

0020



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

OFFICE OF THE REGIONAL DIRECTOR

Mr. Max Robb
President
Beaver Creek Coal Co.
P.O. Box ~~Am~~
Price, Utah 84501

5 MAY 1980

RECEIVED
MAY 15 1980

DIVISION OF
OIL, GAS & MINING

Rowles R
File
JWS
Tom anything else to do on this?

Admission
know
LL
OK
MAW
CS
8/20
Don H
8/26

Dear Mr. Robb:

In accordance with your request of December and supplemental information provided to the Department on January 17, 1980, February 29, 1980, and March 27, 1980, I am approving, with stipulations, your plan for continuing underground mining into the 70-acre modification designated in Attachment I. This approval is based on the determination that the proposed mining will cause no additional environmental impacts and that the mining is a logical extension of present underground mining. The Geological Survey (by memorandum dated February 14, 1980) and the Bureau of Land Management (by memorandum dated April 15, 1980) and the State of Utah (by letter dated February 5, 1980) have concurred with the approval.

All of the stipulations have been incorporated into the list of standard and special stipulations contained in Attachment II which were developed from our Technical Analysis (Attachment III) and our Environmental Assessment (Attachment IV). The operator must agree to the stipulations, in writing, before this approval takes effect. The stipulations are necessitated, in part, by the fact that the mining and reclamation plan for the Gordon Creek No. 2 Mine has not previously been revised to be in compliance with the initial regulatory program (30 CFR Part 211). I recognize that all of us are looking forward to an approved State program in Utah and that there is therefore reason to await the permanent regulatory program prior to updating older plans. However, I wish to strongly recommend that you take this early opportunity to bring the mining and reclamation plan for the Gordon Creek No. 2 Mine into compliance with the permanent regulatory program outlined in 30 CFR 740 et seq. It is expected that Utah's program will be equally stringent and therefore no time will be wasted in updating these plans as specified in the stipulations.

If any questions arise, please contact John Nadolski of this office (303-837-3773).

