



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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March 17, 1993

Ms. Kathleen G. Welt  
Environmental Supervisor  
Mountain Coal Company  
P.O. Box 591  
Somerset, Colorado 81434

Dear Ms. Welt:

Re: Deficient Resubmitted Reclamation Plan, Mountain Coal Company, Gordon Creek #2, #7, and #8 Mine, ACT/007/016-DO-91A and DO-92A, Folder #2, Carbon County, Utah

Reclamation in 1993 at the Gordon Creek #2, #7, and #8 Mine is a high priority for the Division (see reclamation permitting chronology). An August 17, 1992 letter to Mr. Scot Anderson from Dr. Dianne Nielson, Division Director, included the Agreement between Mountain Coal Company and the Division which provided a schedule so that reclamation could be accomplished this year (see attached).

Item #5 of that letter stated that Mountain Coal Company would provide a reclamation plan reflecting the resolution of issues raised or resulting from the Division Orders by no later than December 18, 1992. Further, Item #6 of the Agreement stated that "Given a complete and accurate application, the Division shall approve that reclamation plan by no later than April 15, 1993." On December 10, 1992, Mr. Dan Guy requested an extension for the submittal by no later than February 1, 1993. The extension request changed the date of Item #6 from April 15, 1993 to June 1, 1993. The December 10, 1992 letter also stated that "the revised schedule would allow adequate time to acquire contractors to finish the reclamation in the 1993 field season".

The request for extension was granted per "the request as stated", per letter dated December 21, 1992 from Mr. Lowell Braxton to Mr. Dan Guy (see attached).

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Deficient Resubmitted Plan  
ACT/007/016-DO-91A and DO-92A  
March 10, 1993

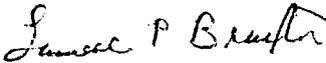
A resubmitted reclamation plan was submitted February 1, 1993. The Division staff has reviewed this plan and found that the plan is not **complete and technically deficient**. Enclosed are the administrative completeness review worksheets that document why the resubmitted document is not complete (basically the lack of information for R645-302-270), as well as the technical review memos that **highlight** some of the major deficiencies. It should be also be noted that issues in the Division Order were not completely addressed, see attached memos.

A highwall reclamation approval was granted by the Division on September 10, 1992, pursuant to the stability studies by Agapito (see attached), per item #2 in the Agreement letter of August 17, 1992. However, the requirements for "Variance from Approximate Original Contour" (R645-302-270) were not addressed per the approval. At meetings held at the Division concerning reclamation at this mine, the issues of the requirements for the AOC variance, postmining land use, channel stability, and the road reclamation have arisen. The current reclaimed configuration of the highwalls and/or cut slopes are, therefore, in question. Inaccuracy of the disturbed area on the maps is also of concern, e.g. existing highwalls outside the disturbed area and the fan portal not included.

Due to the time constraints involved in this reclamation effort, the Division would like to meet with you as soon as possible to discuss the issues and deficiencies so that the reclamation plan can be complete and technically adequate by June 1, 1993.

If you have any questions, please call me or Pamela Grubaugh-Littig.

Sincerely,

  
Lowell P. Braxton  
Acting Director

cc: Pamela Grubaugh-Littig  
Scot Anderson, ARCO  
Dan Guy

## Chronology of Gordon Creek #2, #7 & #8 Reclamation

- April 14, 1990 Reformatted rules effective (highwall reclamation changed).
- December 3, 1990 Division notified of closure of Gordon Creek #2, #7 & #8 Mine.
- June 6, 1991 Division Order DO-91A issued--re: Highwall Reclamation.
- July 8, 1991 Mountain Coal Company (MCC) requested 120-day extension citing landowner request, highwall stability, reclamation costs and schedule.
- July 11, 1991 Meeting with Dan Guy, Lowell Braxton and Pamela Grubaugh-Littig.
- Extension granted until 11/11/91 for submittal of DO information.
- September 3, 1991 Division requested Western Technical Center assistance.
- October 2, 1991 Letter from OSM-AFO considers helping Division on Gordon Creek highwall issues.
- December 12, 1991 MCC submits revision of Postmining Land Use information.
- January 24, 1992 Proposal denied.
- January 27, 1992 Letter sent to Lowell Braxton stating the provisions for administrative and judicial review at R645-300-200 will apply to the Division Order.
- February 25, 1992 Meeting with MCC and Division--re: the complete elimination of highwalls.
- February 26, 1992 Mid-term review for Gordon Creek #2, #7 & #8 encompasses bond and insurance review only due to reclamation plan changes due 4/30/92.
- Modification of DO-91A stating that Mountain Coal Company must make "requisite permit changes in accordance with R645-303-220 and submit a complete application for permit change by no later than 4/30/92."

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Chronology  
ACT/007/016-DO-91A

March 4, 1992 Clarification letter sent reiterating complete elimination of highwalls is required.

March 6, 1992 Reclamation comments sent to incorporate into the 4/30/92 response.

April 29, 1992 Request received for extension to 5/7/92.

Extension granted for submittal of "complete and accurate information relative to the reclamation of this mine."

May 7, 1992 MCC submits DO-91A response.

Note: The A Team was unable to commence the review until 6/1/92 due to other permitting priorities.

June 3, 1992 Hydrology review submitted to Pamela Grubaugh-Littig. Permanent impoundment is proposed with critical information missing.

June 8, 1992 At I & E meeting, Pamela Grubaugh-Littig advises Lowell Braxton of status of DO-91A. He recommends issuance of an NOV.

June 10, 1992 NOV #N92-20-1-1 prepared.

June 15, 1992 NOV #N92-20-1-1 sent.

June 16, 1992 NOV faxed to Dan Guy.

June 18, 1992 NOV modified to extend abatement until June 29, 1992.

June 19, 1992 &  
June 22, 1992 Other reviews faxed to Dan Guy.

June 25, 1992 Pursuant to a meeting, NOV modified to July 17, 1992.

July 14, 1992 Fact of Violation Hearing.

July 28, 1992	Division Order DO-92A issued regarding reclamation at Gordon Creek #2, #7 & #8.
August 13, 1992	NOV #N92-20-1-1 vacated.
August 17, 1992	"Settlement Agreement" letter from Dianne Nielson to Scot Anderson.
August 20, 1992	MCC submittal of highwall information.
September 10, 1992	Highwall reclamation approved without variance from AOC requirements.
December 10, 1992	Extension request for submittal of reclamation plan to 2/1/93 and other changes in settlement agreement.
December 21, 1992	Lowell Braxton grants extension request to 2/1/93.
February 1, 1993	Reclamation plan submitted.
March 17, 1993	Division completeness and technical review sent to MCC.