



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

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

December 24, 1984

CERTIFIED RETURN RECEIPT REQUESTED  
(402 457 084)

Mr. Robert Eccli  
Senior Mining Engineer  
U. S. Fuel Company  
Hiawatha, Utah 84527

Dear Mr. Eccli:

RE: Extension of January 1, 1985 Deadline for Sampling Area C,  
Hiawatha Complex, ACT/007/011, #3 and #7, Carbon County,  
Utah

As you are aware, the deadline provided in the Division's November 29, 1984 letter (P402 457 066) for Sampling Area C (salt storage) is January 1, 1985.

The Division, by this letter, acknowledges that U. S. Fuel made a good faith effort to meet this deadline by enlisting the aid of a consultant. Based on discussions with the consultant, it is evident that a field tour is necessary. As it was not possible to perform this tour in December, it is necessary to extend the deadline.

The deadline is hereby extended to January 21, 1985.

Should you have any questions, please call.

Sincerely,

Thomas L. Portle  
Reclamation Soils Specialist

btb

cc: Randy Gainer  
Bart Kale  
Sue Linner  
Dave Lof  
Jack Wittman

0020R-17



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

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

December 6, 1984

CERTIFIED RETURN RECEIPT REQUESTED  
(P402 457 075)

Mr. Bob Eccli  
Senior Mining Engineer  
United States Fuel Company  
Hiawatha, Utah 84527

Dear Mr. Eccli:

RE: Response to Letter Received November 16, 1984 for Notice of Violation N84-4-8-8, #2 of 8, Hiawatha Complex, ACT/007/011, #3 and #7, Carbon County, Utah

This letter is in response to the Division's receipt of a letter from Mr. Michael Keller, legal counsel representing U. S. Fuel Company. His letter references the Division's November 7, 1984 deficiency letter which advised U. S. Fuel Company to implement a slotted cross drain or a cross culvert under a segment of the Middle Fork access/haul road at the Hiawatha Complex. A time frame for implementation of the structure was set for November 21, 1984.

Mr. Keller's letter expressed the company's concern that these measures are not necessary to address the area of concern. The company contends that the area is in compliance with the regulations and that there is adequate sediment and drainage control for the area. It is the company's position that the Notice of Violation (NOV) has been terminated by the Division's receipt of the abatement plans and, therefore, the implementation of the same is not warranted.

Mr. Keller's letter also described the history of correspondence which has transpired between the Division and the company regarding this violation. His letter made reference to several requests by the company for relief from the requirements of this violation. It is the company's opinion that a slotted cross drain or other drainage device is not

Page 2

Mr. Bob Eccli

ACT/007/011

December 6, 1984

needed in this area, because the segment of road in question is already in compliance with the regulations. Again, the company's position being that road drainage is exempted from meeting the effluent limitations as set forth in UMC 817.42(b) by virtue of the exemption existing in UMC 817.42(a)(4).

Mr. Keller's letter also references an October 11, 1984 letter from the operator which requested a small area exemption for the area in question. The intent of the language under UMC 817.42(a)(3) which address small area exemptions does not necessarily exempt an operator from having to comply with the effluent limitations of UMC 817.42(b). The intent of this exemption is to recognize small areas within a permitted area where the implementation of a sedimentation pond is not appropriate. Consequently, the company is given the opportunity to present an alternative sediment control measure which will minimize contributions of sediment from a small disturbed area. The alternative method must demonstrate that drainage will comply with all applicable State and Federal effluent limitation standards.

Through recent discussions with David Lof of the Inspection and Enforcement staff, it became apparent that there is an associated concern involving the control of runoff from approximately 33 acres of undisturbed drainage located above and just northeast of the truck loadout area. This area currently drains downslope to the road ditch on the north side of the main haul/access road. From this point, the runoff will course down the road ditch to a proposed settling basin to be constructed pursuant to the abatement of another violation. The concern is for the volume of runoff which will be passed through this settling basin which was not designed to handle this amount of drainage. Therefore, the proposal to implement a slotted cross culvert or solid cross culvert under the road to direct this drainage to the existing sedimentation pond was required. This culvert would also pass disturbed area drainage to the sediment pond from that portion of the Middle Fork road which is in question. Calculations have shown that the existing pond does have the capacity to handle the additional volume of runoff from these areas.

Page 3

Mr. Bob Eccli

ACT/007/011

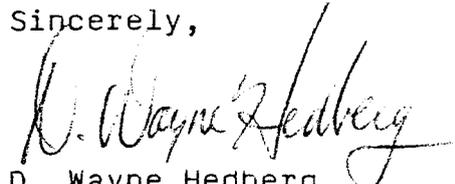
December 6, 1984

With reference to Mr. Keller's question as to the applicability of the exemption set forth in UMC 817.42(a)(4) which exempts road drainage, it has been the Division's interpretation to date that the operator must implement a drainage control plan for roads which will minimize erosion and prevent additional contributions of sediment to streamflow or to runoff outside the permit area, to the extent possible (UMC 817.45).

The technical staff is not in a position to judge the validity of the issuance of the violation. The technical staff has reviewed the abatement plans for adequacy of technical design only. If the operator is aggrieved with the applicability of the NOV, he is advised to solicit relief through the formal administrative appeals and assessment procedures. Any questions with regard to this process should be directed to Joe Helfrich, Mary Ann Wright or Ron Daniels.

Should you have other questions, please feel free to contact me directly.

Sincerely,



D. Wayne Hedberg  
Permit Supervisor/  
Reclamation Hydrologist

btb

cc: Allen Klein  
Walt Swain  
Michael Keller  
Ron Daniels  
Joe Helfrich  
Bart Kale  
Dave Lof  
Mary Ann Wright

8992R-9-11

Wayne

LAW OFFICES OF  
VAN COTT, BAGLEY, CORNWALL & McCARTHY

A PROFESSIONAL CORPORATION  
SUITE 1600  
50 SOUTH MAIN STREET  
SALT LAKE CITY, UTAH 84144  
TELEPHONE (801) 532-3333  
TELEX 453149

ADDRESS ALL CORRESPONDENCE TO  
POST OFFICE BOX 3400  
84110-3400

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CAROLYN MONTGOMERY  
THOMAS E. NELSON  
MARILYN HENRIKSEN  
WILLIAM R. RICHARDS  
MARK C. SAID  
DAVID L. DEISLEY

BENNETT, HARKNESS & KIRKPATRICK  
1874-1890

BENNETT, MARSHALL & BRADLEY  
1890-1896

BENNETT, HARKNESS, HOWAT  
SUTHERLAND & VAN COTT  
1896-1902

SUTHERLAND, VAN COTT & ALLISON  
1902-1907

VAN COTT, ALLISON & RITER  
1907-1917

VAN COTT, RITER & FARNSWORTH  
1917-1947

OF COUNSEL  
DENNIS MCCARTHY  
CLIFFORD L. ASHTON  
GRANT MACFARLANE, JR.  
GEORGE M. McMILLAN  
EDWIN J. SKEEN  
MICHAEL F. RICHMAN  
JOHN CRAWFORD, JR.  
JAMES U. JENSEN

November 16, 1984

HAND DELIVERED

D. Wayne Hedberg  
Permit Supervisor/Reclamation  
Hydrologist  
Utah Division of Oil, Gas  
and Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203

Re: Your Letter of November 7, 1984--  
Drainage Plans for Area Cited in Notice of Violation  
N84-4-8-8, No. 2 of 8

Dear Wayne:

Our client, United States Fuel Company ("Company"), has asked us to respond to your recent letter, which advised the Company to install additional drainage devices for a portion of the Company's Middle Fork Haul Road by November 21, 1984.

In order to ascertain the Division's intentions with regard to the measures set forth in your letter, I contacted Barbara Roberts and asked her if she could provide any clarification. She advised me that she discussed the matter with you and that you recommended that if the Company had a problem with the measures outlined in your letter of November 7, 1984, it should respond directly to you by clearly identifying its concerns and requesting an extension of time for consideration of those concerns. In light of the short period of time available, the Company has asked me to convey their response directly to you by this letter.

I have enclosed copies of the following correspondence and other documents which describe the history of this matter:

D. Wayne Hedberg  
Permit Supervisor/Reclamation  
Hydrologist  
Utah Division of Oil, Gas  
and Mining  
November 16, 1984  
Page 2

1. Diagram of segment of Middle Fork Haul Road in question taken from Exhibit VIII-2B to the Company's Interim Permit.
2. Violation No. 2 of 8 under NOV N84-4-8-8 received by the Company on May 15, 1984.
3. Notice dated September 25, 1984 from David Lof terminating Violation No. 2 of 8 effective August 17, 1984.
4. Letter dated August 14, 1984, to Ron Daniels of the Division from Robert Eccli of the Company explaining the Company's reasons why no further drainage controls were needed on the segment of the Middle Fork Haul Road in question.
5. Letter dated August 17, 1984, to Joe Helfrich of the Division from Richard R. White--the Company's engineering consultant, submitting, under protest, a design plan for a slotted cross-drain and, again, reiterating the Company's position that the drain is not necessary due to the existing configuration of the road.
6. Letter dated September 11, 1984, from D. Wayne Hedberg of the Division to Robert Eccli of the Company advising of deficiencies in the plans for the slotted drain.
7. Plan dated September 26, 1984, entitled "Reexamination of the Middle Fork Yard Slotted Cross-Drain and Sedimentation Pond," submitted by the Company to the Division. This document reiterated the Company's concern that no slotted cross-drain or other drainage device was needed, because the segment of road in question was already in compliance with the regulations.
8. Letter dated September 27, 1984, from Robert Eccli of the Company to D. Wayne Hedberg of the Division, again addressing the Company's concerns as to the absence of any need for additional drainage devices.

D. Wayne Hedberg  
Permit Supervisor/Reclamation  
Hydrologist  
Utah Division of Oil, Gas  
and Mining  
November 16, 1984  
Page 3

9. Letter dated October 11, 1984, from D. Wayne Hedberg of the Division to Robert Eccli of the Company explaining that runoff from the segment of the Middle Fork Road in question must be treated in accordance with UMC 817.42(a)(1), but making no reference to the applicability of the exemption set forth in UMC 817.42(a)(4). This letter also suggests that the Division could grant a small area exemption under UMC 817.42(a)(3) to satisfy its concerns.

10. Letter dated October 18, 1984, from Robert Eccli of the Company to D. Wayne Hedberg of the Division responding to the letter of October 11, 1984, by requesting a small area exemption and providing information regarding a survey conducted by the Company that confirms that disturbed area runoff upstream from the segment of road in question is diverted to the sediment pond.

11. Letter dated November 6, 1984, from D. Wayne Hedberg of the Division to Robert Eccli of the Company providing a review of plans submitted by the Company.

12. Letter dated November 7, 1984, from D. Wayne Hedberg of the Division to Robert Eccli of the Company rejecting the Company's request for a small area exemption, acknowledging that the survey data indicates that a "compliance situation is present on the section of road in question," and advising the Company to install by November 21, 1984, a slotted cross-drain or a cross-culvert.

The area in question involves a paved segment of the Middle Fork Haul Road between stations 150+00 and 143+00, as depicted on the enclosed diagram. The area was the subject of Violation No. 2 of 8 under Notice of Violation N84-4-8-8 issued by Division Inspector David Lof. As indicated by the foregoing documents, the Company has consistently taken the position that the area was in compliance with the Division's regulations and the Company's Interim Permit and not in need of any further drainage controls.

D. Wayne Hedberg  
Permit Supervisor/Reclamation  
Hydrologist  
Utah Division of Oil, Gas  
and Mining  
November 16, 1984  
Page 4

On August 17, 1984, in a further effort to abate the violation as written by the Inspector, the Company submitted, under protest, plans for a slotted cross-drain. On September 25, 1984, the violation was officially terminated by Inspector Lof effective August 17, 1984. Since the termination of the violation, the Company has not deterred from its basic position that the road is in compliance, but has attempted to cooperate by suggesting alternative measures to satisfy the Division. Hence, the Company requested a small area exemption in the hope of resolving the matter. The Company has also expressed its additional concerns that the drainage proposals advanced by the Division would only create problems by requiring the unnecessary diversion of overland flow from an upland undisturbed area of approximately 34 acres into an existing sediment pond which was not designed to receive that drainage.

Notwithstanding the termination of the violation, your letter of November 7, 1984, advises the Company to install by November 21, 1984, either an approved slotted cross-drain or an approved cross-culvert. Your letter also indicates that such installation constitute "abatement measures," even though the violation, which merely required the submission of plans for a slotted cross-drain, has already been terminated.

The Company does not dispute that drainage from disturbed areas must satisfy the requirements of UMC 817.42 regarding sedimentation ponds and other sediment control facilities. Moreover, it is not disputed that the Middle Fork Road is, in the general sense of the term, a "disturbed area." However, the Company's position is that the portion of the Middle Fork Road in question is not a disturbed area for the purposes of a UMC 817.42. This position is expressly supported by the following exemption in UMC 817.42(a)(4):

For the purposes of this section only, disturbed areas shall not include those areas affected by surface operations in which only diversion ditches, sedimentation ponds, or roads are installed in accordance with this part and the upstream area is not otherwise disturbed by the person who conducts the underground coal mining activities.

To support its position, the Company conducted a survey of the road and confirmed that the road is crowned so that drainage from the south surface and side slope drains into

D. Wayne Hedberg  
Permit Supervisor/Reclamation  
Hydrologist  
Utah Division of Oil, Gas  
and Mining  
November 16, 1984  
Page 5

the sedimentation pond, while drainage from the north surface and side slope is diverted away from disturbed surface areas. Since drainage from the north surface and side slope of the road is not mixed with any drainage from any upstream disturbed areas, the road falls within the express language of UMC 817.42(a)(4) and is not a disturbed area for purposes of the sedimentation pond requirements of UMC 817.42.

In your letter, you acknowledged that the survey submitted by the Company confirms a "compliance situation" along the segment of road in question. Nevertheless, your letter goes on to demand the installation of additional drainage devices.

As noted above, the Company has never requested to install those devices, but has merely submitted plans for the sole purpose of abating the violation and cooperating with the Division, until such time as the matter could be resolved with the technical staff or brought before the Board.

I hope that the foregoing has clarified the Company's position on this matter. In light of the time frame set forth in your letter, the Company requests that it be granted an extension of time in which to receive and consider your response as to the Division's intentions regarding this matter.

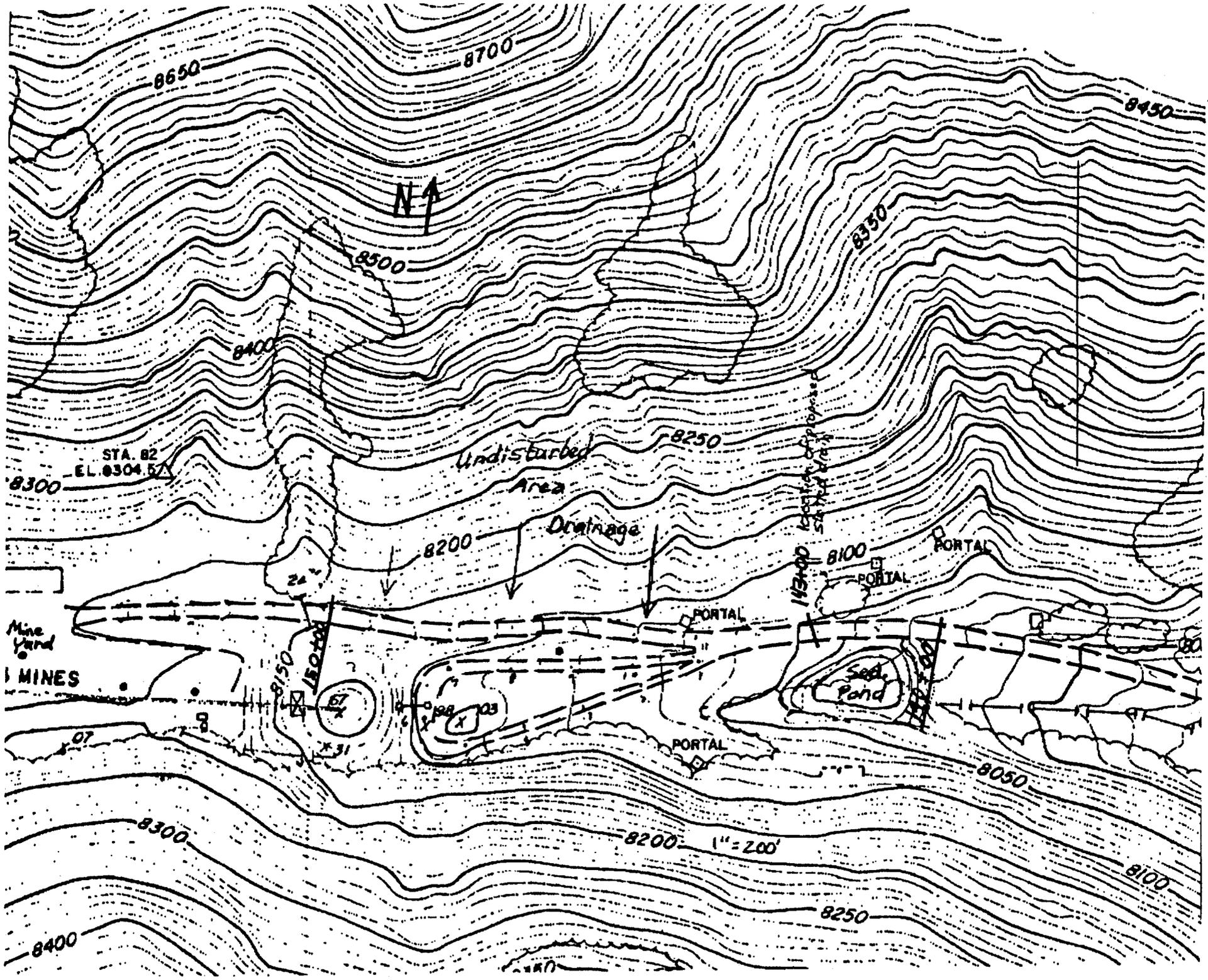
Very truly yours,



H. Michael Keller

HMK/kb

cc: Barbara W. Roberts  
Robert Eccli  
Jean Sembourski





SCOTT M. MATHESON  
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON  
Executive Director,  
NATURAL RESOURCES

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES

CHARLES R. HENDERSON  
Chairman

CLEON B. FEIGHT  
Director

DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple  
Salt Lake City, Utah 84116  
(801) 533-5771

JOHN L. BELL  
C. RAY JUVELIN  
THADIS W. BOX  
MAXILIAN A. FARBMAN  
EDWARD T. BECK  
E. STEELE McINTYRE

Vacation or Termination of Notice or Order

To the Following Permittee or Operator:

Name U.S. FUEL CO - HIGHLAND COMPLEX

Mailing Address HIGHLAND UT 84527

State Permit No. ACT/007/011

Utah Coal Mining and Reclamation Act, Section 40-10-1 et. seq., Utah Code Annotated (1953):

Notice of Violation No. N 84-4-B-8  Y  TV dated MAY 11, 19 84.

Cessation Order No. C \_\_\_\_\_  Y  TV dated \_\_\_\_\_, 19 \_\_\_\_\_.

Violation No. 2 is hereby  Terminated EFFECTIVE 8/17/84 \_\_\_\_\_ Vacated because:

Violation No. B is hereby  Terminated EFFECTIVE 7/13/84 \_\_\_\_\_ Vacated because:

Violation No. \_\_\_\_\_ is hereby \_\_\_\_\_ Terminated \_\_\_\_\_ Vacated because:

Date of Service SEPT 25 1984 \_\_\_\_\_  
Signature of Authorized Representative David A. [Signature]

Time of Service or Mailing 8:40  a.m. \_\_\_\_\_ p.m. \_\_\_\_\_  
Name and I.D. No. DAVID [Signature] #21



STATE OF UTAH

Notice of Violation No. N 84-4-8-8

Violation No. 2 of 8

Nature of the Violation

FAILURE TO ~~PRO~~ CONDUCT SURFACE COAL MINING OPERATIONS SO AS TO PREVENT, TO THE  
EXTENT POSSIBLE ADDITIONAL CONTRIBUTIONS OF SUSPENDED SOLIDS TO STREAMFLOW OR  
RUNOFF OUTSIDE THE PERMIT AREA

FAILURE TO MINE IN ACCORDANCE WITH AN APPROVED INTERIM PERMIT.

FAILURE TO PASS ALL DISTURBED AREA RUNOFF THROUGH A SEDIMENT POND OR TREATMENT  
FACILITY BEFORE LEAVING THE PERMIT AREA.

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-13(2)(i)(ii)

UCA 40-10-22(1)(c)

UMC 871.19

UMC 817.42(a)(1)

Portion of the Operation to which Notice Applies

THE CLASS I ROAD IN THE MIDDLE FORK FROM APPROXIMATELY STATION 150+00  
TO STATION 143+00 (SEE EXHIBIT XIII-2B, "MIDDLE FORK HAUL ROAD") AND IT'S ASSOCIATED  
ROAD SIDE DITCH

Remedial Action Required (including interim steps, if any)

SUBMIT COMPLETE AND ADEQUATE PLANS TO THE DIVISION FOR THE INSTALLATION  
OF A SLOTTED CROSS DRAIN ACROSS THE ROAD AT APPROXIMATELY STATION 143+00  
IN ORDER TO ENSURE THAT ALL DISTURBED AREA RUNOFF PASSES THROUGH THE SEDIMENT  
POND IN ACCORDANCE WITH THE APPROVED INTERIM PERMIT.

