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August 21, 1979

# 538699

REGISTERED - RETURN RECEIPT REQUESTED

Mr. Dan Guy  
Swisher Coal Company  
P.O. Box "AU"  
Price, Utah 84501

RE: Swisher Coal Company  
Gordon Creek #2 Mine  
ACT/007/016

Dear Mr. Guy:

This letter is to cite violations of the Division's interim period enforcement regulations observed by James W. Smith and K. Michael Thompson during the August 16, 1979 inspection of the Gordon Creek #2 Mine. The violations cited in this letter are in general terms and it is not the intention of this correspondence to point out each specific on-site problem observed. Minimum requirements for the alleviation of the cited violations are included. However, these are meant as minimum requirements, and for the most part are by no means the only available alternative.

(1) Violation; Section MC 717.12

Signs showing the name of the company, mine name, business address, telephone number of the permittee and appropriate identification and permit numbers are not displayed at all public access points to the permit area from public roads.

(2) Violation; Section MC 717.17(a)

Surface runoff from disturbed areas does not pass through appropriate sediment control facilities.

(3) Violation; Section MC 717.17(b)

The surface water monitoring program has not been submitted to the Division for approval.

(4) Violation; Section MC 717.17(d)

Two drainages have been blocked by the mine's surface facility fill pad.

(5) Violation; Section MC 717.17(h)

The groundwater monitoring program has not been submitted to the Division for approval.

(6) Violation; Section MC 717.17(j)

The surface facility pad and the section of access road controlled by Swisher Coal Company are not designed, constructed and maintained so as to prevent additional contributions of suspended solids to streamflow or runoff outside the permit area.

(7) Violation; Section MC 717.20(a)

Disturbed areas no longer required for the conduct of mining have not been reclaimed.

Swisher Coal Company is hereby directed to abate the above-cited violations within the specified time period from receipt of this letter. At a minimum abatement should consist of the following:

Violation 1 - Install appropriate signs within thirty days.

Violation 2 - Submit plans for appropriate sediment control facilities to the Division within 60 days. These plans must be designed to meet the permanent program design criteria. Eleven copies are needed for distribution; 7 to be forwarded to Region V of the U.S. Office of Surface Mining, 1 to be forwarded to the State Engineer, 1 to be forwarded to the Division of State Health, and 2 for the Division's review. The design should include supporting hydrologic computations, construction detail plans, a N.P.D.E.S. permit application, a sediment disposal plan and reclamation plans for the facility.

Violation 3 & 5 - Submit the surface and groundwater plans to the Division for approval within 60 days.

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Violation 4 - Submit plans within 60 days to divert the runoff from the drainages either under or around the surface facility pad. These plans should be included in the sediment pond design.

Violation 6 - Submit plans within 60 days for the control of sediment and runoff from the pad and applicable portion of the road. A combination of sediment control facilities, revegetation of disturbed areas including cut and fill faces no longer needed for mining, and maintenance procedures is required.

Violation 7 - Submit plans for reclamation and revegetation within 60 days.

If the violations are not abated in the specified time, the matter will be referred to the Attorney General for commencement of administrative proceedings before the Board of Oil, Gas and Mining. However, if Swisher Coal Company feels with good cause that these items are not violations, or that alternative methods can satisfy the abatement requirements, Swisher Coal Company may meet with the Division concerning the matter and/or apply for a hearing before the Board. This action should be taken prior to the directed abatement deadline.

The August 16, 1979 inspection and subsequent notice of violations were under the rules and regulations of the interim regulatory period. The Division, at this time, advises Swisher Coal Company that all coal mines producing Federal coal must comply with the permanent regulatory program performance standards in mid-September of 1979.

Sincerely,



K. MICHAEL THOMPSON  
ENGINEERING GEOLOGIST

AND



DENISE A. DRAGOO  
SPECIAL ASSISTANT ATTORNEY GENERAL  
FOR NATURAL RESOURCES AGENCIES

KMT/DAD:te

cc: Murray Smith, O.S.M., Denver