



0049

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

June 2, 1988

CERTIFIED RETURN RECEIPT REQUESTED
(# P 879 596 364)

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

Dear Mr. Hagen:

Re: TDN (# X-88-02-107-5-TV3), Beaver Creek Coal Company, Gordon
Creek #2 & 7 Mine, ACT/007/016, Folder 7, Carbon County, Utah

This letter responds to the above referenced Ten-Day-Notice, the certified copy of which was received at the Division's offices on May 28, 1988.

Number 1 of 3 was issued for "Failure to design and construct sediment ponds in accordance with the applicable parts of the regulations. Sediment Pond #2 and Sediment Pond #7A" UMC 817.46

Response: Drawing 7-9b clearly portrays that the flow from a 10-year 24-hour event will not flow through the emergency spillway of Pond 7A. This complies with UMC 817.46(g).

Pond 7A is equipped with a primary and emergency spillway. The emergency spillway flows directly to the Bryner Canyon bypass (p7-75 and 76). The primary spillway flows to the #2 pond. This configuration is in compliance with the provisions of UMC 817.46(i).

Pond #2 is equipped with separate emergency and principal spillways. These two merge into a common CMP outlet. Utah's interpretation of UMC 817.47(g) allows this configuration.

Figure 7-8b of the approved MRP commits Beaver Creek Coal Company to sediment cleanout at the 60 percent level. Thus, the concern regarding the 100 percent sediment level is moot.

Page 2
Mr. Robert Hagen
Ten-Day-Response
ACT/007/016
June 2, 1988

Number 2 of 3: "Failure to examine ponds quarterly. Sweets Pond, Snow Pond at 7 Mine." UMC 817.46(t) and UMC 817.49(b)

Response: In researching the Division files, no documentation could be located to confirm the decommissioning of Pond #7. Thus, the company will be instructed to begin monitoring Pond #7 in accord with UMC 817.49(b) or formally decommission the structure.

The Division concurs with the need to examine the Sweets water truck fill-up pond in accord with UMC 817.49(b). This issue was identified in the Divisions December 31, 1987 Mid Term Review letter to the operator. The operator's February 24, 1988 response (p 7-136) commits to quarterly inspections. However, as final approval has not been given on the Mid-Term review, the operator has not initiated inspections. The Division will notify BCCC to begin quarterly monitoring immediately.

Number 3 of 3 was issued for "Failure on the part of the Division to make the necessary Findings relative to surface coal mining activities closer than 100 feet to a perennial stream. Sweets Pond." UMC 817.57

Response: Attached are copies of pertinent pages of the Division's July 1984 Findings and the Technical Analysis for the Gordon Creek #2 Mine. The appropriate findings were made at that time for the buffer zone concern.

In March of 1985 BCCC submitted an amendment which was approved in June of 1985 to enhance the truck water fill up area. This enhancement in no way negated the original buffer zone determination made by the Division in 1984.

Sincerely,



Lowell P. Braxton
Administrator
Mineral Resource Development
and Reclamation Program

JJW/as
cc: Dan Guy, BCCC
K. May
J. Helfrich
J. J. Whitehead
B. Malencik
1536R/3-4



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

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

July 6, 1984

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

RE Final Technical Analysis and
State Decision Package
Beaver Creek Coal Company
Gordon Creek #2 Mine
(Including Southwest Lease)
ACT/007/016, Folders #2 and #4
Carbon County, Utah

Dear Mr. Klein:

Enclosed please find the Final Technical Analysis and State Decision Package for the above-referenced Mining and Reclamation Plan (MRP).

The Division technical staff has thoroughly reviewed the application and review documents, incorporating all appropriate recommendations and/or changes noted during the TA review phase by the Western Technical Center. These documents have also been reviewed by the Associate Director for Mining and the Administrator for the Mineral Resource Development and Reclamation Program, in accordance with the Division's established quality control review policy, and all subsequent changes have been incorporated into the documents where necessary. The Division is now satisfied with the Final Technical Analysis and Findings and Supporting Documents and is prepared to issue its approval and State permit for the Gordon Creek #2 Mine PAP, with Stipulations (see enclosure).

The required Cumulative Hydrologic Impact Analysis (CHIA), as related to UMC 786.19(c), is currently being prepared by the OSM. The Division has been kept apprised of the status of this document by the Western Technical Center staff and understands that a final summary of the CHIA is close to completion. The Division expects that when this summary is completed, the Western Technical Center will attach it to the Division's enclosed review documents before the decision package is forwarded to Washington, D.C., for Secretarial approval. Concurrently, the Division expects that a copy of the final CHIA summary, as well as the final decision package, will be sent to the Division for our records.

Mr. Allen D. Klein, Administrator
ACT/007/016
April 26, 1984
Page 2

The Division appreciates the assistance provided by the Western Technical Center during our review of this MRP and the formulation of the Technical Analysis and Findings Document. We now look forward to a timely approval of this MRP, not only from a State and Federal perspective, but from the operator's perspective as well.

Should you have any questions regarding these documents, please contact the Division as soon as possible.