Time for Abatement (including time for interim steps, if any)

MAY 25, 1984 AT 5:00 P.M.

Ford, Bacon & Davis  
Incorporated  
Engineers-Constructors



File: ACT/007/011  
#37 (only 1 of)  
copy of  
plan submit  
"Blue Bound"  
Binder  
(see # 15)

November 29, 1984

UC-528-133

Mr. Wayne Hedberg  
Utah Division of Oil, Gas & Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, UT 84180-1203

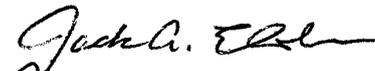
REFERENCE: Revision of Submittal for NOV N84-4-8-8,  
No. 1 of 8

Dear Wayne:

At the request of U.S. Fuel Company, we are enclosing one copy of the report "Design of Stability - Control Measures for the Miller Creek Diversion" outlining the proposed plan for stabilization of the existing diversion adjacent to Slurry Pond No. 1. This report addresses NOV N84-4-8-8 and replaces all past submittals relating to this NOV. Please purge your files of past submittals.

Please contact Bob Eccli of U.S. Fuel Company if you have any questions.

Sincerely,

  
Jack Elder  
Project Manager

/kt

Enclosure

RECEIVED  
NOV 30 1984

DIVISION OF  
OIL, GAS & MINING



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

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

November 29, 1984

CERTIFIED RETURN RECEIPT REQUESTED  
(P402 457 066)

Mr. Robert Eccli  
Senior Mining Engineer  
U. S. Fuel Company  
Hiawatha, Utah 84527

Dear Mr. Eccli:

RE: Review of U. S. Fuel Company's Abatement Plans for Notice of Violation N84-4-8-8, #6 of 8, Hiawatha Complex, ACT/007/011, #3 and #7, Carbon County, Utah

The plans submitted by U. S. Fuel to abate Notice of Violation (NOV) N84-4-8-8, #6 of 8, were received on September 13, 1984 by the Division and have been reviewed by the technical staff. This NOV was written to address four separate small areas; A, B, C, D. Each area was considered separately in the abatement plan so comments will follow this same format.

Area A (Upper Area)

The plans for this area have been reviewed by Division hydrologist, Tom Munson are hereby conditionally approved. The proposed berm is adequately sized. However, the operator will be required to installing a discharge structure if the berm is ever overtopped. Recognizing the present seasonal construction constraints, the operator must provide and maintain temporary sediment control measures until conditions are favorable for implementing the approved plans. The berm must be constructed on or before June 1, 1985.

Page 2  
Mr. Robert Eccli  
ACT/007/011  
November 29, 1984

### Area B (Three Subareas)

The upper portion of Area B across from the ruins shown on Map F-534 illustrates the position of the proposed berm. During an on-site visit by Division hydrologists, the operator agreed to survey the road entrance into the site to determine whether the berm would prevent road drainage from flowing onto the pad area. The operator must submit survey results on this area within two weeks of receiving these comments. The operator should also clearly state whether or not an outlet will be a part of the design. If an outlet is not included, the operator will be required to install an outlet if the berm is ever overtopped.

The two lower subareas will also be contained with an earthen berm. These berms will incorporate rock-gabion filters as outlet structures for the impounded water. Plans for these structures shall be submitted within two weeks of receipt of these comments.

### Area C (Salt and Slag Storage Area)

Division Soils Specialist Tom Portle reviewed the abatement plan and the attached data from item #3 of the August 28 review letter and had these comments and recommendations:

1. Salt and sodium contamination is evident based on results provided by U. S. Fuels through Utah State Laboratory.
2. Salt and sodium levels in the one foot zone are from 2 to 5 times higher than the maximum levels allowable as per the guidelines and in the two foot zone 6 to 13 times higher.
3. The salt and sodium levels more than double from the one foot zone to the two foot zone. Unfortunately, no data are available below this level to determine if, and how far, this trend continues through the soil profile.
4. This soil appears to have been changed from a suitable alluvial soil into a saline-sodic soil. This means that both the salt levels and the sodium levels are expected to interfere with plant growth.

Page 3

Mr. Robert Eccli

ACT/007/011

November 29, 1984

5. Division Inspector David Lof has indicated that there have been instances of elevated total dissolved solids (TDS) levels observed from downstream water samples. This coupled with item #3 indicate a risk to downstream water quality.

#### Recommendation

Extensive sampling needs to be conducted to determine the actual position of the contaminant plume and to ascertain the degree of environmental hazard. Such a sampling plan must be designed to identify the three dimensional concentration gradient of the plume and its exterior "boundaries" and must be prepared by a qualified individual.

The object of any sampling plan should be to determine the vertical and area concentration gradient. Recommended depths for this initial phase of sampling would be 1, 3, 5, 7 and 10 feet, continuing at 10 foot intervals or until consolidated material, C horizon, or bedrock is encountered. Upon analysis of these data, adequate areal sampling plans should be formulated.

The operator shall submit a sampling plan addressing the concerns outlined by January 1, 1985. The Division is not requiring a comprehensive mitigation plan at this point in time, but instead a plan that will aid in determining the extent of the problem. Only after data have been received can reasonable mitigation plans be formulated.

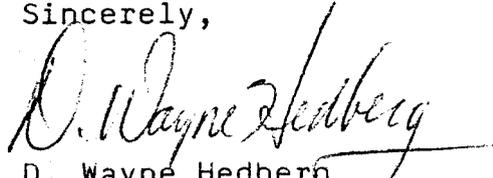
#### Area D

The technical staff is not in a position to determine the validity of the justification provided by the operator regarding the need to permit this area. Therefore, the operator must permit this area and provide appropriate plans for sediment control, or seek relief through the formal assessment and appeals process. If the operator chooses the appeals option, he is then advised to contact Joe Helfrich, Mary Ann Wright or Ron Daniels.

Page 4  
Mr. Robert Eccli  
ACT/007/011  
November 29, 1984

Should you have additional questions or concerns please  
contact me.

Sincerely,



D. Wayne Hedberg  
Permit Supervisor  
Reclamation Hydrologist

JW/btb

cc: Walt Swain  
Ron Daniels  
Joe Helfrich  
Bart Kale  
Dave Lof  
Tom Munson  
Tom Portle  
Jack Wittman

06040



November 7, 1984

CERTIFIED RETURN RECEIPT REQUESTED  
P396-996-962

Mr. Robert Eccli  
Senior Mining Engineer  
U. S. Fuel Company  
Hiawatha, Utah 84527

Dear Mr. Eccli;

RE: Division Review of Abatement Plans for Notice of Violation  
N84-4-4-8, No. 8 of 8, Middle Fork Road Drainage and Erosion  
Control, Hiawatha Complex, ACT/007/011 Folder No. 3 & 7,  
Carbon County, Utah

The submittal recieved by the Division on August 17, 1984 for the abatement of Notice of Violation (NOV) N84-4-4-8, No. 8 of 8 has been reviewed by the Division technical staff. The submittal is deficient in a number of areas which are explained below:

A. Address Remainder of Middle Fork Road

This violation was written to address the drainage control plan of the entire Middle Fork Road. As submitted the Abatement Plan only deals with the upper portion of the road above culvert #28. A complete plan should contain drainage and erosion control information down to Survey Station 0+00.

B. Justify Sediment Trap Design

The proposed sediment trap above culvert #33 seems to have a retrofitted design; that is, there is no justification for the design, only information on how that design would perform. It is important to consider larger capacity designs, (within the limits of the space available), in order to maximize settling efficiency, or if alternatives are not considered and proposed, please justify the proposed design dimensions.

C. Commit to Outslope Drainage Plan

The current plan addresses the undisturbed area runoff and the road inslope runoff, but not the road outslope runoff. This area could be addressed in part by maintaining a graded outslope shoulder to prevent runoff from creating a roadside ditch. This would allow road drainage to be difused through the riparian "vegetative filter" before it reaches the stream. An adequate vegetative filter may not exist in some areas and contemporaneous reclamation would be required in those areas. Please submit a proposal that commits the company to an outslope drainage program and describe how this plan would function.

D. Use Rigid Downspouts

A problem with the proposed flexible downspouts is that deep snow and ice can reduce the cross-sectional area of the downspout below design dimensions. These downspouts are critical for erosion control during snowmelt events. Unless U. S. Fuel Company can define a specific plan to mitigate these concerns, standard steel culverts must be used as downspouts.

E. Reinforce Check Dams

The check dams that are proposed below the road culverts will need to be reinforced with wire basket gabions and steel posts, to add a factor of safety to these structures. This would resolve concern over their long term stability and may reduce future maintenance needs.

F. Submit Check Dam Maintenance Plan

The proposal does not include any maintenance plan. Please submit a maintenance plan addressing the following concerns. How frequently will the check dams be cleaned out? How will the check dams be accessed for clean out?

G. Check Dam Below Culvert #33 (Upper most culvert)

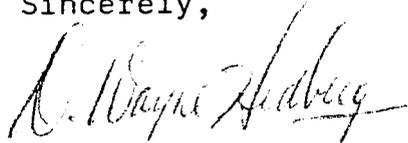
From field observations it is evident that the vertical and horizontal distance between the culvert outlet and stream are not conducive to the placement of a check dam to control the culverts discharge. Alternate plans for controlling the discharge from the culvert must be provided.

Page 3  
Mr. Robert Eccli  
November 7, 1984

The Division recognizes that the proposed plan may have serious maintenance problems. Division hydrologists recommend that U. S. Fuels consider an alternative to the check dams such as culverting the entire stretch from the road to the stream channel below all or some of the road culverts. This approach, although potentially more expensive initially, would have the distinct advantage of requiring very little maintenance. If check dams are not used and culverts are substituted, the operator would not need to address many of the concerns listed above (D, E, F and G). Additionally, much of the uncertainty surrounding the performance of the check dams could be excised from the Division's finding of adequacy.

The plans and information requested above must be submitted to the Division by November 20, 1984. If additional time is needed to prepare the submittal please call me by November 13, 1984 so an extension may be discussed. If you have any questions regarding this letter please call David Lof, Jack Wittman or myself.

Sincerely,



D. Wayne Hedberg  
Permit Supervisor/  
Reclamation Hydrologist

JW:jvb

cc: A. Klein  
W. Swain  
D. Nielson  
R. Daniels  
J. Helfrich  
B. Kale  
D. Lof  
J. Whitehead  
J. Wittman

97730-2



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

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

November 7, 1984

CERTIFIED RETURN RECEIPT REQUESTED  
(P402 457 062)

Mr. Robert Eccli  
Senior Mining Engineer  
U. S. Fuel Company  
Hiawatha, Utah 84527

Dear Mr. Eccli:

RE: Letter of October 18, 1984, Small Area Exemption Request for Area Cited in Notice of Violation N84-4-8-8, #2 of 8, Hiawatha Complex, ACT/007/011, #3 and #7, Carbon County, Utah

Your letter of October 18, 1984 requesting a small area exemption status for a portion of the access road to the King IV and V pad area has been reviewed by Division Hydrologist John Whitehead.

Your letter proposes that the sediment trap above culvert #33 contained in the August 17, 1984 abatement plan for Notice of Violation (NOV) N84-4-8-8, #8 of 8, be considered as the sediment control measure for the section of road between Stations 144+00 and 150+50. This is conceptually an acceptable method of treatment. However, the plans submitted for the sediment trap thus far indicate that the settleable solids requirement of 0.5 ml/l will not be met. UMC 817.45 requires that the best technology currently available be used to prevent additional contributions of sediment to stream flow or to runoff outside the permit area. At present, the best technology available appears to be to install a culvert at approximately Station 144+00 to route the drainage off the north half of the road into the existing sediment pond. U. S. Fuel Company may submit plans for Division review for a culvert with appropriate sizing calculations and erosion protection measures if you should desire to pursue this option.

Page 2  
Mr. Robert Eccli  
ACT/007/011  
November 7, 1984

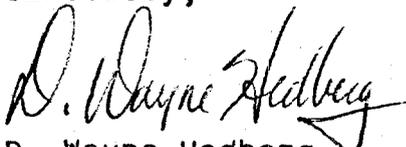
Please be aware that even though your survey data indicates that a compliance situation is present on the section of road in question, the actual operational performance can only be assessed during a runoff event. If drainage problems are observed at the site in question in the future, alternative plans may be required.

Because the construction season is virtually over, it is imperative that abatement measures be completed for this violation. Please exercise one of the following options:

- A. Install approved slotted cross drain by November 21, 1984.
- B. Install a cross culvert as discussed in the second paragraph of this letter using the same design as the slotted cross drain minus the slot. Installation should be completed by November 21, 1984. As-built plans must be submitted within 10 days of completion, 14 copies should be sent of final design plans.

Please feel free to contact me or John Whitehead if you should have any questions on this matter.

Sincerely,



D. Wayne Hedberg  
Permit Supervisor/  
Reclamation Hydrologist

JW/btb  
cc: Allen Klein  
Ron Daniels  
Joe Helfrich  
Bart Kale  
Dave Lof  
John Whitehead  
92940-21 & 22



# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

October 18, 1984

Mr. D. Wayne Hedberg, Permit Supervisor  
State of Utah Natural Resources  
Division of Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

RECEIVED

OCT 22 1984

RE: Violation N84-4-8-8,  
2 of 8.

Dear Mr. Hedberg:

DIVISION OF OIL  
GAS & MINING

We have received your letter of October 11, 1984 regarding Violation N84-4-8-8, 2 of 8. We appreciate the Division's clarification of the intent of this violation.

In accordance with your letter we wish to request a small area exemption as outlined in UMC 817.42 (a)(3)(ii)(A). This regulation seems to imply that no treatment is necessary provided the area is small and there is no mixture of surface drainage with a discharge from mine workings. If the Division feels that treatment is necessary then the following is provided:

A level survey of the road cross section was run on October 15. The survey confirms that the road is crowned between stations 144+00 and 150+50, a distance of 650 feet. Runoff above 150+50 is diverted to the sediment pond by cross culverts. (See Exhibit III-1C of our permit application). Two 12 inch culverts have been installed at the location labeled "proposed 12 inch culvert" on the exhibit. The road surface slopes to the south between station 144+00 and the sediment pond.



Mr. D. Wayne Hedberg  
October 18, 1984  
Page two

The area of the road which contributes runoff to the side ditch on the north side is 12' x 650' or 0.18 acre. The road between station 144+00 and the mine yard is an access road not a haul road and is subject to much less accumulation of coal fines than that portion below station 144+00.

Surface drainage entering the side ditch on the north side of the road is proposed to be treated in a sediment trap located near station 130+00. This sediment trap is described in Abatement Plans for Notice of Violation N84-4-8-8, 8 of 8 which was submitted August 17, 1984. (See page 2/26 of that submittal).

Sincerely,



Robert Eccli  
Senior Mining Engineer



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

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

November 6, 1984

CERTIFIED RETURN RECEIPT REQUESTED  
(P402 457 063)

Mr. Robert Eccli  
Senior Mining Engineer  
U. S. Fuel Company  
Hiawatha, Utah 84527

Dear Mr. Eccli:

RE: Conditional Approval of September 27, 1984 Third Submittal  
for Notice of Violation N84-4-8-8, #2 of 8, Hiawatha  
Complex, ACT/007/011, #3 and #7, Carbon County, Utah

The plans submitted for U. S. Fuel Company by Ford, Bacon & Davis, Inc., for Notice of Violation (NOV) N84-4-8-8, #2 of 8, have been reviewed by Division Hydrologist John Whitehead.

The response to concerns about the capacity of the sediment pond to contain a 10-year, 24-hour rainfall event are adequately addressed with two minor issues which must be addressed. Exhibit VII-9 (revised August 1984) erroneously states that the pond volume is 1.4 acre feet. Fourteen copies of a revised Exhibit VII-9 must be submitted indicating the correct pond volume to update the U. S. Fuel Mining and Reclamation Plan (MRP). The submittal notes that the inlet to the primary discharge/dewatering tube will be raised to an elevation of 8,037.4 feet. This probably will need to be changed to 8,038.4 feet. Please check with Steve McNeal at the Department of Health (DOH) for their approval on this matter.

The response to concerns about riprapping at the inlet and outlet of the slotted cross culvert is complete and adequate.

Division Inspector David Lof has noted that, in his experience, narrow slotted culverts as proposed have presented a cleaning problem. It is suggested that you contact Mr. Larry Guymon at the Emery Mining Corporation (Utah Power & Light Company mines) for information on slotted cross drains installed at some of the UP&L mines where a concrete box ditch configuration with removable grates on top has been successfully used.

Page 2

Mr. Robert Eccli

ACT/007/011

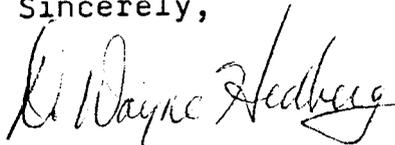
November 6, 1984

Should U. S. Fuel decide to modify the cross culvert design to a configuration used at UP&L mines, the Division will try to expedite approval of these plans as rapidly as possible.

Please provide a response to the items identified above by November 20, 1984.

Thank you for your cooperation in this matter. If you should have any questions, please feel free to contact me or John Whitehead.

Sincerely,



D. Wayne Hedberg  
Permit Supervisor/  
Reclamation Hydrologist

JW/btb

cc: Allen Klein  
Robert Hagen  
Ron Daniels  
Joe Helfrich  
Bart Kale  
Dave Lof  
John Whitehead

92940-17 & 18



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

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

November 1, 1984

Ms. Jean Semborski, Engineer  
United States Fuel Company  
Hiawatha, Utah 84527

Dear Ms. Semborski:

RE: Request for Approval of Quarterly Monitoring Schedule for  
Sediment Ponds, U. S. Fuel Company, Hiawatha Complex,  
ACT/007/011, #3, #4 and #7, Carbon County, Utah

The Division offers the following response to your letter of July 13, 1984 requesting a quarterly sediment pond inspection.

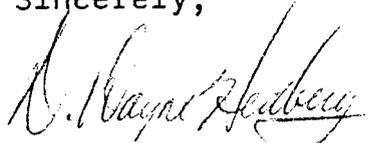
Staff inspectors have indicated that as a result of past site inspections, a series of documented violations and inadequacies has occurred associated with some of the sediment ponds. It is the Division's opinion that these problems could have been averted had proper inspection procedures been enacted by the operator. Since there is a particular concern with certain ponds which impound water following storm events, some conditions must be applied to the Company's request.

Three of the sediment ponds must remain on the current weekly inspection schedule. These ponds are the Middle Fork Mine Yard, the South Fork Loadout and the South Fork Mine Yard Ponds. The Division grants the operator's request to allow the remainder of the sediment ponds to go to a quarterly inspection schedule.

Page 2  
Ms. Jean Semborski, Engineer  
ACT/007/011  
November 1, 1984

Our apologies for the delay in responding to your request. If you have questions concerning this matter, please do not hesitate to contact me.

Sincerely,



D. Wayne Hedberg  
Permit Supervisor/  
Reclamation Hydrologist

DH/btb  
cc: Allen Klein  
Joe Helfrich  
Bart Kale  
Dave Lof  
03380-27 & 28

October 30, 1984

TO: Coal File

FROM: John Whitehead, Reclamation Hydrologist *John Whitehead*

RE: Site Visit, U. S. Fuel Company, Hiawatha Complex,  
ACT/007/011, #3 and #7, Carbon County, Utah

On October 12, 1984, Tom Munson and John Whitehead of the Division technical staff visited the Hiawatha Mine site accompanied by Rich White of Earthfax Consulting and Bob Eccli. The purpose of the visit was to examine the Miller Creek stream channel diversion, which was the subject of Notice of Violation (NOV) N84-4-8-8, #1 of 8. The Division had previously reviewed and approved a riprapping measure which would have installed sizeable riprap through the full extent of the channel. The Company requested in a letter dated September 26, 1984, that installation of this riprap material be delayed and that alternatives methods for protecting this channel diversion be investigated.

The entire length of the diversion was inspected. Only one area exhibited any signs of instability or erosion. Alternative methods other than riprap were discussed, such as drop structures to protect this channel section. Mr. Eccli and Mr. White indicated that alternative measures would be forthcoming shortly for the Division's review.

btb

cc: Allen Klein  
Robert Hagen  
Bob Eccli  
Ron Daniels  
Mary Boucek  
Wayne Hedberg  
Joe Helfrich  
Dave Lof  
Tom Munson

92910-18



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

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

October 29, 1984

Mr. Robert Eccli  
Senior Mining Engineer  
U. S. Fuel Company  
Hiawatha, Utah 84527

Dear Mr. Eccli:

Re: Review of U. S. Fuel Company's Abatement Plans for NOV  
N84-8-1-3, 2 of 3, ACT/007/011, Folder No. 3 & 7, Carbon  
County, Utah

The plans submitted for U. S. Fuel by Ford Bacon and Davis Inc. to abate N84-8-1-3, 2 of 3 received August 31, 1984, have been reviewed by Division Hydrologist Mr. Jack Wittman.

Deficiencies for Slotted Drain Plans

The current abatement plan incorporates a slotted cross drain to intercept sheet flow from the south fork truck turn around area and route it into the adjacent sedimentation pond. The operator should provide calculations demonstrating that the additional 10-year, 24-hour storm runoff volume from the road can be adequately handled by the existing facilities. These calculations should include an estimate of the additional area routed into the pond and large scale maps supporting this estimate. Please refer to any existing maps that would aid in the analysis of these additional facilities.

