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Mountain Coal Company
West Elk Mine
Post Office Box 591
Somerset, Colorado 81434
Telephone 303 929-5015

RECEIVED
OCT 30 1997
DIV. OF OIL, GAS & MINING

Pamela Grubaugh - Littig
Permit Supervisor
Utah Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

Re: Request to Vacate
N.O.V. N97-47-2-3
~~Gordon Creek~~ No. 2/7/8 Mines
ACT/007/016 #5
~~Carbon~~ County, Utah

Copy NOV file
Copy Letter to Aaron - Joe (Jesse)

Dear Ms. Littig:

Mountain Coal Company is herein requesting that Notice of Violation N97-47-2-3 be vacated. This request is based on findings that the storm events which caused the various hydrologic control problems noted in the violation far exceeded the applicable 100 year - 6 hour and 10 year - 6 hour designs for the site.

As you know, this area was hit with numerous storms during August and September. Price was reported to have received in excess of 2.5" of rain in one storm (Re: Sun Advocate). The Horizon Mine (adjacent to the Gordon Creek No. 2/7/8 Mines) recorded nearly 4.00" of rain during one storm. Additional weather data from the general area shows as many as 12 days in September with precipitation, with many storms in excess of 0.5 inch in areas much lower than our minesite. Helper was reported by one station to have received 300% of its normal rainfall in September alone. The frequency and intensity of such storms created saturated ground conditions leaving little, if any, opportunity for runoff to be absorbed. Precipitation data is enclosed under Attachment 1.

The N.O.V. was written on October 1, 1997 for damage to reclaimed channels, roughened areas and erosion controls. The majority of this damage occurred in late September. The perennial and intermittent channels (i.e. main and right fork channels) were designed to carry runoff from a 100 year - 6 hour precipitation event of 2.12", with a maximum flow of 59.30 cfs in the main lower channel. Ephemeral channels (i.e. small side channels) were designed to carry runoff from a 10 year - 6 hour precipitation event of 1.50", with maximum flows of 0.17 to 7.08 cfs.

On-site measurements were taken in the main, right fork and side channels to determine the cross sectional area of water flow during maximum runoff. This area was then multiplied by the velocity based on the channel slope to determine actual flow. All calculations were done using the Storm Computer Program. The following is a summary of design verses measured flows for each of the measured sections:

Channel	*Design Flow* (cfs)	*Measured Flow* (cfs)
Main (Upper)	*59.30*	*318.54*
Main (Lower)	*59.30*	*363.39*
Right Fork	*18.75*	*52.81*
Side 1	*7.08*	*44.33*
Side 2	*0.17*	*19.31*
Side 3	*0.17*	*20.16*

Note: Supporting calculations are enclosed in Attachment 2.

The results of the above measurements show that the storm events which resulted in the violation were massive and well beyond the design event for any of the channels. In fact, the calculations reflect runoff from a storm event in excess of 3.5 inches, which is likely beyond a 250 year - 6 hour event for this area. Based on the above, Mountain Coal Company should not have been issued a violation and therefore requests it be immediately vacated.

It should be noted that Mountain Coal Company has completed all necessary repairs caused by the storms. These repairs would have been made with or without the issuance of a N.O.V.

If you have any questions, or need any further information, please let me know.

Respectively,

Dan W. Guy
for
Paige B. Beville