Best Regards,



Dianne R. Nielson
Director

DRN/MMB:btb

Enclosures

cc: Barbara Roberts, Attorney General's Office
R. Daniels, DOGM
J. Smith, DOGM
M. Boucek, DOGM
S. Cox, DOGM

85720

FINDINGS DOCUMENT

Beaver Creek Coal Company
Gordon Creek #2 Mine (includes Southwest Lease)
ACT/007/016, Carbon County, Utah

July 6, 1984

1. The plan and the permit application are accurate and complete and all requirements of the federal Surface Mining Control and Reclamation Act (the "Act"), and the approved Utah State Program have been complied with (786.19[a]).
2. The applicant proposes acceptable practices for the reclamation of disturbed lands. These practices have been shown to be effective in the short-term; there are no long-term reclamation records utilizing native species in the western United States. Nevertheless, the regulatory authority has determined that reclamation, as required by the Act, can be feasibly accomplished under the Mining and Reclamation Plan (MRP) (see Technical Analysis [TA], Section UMC 817.111-.117) (UMC 786.19[b]).
3. The assessment of the probable cumulative impacts of all anticipated coal mining in the general area on the hydrologic balance has been made by the regulatory authority. The mining operation proposed under the application has been designed to prevent damage to the hydrologic balance in the permit area and in the associated off-site areas (UMC 786.19[c]). (See Cumulative Hydrologic Impact Analysis (CHIA) Section, attached to this Findings Document.)
4. The proposed permit area is:
 - A. Not included within an area designated unsuitable for underground coal mining operations (see attached Bureau of Land Management [BLM] letter dated September 13, 1983).
 - B. Not within an area under study for designated lands unsuitable for underground coal mining operations (see attached BLM letter dated September 13, 1983).
 - C. Not on any lands subject to the prohibitions or limitations of 30 CFR 761.11(a) (national parks, etc.), 761.11(f) (public buildings, etc.) and 761.11(g) (cemeteries).
 - D. Within 100 feet of the outside right-of-way line of a public road, however, that portion of the mine inside the right-of-way was in operation prior to August 3, 1977 (UMC 761.11).
 - E. Not within 300 feet of any occupied dwelling (UMC 786.19[d]).

5. The issuance of a permit is in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800) (UMC 786.19[e]). See letters from SHPO dated August 25 and November 7, 1983 attached to TA.
6. The applicant has the legal right to enter and begin underground mining activities in the permit area through two Federal leases (#U-8319 and #U-47975), one USGS permit to mine (letter from U. S. Department of the Interior, Geological Survey dated November 28, 1972) and one fee lease (see MRP, Section 4.3.4) (UMC 786.19[f]).
7. The applicant has shown that prior violations of applicable law and regulations have been corrected (MRP, Section 2.3.3, Table 2-3) (UMC 786.19[g]).
8. Neither Beaver Creek Coal Company nor its parent company, Atlantic Richfield Company, are delinquent in payment of fees for the Abandoned Mine Reclamation Fund for any active mining operation (UMC 786.19[h]) (personal communication, John Sender, CSM, Albuquerque, December 9, 1983 and April 19, 1984).
9. The applicant does not control and has not controlled mining operations with a demonstrated pattern of willful violations of the Act of such nature, duration and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of the Act (UMC 786.19[i]) (see MRP, Section 2.3).
10. Underground coal mining and reclamation operations to be performed under the permit will not be inconsistent with other such operations anticipated to be performed in areas adjacent to the proposed permit area (UMC 786.19[j]). The C & W #1 Mine and the Gordon Creek #3 and #6 Mines are immediately to the east of Gordon Creek #2. Neither mine is currently operating.
11. A detailed analysis of the proposed bond had been made. The bond estimate is \$461,638.00 (1984 dollars). The DOGM has made appropriate adjustments to reflect costs which would be incurred by the State, if it was required to contract the final reclamation activities for the minesite, and the regulatory authority considers this amount adequate. The bond shall be posted (UMC 786.19[k]) with DOGM prior to final permit issuance. An interim bond in the amount of \$58,814.00 is currently on file.
12. No lands designated as prime farmlands or alluvial valley floor occur on the permit area (MRP, Section 8.4, Figure 8-1; Section 7.27) (UMC 786.19[l]).
13. The proposed postmining land-use of the permit area has been approved by the regulatory authority (see TA, Section UMC 817.133) (UMC 786.19[n]).
14. The regulatory authority has made all specific approvals required by the Act, and the approved State Program (UMC 786.19[n]).

15. The proposed operation will not affect the continued existence of any threatened or endangered species or result in the destruction or adverse modification of their critical habitats (MRP, Section 9.4, Section 10.3.3.1; see attached U. S. Fish & Wildlife Service [USFWS] letter dated September 2, 1983) (UMC 786.19[o]).
16. All procedures for public participation required by the Act, and the approved Utah State Program have been complied with (UMC 741.21[a][2][ii]).

Prior to the permit taking effect, the applicant must forward a letter stating its compliance with the special stipulations in the permit and post the performance bond for reclamation activities.

Mary M. Boucek
Permit Supervisor

James W. Smith Jr. by M.M. Boucek
Administrator, Mineral Resource
Development and Reclamation Program

Donald W. Francis
Associate Director

Diana R. Nelson
Director

The applicant complies with this section.

Stipulations

None.

UMC 817.56 Hydrologic Balance: Postmining Rehabilitation of Sedimentation Ponds, Diversions, Impoundments and Treatment Facilities

Existing Environment and Applicant's Proposal

No permanent sedimentation ponds, impoundments, diversions or treatment facilities are planned for the Gordon Creek #2 Mine.

Compliance

The applicant complies with this section.

Stipulations

None.

UMC 817.57 Hydrologic Balance: Stream Buffer Zones

Existing Environment and Applicant's Proposal

The applicant's mining activities at the truck water fill-up area in Sweet's Canyon (North Fork of Gordon Creek) fall within the 100 foot stream buffer zone. The applicant's proposal for the truck water fill-up area is contained on page 3-10 and Plate 3-1c (see discussion under section UMC 817.42 of this document).

Compliance

The applicant's use of drainage control structures, which includes berms and a catch basin, to separate any disturbed drainage from the North Fork of Gordon Creek will protect the creek from mining related impacts. The 100' buffer zone requirement is hereby waived for the truck water fill-up area. The applicant complies with this section.

Stipulations

None.