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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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October 20, 1994

Thomas E. Ehmett, Acting Director
Office of Surface Mining
Reclamation and Enforcement
505 Marquette N.W., Suite 1200
Albuquerque, New Mexico 87102

Re: Response to Ten-Day Notice X94-020-352-003 TV2, Mountain Coal Company, Gordon Creek #2, #7, and #8 Mines, ACT/007/016, Folder #5, Carbon County, Utah

Dear Mr. Ehmett:

I am writing to amplify and clarify the response to the above-noted TDN provided to your office under cover of my letter dated September 15, 1994.

Part 1 of 2 of the TDN, pointing out that the reclamation plan lacks a commitment to eliminate all highwalls, confirms a circumstance the Division has been aware of and working to resolve for at least the past three years. As pointed out in my September 15th letter, the Division issued a Division Order in June, 1991, requiring Mountain Coal to submit a revised reclamation plan providing for elimination of all highwalls.

Mountain Coal's reluctance to so modify its plan was based on several grounds, some of which were not programmatically sustainable. Based on a site visit in August of 1991, however, it became apparent that complete elimination by backfilling was likely to produce mass instability and uncontrolled erosion at the #7 mine. Although some time was consumed in evaluating and determining Mountain Coal's other bases for its position, the attempt to engage OSM in a shared technical evaluation of the site and formulation of a solution which would be both programmatically and technically sound, dramatically prolonged the process.

In June, 1992, DOGM issued an NOV, essentially for Mountain Coal's failure to timely resolve the permit deficiency. The NOV was vacated and a "Settlement Agreement" substituted in August, 1992. Pursuant to the agreement, Mountain Coal made submittals on August 20, 1992 and February 1, 1993 containing

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TDN X94-020-352-003 TV2

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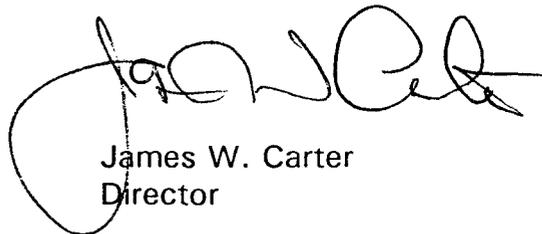
highwall elimination information and a new reclamation plan, respectively. As disclosed by the chronology, much discussion then ensued between OSM, DOGM and Mountain Coal regarding the technical problems with elimination of the highwalls by backfilling.

At this point, DOGM is reviewing Mountain Coal's August 6, 1993 submittal and subsequent responses to deficiency letters which, when approved by DOGM, will require complete elimination of highwalls at the #2 mine. DOGM anticipates completion of the review process by the end of this month.

Part 2 of 2 of the TDN relates to the reclamation schedule. At the time DOGM determined the reclamation plan to be inadequate, it directed Mountain Coal to abandon the approved reclamation schedule until a revised plan was approved. At the time DOGM approves a revised reclamation plan, a new schedule for completion of reclamation will be established. It is my understanding that Mountain Coal is eager to complete regrading and contouring of the mine site, and is only awaiting approval of a revised reclamation plan. Therefore, I anticipate a relatively short schedule.

I hope this additional information is helpful in evaluating DOGM's September 15th response. Again, I request that OSM find the remedial activities now underway to constitute an appropriate response to the TDN.

Very truly yours,

A handwritten signature in black ink, appearing to read "James W. Carter". The signature is fluid and cursive, with a large loop at the beginning and end.

James W. Carter
Director

jbe

cc: L. Braxton
P. Grubaugh-Littig

H:EHMETTGC.LTR

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