0018

April 5, 1985

ACT/007/016 #3

TO: Coal File

FROM: Richard V. Smith, Geologist RVS
Pamel Grubaugh-Littig, Reclamation Engineer pgl

RE: Inappropriate Federal Communication Creates Needless Delay in State Regulatory Approval

Beaver Creek Coal Company (BCCC) submitted a request, dated March 5, 1985, for approval to shave pillars beneath Beaver Creek, a perennial stream. The Division acted as the lead regulatory agency during the permitting process and accordingly, retained responsibility for approving or disapproving the above-noted request.

Prior to formal submittal of a request to the Division, the operator contacted the Office of Surface Mining (OSM) and the Bureau of Land Management (BLM) District Office in Price. The BLM issued a recommendation for "timely approval of the BCCC proposal" to OSM on March 1, 1985 and forwarded a copy of this correspondence to the Division.

Division review was initiated on March 14, 1985 and following submittals of additional technical information (March 20, 1985 and March 28, 1985), staff completed the review and recommended approval on March 29, 1985. Formal approval was conveyed to the operator April 1, 1985.

During the Division review process, BCCC continued to communicate with OSM and BLM, as evidence by phone conversations with the operator and both federal agencies (see Memoranda to Coal File, dated March 29, 1985). Discussion with the operator on March 27, 1985 revealed that OSM and BLM had verbally indicated their "approval" to BCCC. Subsequent conversation with BCCC failed to focus on technical issues requisite to achieving the regulatory determination for approval (UMC 817.126). Alternatively, the operator insisted on immediate State approval based on (what Division staff consider inappropriate) prior federal recommendations.

In summary, federal failure to confine their recommendations for approval to interagency communication channels created needless delay in the State review and approval process. The Division was unnecessarily placed in an awkward, defensive position when communicating with the operator and consequently, resolution of technical issues pertinent to

deriving a regulatory determination was impeded. Moreover, the needless telephone communication initiated by BLM also served to delay review and approval.

Recommendation

We hereby recommend that this matter of inappropriate communication be pursued at administrative levels to ensure the Division is not, in the future, placed in a similar position that results in regulatory delay.

btb
cc: Dianne Nielson
Ron Daniels
Lowell Braxton
Wayne Hedberg
Sue Linner
John Whitehead
9206R-8 & 9

March 29, 1985

TO: Coal File

FROM: Pamela Grubaugh-Littig, Reclamation Engineer

RE: BLM Applying Pressure to Approve Mining Under Beaver Creek, Beaver Creek Coal Company, Gordon Creek #2 and #7 Mine, ACT/007/016, #3, Carbon County, Utah

Mr. Boyd McKean called me on March 29, 1985 to discuss the situation of second mining under the Beaver Creek. He said that he would "bet his life" on the fact that it would not subside substantially and interrupt the stream. The tone of the conversation was that the regulation UMC 817.126 is riduculous and half of the coal in Carbon and Emery counties would not have been removed if this regulation was taken seriously in the past. He charged that the state is also charged with maximum coal recovery (UMC 817.59) and asked what we do about that.

I read him the UMC 817.126 regulation and told him this is an exclusionary regulation.

He believes from his experience that nothing will happen to the stream. He cited that what OSM did with Valley Camp to let them mine under the stream was noteworthy. (They [OSM] changed the classification of the stream from perennial to intermittent!) They, therefore, ignored the UMC 817.126 regulation.

About an hour after Boyd McKean called, Shannon Hoefeler (District BLM Office, Price) called. She was inquiring about the status of Beaver Creek and wanted to know whether we would take a conservative approach or not. I told her the regulation and we must make our decision based upon the information submitted. She also said that the area and state offices of the BLM are in disagreement on this issue.

It was a friendly discussion with a big shove behind the politeness!

btb
cc: Rick Smith
John Whitehead
9075R-31

March 29, 1985

TO: Coal File

FROM: Pamela Grubaugh-Littig, Reclamation Engineer

RE: OSM Interaction on Second Mining Under Beaver Creek, Beaver Creek Coal Company, Gordon Creek #2 and #7, ACT/007/016, #3, Carbon County, Utah

During the week of March 18, 1985, I spoke with Mike Rosenthal (OSM, Mining Engineer) about his viewpoint of the Beaver Creek Coal Company (BCCC) submittal for second mining under the Beaver Creek. He told me that a 2.4 safety factor was not acceptable and would require at least four or five. He also said that Dan Guy had been speaking with him and would submit a revised safety factor and more review materials.

I then called him again on March 27, 1985 to ask him what he thought of BCCC's submittal of March 20, 1985. He said there was a lot of information, but a revised safety factor calculation was missing.

He called me on March 28, 1985 to tell me that a revised safety factor of 17.36 had been calculated. In addition, he reviews mining plans throughout the country and works with a lot of engineers. In his book, Dan Guy is "one of the best engineers," he's worked with. He said he had signed off on this as far as OSM was concerned.

In my first conversation with Mike Rosenthal re: the second mining under Beaver Creek, he told me that he and Dan Guy had discussed this situation at length. I definitely got the impression from the conversation that Dan Guy was going to OSM to get the approval. We were an afterthought.

btb
cc: John Whitehead
9075R-30

March 29, 1985

TO: Coal File

FROM: Pamela Grubaugh-Littig, Reclamation Engineer pgl

RE: Safety Factor Calculations, Second Mining Under Beaver Creek, Beaver Creek Coal Company, Gordon Creek #2 and #7, ACT/007/016, #3, Carbon County, Utah

The factor of safety calculations for the pillars for second mining under Beaver Creek and the associated rate of pillar collapse were discussed with Dr. William G. Pariseau, Professor of Mining Engineering at the University of Utah in a telephone conversation on March 29, 1985. He commented that a pillar safety factor of 2.4 is conservative. He suspected that at an extraction rate of 64 percent with 550 feet of overburden that if there was movement, it would move down gradually and uniformly.

Additional questions that could be asked:

1. What is 1 standard deviation on strength and find the probability?

2. Generate more informtion--if 1 pillar fails and increases the load on others, then what will happen?

3. Will there be a domino effect? Will there be increased deterioration over time?

4. Data from each particular mine should determine the angle of draw?

btb
cc: John Whitehead
9075R-29