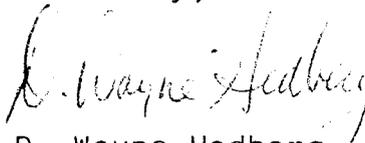
The above information should be submitted to the Division by November 6, 1984.

Page 2  
Mr. Robert Eccli  
October 29, 1984

If you have any questions or concerns please feel free to contact me or Jack Wittman.

Thank you for your cooperation and prompt attention to these matters.

Sincerely,



D. Wayne Hedberg  
Permit Supervisor/  
Reclamation Hydrologist

JFW:jvb

cc: A. Klein  
W. Swain  
R. White  
J. Helfrich  
B. Kale  
D. Lof  
J. Wittman  
T. Wright

97730-8

ACT/007/011, Folder # 7  
83

# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

October 18, 1984

Mr. D. Wayne Hedberg, Permit Supervisor  
State of Utah Natural Resources  
Division of Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

**RECEIVED**

**OCT 22 1984**

RE: Violation N84-4-8-8,  
2 of 8.

Dear Mr. Hedberg:

**DIVISION OF OIL  
GAS & MINING**

We have received your letter of October 11, 1984 regarding Violation N84-4-8-8, 2 of 8. We appreciate the Division's clarification of the intent of this violation.

In accordance with your letter we wish to request a small area exemption as outlined in UMC 817.42 (a)(3)(ii)(A). This regulation seems to imply that no treatment is necessary provided the area is small and there is no mixture of surface drainage with a discharge from mine workings. If the Division feels that treatment is necessary then the following is provided:

A level survey of the road cross section was run on October 15. The survey confirms that the road is crowned between stations 144+00 and 150+50, a distance of 650 feet. Runoff above 150+50 is diverted to the sediment pond by cross culverts. (See Exhibit III-1C of our permit application). Two 12 inch culverts have been installed at the location labeled "proposed 12 inch culvert" on the exhibit. The road surface slopes to the south between station 144+00 and the sediment pond.



Mr. D. Wayne Heuberg  
October 18, 1984  
Page two

The area of the road which contributes runoff to the side ditch on the north side is 12' x 650' or 0.18 acre. The road between station 144+00 and the mine yard is an access road not a haul road and is subject to much less accumulation of coal fines than that portion below station 144+00.

Surface drainage entering the side ditch on the north side of the road is proposed to be treated in a sediment trap located near station 130+00. This sediment trap is described in Abatement Plans for Notice of Violation N84-4-8-8, 8 of 8 which was submitted August 17, 1984. (See page 2/26 of that submittal).

Sincerely,



Robert Eccli  
Senior Mining Engineer



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

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

October 11, 1984

Mr. Robert Eccli  
Senior Mining Engineer  
U. S. Fuel Company  
Hiawatha, Utah 84527

Dear Mr. Eccli:

RE: Letter of September 27, 1984 on Notice of Violation  
N84-4-8-8, #2 of 8, Hiawatha Complex, ACT/007/011, #3, #7  
and #8, Carbon County, Utah

Your letter requests clarification of the intent of the violation. U. S. Fuel Company is of the opinion that the area in question is adequately addressed. The following explanation is provided by Dave Lof, the issuing inspector.

Exhibit XIII-2B of the operator's permit application, entitled "Middle Fork Haul Road," shows that the Middle Fork Road surface is crowned. Because the road is crowned, some of the runoff from the road surface enters the road side ditch on the north side. This runoff mixes with undisturbed runoff from the adjacent slopes and bypasses the Middle Fork sediment pond.

Runoff from the Middle Fork Road from Station 143+00 to its terminus is not treated in accordance with either UMC 817.42(a)(1) or the operator's approved interim permit.

UMC 817.42(a)(1) states that all surface drainage from the disturbed area shall be passed through a sediment pond, a series of sediment ponds, or a treatment facility before leaving the permit area. According to the regulations, the portion of the road addressed in the violation should be treated as described in UMC 817.42(a)(1). Because the road is crowned, some of the disturbed area runoff bypasses the sediment pond.

Page 2  
Mr. Robert Eccli  
ACT/007/011  
October 11, 1984

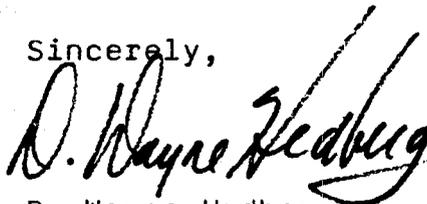
Figure 4 of the "Surface Hydrology and Culvert Adequacy. . . ." study prepared by Vaughn Hansen Associates in August 1978, entitled "Middle Fork Yard," includes the area addressed in the violation within the disturbed area boundary. This figure, along with more specific design information, was the basis for granting approval of the Middle Fork Sediment Pond. Therefore, the approval of the sediment pond required that all of the disturbed area, as shown in Figure 4 be passed through the sediment pond. Once again, because the road surface is crowned, a portion of the disturbed area bypasses the sediment pond.

Disturbed area runoff from the road must be treated in accordance with UMC 817.42(a)(1) or the Division may grant a small area exemption in accordance with UMC 817.42(a)(3). The installation of the slotted cross drain would meet the requirements of UMC 817.42(a)(1).

In order for the Division to grant a small area exemption for the road, the operator must demonstrate, by use of alternative sediment control measures, that the drainage will meet all applicable state and federal effluent limitation standards.

Should you have further questions on this matter, please feel free to contact Dave Lof or myself.

Sincerely,



D. Wayne Hedberg  
Permit Supervisor/  
Reclamation Hydrologist

JW/btb  
cc: Allen Klein  
Robert Hagen  
Joe Helfrich  
Jim Smith  
92910-13 & 14

FILE: ACT/007/1011  
# 3, 7

# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

September 27, 1984

Mr. D. Wayne Hedberg  
Permit Supervisor  
State of Utah Natural Resources  
Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

RECEIVED  
OCT 01 1984  
DIVISION OF OIL  
GAS & MINING

Dear Mr. Hedberg;

This letter is in regard to NOV N84-4-8-8, 2 of 8 which deals with the installation of a slotted cross drain on the Middle Fork haul road.

The original violation states, "Submit complete and adequate plans to the Division for the installation of a slotted cross drain across the road at approximately station 143 + 00 in order to ensure that all disturbed area runoff passes through the sediment pond in accordance with the approved interim permit."

Plans were submitted by us, under protest, in August to address the installation of a slotted cross drain. The plans were submitted to avoid a cessation order and not as an admission that a cross drain is required.

On September 21, 1984 the inspector issued a modification to this violation which states: add, "or submit a complete and adequate alternate plan which will provide runoff control for the area sited in accordance with UMC 817.43 and UMC 817.45."

The intent of this violation has never been clear to us. If the intent is to control runoff from the haul road and the truck loadout area, then we contend that this runoff is being adequately controlled under our existing approved plan and that a cross drain is not needed. If the intent is to treat the runoff from the undisturbed area north of the Middle Fork road between the sediment pond and the mine yard, then we wish to point out that that runoff is proposed to be treated in a sediment trap described in our plan for NOV N84-4-8-8, 8 of 8 relating to the Middle Fork Road Drainage.

Please advise us if there are other issues regarding this violation which we may not be aware of.

CC: Bob Hagen, ESM (D)  
Al Klein, ESM (H)  
Dave Lof  
Joe Helreich  
John Whitehead

Sincerely,  
*Robert Eccli*  
Robert Eccli  
Sr. Mining Engineer



Quot

*Wayne*

# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

**RECEIVED**

**SEP 28 1984**

September 26, 1984

**DIVISION OF OIL  
GAS & MINING**

Mr. D. Wayne Hedberg  
Permit Supervisor  
State of Utah Natural Resources  
Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

Dear Mr. Hedberg;

This letter is in regard to NOV N84-4-8-8, 1 of 8 which deals with riprap installation in the stream channel diversion near Hiawatha.

We received your letter of September 12, 1984 stating that our previously submitted plan was approved and that the plan be implemented by October 12, 1984.

After receiving a cost proposal for delivery and installation of the riprap, as well as on site discussions with several members of your technical staff, we feel that a more cost effective and less environmentally destructive approach to this problem could be attained. For this reason we request an extension of time in which to begin construction so that a revised plan can be submitted.

Our reasons for this request are as follows:

1. Discussions on site with members of your technical staff indicate that alternative approaches may be acceptable.
2. Implementation of the existing plan would destroy established vegetation including numerous young trees.
3. Installation of five foot thickness of riprap would result in substantial disturbance to the stream channel and cause considerable contributions of suspended solids to stream flow.
4. With five feet of riprap the normal stream flow, which is quite small, could flow through the riprap rather than on the surface, thus limiting water available to wildlife.



5. A recently received cost estimate based on the original proposal was in excess of \$100,000.00.

As mentioned above, we request an extension of time to begin work on this project. We propose that our hydrology consultant meet with members of your technical staff to arrive at a solution which would be more cost effective and less damaging to the environment.

Sincerely,

*Robert Eccli*

Robert Eccli  
Sr. Mining Engineer

RE:lj



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

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

October 9, 1984

Mr. Kenneth Alkema  
Department of Health  
Division of Environmental Health  
P. O. Box 2500  
Salt Lake City, Utah 84101

Dear Mr. Alkema:

RE: Notice of Violation Abatement Plans for Two Violations  
(N84-4-8-8, #1 of 8 and N84-8-1-3, #1, #2 and #3 of 3),  
U. S. Fuel Company, Hiawatha Complex, ACT/007/011, #3 and  
#7, Emery County, Utah

Enclosed please find one (1) copy of U. S. Fuel Company's Notice of Violation abatement plans for a stream channel diversion, a sediment pond modification, the South Fork truck turnaround and North Fork diversion at their Hiawatha Complex. The Division is forwarding these copies to update your files.

Should you have any questions or problems pertaining to this information, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "D. Wayne Hedberg".

D. Wayne Hedberg  
Permit Supervisor/  
Reclamation Hydrologist

DH/btb  
cc: Joe Helfrich  
Dave Lof  
03380-16



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

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

October 9, 1984

Mr. Allen D. Klein, Administrator  
Western Technical Center  
Office of Surface Mining  
Brooks Towers  
1020 Fifteenth Street  
Denver, Colorado 80202

Dear Mr. Klein:

RE: Notice of Violation Abatement Plans for Two Violations  
(N84-4-8-8, #1 of 8 and N84-8-1-3, #1, #2 and #3 of 3),  
U. S. Fuel Company, Hiawatha Complex, ACT/007/011, #3 and  
#7, Carbon County, Utah

Enclosed please find three (3) copies of U. S. Fuel Company's Notice of Violation abatement plans for a stream channel diversion, a sediment pond modification, the South Fork truck turnaround and North Fork diversion at their Hiawatha Complex. The Division is forwarding these copies to update your files and current MRP copies. These copies are provided for information purposes only.

Should you have any questions or problems pertaining to this information, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "D. Wayne Hedberg".

D. Wayne Hedberg  
Permit Supervisor/  
Reclamation Hydrologist

DH/btb  
cc: Joe Helfrich  
Dave Lof  
03380-18



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

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

October 9, 1984

Mr. William H. Geer  
Acting Director  
Division of Wildlife Resources  
1596 West North Temple  
Salt Lake City, Utah 84116

Dear Mr. Geer:

RE: Notice of Violation Abatement Plans for Two Violations  
(N84-4-8-8, #1 of 8 and N84-8-1-3, #1, #2 and #3 of 3),  
U. S. Fuel Company, Hiawatha Complex, ACT/007/011, #3 and  
#7, Emery County, Utah

Enclosed please find one (1) copy of U. S. Fuel Company's Notice of Violation abatement plans for a stream channel diversion, a sediment pond modification, the South Fork truck turnaround and North Fork diversion at their Hiawatha Complex. The Division is forwarding these copies to update your files.

Should you have any questions or problems pertaining to this information, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "D. Wayne Hedberg".

D. Wayne Hedberg  
Permit Supervisor/  
Reclamation Hydrologist

DH/btb  
cc: Joe Helfrich  
Dave Lof  
03380-17



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

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

October 9, 1984

Mr. Allen D. Klein, Administrator  
Western Technical Center  
Office of Surface Mining  
Brooks Towers  
1020 Fifteenth Street  
Denver, Colorado 80202

Dear Mr. Klein:

RE: Notice of Violation Abatement Plans for Stream Channel  
Diversion (N84-4-8-8, #1 of 8) and Middle Fork Road  
Drainage (N84-4-8-8, #8 of 8), U. S. Fuel Company,  
Hiawatha Complex, ACT/007/011, #3 and #7, Carbon County,  
Utah

Enclosed please find two (2) copies each of U. S. Fuel Company's Notice of Violation Abatement Plans for two violations at their Hiawatha Complex. The Division is forwarding these copies to update your files and current MRP copies.

Should you have any questions or problems pertaining to this information, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "D. Wayne Hedberg".

D. Wayne Hedberg  
Permit Supervisor/  
Reclamation Hydrologist

DH/btb  
cc: Joe Helfrich  
Dave Lof  
03380-7



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

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

October 9, 1984

Mr. Robert H. Hagen, Director  
Albuquerque Field Office  
Office of Surface Mining  
219 Central Avenue, NW  
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

RE: Notice of Violation Abatement Plans for Stream Channel  
Diversion (N84-4-8-8, #1 of 8) and Middle Fork Road  
Drainage (N84-4-8-8, #8 of 8), U. S. Fuel Company,  
Hiawatha Complex, ACT/007/011, #3 and #7, Carbon County,  
Utah

Enclosed please find one (1) copy each of U. S. Fuel  
Company's Notice of Violation Abatement Plans for two  
violations at their Hiawatha Complex. The Division is  
forwarding this copy to update your files and current MRP  
copies.

Should you have any questions or problems pertaining to  
this information, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "D. Wayne Hedberg".

D. Wayne Hedberg  
Permit Supervisor/  
Reclamation Hydrologist

DH/btb  
cc: Joe Helfrich  
Dave Lof  
03380-8



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

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

October 5, 1984

CERTIFIED RETURN RECEIPT REQUESTED  
(P492 430 103)

Mr. Robert Eccli  
Senior Mining Engineer  
U. S. Fuel Company  
Hiawatha, Utah 84527

Dear Mr. Eccli:

RE: U. S. Fuel Company Response to Notice of Violation  
N84-4-8-8, #1 of 8, Hiawatha Complex, ACT/007/011, #3 and  
#7, Carbon County, Utah

The Division has reviewed U. S. Fuel Company's recent letter dated September 26, 1984 pursuant to the Notice of Violation (NOV) referenced above.

The Division concurs with your justification and approves the request for an extension of time in which to begin construction of the approved (September 12, 1984) NOV abatement plan beyond the October 12, 1984 deadline.

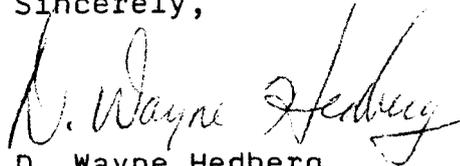
The Division is willing to meet with your hydrology consultant (on-site, if necessary) to discuss alternative abatement plan design options. A tentative date for a meeting should be established no later than October 9, 1984. The Division suggests a meeting sometime during the week of October 9-12, if possible.

Please contact us upon receipt of this letter to finalize a date. Alternative plans must be approved and implemented during low flow conditions, no later than September 30, 1985.

Page 2  
Mr. Robert Eccli  
ACT/007/011  
October 5, 1984

Thank you for your cooperation in this matter. Please  
feel free to contact me if you should have any questions.

Sincerely,



D. Wayne Hedberg  
Permit Supervisor/  
Reclamation Hydrologist

JW/btb

cc: Allen Klein  
Robert Hagen  
Ron Daniels  
Joe Helfrich  
Dave Lof  
John Whitehead  
92940-15 & 16

FILE: ACT/007/011  
# 3, 7

# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

September 27, 1984

Mr. D. Wayne Hedberg  
Permit Supervisor  
State of Utah Natural Resources  
Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

**RECEIVED**  
**OCT 01 1984**  
**DIVISION OF OIL  
GAS & MINING**

Dear Mr. Hedberg;

This letter is in regard to NOV N84-4-8-8, 2 of 8 which deals with the installation of a slotted cross drain on the Middle Fork haul road.

The original violation states, "Submit complete and adequate plans to the Division for the installation of a slotted cross drain across the road at approximately station 143 + 00 in order to ensure that all disturbed area runoff passes through the sediment pond in accordance with the approved interim permit."

Plans were submitted by us, under protest in August to address the installation of a slotted cross drain in accordance with a cessation order and not as an admission of violation.

On September 21, 1984 the inspection of the violation which states: add, "or submit a plan which will provide runoff control in accordance with UMC 817.43 and UMC 817.45."

The intent of this violation has been to control runoff from the haul road. We then contend that this runoff is controlled by an existing approved plan and that a correct intent is to treat the runoff from the haul road between the sediment pond and the Middle Fork road. We would like to point out that that runoff is proposed to be controlled as described in our plan for NOV N84-4-8-8 Middle Fork Road Drainage.

cc: *Bob Hagen, DM (D)*  
*Al Klein, DM (A)*  
*Dave [unclear]*  
*Joe Reich*  
*John Whitehead*

Please advise us if there are other issues regarding this violation which we may not be aware of.

Sincerely,  
*Robert Eccli*  
Robert Eccli  
Sr. Mining Engineer

RE:lj



FILE: ACT/007/011  
# 3, 7

# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

September 27, 1984

Mr. D. Wayne Hedberg  
Permit Supervisor  
State of Utah Natural Resources  
Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

RECEIVED

OCT 01 1984

DIVISION OF OIL  
GAS & MINING

Dear Mr. Hedberg;

This letter is in regard to NOV N84-4-8-8, 2 of 8 which deals with the installation of a slotted cross drain on the Middle Fork haul road.

The original violation states, "Submit complete and adequate plans to the Division for the installation of a slotted cross drain across the road at approximately station 143 + 00 in order to ensure that all disturbed area runoff passes through the sediment pond in accordance with the approved interim permit."

Plans were submitted by us, under protest, in August to address the installation of a slotted cross drain. The plans were submitted to avoid a cessation order and not as an admission that a cross drain is required.

On September 21, 1984 the inspector issued a modification to this violation which states: add, "or submit a complete and adequate alternate plan which will provide runoff control for the area sited in accordance with UMC 817.43 and UMC 817.45."

The intent of this violation has never been clear to us. If the intent is to control runoff from the haul road and the truck loadout area, then we contend that this runoff is being adequately controlled under our existing approved plan and that a cross drain is not needed. If the intent is to treat the runoff from the undisturbed area north of the Middle Fork road between the sediment pond and the mine yard, then we wish to point out that that runoff is proposed to be treated in a sediment trap described in our plan for NOV N84-4-8-8, 8 of 8 relating to the Middle Fork Road Drainage.

Please advise us if there are other issues regarding this violation which we may not be aware of.

Sincerely,

*Robert Eccli*

Robert Eccli  
Sr. Mining Engineer

RE:lj



# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

**RECEIVED**

**SEP 28 1984**

September 26, 1984

**DIVISION OF OIL  
GAS & MINING**

Mr. D. Wayne Hedberg  
Permit Supervisor  
State of Utah Natural Resources  
Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

Dear Mr. Hedberg;

This letter is in regard to NOV N84-4-8-8, 1 of 8 which deals with riprap installation in the stream channel diversion near Hiawatha.

We received your letter of September 12, 1984 stating that our previously submitted plan was approved and that the plan be implemented by October 12, 1984.

After receiving a cost proposal for delivery and installation of the riprap, as well as on site discussions with several members of your technical staff, we feel that a more cost effective and less environmentally destructive approach to this problem could be attained. For this reason we request an extension of time in which to begin construction so that a revised plan can be submitted.

Our reasons for this request are as follows:

1. Discussions on site with members of your technical staff indicate that alternative approaches may be acceptable.
2. Implementation of the vegetation including n *CC. Joe Helfrich* roy established
3. Installation of five f *Bob Hagen (OSM)* would re-  
*Al Klein (OSM)* 1 channel and  
1 solids to  
sult in substantial d  
cause considerable cc  
stream flow.
4. With five feet of riprap the normal stream flow, which is quite small, could flow through the riprap rather than on the surface, thus limiting water available to wildlife.



# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

**RECEIVED**

**SEP 28 1984**

**DIVISION OF OIL  
GAS & MINING**

September 26, 1984

Mr. D. Wayne Hedberg  
Permit Supervisor  
State of Utah Natural Resources  
Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

Dear Mr. Hedberg;

This letter is in regard to NOV N84-4-8-8, 1 of 8 which deals with riprap installation in the stream channel diversion near Hiawatha.

We received your letter of September 12, 1984 stating that our previously submitted plan was approved and that the plan be implemented by October 12, 1984.

After receiving a cost proposal for delivery and installation of the riprap, as well as on site discussions with several members of your technical staff, we feel that a more cost effective and less environmentally destructive approach to this problem could be attained. For this reason we request an extension of time in which to begin construction so that a revised plan can be submitted.

Our reasons for this request are as follows:

1. Discussions on site with members of your technical staff indicate that alternative approaches may be acceptable.
2. Implementation of the existing plan would destroy established vegetation including numerous young trees.
3. Installation of five foot thickness of riprap would result in substantial disturbance to the stream channel and cause considerable contributions of suspended solids to stream flow.
4. With five feet of riprap the normal stream flow, which is quite small, could flow through the riprap rather than on the surface, thus limiting water available to wildlife.



