

0013



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

June 6, 1991

CERTIFIED RETURN RECEIPT REQUESTED
P 755 090 781

Mr. Dan Guy, Manager
Permitting and Compliance
Beaver Creek Coal Company
P. O. Box 1378
Price, Utah 84501

Dear Mr. ^{Dan}Guy:

Re: Division Order, Beaver Creek Coal Company (Mountain Coal Company),
Gordon Creek #2, #7 and #8, ACT/007/016-DO91A, Folder #3, Emery County,
Utah

Enclosed please find a Division Order and Finding of Permit Deficiency for the Gordon Creek #2, #7 and #8 Mines. If in your review of this Order you have any questions, please call me or Pamela Grubaugh-Littig, Permit Supervisor.

Sincerely,

A handwritten signature in cursive script that reads "Lowell P. Braxton".
Lowell P. Braxton
Associate Director, Mining

mbm
Enclosure
cc: P. Grubaugh-Littig
J. Helfrich
Jesse Kelley
AT007016.DO

STATE OF UTAH
DIVISION OF OIL, GAS AND MINING

PERMITTEE

Mr. Dan Guy, Manager
Permitting and Compliance
Beaver Creek Coal Company
(Mountain Coal Company)
Gordon Creek #2, #7 and #8 Mines
P. O. Box 1378
Price, Utah 84501

Permit Number ACT/007/016
Division Order #DO-91A

DIVISION ORDER AND FINDINGS
of
PERMIT DEFICIENCY

PURSUANT to R614-303-212, the DIVISION ORDERS the PERMITTEE, Beaver Creek Coal Company (Mountain Coal Company), to make the permit changes enumerated in the findings of permit deficiency in order to be in compliance with the State Coal Program. These findings of permit deficiency are to be remedied in accordance with the requirements of R614-303-220.

FINDINGS OF PERMIT DEFICIENCY

1. R614-301-553.610 states that postmining slopes may vary from the approximate original contour when "[a]pproval is obtained from the Division in accordance with R614-302-270." R614-302-270 requires, among other things, that an applicant meet the alternative postmining land use requirements of R614-301-413.300 in order to obtain Division approval for permanent retention of a highwall (R614-302-271.100). If the planned postmining land use is the same as the premining land use as stated in accordance with R614-301-411.100, the highwall cannot be retained.

The Division finds the permit deficient in that, in contravention of R614-302-270, it allows for permanent retention of the highwalls in the area which comprises the #7 and #8 mines, even though the postmining land use projected for this area is identical to the premining land use. This area constitutes a post-1977 disturbance.

In order to comply with this rule, the permittee must submit to the Division an amended reclamation plan which provides for complete elimination of the highwalls in the area which comprises the #7 and #8 mines.

The amended reclamation plan will constitute a Permit Amendment and will be subject to Division approval, as set forth in R614-303-221 through -223. As the amended reclamation plan will become an integral part of the Mining and Reclamation Plan (MRP), the permittee must make sure that all relevant parts of the MRP -- table of contents, text, maps, volume estimates and reclamation costs -- are brought into agreement with both the form and content of the amended reclamation plan.

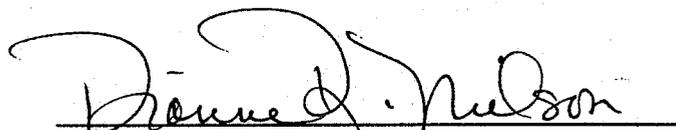
2. R614-301-553.520 states that highwalls in previously mined areas need not be completely eliminated "...where the volume of all reasonably available spoil is demonstrated in writing to the Division to be insufficient to completely backfill the reaffected or enlarged highwall."

The Division finds the permit deficient in that it does not fulfill the requirement of R614-301-553.520 as it applies to the highwalls in the area of the #2 mine. This area constitutes a pre-1977 disturbance.

In order to comply with this rule, the permittee must demonstrate, to the satisfaction of the Division, that the volume of material available in the permit area is not sufficient to completely backfill the highwalls in the area of the #2 mine. This demonstration must include well-documented volume estimates and must explain how the estimates are made and the assumptions upon which they are based.

Beaver Creek Coal Company (Mountain Coal Company), is Ordered to make the requisite permit changes in accordance with R614-303-220, and to submit a complete application for permit change to address the findings of permit deficiency within 30 days of receipt of this Order. Approval by the Division must be obtained within 60 days of receipt of this Order. All approvals not obtained within 60 days of receipt of this Order may result in a hindrance violation, unless a request for extension has been obtained by the Director.

So ORDERED, this 6th day of June, 1991 by the Division of Oil, Gas and Mining.


Dianne R. Nielson, Director
Division of Oil, Gas and Mining

P 755 090 781
RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
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 (See Reverse)

Sen. DAN GUY, MGR BEAVER CREEK COAL CO	
Street and No. P O BOX 1378	
P.O., State and ZIP Code PRICE UT 84501	
Postage	\$ 29
Certified Fee	1 00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and date delivered	1 00
Return Receipt showing to whom, Date, and Address of Delivery	
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PS Form 3800, June 1985

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☆ U.S.G.P.O. 1987-176-131

DOGM ACT/007/016-DO91A FOLDR 3

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3. Article Addressed to:

DAN GUY MANAGER
 PERMITTING AND COMPLIANCE
 BEAVER CREEK COAL COMPANY
 P O BOX 1378
 PRICE UT 84501

4. Article Number

P 755 090 781

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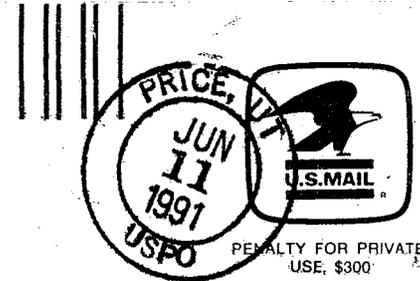
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