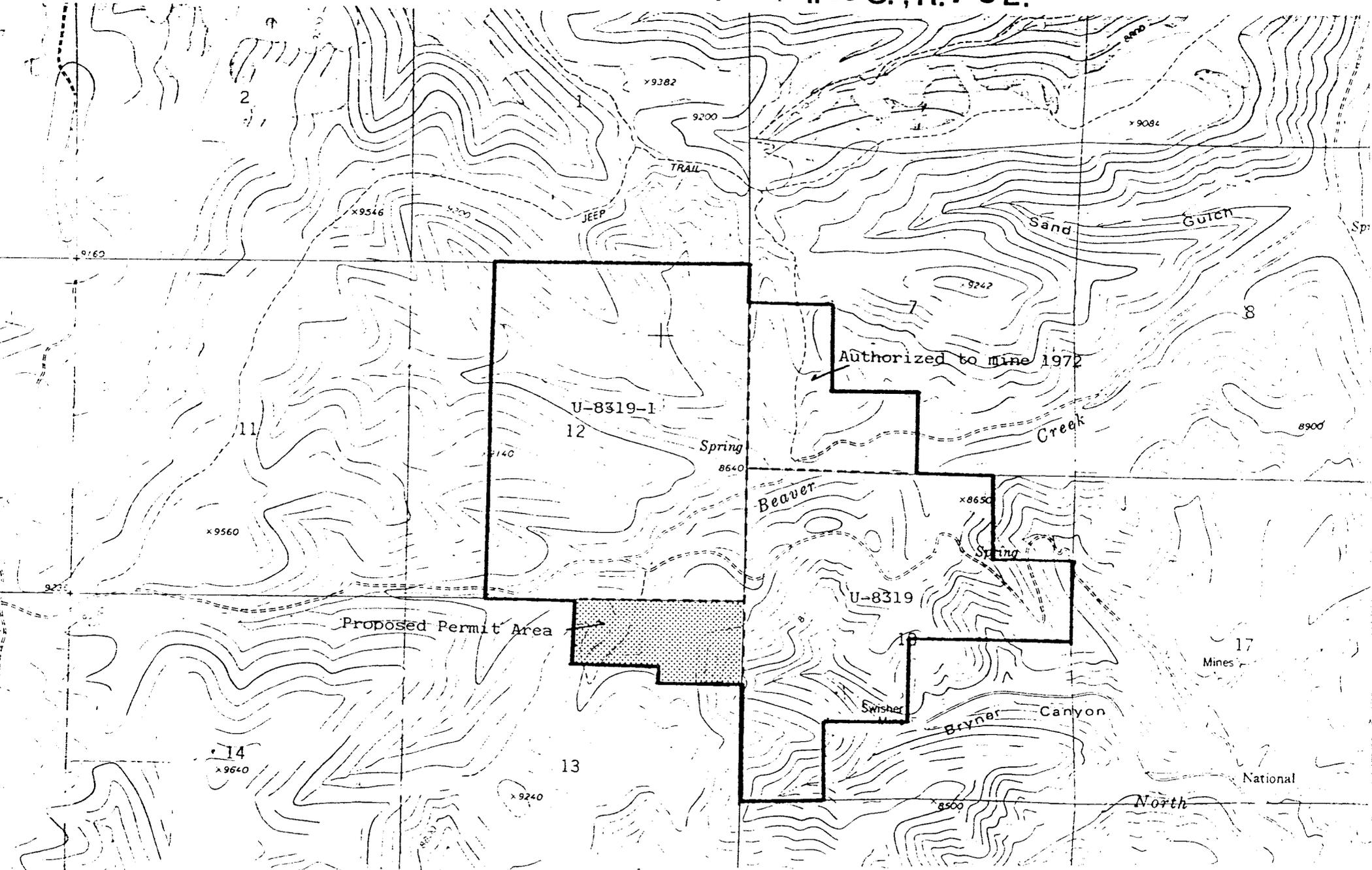
Sincerely,

Don Crane
DONALD A. CRANE

Attachments

cc: Daniels, DOEM, UT ✓
Moffitt, USGS, SLC
Trippe, USGS, Denver
Wicks, BLM, SLC

Jump Creek Quadrangle, Utah T.13 S., R.7-E.



Attachment II

Standard Stipulations
Attached to Departmental Approval of Modification of
Coal Mining and Reclamation Plan
Gordon Creek No. 2 Mine, Carbon County, Utah
for Proposed Mining Modification
Federal Coal Lease No. U-8319

The approval to conduct mining at the site(s) described in the referenced mine plan is subject to the following standard and special conditions and stipulations. This approval shall be revocable at the discretion of the Director, Office of Surface Mining, if the operator fails to comply with any condition or stipulation. The term "Regulatory Authority" as used herein (including the Special Stipulations) means both the federal Office of Surface Mining and the Utah Division of Oil, Gas, and Mining unless otherwise specified.

1. The operator agrees to be bound by the provisions of Section 517 of the Surface Mining Control and Reclamation Act of 1977, 30 USC 1267 (P.L. 95-87, hereinafter referred to as "Act"), and agrees to allow the authorized representatives of the Secretary, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay, to:

A. Enter upon or through any surface coal mining and reclamation operations to:

1. Inspect any coal mining and reclamation operation, monitoring equipment, or procedure conducted pursuant to the permit;
2. Collect samples and other relevant information regarding air or water, fish and wildlife, soils, vegetation and other resources protected under the Act, this Chapter and the State program; and
3. Obtain access to any copy of any records required to be maintained under the terms and conditions of the permit or the regulatory program.

B. Be accompanied by private persons for the purpose of conducting an inspection in accordance with Section 521(a) of the Act.

The term "authorized representative of the Secretary" as used in Section 517 and this paragraph shall be construed to include, but not be limited to, employees of the United States who are supervised by, or detailed or assigned to the Office of Surface Mining, any person under contract who is acting on behalf of the Secretary or any person employed by the State Regulatory Authority if it is authorized to regulate surface coal mining operations on federal lands; or any other person identified as an authorized representative by a letter signed by the Director, Office of Surface Mining.

2. The operator shall comply at all times with the provisions of the Surface Mining Control and Reclamation Act of 1977, the Mineral Leasing Act of 1920, as amended, and the rules and regulations promulgated pursuant to said Acts, and such other requirements as the Regulatory Authority shall promulgate by rule.

3. The operator shall conduct surface mining and reclamation operations only on those lands specifically designated on the map(s) submitted and approved for the term of the permit, and only in the manner or with the processes and techniques described in the approved mining and reclamation plan.