5. A recently received cost estimate based on the original proposal was in excess of \$100,000.00.

As mentioned above, we request an extension of time to begin work on this project. We propose that our hydrology consultant meet with members of your technical staff to arrive at a solution which would be more cost effective and less damaging to the environment.

Sincerely,

*Robert Eccli*

Robert Eccli  
Sr. Mining Engineer

RE:lj



United States Department of the Interior

OFFICE OF SURFACE MINING  
Reclamation and Enforcement

BROOKS TOWERS  
1020 15TH STREET  
DENVER, COLORADO 80202  
SEP 14 1984

*orig min file as a file*

*ACT/007/011  
#2 4#13*

RECEIVED

SEP 19 1984

DIVISION OF OIL  
GAS & MINING

Mr. Errol Gardiner  
Vice President and General Manager  
U.S. Fuel Company  
Hiawatha, Utah 84527

Dear Mr. Gardiner:

This letter is in response to your September 4, 1984 letter and a follow-up to our August 21, 1984 telephone conversation regarding the U.S. Fuel Company's proposed unit train loadout. The purpose of this letter is to reaffirm to you that until certain requirements are met, U.S. Fuel may not begin construction on the unit train facility.

As you requested in your May 14, 1984 letter, OSM has incorporated the unit train proposal within the current review process of the permit application. In our June 15, 1984 letter to you and in our telephone conversation on August 21, 1984, several issues were outlined which needed to be resolved prior to rendering a decision on the permit application. These issues include: 1) provision of adequate abatement plans for all outstanding violations issued by the Utah Division of Oil, Gas and Mining; 2) submittal and resolution of remaining reclamation plan issues as conveyed to U.S. Fuel by Sarah Bransom, OSM Project Leader, on August 23, 1984; and 3) approval by local officials and completion of public participation requirements for relocation of State Highway 122 and County Road 338 as required by UMC 784.18 Relocation of Public Roads. To date, these issues remain unresolved.

According to the Division, abatement plans have been submitted for the twelve violations issued on May 11, 1984 and August 10, 1984, however, these plans have not been approved and incorporated into the permit application as required by the Division in its August 2, 1984 letter to U.S. Fuel. Until the review of the outstanding violations is completed by the Division, OSM cannot make the necessary finding under UMC 786.19(g) that requires all outstanding violations be abated or in the process of being abated. The second issue involves reclamation of the refuse and non-refuse area and access to the proposed topsoil borrow areas. OSM is in the process of reviewing your September 4, 1984 submittal for completeness and technical adequacy. If complete and adequate, this information will have to be incorporated into the decision package. OSM will then determine if reclamation is feasible. Finally, OSM has not received documentation from Carbon County approving the road relocation as required by UMC 786.12(d). The public comment period established by the Division for the road relocation is still in progress. In addition, it is necessary for OSM to review the proposed new location and additional information on the unit train facility submitted by U.S. Fuel on September 10, 1984. If these issues are not resolved OSM will be compelled to eliminate the unit train loadout from consideration under this permitting action.

The resolution of the remaining three issues and the review of newly submitted materials will delay the permit decision schedule beyond the anticipated October 1, 1984 date we discussed on August 21, 1984. At this time, a revised schedule cannot be developed primarily due to the uncertain outcome of the violation abatements. OSM cannot give assurance that U.S. Fuel will be able to initiate construction on the facility this fall.

This office will keep U.S. Fuel informed of the status of the permit decision document. If you have any questions, please call Walter Swain or Ron Naten at (303) 844-3806.

Sincerely,



Allen D. Klein  
Administrator  
Western Technical Center

cc: Susan Linner, UDOGM  
Dr. Dianne Nielson, UDOGM ✓  
Jack Elder, FBD



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

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

September 11, 1984

Mr. Robert Eccli  
Senior Mining Engineer  
U. S. Fuel Company  
Hiawatha, Utah 84527

Dear Mr. Eccli:

Re: Review of 8-17-84 2nd submittal for N84-4-8-8, 2 of 8,  
ACT/007/011, Folder No. 3 & 7, Carbon County, Utah

The plans submitted for U. S. Fuel by Earth Fax Engineering Inc. to abate N84-4-8-8, 2 of 8 have been reviewed by Division Hydrologist John Whitehead.

#### Deficiencies with Slotted Drain Plans

Several deficiencies remain in order for the Division to approve the abatement plan. Page 8 of 8 of the submittal item refers the reviewer to rip rap sizing calculations contained in another document dealing with inlets and outlets for the sediment traps along the Middle Fork road. The calculations contained in that document are for discharges of 15 cfs and are not comparable for the flow of 2-3 cfs given for NOV 2 of 8. Appropriate riprap sizing calculations and filter blanket calculations must be submitted. This should include velocity calculations for the culvert inlet and outlet.

A drawing which indicates the trash rack configuration and the extent of riprap placement should be submitted.

The calculations show that a 15" culvert is adequately sized to pass the predicted peak flow. Past experience has shown that the smaller diameter culverts like the 15" one proposed are plagued with icing problems during the winter. The Division therefore recommends that U. S. Fuel use an 18" or larger sized culvert to alleviate this problem.

#### Pond Capacity Problems

Based on the concerns in your letter of August 14, 1984, the question of the sediment pond capacity was reviewed. A significant discrepancy in the acreage draining to the sediment pond exists.

Page Two  
Robert Eccli  
September 11, 1984

The mining plan submitted by U. S. Fuel notes in Table 1 of Appendix B (Volume II) that 23 acres drains to the sediment pond; 4.8 disturbed and 18.2 undisturbed. This would result in 0.91 acre feet of runoff from the 10 year 24 hour storm (2.25").

Using a map submitted for abatement of NOV N84-4-8-8 (Middle Fork watershed areas) and Exhibit VII-9 (Volume II MRP) the disturbed area draining to the sediment pond is approximately 12.4 acres the undisturbed acreage draining to the pond is approximately 44.6 acres. Using curve numbers of 90 and 70 for the disturbed and undisturbed acreage respectively, runoff from the 10-year 24 hour storm would be 2.67 acre feet.

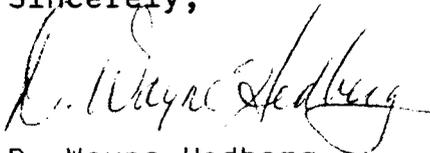
This problem can be addressed by:

1. increasing the size of the sediment pond to contain the runoff from the 10-year 24-hour storm plus sediment storage and/or
2. installing undisturbed area diversions to route undisturbed drainage away from the disturbed area.

Please respond to the deficiencies in the slotted drain plan and the sediment pond capacity problems by September 28, 1984.

Please feel free to contact myself or John Whitehead if you should have any questions on this matter.

Sincerely,



D. Wayne Hedberg  
Permit Supervisor/  
Reclamation Hydrologist

JW:jvb  
cc: Richard White  
Allen Klein  
Robert Hagen  
Joe Helfrich  
Dave Lof  
John Whitehead

99490

0979 #10/3

File: ACT/007/01  
#3, 7, 15

# UNITED STATES FUEL COMPANY RECEIVED

HIAWATHA, UTAH 84527

SEP 3 1984

September 11, 1984

DIVISION OF OIL  
GAS & MINING

Mr. D. Wayne Hedberg  
State of Utah, Div. of Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

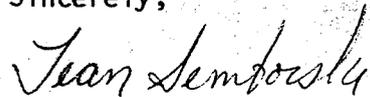
RE: Response to Review  
Comments on NOV 84-4-8-8,  
4 of 8 and 6 of 8

Dear Mr. Hedberg:

United States Fuel Company is submitting their written response to your letter of August 28, 1984 containing the Division's review comments on NOV 84-4-8-8, 4 of 8 and 6 of 8.

We believe this response to be complete and adequate. We have attempted to satisfy all of your concerns in the abatement of the two above mentioned violations.

Sincerely,



Jean Semborski  
Engineer

Enclosure



RESPONSE TO REVIEW COMMENTS ON VIOLATION N84-4-8-8, #4 of 8 and #6 of 8

UMC 817.46 Hydrology

- 1) The catch basin spillway will pass the 25 year, 24 hour storm as shown by the Peak Flow Calculation sheet accompanying this submittal. The spillway is of adequate size and depth to give the basin the required one foot minimum between the water surface and settled top of the embankment (UMC 817.46 j). Refer to the revised drawing F-533 for the spillway design, cross section and appropriate hydro-logic calculations.
- 2) A cross section of the Catch Basin complete with elevations is provided on F-533.
- 3) The requirements of 817.46 j-u are addressed below:
  - (j) Addressed in item #1 above.
  - (k) The elevations listed on the drawing are those of the "settled" embankment.
  - (l) The top width exceeds that required by the regulations.  
 $(7.6 + 35) - 5 = 8.5$ . The embankment width measures 25 feet.
  - (m) The combined slopes are 4.5:1 and should be stable considering the width and construction methods. This basin was excavated into the existing natural ground. The embankment slopes and top were compacted by the equipment as the basin was being constructed.
  - (n) The embankment foundation and entire area was cleared of vegetation and the foundation area was scarified. No slope was steeper than 1v:1h.
  - (o) No coal processing waste or earthen materials containing sod, roots or other vegetative matter was used in the embankment fill.
  - (p) Fill and the embankment side were compacted.
  - (q) Not Applicable
  - (r) See certification on Drawing F-533.

- (s) Embankment top and slopes were seeded.
- (t) The Catch Basin will be inspected four times per year.
- (u) Although this is not a sediment pond, U.S. Fuel will leave the basin in place at least until after final reclamation is complete.

UMC 817.21-.25 Soils

- 1) Soil will be scarified, using a tractor powered farm disc, to a depth of 6 - 8". The goal of this procedure will be to allow seeds to establish themselves on the bare patches where compaction due to equipment tires may have occurred and to allow precipitation to penetrate.
- 2) At the time of final reclamation, the storage magazines will be removed from this site via the existing roadway. The areas under each magazine and the road leading from their prior location to the asphalt will be scarified by disc or back-hoe bucket teeth to a depth of between 6 and 12 inches.
- 3) The magazine area soils are comparable to that tested in the nearby Middle Fork topsoil stockpile (see table VIII-16 in the mine permit package). Fertilizer recommendations are made on page 131C of the mine permit application. Sulfur coated urea will be hand broadcast at a rate of 40# per acre. Treble super phosphate will be added at a rate of 30# per acre. A hay mulch can be added on the localized, revegetated patches to enhance seed growth.

UMC 817.111-.117 and UMC 784.13 (b)(5)

- 1) The permanent reclamation seed mix will be used on the bare spots. The use of the permanent mix for interim reclamation has been advocated by DOGM for U.S. Fuel's current interim reclamation projects.

The permanent trial seed mix #3 will be used and can be referred to in the mine permit application (see Table IX-3). The seeds will be applied at the per acre rate as listed in this table by hand broadcasting method.

- 2) This reclamation is interim in nature. Final reclamation of this area, by virtue of it's location, has been addressed in the mine permit application (see p. 55B, 56, 59 and 60).
- 3) Mulching was partially addressed under the response to soils. The hay mulch will be applied at a rate of one ton per acre. However, it should be noted that the topsoil pile adjacent to this site has been successfully revegetated without the use of any mulch and on a steeper slope than is being considered here.
- 4) Seeding will be done in late fall.

UMC 817.46 Hydrology

Area A and B - A map is enclosed to locate the areas where the earth berms will be placed (see Drawing F-534). The operator has set up an on-site meeting with a representative of the Division to discuss appropriate types and locations of outlet structures.

Area C - A cross-section of the berm around this old storage area accompanies this submittal. The berm is located as indicated on the enclosed map.

Area D - With respect to Area D, which lies just east of Slurry Pond #4 and adjacent to Highway 122, we have previously advised the Division that it was disturbed prior to the Act and has not been used in connection with our mining operations since that time. As acknowledged in the letter of August 28, 1984, Violation No. 6 of 8 was apparently issued with respect to this area on the basis of an observation made by Sandy Pruitt in January of 1983, over one year and three months prior to the NOV issued by Dave Lof. Any heavy equipment observed by Ms. Pruitt was not owned or operated by U.S. Fuel Company, but may have belonged to an independent contractor who parked it on or near Area D without authority or permission of our company. It should also be emphasized that there is no evidence whatsoever that any such equipment caused any adverse physical impact on Area D so as to subject it to regulatory requirements. Recent decisions of the Interior Board of Land Appeals interpreting OSM's regulations hold that where there is no adverse physical impact by a current mining operation on an area disturbed prior to SMCRA, the active operator is not responsible for compliance with hydrologic performance standards with respect to the area. Darmac Coal Co., 74 IBLA 100 (1983). For the foregoing reasons, we consider Area D to be exempt and not subject to sediment controls. (Please see attached legal decision).

UMC 817.111-.117 and UMC 784.13 (b)(5)

Revegetation will be accomplished by the same methods outlined in the mine permit application. The procedures of revegetation at this site will be similar to that outlined for Middle Fork final reclamation. The seeding rates and mulch rates will be in accordance with that listed for Middle Fork (see page 47A). However, this old storage site will not have soil added to it. We have already scarified the area to a depth of 12" with the teeth of a backhoe bucket to break up the existing compaction in the soil.

Seed mix information can be found on page 104 in the mine permit application. Seed mix #3 will be broadcast on the area in September or October. A hay mulch will be place over the seed.

Criteria tests for Demonstrating Successful Revegetation can be accessed on page 63-65. This monitoring is related to final revegetation work. Other interim revegetation monitoring is outlined on pages 124 and 125. It is in the design plans of the revegetation test plots.

U.S. Fuel has received no final analysis yet on their reclamation-revegetation plan. OSM is still in the process of reviewing the mine permit application.

UMC 817.21-.25

- 1) Last fall, the salt-slag area was cleared of all materials being stored there and the site was regraded. This spring a berm was replaced around the site and the area itself was scarified. Scarification was performed to reduce the compaction of the site thus allowing a more suitable rooting medium with better water penetration. The soil was scarified by using the teeth of a backhoe bucket and was dug to a depth of 12 inches.

- 2) The same fertilizer recommendations will be applied as for the Middle Fork yard soils should the soil samples show them to be similar in their nutrient deficiencies.

The fertilizer to be applied, by hand in this case, would be sulfur coated urea, treble super phosphate and potassium chloride applied at rates of 40, 30 and 30 pounds respectively.

- 3) Soil samples have been taken and sent in for analysis. Test results are not yet available from the laboratory but will be sent to the Division when we receive them.



# United States Department of the Interior

## OFFICE OF HEARINGS AND APPEALS

4015 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22203

DARMAc COAL CO.

IBLA 83-615; IBSMA 81-66

Decided June 30, 1983

Appeal by Darmac Coal Company from the May 1, 1981, decision of Administrative Law Judge Sheldon L. Shepherd, denying an application for temporary relief and upholding the validity of Notice of Violation No. 81-I-62-8 (Docket No. CH 1-107-R).

Reversed.

1. Surface Mining Control and Reclamation Act of 1977: Administrative Procedure: Burden of Proof—Surface Mining Control and Reclamation Act of 1977: Hearings: Generally

OSM makes a prima facie case by submitting sufficient evidence to establish the essential facts of the violation; when it makes that showing and the showing goes un rebutted, the violation must be sustained.

2. Surface Mining Control and Reclamation Act of 1977: Evidence: Generally

It is error for an Administrative Law Judge to fail to admit evidence of laboratory tests of water quality samples when the permittee challenges that evidence only by asserting that it is hearsay because of a failure to establish the chain of custody of the samples. Such an objection goes to the weight to be given to the evidence, not to its admissibility.

3. Surface Mining Control and Reclamation Act of 1977: Hydrologic System Protection: Generally--Surface Mining Control and Reclamation Act of 1977: Previously Mined Lands: Generally--Surface Mining Control and Reclamation Act of 1977: Water Quality Standards and Effluent Limitations: Discharges from Disturbed Areas

An alleged violation of the effluent limitation for pH set forth in 30 CFR 715.17(a) is properly upheld on the basis of a Hach test showing an acidity reading of 4 or lower, in the absence of evidence that the Hach test was not properly administered.

4. Surface Mining Control and Reclamation Act of 1977: Hydrologic System Protection: Generally--Surface Mining Control and Reclamation Act of 1977: Previously Mined Lands: Generally--Surface Mining Control and Reclamation Act of 1977: Water Quality Standards and Effluent Limitations: Discharges from Disturbed Areas

Where there is no adverse physical impact from current mining on water quality resulting from previous mining there is no disturbance that requires compliance with 30 CFR 715.17(a).

APPEARANCES: Bruno A. Muscatello, Esq., Butler, Pennsylvania, for Darmac Coal Company; William P. Larkin, Esq., Office of the Field Solicitor, Charleston, West Virginia, Glenda Hudson, Esq., Attorney, and Marcus P. McGraw, Esq., Assistant Solicitor for Litigation and Enforcement, Office of the Solicitor, Washington, D.C., for the Office of Surface Mining Reclamation and Enforcement.

OPINION BY ADMINISTRATIVE JUDGE IRWEN

Darmac Coal Company (Darmac) has appealed from the May 1, 1981, decision of Administrative Law Judge Sheldon L. Shepherd, Docket No. CH 1-107-R, which held, in a combined application for review and for temporary relief proceeding, that the Office of Surface Mining Reclamation and Enforcement (OSM) properly issued Notice of Violation (NOV) No. 81-I-62-8 to Darmac, pursuant to the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C.

SS 1201-1328 (Supp. IV 1980) (the Act), and its implementing regulations, 30 CFR Chapter VII (the regulations). The NOV cited Damac for violating section 715.17(a) of the regulations by permitting discharges from areas disturbed by surface coal mining and reclamation operations which exceeded the maximum allowable numerical effluent limitations for pH and manganese.

#### Procedural Background

On March 16, 1981, OSM Inspector Jeffrey King conducted an inspection of Damac's inactive No. 7 strip mine, located in Donegal and Clearfield townships, Butler County, Pennsylvania, and discovered a small discharge, or seep, of water coming from an underground source on the permit area. He tested the discharge with a Hach kit <sup>1/</sup> and found it to have a pH of 4 (Tr. 24-25). He also took two samples of the discharge to a laboratory for testing (Tr. 7, 15-17) and, based upon its report, issued NOV No. 81-I-62-8 to Damac (Tr. 7), alleging a violation of the effluent limitations of section 715.17(a) of the regulations with respect to pH and manganese. The NOV required Damac to perform any measure necessary to assure that discharges from the disturbed area would not exceed the effluent limitations. The abatement time established by the NOV was April 21, 1981 (OSM Exh. A). However, Damac applied for review of the NOV and for temporary relief, and the abatement period was extended pending the outcome of a hearing, which was held in Butler, Pennsylvania, on April 28, 1981.

The Administrative Law Judge regarded the facts as similar to those in Cravat Coal Co., 2 IBSMA 249, 87 I.D. 416 (1980), which held the mining operator responsible for water quality of discharges from a pre-existing seep when it mined through the seep. He upheld the issuance of the NOV as to the pH quality of the water on the basis of OSM's Hach test and denied the application for temporary relief (Decision at 3-4). He had previously refused to admit the laboratory reports analyzing OSM's water samples because the OSM inspector failed to establish a clear chain of custody of the water samples (Decision at 3; Tr. 17-24). Damac subsequently appealed to the Board, arguing that (1) it was error to find that OSM had established a prima facie case solely on the basis of a Hach kit result, and that (2) OSM had not sustained its burden of proof as to the existence of a violation because, unlike the situation in Cravat, supra, Damac had proved that it had not affected the seep. Damac further argues that it was incumbent upon OSM to prove that the water from the seep was affected by Damac's operation.

#### Discussion

[1] Three issues may be disposed of at the outset. Damac's contention that OSM had the burden of proving that the water from the seep on Damac's permit area was affected by Damac's operation in order to justify the issuance of an NOV based upon an operator's failure to meet effluent

<sup>1/</sup> A Hach kit test is a field indicator test for water quality (Tr. 24).

limitations cannot be accepted. OSM succeeds in making a prima facie case that a violation occurred by the submission of sufficient evidence to establish the essential facts of the violation. If OSM's evidence is not rebutted, that evidence is all that is required to sustain the violation. See 43 CFR 4.1171(b). As discussed below, in this case there is ample evidence of the fact of the violation.

[2] As to whether laboratory reports may be admitted into evidence where there is an apparent break in the chain of custody of the samples, an Administrative Law Judge has discretion to admit evidence that he believes is probative, regardless of a witness' failure to establish a proper chain of custody, unless the opposing party discredits it on some other basis. In administrative proceedings generally, an objection based on the hearsay rule goes to the weight to be given the evidence, not to its admissibility. See Roberts Brothers Coal Co., 2 IBSMA 284, 294-95, 87 I.D. 439, 445 (1980), and cases cited in note 3. Thus, we believe the Administrative Law Judge properly should have admitted OSM's laboratory reports, and we will consider them to be part of the record.

[3] Thirdly, we believe the Administrative Law Judge was correct in deciding that the evidence of a Hach test administered by an inspector experienced in its use was sufficient to sustain a finding that the pH value of the effluent discharged from the seep was not within acceptable limits where the actual reading was 4.0, the minimum acceptable number was 6.0, and the witness testified that he had never experienced a Hach kit error of more than one point (Tr. 46; see also Tr. 25, 44-47, 52; Decision at 3). The results of a Hach test are presumptively valid in the absence of rebuttal evidence that the test was not properly administered. D and D Mining Co., 4 IBSMA 113, 89 I.D. 409 (1982). Damac's arguments concerning the unreliability of the Hach test results in this case are unpersuasive, particularly in view of the fact that its own evidence confirms those results (Appellant's Exh. 5). Thus, the evidence provided by the Hach test in this case was sufficient to sustain the Administrative Law Judge's conclusion that a violation existed.

