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SC³ SOLDIER CREEK COAL CO.

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Price, Utah 84501

February 27, 1991

Daron R. Haddock
Permit Supervisor
Division of Oil, Gas & Mining
355 W. North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

RE: Abatement Plan for Notice of Violation No. N91-37-1-3
Soldier Canyon Mine, ACT/007,018
Carbon County, Utah

Dear Daron:

Below are the nature of violations and SC3's remedial actions taken to abate the violations.

Violation 1 of 3

Failure to operate within the disturbed area boundary as portrayed on Exhibit 4.2-6, submitted with the approved culvert extension amendment.

Enclosed is a revised Exhibit 4.2-6 showing the actual disturbance associated with the stream culvert installation. The actual disturbance associated with the culvert installation was unforeseeable in the planning stages. During the excavation, many boulders were encountered and had to be removed. The removal of these boulders was critical in providing a safe working environment for the people in the stream channel. SC3 did not exceed its permitted disturbed boundary out of negligence, but instead out of concern for the safety of the workers.

All of these areas of disturbance have been incorporated into the disturbed area boundary of SC3's Surface Facilities Expansion PRP. Therefore, these areas will be reclaimed according to the revision package and approved MRP.

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Violation 2 of 3

Failure to place excess spoil in a designated area within the permit area.

Exhibit 4.2-6 has been revised to show the present location of the spoil pile. Treatment for the runoff from the spoil pile and all of ASCA #5, is the cut-off trench directly south of the pile. The cut-off trench was designed through direct consultation with the Division and all runoff from the spoil pile reports to the impoundment. The presence of the spoil pile does not have any impact on the cut-off trench's ability to contain the designed storm event.

On February 5, 1991, the spoil pile was sampled and sent to Intermountain Labs for analysis. When the results are returned, they will be reviewed to determine if the spoil can be used as backfill for the culvert. Backfilling of the culvert is scheduled to begin on or about March 11, 1991, and if the spoil results are positive, then at that time the spoil pile will be used as backfill material.

Violation 3 of 3

Failure to identify and protect the topsoil resource.

The approved culvert extension permit amendment specifically states, "Topsoil removal will be minimal, if any. Material removed for preparation of the stream channel will be stored on site and used as backfill upon completion of the culvert installation." Topsoil resources were considered insignificant and removal of any topsoil was not practical, due to the nature of the excavation. This violation was unwarranted and should have been treated as a permit defect by the Division.

The material stored on site is not considered topsoil, therefore it does not need to be treated as such. On February 5, 1991, two samples of the soil were taken and mailed to Intermountain Labs for analysis. The results of the soil samples will dictate what will become of the soil material. If the analyses come back positive for use as substituted topsoil, then at that time the amount not needed in backfilling the culvert will be designated as topsoil and properly protected. As shown on Exhibit 4.2-6, the stockpile material is protected by an earthen berm.

After the channel excavation was completed, SC3 had Earthfax Engineering conduct a soil inventory to determine what topsoil resources are available in the area adjacent to the stream channel. The inventory was performed in conjunction with the facilities expansion and road relocation permit revision package submitted to the Division on January 8, 1991.

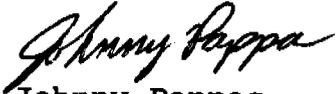
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If you have any questions or comments on this Abatement plan,
please contact me.

Sincerely,

SOLDIER CREEK COAL COMPANY



Johnny Pappas
Environmental Coordinator

JP/sm

Enclosure

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