4. The operator shall (a) install, maintain, and use any monitoring equipment required by the Regulatory Authority as a condition of this approval or required subsequent to approval during the life of the mine; (b) establish and maintain appropriate records of such monitoring; (c) evaluate the results in accordance with such methods, at such location, intervals, and in such manner as the Regulatory Authority shall prescribe; (d) make reports of the results of monitoring as required by the Regulatory Authority and (e) provide such other information as the Regulatory Authority shall require.

5. The operator shall comply with the Surface Mining Control and Reclamation Act of 1977; the Federal Metal and Nonmetallic Mine Safety Act; the Federal Coal Mine Health and Safety Act of 1969; the Federal Water Pollution Control Act, as amended; the Clean Air Act, as amended; the Resource Conservation and Recycling Act, as amended; the Refuse Act of 1899; the Fish and Wildlife Coordination Act of 1934; the Mineral Leasing Act of 1920, as amended; and any regulation, performance standard, effluent limit, emission limit, water quality standard, or ambient air quality standard promulgated or approved there under, as well as all applicable state and local laws, ordinances, regulations, standards, and limitations.

6. Compliance with any design criteria, or technology requirement, even where design criteria or the technology has been approved by the Regulatory Authority, shall not relieve the operator of the duty to comply with any applicable effluent limitations, emission limitation, applicable performance standard, water quality standard, ambient air quality standard, or any order issued by the Regulatory Authority under Section 521 of the Surface Mining Control and Reclamation Act.

7. The operator shall file a request with the Regulatory Authority seeking the release of all or part of a performance bond only during those seasonal periods when it is possible for the Regulatory Authority to inspect the area subject to the proposed release and make determination (a) regarding the completeness of reclamation; (b) the degree of difficulty to complete any remaining reclamation, including success of revegetation; (c) whether pollution of surface or subsurface water is occurring; and (d) the probability and estimated cost of abating such pollution or other applicable reclamation requirements.

8. Each of the mining, reclamation or monitoring procedures, techniques, methods or descriptions contained in the approved mining and reclamation plan or in any requirement, stipulation or condition established by the Regulatory Authority as part of any approval of a mining plan, or revision or modification thereof, or by order of the Regional Director following such approval shall be deemed a "permit condition required by this Act" for the purposes of enforcement under Section 521 of the Act and "a condition of a permit issued pursuant to a Federal Lands Program" for the purposes of Section 518 of the Act.

9. The approval of this permit shall terminate six months following the date on which a completed permit application is required to be filed pursuant to the Federal Lands Program unless the requirement to obtain a new permit is deferred beyond such date in accordance with said Federal Lands program. This approval shall not be construed as estopping the Federal Regulatory Authority from denying the permit application in accordance with the requirements of the Federal Lands Program then in effect.

10. Special Stipulations follow (3 page, 7 stipulations).

Special Stipulations
Attached to Departmental Approval of Modification of
Coal Mining and Reclamation Plan
Gordon Creek No. 2 Mine, Carbon County, Utah
Mining Federal Coal Lease No. U-8319.

1. The operator shall submit approvable plans, maps, and calculations demonstrating a minimization of water pollution and protection of the hydrologic balance to the regulatory authority, as required under 30 CFR 717.17 including:

A. An open diversion channel for Bryner Canyon that will safely convey the peak runoff from the 10-year, 24-hour precipitation event;

B. A dewatering device for the sedimentation pond;

C. Placement of all rip-rap for all inlets and outlets (where needed) for culverts, ditches and sedimentation ponds. The rip-rap should be placed in a manner that will insure their effectiveness during design events. The rip-rap should be placed up or downstream of the structure in sufficient quantity to prevent headcutting or enlargement of the stream channel.

D. Placement of trash racks. Trash racks should be used at the inlet of all culverts;

E. All culverts and ditches related to access and haul roads. The plan should demonstrate that all ditches and culverts are capable of passing the peak runoff resulting from a 10-year, 24 hour precipitation event. An additional third culvert must be located to drain the area between the present second and third culvert. If the access road will not be used in the future, the operator must submit plans on reclaiming and revegetating the access road. Included in the plans for reclamation should be a schedule of when the different phases of reclamation will be started and terminated.

F. Maintenance of the haul road. This plan should be sufficient to prevent additional contributions of suspended solids or oil and grease from entering the natural stream flow.

G. Control of runoff generated from the eastern edge of the portal area and the road safety berm. Plans must be submitted within 90 days of acceptance of this approval to the regulatory authority. This system must be in place, using approved designs and plans by January 1, 1981.