[4] Damac suggests that "the basic issue is whether or not this Operator should be held responsible for a pre-existing seep caused by prior mining activities on this site" and asserts that there is "little dispute" that "appellant did not affect the surface area around the seep" (Brief for Appellant at 3). OSM poses the issue as "whether Damac disturbed the area of the seep within the meaning of the regulation and, thus, assumed responsibility therefor," <sup>2/</sup> and concludes its argument with the statement that "by affecting the area of the seep, either through spoil placement or topsoil removal, the area became part of its surface coal mining operation and Damac was, therefore, responsible for the quality of the water dis-

<sup>2/</sup> 30 CFR 710.5 defines "disturbed area" as "those lands that have been affected by surface coal mining and reclamation operations."

charged from that area" (Brief of OSM at 2-4). 3/ Based on a careful review of the hearing transcript and exhibits, we conclude that, although neither argument was successfully vindicated, the notice of violation cannot be sustained.

It is not disputed that Darmac discovered the seep before it began mining operations and made an effort to avoid the area during them. 4/ Darmac acknowledged, however, that some topsoil was sloughed off onto the seep as it was being removed by bulldozer from around the seep. 5/ It also acknowledged that surface drainage from a relatively small area around the seep was not passed through a sedimentation pond before leaving the permit area. 6/ For its part OSM conceded that the dirt that had come down on the seep was not enough to have affected its water quality. 7/

Thus, since some dirt was deposited on the seep, the area was technically affected, i.e., disturbed. Normally all surface water from the area would have to comply with the requirements of being passed through a sedimentation pond and meeting the applicable effluent standards before leaving the permit area. Under the circumstances of this case, however, the area was not as a practical matter disturbed. It has been held in a context also involving previously mined areas that absent adverse physical impact from the current mining on the condition remaining from the previous mining—in those cases, orphaned highwalls—no disturbance occurs that requires bringing that condition into compliance with presently applicable standards. Cedar Coal Co., 1 IBSMA 145, 154-56, 87 I.D. 250, 255-56 (1979). See Miami Springs Properties, 2 IBSMA 399, 403-05, 87 I.D. 645, 647-48 (1980). Since there is no showing of adverse physical impact in this case, Darmac is not responsible for the violation of 30 CFR 715.17(a). 8/

3/ 30 CFR 715.17(a) provides:

"Water quality standards and effluent limitations. All surface drainage from the disturbed area \* \* \* shall be passed through a sedimentation pond or a series of sedimentation ponds before leaving the permit area. \* \* \* Discharges from areas disturbed by surface coal mining and reclamation operations must meet all applicable Federal and State laws and regulations and, at a minimum, the following numerical effluent limitations \* \* \*."

4/ Tr. 60-61, 79, 89, 105-07, 113.

5/ Tr. 87, 89, 98-99, 102, 103-04, 109.

6/ Tr. 99-101, 113-14, 117-19.

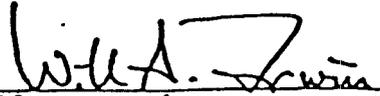
7/ Tr. 42.

8/ In view of this disposition of the case, it is not necessary to discuss the possibility suggested in Tiger Corp., 4 IBSMA 202, 205, 89 I.D. 622, 623-24 (1982), that compliance with 30 CFR 715.17(a) might be excused in similar circumstances where adequate data concerning hydrologic balance before and after mining is presented.

IBLA 83-615

IBSMA 81-66

Therefore, pursuant to the authority delegated the Board of Land Appeals by the Secretary of the Interior, 9/ the decision of the Administrative Law Judge is reversed.



Will A. Irwin  
Administrative Judge

We concur:



Bruce R. Harris  
Administrative Judge



Anne Poindexter Lewis  
Administrative Judge

9/ Secretarial Order No. 3092 of Apr. 26, 1983, 48 FR 22370 (May 18, 1983), transferred to the Board of Land Appeals "[a]ll of the functions and responsibilities delegated to the Board of Surface Mining and Reclamation Appeals with respect to appeals arising under the Surface Mining Control and Reclamation Act of 1977."

UNITED STATES FUEL COMPANY  
ENGINEERING DEPT., HIAWATHA, UTAH

PLACE \_\_\_\_\_

JOB \_\_\_\_\_

COMPUTATION FOR PEAK FLOW CALCULATIONS  
FOR CATCH BASIN EMERGENCY SPILLWAY  
ABATEMENT OF VIOLATION 84-4-8-8, 4 OF 8  
REF. DRAWING F-533

DATE 9-6-84

COMPUTED BY R.E.

CHECKED BY \_\_\_\_\_

REVISED \_\_\_\_\_

$$\text{WATERSHED LAG} = L = \frac{L^{0.8} (S+1)^{0.7}}{1900 Y^{0.5}} = \frac{(1,050)^{0.8} (5.93)^{0.7}}{1900 (25)^{0.5}} = .0956 \text{ HRS.}$$

$L$  = LENGTH OF WATERSHED = 1,050 FT.

$$S = \frac{1000}{CN} - 10 = \frac{1000}{67} - 10 = 4.93$$

$Y$  = AVERAGE WATERSHED SLOPE = 25%

$A$  = WATERSHED AREA = 5.4 ACRES = .0084 MI<sup>2</sup>

RAINFALL DEPTH (25YR, 24 HR. STORM) = 2.60 INCHES

$$\text{TIME OF CONCENTRATION} = \frac{L}{0.6} = \frac{.0956}{0.6} = .1593$$

~~STORM HYDROGRAPH CALCULATIONS~~

-----  
INPUT SUMMARY FOR CATCH BASIN NE  
AR POWDER MAGS.  
-----

DISTRIBUTION	SCS TYPE B
RAINFALL DEPTH	2.6 INCHES
DURATION	24 HOURS
WATERSHED AREA	.0084 SQ. MI.
CURVE NUMBER	67
TIME OF CONC.	0.1593 HOURS

-----  
OUTPUT SUMMARY  
-----

RUNOFF DEPTH	0.4 INCHES
INITIAL ABSTR.	0.99 INCHES
<del>PEAK FLOW</del>	0.47 CFS
AT TIME	10.004 HRS
VOLUME CHECK	0.4 INCHES



United States Department of the Interior  
OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
BROOKS TOWERS  
1020 15TH STREET  
DENVER, COLORADO 80202

RECEIVED

SEP 10 1984

DIVISION OF OIL  
GAS & MINING

SEP 6 1984

Mr. John W. Barton, District Manager  
Mine Safety and Health Administration  
Post Office Box 25367  
Denver, Colorado 80225

ACT/007/011  
# 3

Dear Mr. Barton:

This letter is a follow-up to your August 24, 1984 letter to this office concerning the U.S. Fuel Company's proposed unit train loadout facility at the Hiawatha Mines Complex, Carbon County, Utah. Your August 24, 1984 letter implies that MSHA intends to review and take some action on reviewing this proposal, which includes modification of a coal refuse pile (No. 1, I.D. No. 1211-UT-9-0007) for construction and placement of coal stockpiles and a conveyor system.

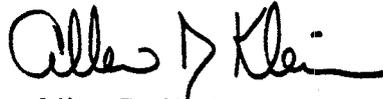
On August 22, 1984, this office received a structural analysis report prepared on July 25, 1984 by the MSHA Safety and Health Technology Center concerning the proposed facility. The U.S. Fuel Company confirmed on August 24 that they had also received a copy of this report. Under the provisions of the Utah state program, UMC 817.81 through 817.88 (coal waste banks) and 817.180 (transportation facilities), the applicant must meet certain requirements for constructing and maintaining this facility on the coal processing waste piles. (Please see enclosure) Since there are no provisions in the Utah Regulatory Program that require MSHA's approval prior to OSM making a decision on the proposal, OSM will review the proposed structure under the above referenced regulations, and any additional requirements imposed by your office must be coordinated and resolved between U.S. Fuel and MSHA. We have informed the company that they must satisfy your concerns prior to project construction; however, OSM will proceed with its permit decision as currently scheduled, and will condition approval requiring the applicant to obtain MSHA's concurrence prior to beginning construction.

In order to keep the permit application current, OSM has requested that the operator submit to OSM and the Utah Division of Oil, Gas, and Mining the appropriate numbers of copies of all information provided to MSHA. We also request that MSHA forward a copy of your final approval of the proposed facility for our files.

Orig Mine file  
cc J. Smith

If you have any questions, please call Sarah Bransom or Walter Swain at (303) 844-3806.

Sincerely,

A handwritten signature in black ink that reads "Allen D. Klein". The signature is written in a cursive style with a large initial "A" and a distinct "Klein" at the end.

Allen D. Klein  
Administrator  
Western Technical Center

cc: Bob Eccli, U.S. Fuel Company  
Dr. Dianne Nielson, UDOGM  
Jack Elder, Ford, Bacon and Davis  
Mike Bishop, Engineering Science

(a) All coal processing waste shall be hauled or conveyed and placed in new and existing disposal areas approved by the Division for this purpose. These areas shall be within a permit area. The disposal area shall be designed, constructed and maintained-

(1) In accordance with Sections UMC 817.71 and 817.72, and 817.73 where applicable, this Section, and Sections UMC 817.82-817.88; and

(2) To prevent combustion.

(b) Coal processing waste materials from activities located outside a permit area, such as those activities at other mines or abandoned mine waste piles, may be disposed of in the permit area only if approved by the Division. Approval shall be based on a showing by the person who conducts underground coal mining activities in the permit area, using hydrologic, geologic, geotechnical, physical, and chemical analysis, that disposal of these materials does not-

(1) Adversely affect water quality, water flow, or vegetation;

(2) Create public health hazards; or

(3) Cause instability in the disposal areas.

UMC 817.82 Coal Processing Waste Banks: Site Inspection

(a) All coal processing waste banks shall be inspected, on behalf of the person conducting underground coal mining activities, by a qualified registered engineer or other person approved by the Division.

(1) Inspections shall occur at least quarterly, beginning within 7 days after preparation of the disposal area begins. The Division may require more frequent inspections based upon an evaluation of the potential danger to the health or safety of the public and the potential harm to land, air and water resources. Inspections may terminate when the coal processing waste bank has been graded, covered in accordance with Section UMC 817.85, topsoil has been distributed on the bank in accordance with Section UMC 817.42, or at such a later time as the Division may require.

(2) Inspections shall include such observations and tests as may be necessary to evaluate the potential hazard to human life and property, ensure that all organic material and topsoil have been removed and that proper construction and maintenance are occurring in accordance with the plan submitted under UMC 784.16-784.19 and approved by the Division.

(3) The engineer or other approved inspector shall consider steepness of slopes, seepage, and other visible factors which could indicate potential failure, and the results of failure with respect to the threat to human life and property.

(4) Copies of the inspection findings shall be maintained at the mine site.

(b) If any inspection discloses that a potential hazard exists, the Division shall be informed promptly of the finding and of the emergency procedures formulated for public protection and remedial action. If adequate procedures cannot be formulated or implemented, the regulatory authority shall be notified immediately. The Division shall then notify the appropriate agencies that other emergency procedures are required to protect the public from the coal processing waste area.

UMC 817.83 Coal Processing Waste Banks: Water Control Measures

\*\* (a) (1) Unless otherwise approved by the Division in accordance with Subparagraph (a) (2) of this Section, a properly designed sub-drainage system shall be provided, which shall-

\*\* (i) Intercept all ground water sources;

\*\* (ii) Be protected by an adequate filter; and

\*\* (iii) Be covered so as to protect against the entrance of surface water or leachate from acid or toxic-forming coal processing waste.

(2) The Division may exempt the operator from all or any of the requirements of Subparagraph (a) (1) of this Section where the operator has demonstrated that an alternative construction method will ensure structural integrity of the waste bank and protection of surface and ground water quality.

(b) All surface drainage from the area above the coal processing waste bank and from the crest and face of the waste disposal area shall be diverted, in accordance with Section UMC 817.72(d).

(c) Slope protection shall be provided to minimize surface erosion at the site. All disturbed areas, including diversion ditches that are not riprapped, shall be vegetated upon completion of construction.

(d) Discharges of all water from a coal processing waste bank shall comply with UMC 817.41, 817.42, 817.45-817.46, 817.52, and 817.55.

UMC 817.71 and 817.72, and where applicable 817.73, except to the extent the requirements of those Sections are specifically varied in this Section.

(b) Coal processing waste banks shall have a minimum long-term static factor of safety of 1.5.

(c) Compaction requirements during construction or modification of all coal processing waste banks shall meet the requirements of this paragraph, instead of those specified in Section UMC 817.72(c). The coal processing waste shall be-

(1) Spread in layers no more than 24 inches in thickness; and

(2) Compacted to attain 90 percent of the maximum dry density in order to prevent spontaneous combustion and to provide the strength required for stability of the coal processing waste bank. Dry densities shall be determined in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Specification T99-74 (Twelfth Edition) (July 1978) or an equivalent method. AASHTO T99-74 is hereby incorporated by reference as it exists on the date of adoption of this Part. Notices of changes made to this publication will be periodically published by OSM in the FEDERAL REGISTER. AASHTO T99-74 is on file and available for inspection at the OSM Central Office, U.S. Department of the Interior, South Interior Building, Washington, D.C. 20240, at each OSM Regional Office, District Office, and Field Office, and at the central office of the Division. Copies may also be obtained by writing to the above locations. A copy of this publication will also be on file for public inspection at the FEDERAL REGISTER Library, 1100 'L' Street, N.W., Washington, D.C. Incorporation by reference provisions approved by the Director of the FEDERAL REGISTER February 7, 1979. The Director's approval of this incorporation by reference expires on February 7, 1980.

(3) Variations may be allowed in these requirements for the disposal of dewatered fine coal waste (minus 28 sieve size) with approval of the Division.

(d) Following grading of the coal processing waste bank, the site shall be covered with a minimum of 4 feet of the best available non-toxic and non-combustible material, in accordance with UMC 817.22(e), and in a manner that does not impede flow from subdrainage systems. The coal processing waste bank shall be revegetated in accordance with UMC 817.111-817.117. The Division may allow less than 4 feet of cover material based on physical and chemical analyses which show that the requirements of Section UMC 817.111-817.117 will be met.

#### UMC 817.86 Coal Processing Waste: Burning

Coal processing waste fire shall be extinguished by the person who conducts the underground coal mining activities, in accordance with a plan approved by the Division and the Mine Safety and Health Administration. The plan shall contain, as a minimum, provisions to ensure that only those persons authorized by the operator, and who have an understanding of the procedure to be used, shall be involved in the extinguishing operations.

#### UMC 817.87 Coal Processing Waste: Burned Waste Utilization

Before any burned coal processing waste or other materials or refuse is removed from a disposal area, approval shall be obtained from the Division. A plan for the method of removal, with maps and appropriate drawings to illustrate the proposed sequence of the operation and methods of compliance with this Part, shall be submitted to the Division. Consideration shall be given in the plan to potential hazards which may be created by removal to persons working or living in the vicinity of the structure. The plan shall be certified by a qualified engineer.

#### UMC 817.88 Coal Processing Waste: Return To Underground Workings

Coal processing waste may be returned to underground mine workings only in accordance with the waste disposal program approved by the Division and MSHA under UMC 784.19 and 784.25.

#### UMC 817.89 Disposal Of Non-Coal Wastes

(a) Non-coal wastes including, but not limited to, grease, lubricants, paints, flammable liquids, garbage, abandoned mining machinery, timber and other combustibles generated during underground coal mining activities shall be placed and stored in a controlled manner in a designated portion of the permit area. Placement and storage shall ensure that leachate and surface runoff do not degrade surface or ground water, fires are prevented, and that the area remains stable and suitable for reclamation and revegetation compatible with the natural surroundings.

(b) Final disposal of non-coal wastes shall be in a designated disposal site in the permit area except where such wastes are disposed of in an approved sanitary land fill. Disposal sites within the permit area shall be designed and constructed with appropriate water barriers on the bottom and sides of the designated site. Wastes shall be routinely compacted and covered to prevent combustion and wind-borne waste. When disposal is completed, a minimum of 2 feet of soil cover shall be placed over the site, slopes stabilized, and revegetation accomplished in accordance with UMC 817.111-817.117. Operation of the disposal site shall be conducted in accordance with all local, State, and Federal requirements.

\*\* (h) Road surfaces from which topsoil has been removed shall be covered with topsoil in accordance with UMC 817.24(b), and the surface shall be revegetated in accordance with UMC 817.111-817.116.

UMC 817.180 Other Transportation Facilities

Railroad loops, spurs, sidings, surface conveyor systems, chutes, aerial tramways, or other transportation facilities shall be designed, constructed or reconstructed, and maintained, and the area restored, to-

(a) Prevent, to the extent possible using the best technology currently available-

(1) Damage to fish, wildlife, and related environmental values; and

(2) Additional contributions of suspended solids to streamflow or runoff outside the permit area. Any such contributions shall not be in excess of limitations of State or Federal law;

(b) Control and minimize diminution or degradation of water quality and quantity;

(c) Control and minimize erosion and siltation;

(d) Control and minimize pollution; and

(e) Prevent damage to public or private property.

UMC 817.181 Support Facilities And Utility Installations

(a) Support facilities required for, or used incidentally to, the operation of the underground mine, including, but not limited to, mine buildings, coal loading facilities at or near the minesite, coal storage facilities, equipment-storage facilities, fan buildings, hoist buildings, preparation plants, sheds, shops, and other buildings, shall be designed, constructed or reconstructed, and located to prevent or control erosion and siltation, water pollution, and damage to public or private property. Support facilities shall be designed, constructed or reconstructed, maintained, and used in a manner which prevents, to the extent possible using the best technology currently available-

(1) Damage to fish, wildlife, and related environmental values; and

(2) Additional contributions of suspended solids to streamflow or runoff outside the permit area. Any such contributions shall not be in excess of limitations of State or Federal law.

File ACT/007/611  
Folder # 397



August 17, 1984

Mr. Joe Helfrich  
Utah Division of Oil, Gas and Mining  
4201 State Office Building  
Salt Lake City, Utah

RECEIVED

AUG 17 1984

DIVISION OF OIL  
GAS & MINING

Dear Mr. Helfrich:

At the request of our client, United States Fuel Company, we have enclosed a copy of our calculations and design for a slotted cross drain for the Middle Fork yard (King IV and V Mines). The information is submitted in response to Notice of Violation N84-4-8-8 (No. 2 of 8).

It is the feeling of U.S. Fuel Company that the installation of a slotted cross drain at the site is unwarranted because the road into the yard is sloped to permit drainage of runoff from disturbed areas toward the sedimentation pond that has been installed at the site. However, during past discussions and correspondence between U.S. Fuel Company and the Division, the Division has insisted on the installation of a slotted cross drain (otherwise the violation would not be terminated). U.S. Fuel Company continues to maintain that the slotted cross drain is not necessary and, therefore, submits the attached information under protest.

With the submission of this information, any cessation orders associated with violation 2 of 8 should be terminated. Please contact us or U.S. Fuel Company if you have any questions regarding this submittal.

Sincerely,

*Richard B. White*

Richard B. White  
Principal Hydrologist  
Registered Professional Hydrologist (AIH No. 328)

Enclosure

6542 South 670 West  
Murray, Utah 84107  
(801) 268-8062  
268-7471

## DESIGN OF SLOTTED CROSS DRAIN FOR ENTRANCE TO MIDDLE FORK YARD

### Methodology:

Use the dimensionless hydrograph technique of the U.S. SCS (1972) as described in PAP, Chapter VII; Section 7.5, VII-1.

