



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

INA/007/012  
Norman H. Bangerter, Governor  
Dee C. Hansen, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

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

May 9, 1988

CERTIFIED RETURN RECEIPT REQUESTED  
(#P 001 719 367)

Mr. Robert Hagen, Director  
Albuquerque Field Office  
Office of Surface Mining  
Reclamation & Enforcement  
Suite 310, Silver Square  
625 Silver Avenue, S. W.  
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

Re: TDN #X-88-02-107-3-TV-5, Kaiser Coal Incorporated, Wellington  
Preparation Plant, INA/007/012, Folder #5, Carbon County, Utah

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

1. Number 1 of 5 was issued for "Failure to protect side slopes of impoundments against erosion; west bank of the auxillary pond."

Response - The operator repaired the west auxillary pond embankment erosion before the TDN deadline. A Division inspector field checked and verified completion of the repair. However, past Division inspections have monitored the west auxillary pond embankment and determined the area to be stable. The embankment has remained stable because of its gentle slope and because the mine site receives less than 8 inches of precipitation a year. The Division does not consider this embankment erosion a violation, but a preventive maintenance issue unless the area is determined to be unstable.

2. Number 2 of 5 was issued for "Failure to divert surface drainage from the area above the coal processing waste pile, failure to divert surface runoff from the crest and face of the coal processing waste piles; the coarse coal processing waste refuse pile east side of lower coal slurry pile."

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Response - The coarse refuse pile is a pre-law structure. This refuse pile has been inspected by the Division, and has remained stable since its beginning in the 1950's. A records review has determined the following:

- \* The refuse pile is inspected and monitored quarterly by a professional engineer for stability, erosion, and fire problems (no problems noted).
- \* The topography of the preparation plant is flat with no underground water carrying structures.
- \* The refuse pile has been analyzed and determined to be non-toxic.
- \* The ground water monitoring program does not indicate a contamination problem (two monitoring wells downgradient and adjacent to the refuse pile).
- \* All upstream drainage that drains onto the site does not leave the site.
- \* Refuse material is porous in nature and does not produce surface runoff.

Since the coarse refuse pile is stable with no erosion, toxic, water quality or fire problem, the Division contends that the pile should not be disturbed, and feels that the TDN was incorrectly issued. Number 3 of 5 should be withdrawn.

3. Number 3 of 5 was issued for "Failure to provide for an appropriate combination of principal and emergency spillways at the slurry line sediment pond."

Response - The Division approved the pond as a structure designed not to discharge and be a full containment system for any water discharged into the pond in accordance with UMC 817.46. No NOV will be issued, and Number 3 of 5 should be withdrawn.

4. Number 4 of 5 was issued for "Failure to use sediment control practices to reduce runoff volume and trap sediment; the north bank of the north dike of the upper slurry cell and failure to provide slope protection to minimize erosion at the same site."

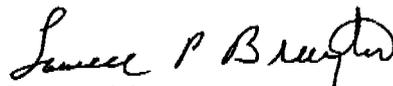
Response - The north bank is a pre-law structure which was constructed from coarse refuse. In accordance with UMC 817.45(f), a vegetation filter exists on the north bank of the north dike which extends through the bottom of the diversion. A review of the surface water monitoring records indicates that this vegetation filter is an adequate sediment control measure. The Division contends that a violation is unwarranted at this time, and suggests Number 4 of 5 be withdrawn.

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5. Number 5 of 5 was issued for "Failure to maintain records in the area of the mine; the "as-built" certification for the slurry line sediment pond."

Response - The operator submitted the as-built pond certification before the TDN deadline, and the site will be visited within 10 days of issuance of the TDN. The Division considers this issue an after-the-fact violation. No enforcement action is warranted at this time.

Sincerely,



Lowell P. Braxton  
Administrator  
Mineral Resource Development  
and Reclamation Program

HS/djh  
cc: K. May            J. Helfrich  
      S. Linner        H. Sandbeck  
      P.F.O.  
1503R/3:5

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Office of Surface Mining, AFO  
625 Silver Avenue S. W.  
Albuquerque N M 87102

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INA/007/012 In

PS Form 3900, Feb. 1982

\* U.S.G.P.O. 1984-446-014

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SALT LAKE CITY, UTAH 84119-1203

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PS Form 3811, Dec. 1980

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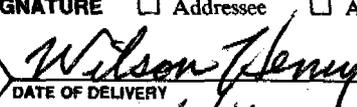
**TOTAL \$** \_\_\_\_\_

3. **ARTICLE ADDRESSED TO:** Mr. Robert Hagen, Director  
Office of Surface Mining, AFO R&E  
Suite 310, Silver Square  
625 Silver Avenue S. W.  
Albuquerque N M 87102

4. <b>TYPE OF SERVICE:</b> <input type="checkbox"/> REGISTERED <input type="checkbox"/> INSURED <input checked="" type="checkbox"/> CERTIFIED <input type="checkbox"/> COD <input type="checkbox"/> EXPRESS MAIL	<b>ARTICLE NUMBER</b> P 001 719 367
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