H. A water-monitoring plan that is sufficient to define the geo-hydrologic system. A spring survey must be conducted by August 1, 1980 over the entire mine plan area. The operator must delineate the source of water within the mine workings, recharge area(s), zone(s) of transmission, and quality and quantity of the water in a report to be submitted to the regulatory authority. This report along with all results and conclusions must be submitted to the regulatory authority by January 1, 1981.

Part A through F must be met within 60 days of acceptance of this approval. Parts G and H must be met in the time frame as specified.

2. The operator shall submit within 120 days of acceptance of this approval, a map showing how it is proposed to backfill and grade road cuts and mine entry area cuts (see 30 CFR 717.14). This plan should, at a minimum, include retrieval of material used as fill; a description of reestablishment of stable drainages; leave minimal bluffs (and only where stable); and, if necessary to achieve the purposes of the regulations and the Act, include importation of material.

3. A. The operator must demonstrate to the regulatory authority that the area disturbed by mining operations can be revegetated to a diverse effective, and permanent vegetative cover as required under 30 CFR 717.20. To facilitate revegetation, an adequate growing medium is needed; therefore, the operator must demonstrate within 90 days of acceptance of this approval that there is suitable topsoil in the area or that a substitute plant growth medium will be obtained.

B. Revegetation success standards for cover, production, and density (if appropriate) of herbaceous and shrub vegetation must be developed for the 10-acre site by January 1, 1981.

C. The operator must accept the suggested permanent seed mixture or develop an alternate acceptable permanent seed mixture.

4. The operator shall ensure that a 10 percent sample survey shall be conducted by a professional archaeologist and historian on all areas where there is a potential for subsidence. The archaeologist and historian must be approved by the regulatory authority and the Utah State Historic Preservation Officer. A proposal that describes plans and methods for this survey shall be provided to the regulatory authority, by the operator, within 90 days of acceptance of this approval. A professionally acceptable report of findings shall be submitted for approval to the regulatory authority and the Utah State Historic Preservation Officer before December 31, 1980.

B. During mining operations, if any previously unidentified cultural resources should be discovered, the operator shall ensure that the site is not disturbed and shall notify the regulatory authority. The operator shall consult with and obtain the approval of the regulatory authority and the Utah State Historic Preservation Officer concerning the development and implementation of appropriate mitigation measures.

C. Should sites which could be sensitive to subsidence (e.g., structures, rock art, rock shelters) be located, the operator will immediately consult with the regulatory authority and the Utah State Historic Preservation Officer to determine whether mitigation measure or monitoring activities are necessary to either avoid adverse impacts or determine whether a site will be impacted by subsidence.

5. The operator shall submit a revised subsidence monitoring plan within 90 days of acceptance of approval which meets the requirements of 30 CFR 211.31 to the regulatory authority. Specifically, the subsidence monitoring network shall consist of two permanent survey monuments located outside of the anticipated area of influence of subsidence, if it occurs, and a series of monitoring stations of an individual design as specified by the applicant. The monitoring stations shall be laid out in 2 or more lines, as straight as possible given surface conditions and with stations spaced at regular intervals of not more than 200 feet. One line of stations shall be installed, as possible, on the surface and along the centerline of the main entries. One or more additional lines of stations shall be installed perpendicular to this centerline, above the active mining area and between the surface limits of expected subsidence. The northing, easting and elevation coordinates, using the two base stations as reference stations of all such stations shall be established by first order (1 in 10,000 maximum error) closed-traverse surveying prior to the start of mining. These coordinates shall be re-determined at no greater than 1-month intervals, to the same maximum error, except those coordinates shall be re-determined from any given station at no greater than 1-month intervals while mining is taking place within 200 horizontal feet of that station and for a period of at least 1 year thereafter or longer if substantial subsidence continues to occur or threatens material damage or diminution in value or reasonably foreseeable use of renewable resources.

6. When mining the Hiawatha Seam, barrier pillars must be superimposed with those in the Castlegate "A" Seam, unless a variance is approved by the USGS Area Mining Supervisor (see 30 CFR 211.32(b)).

7. The operator shall submit evidence of a bond in the amount of \$85,814. The bond must be payable to both the State of Utah and the U.S. Government.

SEE May 14, 1980
LETTER.

SEE 14 MAY 1980
LETTER