### Design storm:

$\left\{ \begin{array}{l} 10\text{-yr, 24-hr storm (for culverts with diameters less than 80 inches)} \\ 20\text{-yr, 24-hr storm (for culverts with diameters greater than 80 inches)} \end{array} \right.$   
 → see UMC 817.153 (c)(1)(i)

### Design flow:

$$A = 34.0 \text{ ac} = 0.053 \text{ mi}^2 \quad (\text{see page 2 of this calc.})$$

CN = 75 (see PAP, Chapter VII; Section 7.5, VII-1 - drainage to culvert 33, of which this is a portion)

$$L = \frac{l^{0.8} (s+1)^{0.7}}{1900 Y^{0.5}}$$

where  $L$  = watershed lag (hr)

$l$  = hydraulic length (ft)

$$s = \frac{1000}{CN} - 10$$

$Y$  = avg. watershed slope (%)

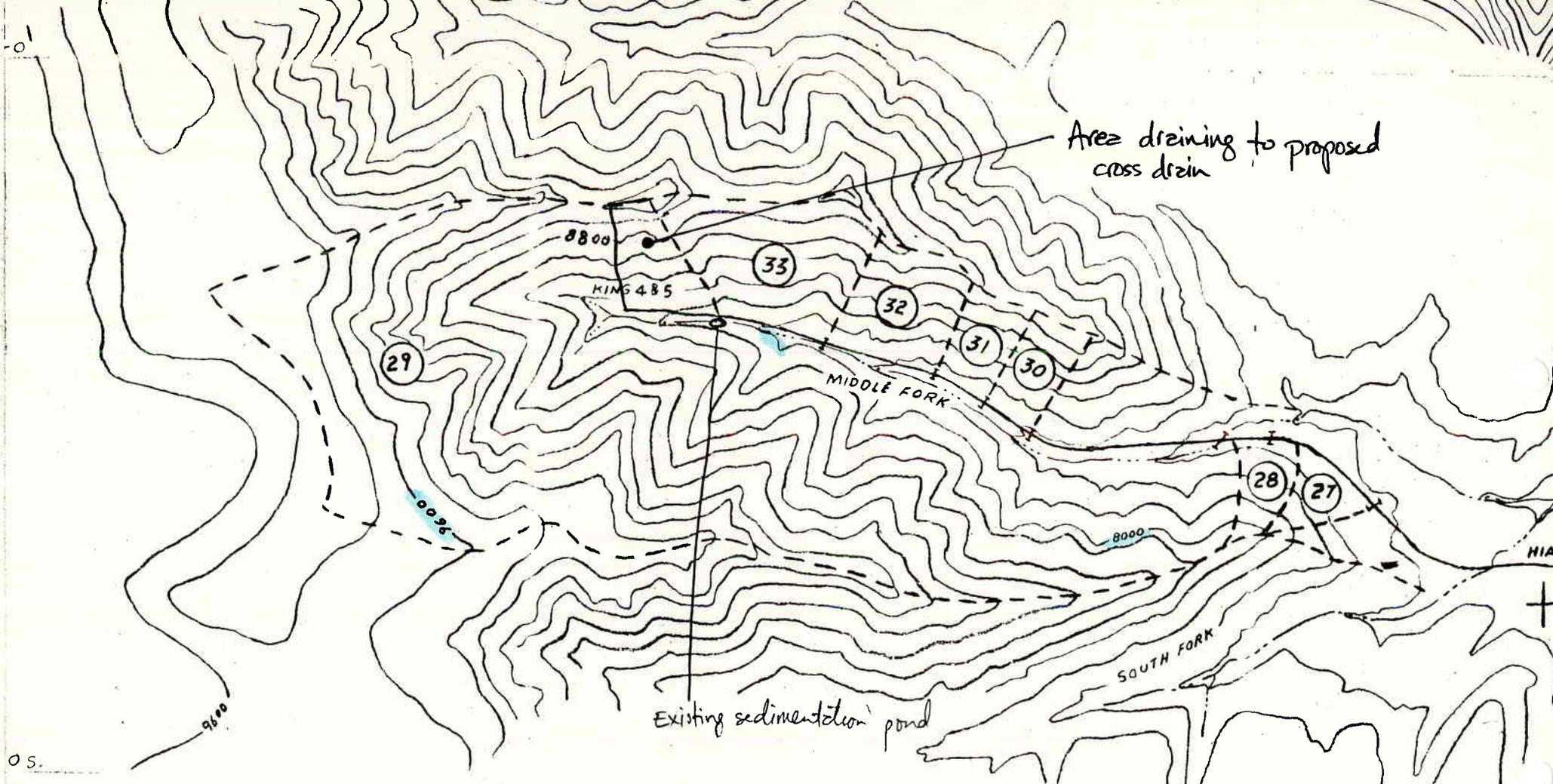
$$l = 1600 \text{ ft (see page 2 of this calc.)}$$

$$s = 3.33$$

$$Y = \frac{(6500 \text{ ft})(160 \text{ ft})}{(34.0 \text{ ac})(43,560 \text{ ft}^2/\text{ac})} = 0.702 \Rightarrow 70.2\%$$

$$L = 0.064 \text{ hr}$$

$$T_p = 1.17L = 0.08 \text{ hr}$$



≈ 92 Acres

assume  
60' contour intervals

MIDDLE FORK WATERSHED AREAS

SCALE 1" = 2,000'  
CONTOUR INTERVAL 160'

(27) WATERSHEDS RELATING TO GIVEN CULVERTS

SEE TABLE XIII-2 FOR RUNOFF CALCULATIONS

9000 W

8000 W

S/e

$P = 2.25$  in (10-yr, 24-hr storm — see Richardson, 1971)

Hydro. family no.  $\rightarrow 4$  (see graph on page 4 of this calc.)

$$Q = \frac{(P - 0.25)^2}{P + 0.85} = 0.51 \text{ in}$$

$T_0 = 12.5$  hr (from figure on page 5 of this calc., with time to start of runoff = 11.5 hr)  $\Rightarrow (0.25/P) = 0.30$

Computed  $(T_0/T_p) = 208$

Used  $(T_0/T_p) = 50$

Revised  $T_p = (50/12.5) = 0.25$

$$\begin{aligned} \text{Dimensionless } g &\rightarrow g_D = \frac{484 AQ}{(T_p)_{\text{rev}}} \\ &= \frac{(484)(0.053)(0.51)}{0.25} = 52.3 \end{aligned}$$

Maximum peak factor = 0.0464 (see page 6 of this calc.)

$$g_p = (52.3)(0.0464) = 2.4 \text{ cfs}$$

### Cross-drain design:

Use a CMP slotted cross drain  $\rightarrow$  CMP culvert with  $1\frac{3}{4}$  inch wide slot on top. Slot installed at road level. Culvert designed using standard techniques for CMP culverts.

From design chart on page 7 of this calc., assuming no excess headwater depth ( $H_w/D = 1.0$ ) and a headwell entrance, the required culvert size to pass the 10-yr, 24-hr storm runoff is 15 inches.

4/8

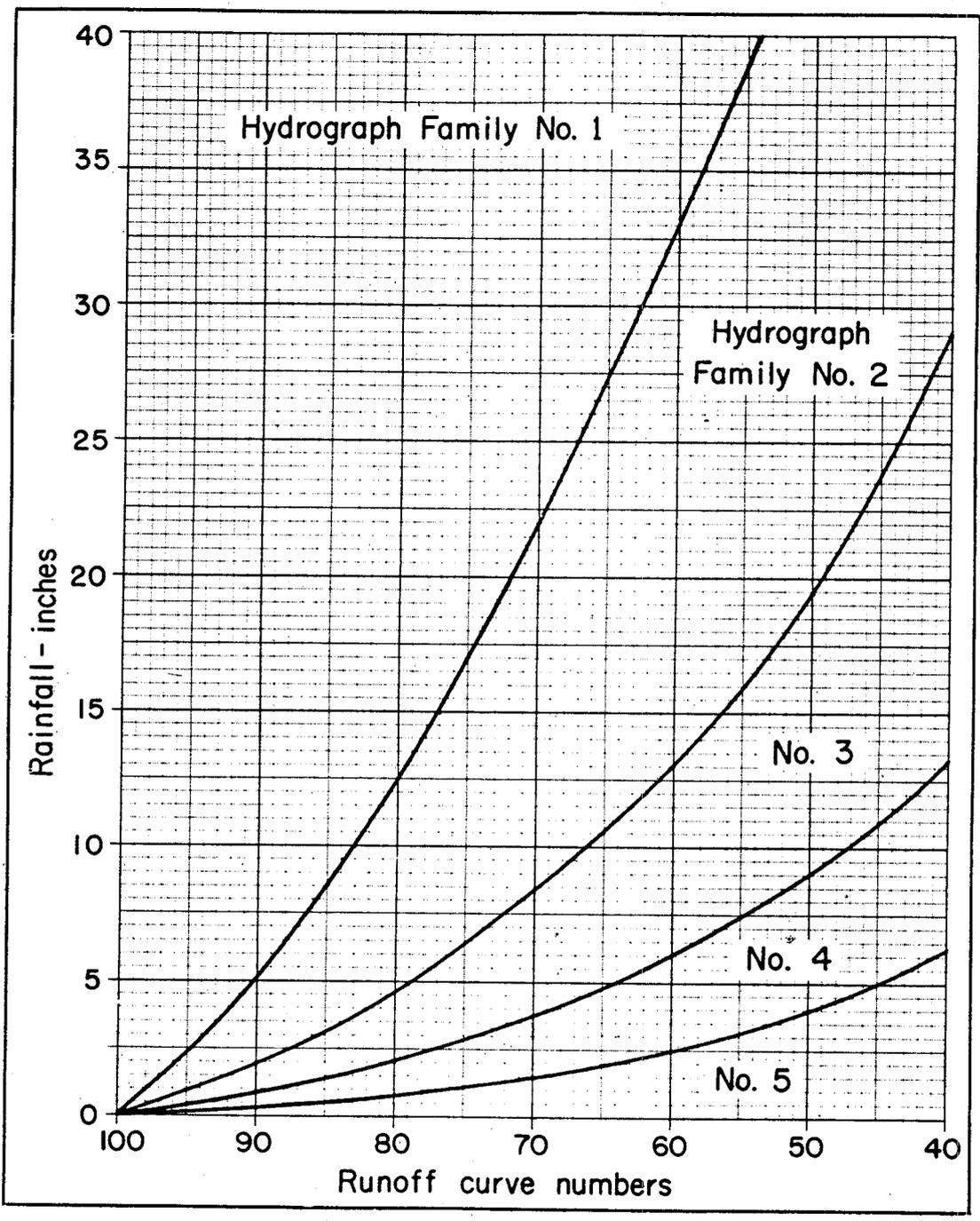


Figure 21-3. Chart for selecting a hydrograph family for a given rainfall and runoff curve number.

NEH Notice 4-102, August 1972

Source: U.S. SCS (1970)  
(NEH-4)

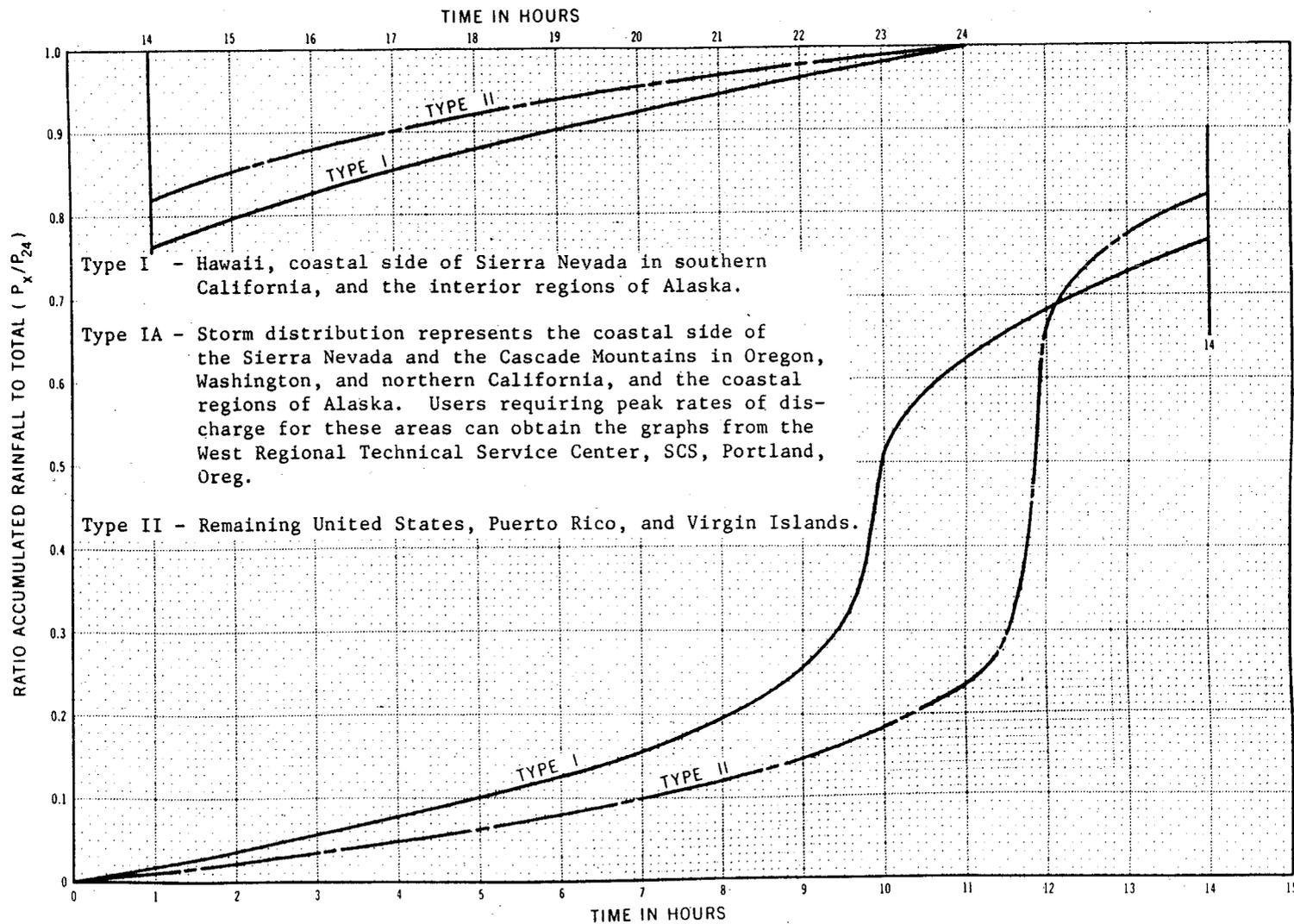


Figure 1.--Twenty-four-hour rainfall distributions (SCS).

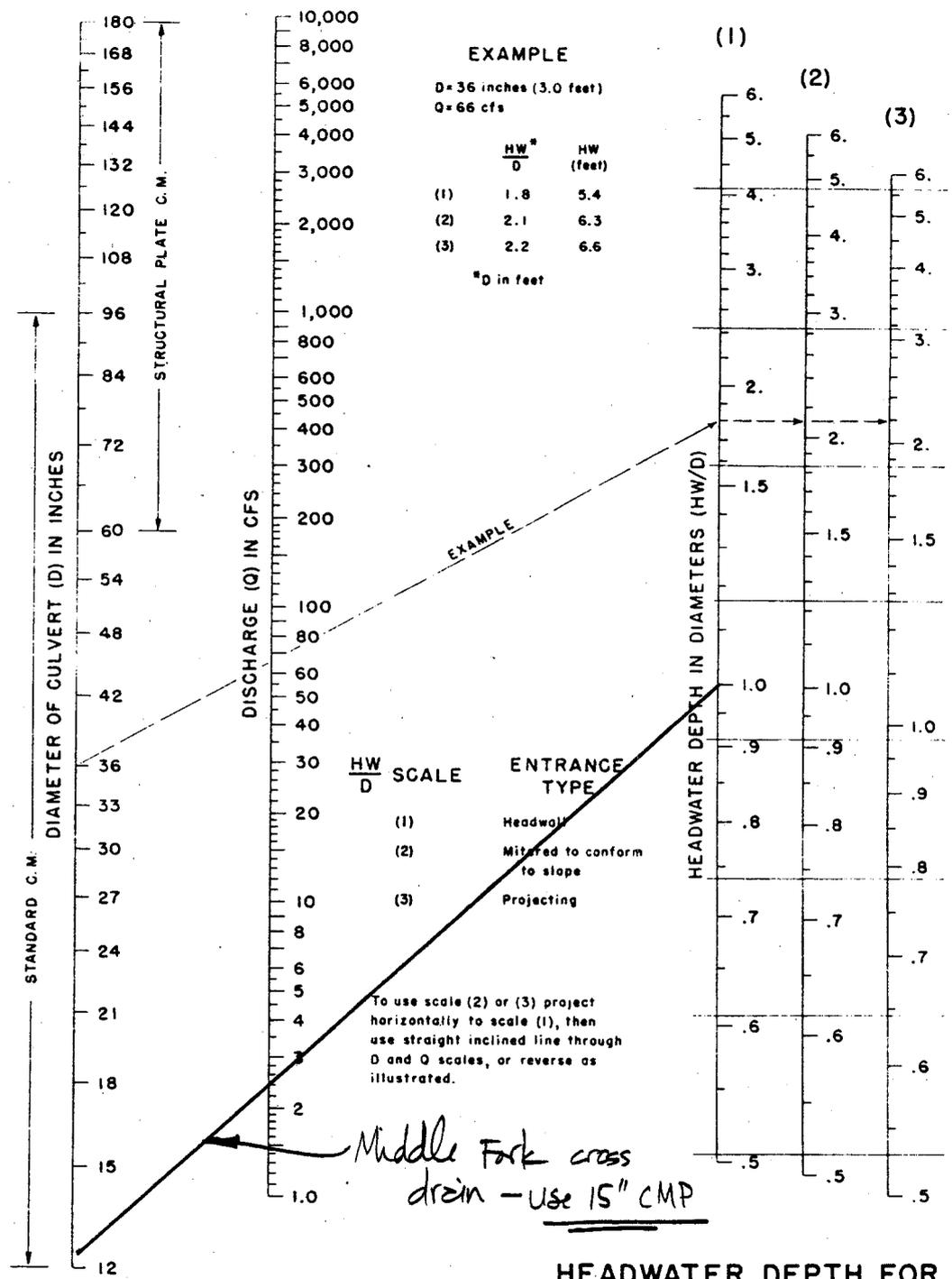
Table 21.17 (Continued)

Hydrograph Family 4				Hydrograph Family 5					
$T_o/T_p = 36$				$T_o/T_p = 50$			$T_o/T_p = 1$		
Line No.	$t/T_p$	$q_c/q_p$	$Q_t/Q$	$t/T_p$	$q_c/q_p$	$Q_t/Q$	$t/T_p$	$q_c/q_p$	$Q_t/Q$
1	0	0	0	0	0	0	0	0	0
2	1.50	.0306	.017	2.00	.0277	.020	.26	.021	.002
3	3.00	.0575	.066	4.00	.0464	.075	.52	.106	.014
4	4.50	.0672	.135	6.00	.0435	.141	.78	.289	.052
5	6.00	.0492	.199	8.00	.0378	.201	1.04	.530	.131
6	7.50	.0433	.251	10.00	.0335	.254	1.30	.740	.254
7	9.00	.0418	.298	12.00	.0307	.301	1.56	.848	.407
8	10.50	.0408	.344	14.00	.0291	.345	1.82	.767	.563
9	12.00	.0400	.388	16.00	.0282	.388	2.08	.590	.693
10	13.50	.0391	.432	18.00	.0274	.429	2.34	.406	.789
11	15.00	.0382	.475	20.00	.0266	.468	2.60	.279	.855
12	16.50	.0371	.517	22.00	.0258	.507	2.86	.193	.901
13	18.00	.0358	.557	24.00	.0250	.544	3.12	.134	.933
14	19.50	.0341	.596	26.00	.0242	.581	3.38	.092	.954
15	21.00	.0319	.632	28.00	.0234	.616	3.64	.065	.969
16	22.50	.0308	.667	30.00	.0230	.650	3.90	.044	.980
17	24.00	.0306	.701	32.00	.0229	.683	4.16	.030	.987
18	25.50	.0306	.735	34.00	.0227	.718	4.42	.021	.992
19	27.00	.0306	.769	36.00	.0226	.751	4.68	.015	.995
20	28.50	.0306	.803	38.00	.0225	.784	4.94	.009	.998
21	30.00	.0306	.837	40.00	.0224	.817	5.20	.005	.999
22	31.50	.0306	.871	42.00	.0222	.850	5.46	.002	1.000
23	33.00	.0306	.905	44.00	.0221	.883	5.72	0	1.000
24	34.50	.0306	.939	46.00	.0219	.915			
25	36.00	.0306	.973	48.00	.0219	.948			
26	37.50	.0085	.994	50.00	.0217	.980			
27	39.00	.0009	1.000	52.00	.0029	.998			
28	40.50	0	1.000	54.00	0	1.000			

Source: U.S. SCS (1972)  
(NEH-4)

7/8

# CHART 5



**HEADWATER DEPTH FOR C. M. PIPE CULVERTS WITH INLET CONTROL**

BUREAU OF PUBLIC ROADS JAN. 1963

Source → U.S. SCS (1972) (NEH-4)

Installation notes:

1. Roadside at culvert inlet to be protected with riprap headwall. Use the riprap sized for installation in the inlet and outlet channels associated with the Middle Fork Road sediment traps.
2. Roadside below the culvert outlet to be protected with riprap.
3. Drain to discharge directly into Middle Fork sedimentation pond.
4. Extend riprap below the culvert outlet a distance of 20 feet toward the sedimentation pond. This will prevent excessive erosion of the roadside and pond bank.
5. Install cross drain at an angle of  $60^\circ$  with the Middle Fork road.
6. Provide a trash rack at the inlet of the culvert. Trash rack to consist of steel bars slopping from a point 12 inches from the culvert invert in the channel bottom to the culvert top. Bars should be placed on 4-inch centers.
7. Install a berm in the roadside ditch immediately downstream from the culvert inlet to force water into the culvert. This berm should be at least one foot wide and extend to the top of the inlet channel. Riprap the berm.
8. Inspect the cross drain at least semiannually for accumulated sediment. If sediment accumulates, it can be washed from the drain with water.

drawing

~~XXXXXXXXXX~~  
FILE ACT/007/011  
FOLDER #3

RECEIVED

AUG 14 1984

DIVISION OF OIL  
GAS & MINING

August 14, 1984

Mr. Ron Daniels  
State of Utah, Division of Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, UT 84114

REFERENCE: NOV#84-4-8-8, Violation 2 of 8

Dear Mr. Daniels:

Numerous discussions have occurred over violation 2 of 8 with respect to this violation's validity. Since its receipt on May 15, 1984 it had been discussed with inspection of technical staff during an on-site visit on June 19 and later in phone conversations on June 13, June 19 and August 10 with Joe Helfrich, Rick Summers and Dave Lof respectively. During each of these discussions U.S. Fuel was given the impression that there was uncertainty as to whether the violation was a valid entity on its own, should be combined with an associated violation of the same series, have the abatement measures modified, or be vacated entirely.

