy of the approval letter from the Division to satisfy the stipulation.

A meeting was held with Division representatives on October 6, 1981, (Joe Helfrich and D. Wayne Hedberg) and Mr. Charles Jahne of Sharon Steel. At that time abatement measures for violations other than Stipulation #14 were discussed.

Another meeting on October 14, 1981, between Mr. Jahne, Lee Spencer, and Wayne Hedberg did concern Stipulation #14. Mr. Jahne presented some information concerning as-built berms constructed on site. Mr. Jahne also agreed that there was some confusion concerning appropriate drainage control and sediment pond sizing for this area and that he would research this issue further to try and answer the questions raised. Mr. Jahne did contend that he was of the understanding that this area had been previously approved by the Division through communication with U.S. Fuel Company personnel. The Division also agreed to research the problem further from its end to try and resolve the issue.

On October 30, 1981, the Division received information from Mr. Jahne clarifying which plan had been implemented with supporting calculations. In the interim, the Division also contacted Mr. Thomas Sucheski in an attempt to determine if he recollected reviewing either plan. The staff researched the reports and files again and came to a similar conclusion as presented by Mr. Jahne in his October 30 submission. The information was deemed adequate to satisfy Stipulation #14 by the technical staff and the issuing inspector. It should be noted that an approval letter from the Division was not produced by the company or located in our files pertaining to this issue.

The question pertaining to this NOV should not be whether or not there was or was not a previous approval granted, but why the stipulation was not resolved or questioned by U.S. Fuel Company prior to the actual onset of construction activities, as defined in the conditional approval letter dated July 15, 1981.

It should have been up to the applicant to take care of or challenge those stipulations requiring abatement actions prior to construction initiation, before development began, irregardless of the underlying circumstances.

If, in the course of a technical review of a particular mine plan or modification, the technical staff notes an area which does not appear to be in compliance, then it is his/her responsibility to question or express that concern. A reviewer cannot be aware of every decision, whether written or verbal, which has been made by the Division prior to his/her arriving and if a problem appears to exist, then an attempt must be made to correct it.

A legitimate method was instituted to resolve the question identified by technical staff review of the minor modification. It would not be in the best interest of the Division or the operator to overlook the problem and later have an inspector find the problem on site and issue a violation. This is the best solution that the Division has, until an acceptable alternative solution is mandated.