On June 26, 1984 Jim Smith was sent a letter specifically requesting a member of your technical staff to review the violation again and to advise us whether the violation was to remain in effect, be modified or be vacated. No response was ever received.

During our June 19 meeting with Joe Helfrich, Dave Lof, Rick Summers, Tim Jensen, Jean Semborski and Bob Eccli, U.S. Fuel explained their concerns over this violation. Our points will again be presented as to why the abatement measure that currently exists is unfeasible.

1. Presently a riprapped channel exists by which runoff from the disturbed area side of the road enters the sediment pond. As the road is sloped toward the pond, all disturbed area runoff is collected by this side ditch and enters the sediment pond or enters from culverts to the west.
2. The existing sediment pond is sized for receiving the runoff from the determined disturbed area. From our evaluation it cannot handle the additional acreage of the undisturbed area runoff that would be caught and directed to the sediment pond should we install the slotted crossdrain.

3. Currently all disturbed area drainage is being treated by the present sediment pond. The slotted cross would in effect make U.S. Fuel treat undisturbed drainage that they are not responsible for. The inspector's proposal would greatly diminish the effectiveness of the sediment pond and present a threat to environmental values and human safety by overloading the pond.
4. An additional 1.45 acre feet of undisturbed area runoff would be contributed to the sediment pond inflow during the design storm. This would exceed the capacity of the sediment pond by at least 1.45 acre feet or twice its present storage capacity. Due to the tight constraints of the canyon in the location of the sediment pond it is impractical to rebuild the pond to add the storage capacity to receive runoff from the undisturbed hillside. Rather it appears more feasible to evaluate the road drainage condition by another means.
5. We feel our existing system will adequately handle disturbed area drainage. A riprapped channel into the sediment pond was constructed over two months prior to issuance of the violation which adequately received the disturbed area drainage which needed to be treated.

As per phone conversation with Dave Lof on August 10, 1984, this statement of our reasons and facts should suffice to terminate this violation.

Sincerely,

*Robert Eccli*

Robert Eccli  
Sr. Mining Engineer

RE/kt

White  
14 Aug 1984

1/2

SLOTTED CROSS DRAIN CALCS.  
REQUIRED SED. POND INCREASE

WS area = 34.0 ac (see attached figure)

Runoff:

$$CN = 75 \quad (s = 3.33)$$

$$P = 2.25 \text{ in (10-yr, 24-hr storm)}$$

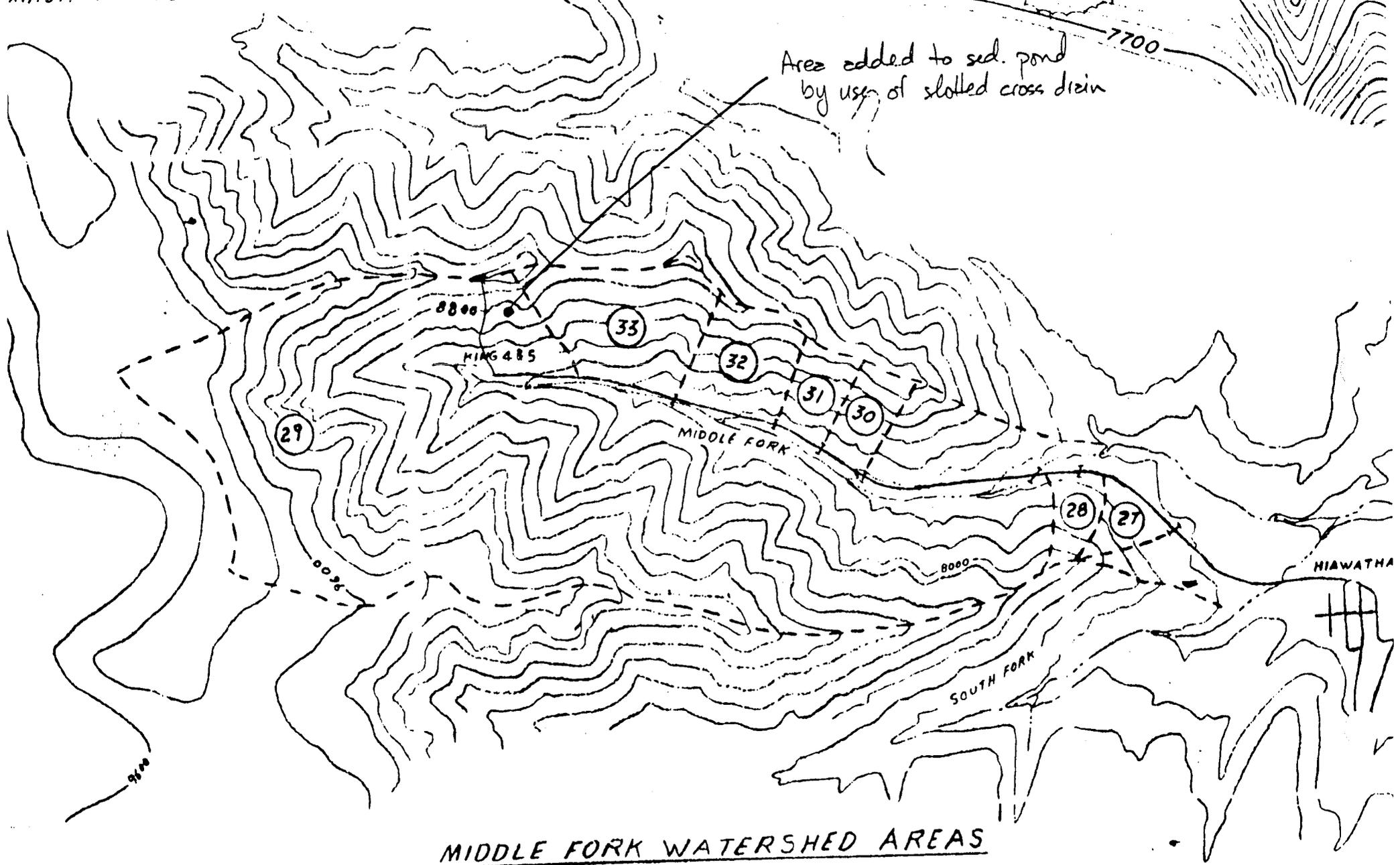
$$Q = \frac{(P - 0.2s)^2}{P + 0.8s}$$

$$= 0.51 \text{ in}$$

Inflow to sed. pond (additional):

$$\frac{(0.51 \text{ in})(34.0 \text{ ac})}{12 \text{ in/ft}} = \underline{\underline{1.45 \text{ AF}}}$$

Plus  $\Rightarrow$  would need to add additional sed. storage.



MIDDLE FORK WATERSHED AREAS

SCALE 1" = 2,000'  
 CONTOUR INTERVAL 100'

Source → Exhibit XIII-2A

②⑦ WATERSHEDS RELATING TO GIVEN CULVERTS  
 SEE TABLE XIII-2 FOR RUNOFF CALCULATIONS

e/e

W  
 C

# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

RECEIVED

June 26, 1984

AUG 14 1984

DIVISION OF OIL  
GAS & MINING

Mr. James W. Smith  
Coordinator of Mined Land Development  
State of Utah, Division of Oil Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

Dear Mr. Smith;

On June 19, 1984 U.S. Fuel met with three members of the Division's staff to review Violation N84-4-8-8. As that time violations in this group of eight were discussed on site. U.S. Fuel wishes to submit plans for the abatement of these violations where required as remedial action.

Please find enclosed, plans for abatement of violations 4 of 8 and 6 of 8. As agreed during the site inspection on June 19, Violations 1 of 8 and 8 of 8 have been assigned to the consulting firm of Ford, Bacon & Davis Inc. who will work with the Division in developing suitable recommendations to address these violations. Members of the Division indicated that additional time might be granted to allow Ford, Bacon & Davis to compile adequate plans relating to 1 of 8 and 8 of 8. We wish to request that this additional time be granted.

Remedial action required by 3 of 8 and 5 of 8 has already been accomplished by U.S. Fuel.

As discussed in the meeting of June 19, Mr. Rick Summers of the Division will review violations 2 of 8 and 7 of 8 and advise us of his findings regarding our obligations.

Sincerely,

*Robert Eccli*

Robert Eccli  
Sr. Mining Engineer

RE:lj



Copy to: JWS  
SCL

cc: DR [unclear] [unclear]  
RW Daniels

Do we need to publish separate notice on this?

# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

RECEIVED

July 9, 1984

JRM  
JUL 16 1984

JUL 12 1984  
DIVISION OF OIL  
GAS & MINING

File ACT/007/011  
Folder 2, 3, 6

Ms. Marjorie L. Larson  
Secretary of the Board  
Board of Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

Dear Ms. Larson:

United States Fuel Company is proposing to construct a unit train loading facility on company property near Hiawatha, Utah.

Plans for this facility have been submitted to DOGM and OSM and are currently under review in connection with our Mining and Reclamation Plan approval.

Part of the plan for the loading facility includes a railroad underpass and relocation of State Highway 122. See Exhibit III-19 enclosed.

This letter is to notify you of our proposal to relocate the highway so that the Board can initiate public participation requirements as required by UMC 761.12 (d). The Utah Department of Transportation has indicated concurrence with our proposal. See letter attached.

Sincerely,

*Robert Eccli*

Robert Eccli,  
Sr. Mining Engineer

RE/ds

Attachment:

Noticed for Sept.  
Board in Price



TRANSPORTATION COMMISSION

R. LAVAUN COX  
CHAIRMAN  
WAYNE S. WINTERS  
VICE CHAIRMAN  
CLEM H. CHURCH  
SAMUEL J. TAYLOR  
CHARLES CLAYBAUGH

ELVA ANDERSON  
SECRETARY



Director  
William D. Hurley, P.E.

Assistant Director  
Gene Sturzenegger, P.E.

District Four Director  
Sterling C. Davis, P.E.

UTAH DEPARTMENT OF TRANSPORTATION

P.O. Box 'R'  
Price, Utah 84501

May 17, 1984

United States Fuel Company  
Attn: Mr. Robert Eccli  
Hiawatha, Utah 84527

Ref: May 15, 1984 - Relocation, Highway 122

Dear Sirs:

This office has reviewed your plan relocation of Highway 122 in the town of Hiawatha. We find no problems with the relocation. Prior to our final concurrence of this construction, we would want to review your final plans and enter into proper agreements for this relocation of Highway 122.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Archie Hamilton".

L. Archie Hamilton  
District Preconstruction Engineer

LAH:jvz

cc: Sterling C. Davis, PE



STATE OF UTAH  
 NATURAL RESOURCES  
 Oil, Gas & Mining

Scott M. Matheson, Governor  
 Temple A. Reynolds, Executive Director  
 Dianne R. Nielson, Ph.D., Division Director

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

August 2, 1984

CERTIFIED RETURN RECEIPT REQUESTED  
 (P492 430 092)

Mr. Robert Eccli  
 Senior Mining Engineer  
 U. S. Fuel Company  
 Hiawatha, Utah 84527

Dear Mr. Eccli:

RE: Division Review of Abatement Plans for Notice of Violation  
N84-4-8-8, #8 of 8, Middle Fork Road Drainage and Erosion  
Control, Hiawatha Complex, ACT/007/011, #3, #7, Carbon County,  
Utah

The submittal received by the Division on July 13, 1984 for the abatement of Notice of Violation (NOV) N84-4-4-8, #8 of 8 has been reviewed by the Division technical staff. The submittal is deficient in a number of areas which are enumerated as follows.

The issue of culvert spacing was not addressed. Based on the spacing requirements of UMC 817.153(c) the following numbers of culverts would be needed:

<u>Section*</u>	<u>Number of Culverts</u> <u>Currently</u>	<u>Number Needed</u>
20+00 to 60+00	2	5
60+00 to 130+00	5	14
<u>130+00 to Mine Yard</u>	<u>0</u>	<u>8</u>
TOTAL	7	27

\*Survey locations as shown on Exhibits XIII-2A, 2B, U. S. Fuel, Apparent Completeness Review Response, July 1983.

Page Two  
Mr. Robert Eccli  
August 2, 1984

Spacing and a proposal for the appropriate number of culverts must be adequately addressed to abate this violation. To obtain approval for culvert spacing greater than the requirements of UMC 817.153(c)(2)(i), the operator must demonstrate, with supporting calculations, that greater spacing will not increase erosion.

Peak flow calculations for each ditch, culvert and outlet spillway proposed were not contained in the submittal. This information must be supplied or a precise reference to such calculations already in the Mining and Reclamation Plan (MRP) must be made. Additionally, each ditch, culvert and outlet spillway must be shown to be adequately sized to pass the appropriate design storm peak flow. This must include cross-sections of each ditch and outlet spillway.

No velocity calculations for ditches or culvert outlets were contained in the submittal. Each proposed ditch and culvert outlet must be accompanied by velocity calculations from the appropriate design storm peak flows in order to assess proposed channel and outlet protection measures.

The submittal did not contain supporting calculations for riprap sizing and placement, for all ditches, culvert outlets and spillway outlets where velocities of greater than five feet per second will occur. This information must be submitted to adequately abate the violation.

The issue of inlet protection measures for all culverts proposed was not addressed in the submittal. This needs to be addressed to protect culvert inlets from clogging and subsequent failure of the structure.

The outlet configurations for each culvert proposed must be clearly defined. Item #6 on page 2 of the U. S. Fuel submittal mentions downspouts for culvert outlets but does not show any drawings, sketches or details of the proposed structures. Will the downspouts be CMP material, flexible cloth type or some other material?

The proposal for loose rock check dams lacks some of the design criteria and installation information needed so that the proposal can be considered complete. The following information must be submitted.

1. A map of appropriate scale showing the exact proposed location of each check dam.

2. A scale drawing of each channel's longitudinal profile.
3. Bank protection measures for each spillway/apron area.
4. Calculations supporting the spacing of check dams.
5. Calculations supporting the apron sizing. (Based on Heede 1976 the LA dimension proposed looks too short.)

The proposal for two sediment traps lacks some of the design criteria and information necessary to evaluate these proposed structures. The following information must be provided to complete the proposal.

1. The exact location of each sediment trap, and the drainage area contributing to it, must be shown on a map of appropriate scale.
2. The runoff volumes expected from the 10-year, 24-hour rainfall event and annual sediment volumes must be included to assess what portion of this the proposed structures can contain and realistically treat.
3. Detention time calculations and other supporting calculations to demonstrate the feasibility and effectiveness of the sediment traps must be included. Will these structures cause effluent levels to meet the requirements of the regulations?
4. Calculations demonstrating that the proposed spillways can pass the 25-year, 24-hour storm event must be included.
5. Velocity calculations for each spillway outlet. If velocities are expected to exceed five feet per second, then outlet protection measures must be included.

The maps, plans and cross-sections included in the submittal must be prepared by, or under the direction of and certified by a qualified registered professional engineer as required in UMC 783.25(1).

In conclusion, the submittal needs a significant amount of additional information to be considered complete. Use of the words "approximately" and "about" are frequent and are not acceptable. In order to have an enforceable approved plan, the proposed plan must

Page Four  
Mr. Robert Eccli  
August 2, 1984

be definite and specific, not "approximate." U. S. Fuel's response to this letter should take the form of a complete package addressing all requirements and incorporating the pertinent information from the first submittal rather than an addendum to the first submittal given the significant deficiencies the plan now contains.

The plans when determined adequate for abatement and final approval will need to be submitted in a format which references the appropriate volume and section of the overall mining and reclamation plan and can be inserted directly as an addendum or revised pages. The replacement pages must also have the revised date indicated. A total of fourteen (14) copies will be necessary to update all pertinent MRP's current on file with the State and Federal agencies. U. S. Fuel is reminded of the requirement of UMC 786.11(d)(2) which holds the operator responsible for maintaining a complete, up-to-date MRP permit application with the local county recorder's office. Should questions arise, please contact John Whitehead, David Lof or myself at your earliest convenience.

Sincerely,

*for D. Wayne Hedberg*  
D. Wayne Hedberg  
Permit Supervisor/  
Reclamation Hydrologist

DWH/JW:btb  
cc: Allen Klein, OSM, Denver  
Robert Hagen, OSM, Albuquerque  
Jim Smith, DOGM  
Joe Helfrich, DOGM  
Dave Lof, DOGM  
John Whitehead, DOGM  
92940-5-8

File

ACT/007/011

FOLDER #3

~~To Wayne~~

~~cc: Sub~~

~~Dave L.~~

# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

JIM

JUL 13 1984

July 10, 1984

RECEIVED

JUL 13 1984

DIVISION OF OIL  
GAS & MINING

James W. Smith, Jr. Coordinator of Mined  
Land Development  
State of Utah Natural Resources  
Division of Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

RE: Modification of Sed. Pond  
Inspection Schedule

Dear Mr. Smith:

On December 15, 1983 United States Fuel Company requested that the Division approve a modification to our sediment pond inspection schedule. The letter so dated outlines the history of our request as well as states our reasons for requesting the modification.

We intend to implement the quarterly inspection program for the sediment ponds on the first friday in August. Written reports on the inspections will be filed quarterly. If any hazardous conditions are noted between the recorded quarterly inspections, a written report will be filed and the problem will be corrected.

Sincerely,



Jean Semborski  
Engineer





United States Department of the Interior  
OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
BROOKS TOWERS  
1020 15TH STREET  
DENVER, COLORADO 80202

MAY 0 1 1984

Rec'd.  
5-3-84

To Sue  
File  
ACT/007/011  
Folder 2,3  
cc: Wayne

Mr. Errol Gardiner  
Vice President  
U.S. Fuel Company  
Hiawatha, Utah 84527

JIM

MAY 14 1984

Dear Mr. Gardiner:

This letter is in response to your April 6, 1984 submittal of materials pursuant to the U.S. Fuel Company's proposed unit train loadout. In order to review and assess the proposed facility in terms of its compliance with the applicable regulations, additional information is required. Our major concerns include the following:

1. removal of the existing coal waste material and preparation of the site for construction,
2. demonstration of right-of-way,
3. the need to obtain approvals from state and county authorities for the proposed highway underpass,
4. requirements for approval from the Utah Bureau of Air Quality for the unit train facility, and
5. reclamation of the facility.

The enclosed document defines the information requirements needed to perform the technical analysis of this proposal. Although this is a previously disturbed area, the original 1981 permit application and supplemental volumes do not specifically address the proposed unit train loadout facility. The information provided to date is incomplete and to include this proposal in the current review of the permit application would cause significant time delays and place the permitting of the existing mine operation in jeopardy. Therefore, the Office of Surface Mining (OSM) has determined that the unit train loadout facility should be treated as a revision to the permit, when issued, as defined under UMC 788.12.

OSM encourages the U.S. Fuel Company to begin obtaining the necessary clearances and approvals from state and local authorities in order to avoid further delays in your development plans. Upon submittal of the required information, the regulatory authority will take action on the permit revision.

If you have any questions regarding this decision, please contact Steve Manger or Sarah Bransom at (303) 837-3806.

Sincerely,

A handwritten signature in cursive script that reads "Allen D. Klein". The signature is written in black ink and is positioned above the typed name.

Allen D. Klein  
Administrator  
Western Technical Center

Enclosure

cc: Dr. Dianne Nielson, UDOGM ✓  
Mr. Montie Keller, Bureau of Air Quality  
Mr. Jack Elder, FBD

DETERMINATION OF ADEQUACY  
U.S. FUEL COMPANY  
HIAWATHA MINES COMPLEX  
PROPOSED UNIT TRAIN LOADOUT

UMC 782.15(a) Right of Entry and Operation Information

The applicant has not provided documentation that supports the right to construct and operate the unit train loadout within the Utah Railroad property.

UMC 782.19 Identification of Other Licenses and Permits

The applicant has not identified the licenses and permits required under applicable State and Federal laws and regulations to construct and operate the unit train facility.

UMC 783.12 General Environmental Resources Information

The application does not identify the timing of construction (commencement, completion and operation) as required under UMC 783.12(a).

UMC 783.16(a) Surface Water Information

The applicant must provide as-built drawings, location (UMC 783.25 (i)), and description (UMC 784.11(6)) of the ditches and catch basin currently used to contain runoff from the disturbed area proposed for construction of the unit train loadout. The applicant must demonstrate that the current sedimentation control system will accommodate the unit train loadout facility.

UMC 783.24(b) Maps: General Requirements

The applicant must designate the area proposed for the unit train loadout facility as a disturbed area within the permit area boundary. All applicable exhibits must be revised to indicate a revision of the disturbed area boundary.

UMC 783.25 (i) and (k)(3) Cross-Sections, Maps and Plans

Based upon the April 12, 1984 field tour, it is apparent that an undefined amount of coal waste is presently occupying the proposed site for the coal stockpiles, transfer tower, and conveyor. The applicant must provide plans for preparing the existing surface material (removal on or off site, grading, etc.) as needed to construct the proposed facility (UMC 784.11(4)) (UMC 784.13(4)). Pre- and post-construction contour maps must be provided.

UMC 784.11 Operation Plan: General Requirements

The applicant must provide a narrative describing the construction and operation of the loadout facility. Included in this narrative must be a description of each component (including all access routes) of the loadout system (dimensions, capacity, material construction, etc.).

UMC 784.12 (a) and (b) Operation Plan: Existing Structures

The disturbed area coal refuse pile is considered as an existing structure under this UMC requirement. In constructing the unit train loadout, the applicant is modifying or reconstructing this area; therefore, the applicant must provide a compliance plan in accordance with UMC 784.12 (a) and (b). The applicant must provide a description of the refuse pile (dimensions, current condition, type of material present, estimated volume of refuse, etc.). The applicant must also provide a compliance plan in accordance with UMC 784.12 (b) (1) through (4) and UMC 817.81 through 817.83, and UMC 817.180 and 817.181. The compliance plan must include: a) a demonstration showing that the surface runoff does not degrade surface or ground water in accordance with UMC 817.42 and 817.83 (d); b) foundation designs supported by a geotechnical analysis which demonstrates that the refuse pile will safely support the structures which are proposed to be constructed on the site (UMC 784.12 (b)(1), and c) slope protection measures to minimize surface erosion (UMC 817.83 (c)).

UMC 784.13 (1)(2)(3) Reclamation Plan: General Requirements

The applicant must specifically include the reclamation of the proposed facility in the existing permit application reclamation plan. A timetable for removal of the facility, detailed estimate of the cost to remove and reclaim the facility area and a plan for backfilling, soil stabilization, grading, etc. must be provided. A revised bond estimate must be provided that includes the dismantling and removal of the structures, in accordance with UMC 800.5.

(4) and (5) The reclamation plan must include the reclamation of the corridor (not within the Utah Railroad right-of-way) that is currently used and is proposed to be used by the applicant in conjunction with the unit train loadout facility.

UMC 784.14 (a) and (b) Reclamation Plan: Protection of Hydrologic Balance

The applicant must provide a reclamation plan for the drainage ways, catch basin, and ditches to be used as sedimentation control structures in connection with the proposed facility in accordance with this regulation and UMC 784.16(b) and 817.49.

UMC 784.15 Reclamation Plan: Postmining Land Use

The applicant has not provided a postmining land use plan for the unit train facility area. The applicant must include the comments of the owner of the affected property concerning the postmining land use plan.

UMC 784.23 (c) Operation Plan: Maps and Plans

The designs submitted of the unit train facility must be certified by a qualified professional engineer.

UMC 784.26 Air Pollution Control Plan

According to Mr. Montie Keller, Bureau of Air Quality, the applicant has not filed a "Notice of Intent" to construct the unit train loadout facility in accordance with Section 3.1 of the Utah Air Conservation regulations. Mr. Keller confirmed that approval of the Bureau is required to construct and operate the facility. Approval takes a minimum of 60 days. The requirements of UMC 784.26 and UMC 817.95 (fugitive dust control plan) must be submitted by the applicant.

UMC 784.18 Relocation or Use of Public Roads

The applicant proposes to relocate a portion of state highway 122 and county road 338 to accommodate a proposed overpass for the rail line. The applicant has confirmed (4/25) that the overpass is needed for the loadout system to avoid train blockage of the access to the town when coal is being loaded. The applicant must meet the requirements of 761.12(d) which includes obtaining the necessary approvals of the authority with jurisdiction over the public road(s).

# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

June 1, 1984

RECEIVED

JUN 4 1984

DIVISION OF OIL  
GAS & MINING

Sarah Bransom  
Office of Surface Mining  
Reclamation and Enforcement  
Brooks Tower  
1020 15th Street  
Denver, Colorado 80202

Dear Ms. Bransom;

This submittal is in response to OSM's letter of May 1, 1984 requesting additional information on U.S. Fuel Company's proposed unit train loadout.

Seven copies of the following information is provided as outlined in the request.

1. UMC 782.15 (a) Right of Entry and Operation Information

A letter from the Utah Railway Company supporting the right of U.S. Fuel to construct and operate the unit train loadout within the Utah Railway property is included with this submittal.

2. UMC 782.19 Identification of Other Licenses and Permits

U.S. Fuel Company is not aware of any special licenses or permits required to construct and operate the unit train facility.

The following organizations have been notified of our intent and approval letters requested:

Utah Bureau of Air Quality  
Utah Highway Department  
Utah Railway Company  
Carbon County

3. UMC 783.12 General Environmental Resources Information

The timing of construction is given in the Operation Plan narrative in Item 7 (UMC 784.11).



grading etc, is given on Page 59 and 60 of the January 1, 1984 submittal. Also see Exhibits III-14, 14A, 14.1 and 14.2.

Bond estimates have not been provided by us, but rather, have been estimated by the Division of Oil, Gas and Mining. A revised bond estimate can be determined by them based on our revised table III-13.

There is no corridor (not within the Utah Railway right-of-way) currently being used in conjunction with the loadout that is not considered for reclamation under our reclamation plan.

10. UMC 784.14 (a) and (b) Reclamation Plan: Protection of Hydrologic Balance

A reclamation plan for drainage ways, catch basin, and ditches to be used as sedimentation control structures in connection with the proposed loadout is given in our reclamation plan for the Hiawatha plant site and loadout area. See Page 60 of the April 13, 1984 submittal.

11. UMC 784.15 Reclamation Plan: Postmining Land Use

The postmining land use plan for the unit train loadout facility area will be the same as the rest of the permit area, namely, wildlife habitat and livestock grazing. That portion of the facility within the Utah Railway right-of-way will be dismantled and removed upon abandonment of the facility. The land area will be returned to its original use as railroad corridor. The railroad underpass will not be reclaimed since it will become a permanent part of State Highway 122 which serves the town of Hiawatha.

12. UMC 784.23 (c) Operation Plan: Maps and Plans

Exhibits III-19 20 and 21 submitted for the unit train facility have been revised to show certification by a qualified professional engineer.

13. UMC 784.26 Air Pollution Control Plan

A "Notice of Intent" to construct the loadout facility in accordance with Section 3.1 of the Utah Air Conservation Regulations was submitted to the Utah Division of Environmental Health on May 10, 1984. See copy included with this submittal.

14. UMC 784.18 Relocation or Use of Public Roads

Letters have been sent to Carbon County and the Utah Highway Department notifying them of our intent to relocate a portion of Highway 122 and construct an overpass. Notification letters

4. UMC 783.16 (a) Surface Water Information

Exhibit III-20A included with this submittal gives as-built drawings and locations of ditches and catch basins currently used to divert and contain runoff from the area proposed for construction. This exhibit is included to demonstrate that the current sedimentation control system will accommodate the load-out facility.

5. UMC 783.24 (b) Maps: General Requirements

The area proposed for the unit train loadout facility is located in a previously disturbed area within the permit area boundary. No exhibits need to be changed since the disturbed area boundary already shown on applicable exhibits is not changed.

6. UMC 783.25 (i) and (k) (3) Cross Sections, Maps and Plan

Exhibit III-20A gives pre- and post-construction contour maps of the loadout construction site. No coal refuse material will be removed from the site. Existing material will be regraded to facilitate the loadout and runoff containment.

7. UMC 784.11 Operation Plan: General Requirements

A narrative describing the construction and operation of the loadout facility is included with this submittal.

8. UMC 784.12 (a) and (b) Operation Plan: Existing Structures

A compliance plan in accordance with UMC 784.12 (a) and (b) and all the items of Subchapter K is included with this submittal (Appendix III-7).

A description of the refuse pile is given in Chapter XII of the Permit Application under Geotechnical Information. Exhibit III-20A shows the present configuration of the pile.

Reports on geotechnical testing and recommendations on foundation designs for the loadout facility are included with this submittal.

9. UMC 784.12 (1) (2) (3) Reclamation Plan: General Requirements

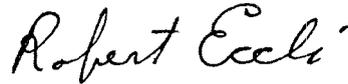
Reclamation of the proposed loadout facility is included in the current permit application reclamation plan. A timetable for removal of the facility is given on Page 51 of the November 7, 1983 DOA response. An estimate of the cost to remove and reclaim the facility is included in the reclamation cost estimate for the Hiawatha processing plant and loadout facility (Table III-13 revised May, 1984). A plan for backfilling, soil stabilization,

Sarah Bransom  
June 1, 1984

Page 4

and an approval letter from the Utah Department of Transportation are included with this submittal.

Sincerely,



Robert Eccli  
Sr. Mining Engineer

RE:lj

Enclosure

cc: Jim Smith  
Division of Oil Gas and Mining

To Wayne

# UNITED STATES FUEL COMPANY

JIM

JAN 30 1984

HIAWATHA, UTAH 84527

January 27, 1984

Mr. James W. Smith, Jr.  
Coordinator of Mined Land Development  
State of Utah, Division of Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

RECEIVED  
JAN 30 1984

DIVISION OF  
OIL, GAS & MINING

Dear Mr. Smith:

United States Fuel Company has received your letter of conditional approval for the Middle Fork Breakout, dated January 25, 1984. All efforts will be made to minimize disturbance and

a  
*File Original*  
*ACT/007/011*  
*#3 + #4*  
*Copy to Wayne*  
*TX.*

and efforts to respond rapidly.

Sincerely,

*Jean Semborski*

Jean Semborski  
Engineer

pc: E. Gardiner



To Wayne

# UNITED STATES FUEL COMPANY

**JIM**  
JAN 30 1984

HIAWATHA, UTAH 84527

January 27, 1984

Mr. James W. Smith, Jr.  
Coordinator of Mined Land Development  
State of Utah, Division of Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

**RECEIVED**  
JAN 30 1984

**DIVISION OF  
OIL, GAS & MINING**

Dear Mr. Smith:

United States Fuel Company has received your letter of conditional approval for the Middle Fork Breakout, dated January 25, 1984. All efforts will be made to minimize disturbance and abide by your four stipulations.

We appreciate your cooperation and efforts to respond rapidly.

Sincerely,

*Jean Semborski*

Jean Semborski  
Engineer

pc: E. Gardiner





STATE OF UTAH  
NATURAL RESOURCES & ENERGY  
Wildlife Resources

1596 West North Temple • Salt Lake City, UT 84116 • 801-533-9333

*To Sue*

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Douglas F. Day, Division Director

January 20, 1984

**JIM**

**FEB 02 1984**

**RECEIVED**  
FEB 9 1984

Dr. Diane Nielson, Director  
Division of Oil, Gas and Mining  
4 241 State Office Building  
Salt Lake City, Utah 84114

**DIVISION OF  
OIL, GAS & MINING**

Attention: James Smith

RE: U.S. Fuel Company's Response to DOR for MRP at the Hiawatha Complex

Dear Diane:

The Division has evaluated U.S. Fuel Company's response to the joint DOGM/OSM Determination of Completeness review for the Mining and Reclamation Plan at the Hiawatha complex. Enclosed are the Division's specific comments and recommendations.

Thank you for an opportunity to review the MRP and provide comment.

Sincerely,

*Douglas F. Day*  
Douglas F. Day  
Director

DFD:db

Enclosure



STATE OF UTAH  
NATURAL RESOURCES & ENERGY  
Wildlife Resources

1596 West North Temple • Salt Lake City, UT 84116 • 801-533-9333

January 20, 1984

Dr. Diane Nielson, Director  
Division of Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

Attention: James Smith

RE: U.S. Fuel Company's Response to DOR for MRP at the Hiawatha Complex

Dear Diane:

The Division has evaluated U.S. Fuel Company's response to the joint DOGM/OSM Determination of Completeness review for the Mining and Reclamation Plan at the Hiawatha complex. Enclosed are the Division's specific comments and recommendations.

Thank you for an opportunity to review the MRP and provide comment.

Sincerely,

*Douglas F. Day*  
Douglas F. Day  
Director

DFD:db

Enclosure

*J. Smith*  
*To Sue*

*ACT 007/011*

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Douglas F. Day, Division Director

**JIM**

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FEB 2 1984

**DIVISION OF  
OIL, GAS & MINING**

Dr. Diane Nielson  
January 20, 1984  
Page 2

UTAH DIVISION OF WILDLIFE RESOURCES' COMMENTS  
RELATIVE TO U.S. FUEL COMPANY'S RESPONSE  
TO THE DETERMINATION OF COMPLETENESS REVIEW  
FOR THE MINING AND RECLAMATION PLAN (MRP)  
AT THE HIAWATHA COMPLEX

Volume I

Page 48, UMC 784.13(b)(5) Revegetation, paragraph 1

The MRP indicates that only large flat areas will be drill seeded and that all other areas will receive seed through hand broadcasting. The MRP must be specific in describing when or how a decision will be made to use a drill. In other words, what is a "large area". Hand broadcasting for all non-level areas is not acceptable. The site must be prepared and the seed covered or in some other way a suitable growth medium established. It is recommended that all steep-sloped sites (greater than 15% slope from horizontal) be seeded with a hydromulch, and all flat sites (less than 15% slope from horizontal) be drill seeded. These sites may require additional preparation and/or fertilizers.

Possibly, the applicant's study plots (page 84) will determine the most appropriate reclamation technique.

Page 61, UMC 784.21, Fish and Wildlife Plan, last paragraph on page

The last sentence of the last paragraph states ". . . wildlife mitigation that will be considered." The MRP must be specific in relation to mitigation. However, it is important to note that the Division has met on site with the applicant and discussed specific vegetation treatments that would enhance the permit area for wildlife and represent mitigation for high valued ranges now occupied by project facilities.

Page 62, last paragraph

Concern for potential losses at Seep and Springs include not only the water but the potential loss of the riparian-wetland vegetation associated with the spring. The MRP must address loss of water as well as the associated critical valued vegetation type (wetland-riparian). Replacement, if needed, of any water source in such a fashion that it will flow onto the ground would provide for wildlife water needs, as well as replace riparian-wetland vegetation.

Page 75, Table IX-1

It is recommended that rabbitbrush not be utilized in the seed mix. It is a strong invader species of disturbed sites with minimal forage benefits to wildlife. It will likely be present without man's help. It would best be replaced by increasing the sage (A.T. tridentata), winterfat (C. lanata), or saltbush (A. conescens) seed rates such that a total shrub density of 1700 plants per acre is achieved. Possibly, selection of another species to replace the rabbitbrush would suffice.



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

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

January 25, 1984

(P 492 430 032)  
CERTIFIED RETURN RECEIPT REQUESTED

Mr. Errol Gardiner  
Vice-President  
U. S. Fuel Company  
Hiawatha, Utah 84527

ATTENTION: Ms. Jean Semborski

RE: Conditional Approval  
Middle Fork Breakout  
Emergency Ventilation  
Hiawatha Mine Complex  
ACT/007/011  
Folder Nos. 3 and 4  
Carbon County, Utah

Dear Mr. Gardiner:

The Division has completed the review of U. S. Fuel Company's recent request for approval for an emergency ventilation breakout at the Middle Fork mine yard. Notice was received via letter from Ms. Jean Semborski on December 15, 1983.

The Office of Surface Mining (OSM) was contacted prior to initiation of the Division's review to solicit their comments and proper procedure for approval. Comments were received from the OSM on January 20, 1984 and are included in this response.

The Division is cognizant of the present emergency status of this request and to the extenuating safety and economic circumstances which have become a critical concern to U. S. Fuel Company in sustaining current production and operational status.

Mr. Errol Gardiner  
ACT/007/011  
January 25, 1984  
Page 2

Division approval is hereby issued to U. S. Fuel Company to proceed with the breakout provided the following stipulations are adhered to:

1. The spatial constraints of the breakout will be limited to the ten (10) foot by twenty (20) foot areal extent proposed in U. S. Fuel Company's letter of December 13, 1983.
2. All surficial debris covering the coal outcrop will be taken into the mine and not be cast downslope.
3. No face up, pad development or associated construction work will be performed prior to the final review and approval of the entire modification and/or mining and reclamation permit application.
4. Every attempt should be made by the operator, to the extent physically possible, to salvage and stockpile any topsoil (or suitable plant growth medium) that is available from the ventilation breakout activity.

The current interim surety of \$1,450,000 on file with the Division will be adequate to cover the emergency breakout. Final adjustment of the bond to cover the entire breakout will occur as part of the ongoing MRP permit application review.

These stipulations must be accepted in writing by U. S. Fuel Company and received by the Division prior to the actual breakout occurring at the minesite.

In addition, the following preliminary deficiencies have been identified as outstanding concerns which must be addressed by the operator prior to final approval of the breakout/conveyor proposal as a whole. These review comments are not all inclusive at this point of time, as more will probably be forwarded to the operator when the OSM review of the latest Determination of Completeness response document is finalized.

UMC 784.13(b)(2)(8) Operation Plan: General Requirements

(b)(2)(8) The current bond must be adjusted to cover the additional proposed disturbance (0.47 acres) and the sealing costs for the portal. What type of seal will be used? Is a hydrostatic head anticipated that would influence the type of seal used? The cost estimate should reflect the specific designs necessary to adequately secure the portal(s).

UMC 817.21-.22 Topsoil: General Requirements, Removal

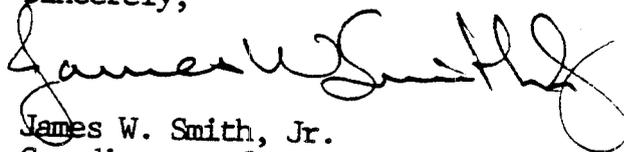
The operator's proposal for topsoil removal and storage are not in compliance with UMC 817.21 and 817.22. The operator must address the following requirements:

Mr. Errol Gardiner  
ACT/007/011  
January 25, 1984  
Page 3

1. The operator has indicated on page 2 of its August 30, 1983 letter to the Division that surficial soil veneer will be removed to a depth of 1.5 feet and stockpiled at a specified site (Exhibit VIII-4, August 27, 1983). Depth of removal will fluctuate depending on configuration of underlying bedrock.
  - (a) The location(s) of soil sampling sites must be identified on a map.
  - (b) Soil sampling procedures must be described.
  - (c) Suitability criteria used to assess the proposed topsoil material must be provided.
2. All suitable topsoil material must be removed and stockpiled for the following reasons: (1) soil thickness fluctuates with depth to bedrock (generally < three feet) and a topsoil removal depth of 1.5 feet over the entire disturbance area may not be possible; and (2) the high percentage of coarse material (> two mm) in the soil (laboratory analyses) requires a maximum thickness of redistribution to enhance moisture and nutrient retention important to the success of revegetation.
3. An estimate of the volume of suitable topsoil material based on the correct acreage figure for the disturbance area and a calculated mean depth of topsoil removal must be provided.

Should questions arise, please contact me or D. Wayne Hedberg at your earliest convenience.

Sincerely,



James W. Smith, Jr.  
Coordinator of Mined  
Land Development

JWS/DWH:btb

cc: Allen Klein, OSM  
Sarah Bransom, OSM  
J. Smith, DOGM  
T. Portle, DOGM  
P. Grubaugh-Littig, DOGM  
D. Lof, DOGM

**DRAFT**

**ES ENGINEERING-SCIENCE**

10 LAKESIDE LANE • DENVER, COLORADO 80212 • 303/455-4427

January 4, 1984

Ms. Sarah Bransom  
U.S. Office of Surface Mining  
1020 15th Street  
Denver, Colorado 80202

Subject: Emergency breakout, U.S. Fuels Hiawatha  
Middle Fork Mine Yard ventilation portal

Dear Sarah:

Engineering-Science, Inc. (ES) has completed a review of the emergency breakout requested by U.S. Fuels in an August 30, 1983 letter to Mr. Jim Smith of the Utah Division of Oil, Gas and Mining (UDOGM). In our review we have considered UDOGM's comments to U.S. Fuels conveyed in a September 20, 1983 letter to Ms. Jean Semborski, with U.S. Fuels. In addition, ES has reviewed the recent material (November 7, 1983) pertinent to the breakout in the "Response to the Determination of Adequacy".

The following comments are concerned with bonding and topsoil operations. All other issues raised in UDOGM's letter of September 20, 1983, have been adequately responded to and the other aspects of the ventilation portal breakout are considered in compliance.

1. With respect to the second question conveyed to U.S. Fuels by UDOGM in their September 20, 1983 letter, the design information for the new conveyer system is not available. U.S. Fuels states they will furnish the design information after the conveyer is completed. This is unacceptable, and the review of the U.S. Fuels response to the October 19 1983 Determination of Adequacy states under UMC 784.21, "Unless the applicant provides the required plans for (the conveyer), no permitting action will be taken to approve the conveyer systems." This issue stands unresolved at this time.
2. With respect to the fourth question in the UDOGM September 20, 1983 letter, additional bond is necessary to cover the increased disturbed acreage of 0.47 acres.

ACM/007/011  
#3

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**DIVISION OF  
OIL, GAS & MINING**

**DRAFT**

Ms. Sarah Bransom  
January 4, 1984  
Page 2

3. To be in compliance with UMC 817.21 and UMC 817.22, the applicant must address the following requirements.

The applicant has indicated on page 2 of the 30 August 1983 letter to James W. Smith, Jr. of UDOGM that surficial soil veneer will be removed to a depth of 1.5 ft. and stockpiled at a specified site (Exhibit VIII-4, 27 August 1983). Depth of removal will fluctuate depending on configuration of underlying bedrock.

- . The location(s) of soil sampling sites must be identified on a map.
- . Soil sampling procedures must be described.
- . Suitability criteria used to assess the proposed topsoil material must be provided.
- . All suitable topsoil material must be removed and stockpiled for the following reasons: 1) soil thickness fluctuates with depth to bedrock (generally < 3 ft.) and a topsoil removal depth of 1.5 ft. over the entire disturbance area may not be possible; and 2) the high percentage of coarse material (> 2 mm) in the soil (laboratory analyses) requires a maximum thickness of redistribution to enhance moisture and nutrient retention important to the success of revegetation.
- . An estimate of the volume of suitable topsoil material based on the correct acreage figure for the disturbance area and a calculated mean depth of topsoil removal must be provided.

Please let me know if you have any questions concerning these issues.

Sincerely,



Mike Bishop  
Assistant Project Manager