007/018 #2

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STATE OF UTAH
NATURAL RESOURCES
Water Rights

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Robert L. Morgan, State Engineer

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January 8, 1992

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DIVISION OF
OIL GAS & MINING

Division of Oil, Gas & Mining
Attn: Daron Haddock, Permit Supervisor
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: Permit Renewal Application
Soldier Creek Coal Company, Soldier Canyon Mine

Dear Daron:

The above referenced permit Application for the Soldier Canyon Mine has been reviewed. A few of the concerns which I have enumerated below, address specific requirements of this office. In addition, several comments listed discuss the possible interference or diminution of flow within and adjacent to the life-of-mine (LOM) boundary.

1) Page 1-4 discusses the construction of a sedimentation pond for the proposed refuse disposal area. Pursuant to Section 73-5a-204 of the Utah Code, an application for the construction, reconstruction, or abandonment of any dam must be completed and approved prior to construction. Therefore, Form R-69, Application to Construct a Dam Impounding Less Than 20 Acre Feet, should be completed and submitted to this office.

2) Several sections of the plan, in particular Chapters 5 and 7, discuss mining induced subsidence and the possible effects upon the area water resources. References were made on pages 7-15, 7-28, and 7-30 regarding the perched aquifers of the Flagstaff Formation and the regional water table. Mining in the Blackhawk Formation may develop fractures (by subsidence) that would allow water to migrate down to the lower formations which could dewater established sources. Further, page 7-80 states that the primary consequence of intercepting groundwater flow within the mine is to lessen the natural base flow discharge to Soldier Creek. Although water is returned to Soldier Creek at the mine discharge (MW-3; SE4NE4 Sec. 7, T13S, R12E, SLB&M), the northern reaches may be impacted. Furthermore, due to the coal bed inclination, gravity discharge from the mine will not occur and could affect replacement of rights. Finally, within and adjacent to the LOM boundary, 39 water rights have been filed with this office. Of these, Sunoco Energy Co. (Soldier Creek Coal) has the rights to 10 springs and 6 surface sources; California Portland Cement has the right to one underground source. To prevent interruption or loss of flows, SCCC should protect all sources to the extent possible. (Note: Title should be updated on CPC's right, 91-203, to Sunoco).

3) Two perennial streams exist within the LOM boundary, Soldier and Pine Creeks. Page 5-17 states that subsidence from the proposed mine plan should not significantly affect any streams. In addition, a zone of no secondary mining (exhibit 5.25-1) is designed to protect Soldier Creek. However, multiple seam mining below Pine Creek may have a greater impact upon immediate area surface flows and possible recharge to the system. A contingency plan is outlined on page 7-82 should a substantial loss of flow from Soldier Creek or Pine Creek be encountered. Any diminution or interruption of flows from any source should be considered significant and should be addressed accordingly. Upon the determination that a source has been impacted by mining operations, any anticipated changes or developments of water sources should be coordinated with this office.

4) Page 5-36 discusses the coal washing operations and addition of water to make up for losses contained in the refuse and clean coal products. These losses are approximately 19 gpm. Page 7-83 discusses the total consumption of groundwater which is estimated at 43.53 acre feet annually. It is not clear if this total figure includes the coal washing operations, however, the total acre foot amount for all operations appears to be well below the amount allotted under the existing water right (91-203).

5) The proposed refuse disposal site is discussed throughout the permit application. Page 7-49 discusses the surface water resources of the disposal area which consist of Soldier Creek, an ephemeral drainage, Anderson Reservoir, and an irrigation diversion. Page 7-50 states Anderson Reservoir is located on a small tributary of Soldier Creek which is the same drainage being proposed for the refuse disposal area. Upon development of the disposal site, construction and installation of diversion structures should allow water to be diverted under existing water rights. Proper maintenance of all ancillary structures should be performed to prevent wasting of diverted water.

6) Page 17 of the Supplemental Hydrogeological Study by Sergent, Hauskins, & Beckwith (Appendix I) states that is possible for drainage from mine workings to enter uncased holes (old borings). It is not clear if these borings have been abandoned, and if so, whether they have been properly sealed to prevent contamination of aquifers. Clarification regarding the status of these borings should be supplied to this office.

7) During expansion of the mine facilities, encroachment upon Soldier Creek or other riparian environments may be inevitable. Pursuant to Section 73-3-29 of the Utah Code, an application must be filed with this office prior to initiating any work within a natural stream channel. A review of any proposed site may be required to determine whether or not a Permit to Alter a Natural Stream is required.

Sincerely,

William A. Warmack

William A. Warmack
Assistant Regional Engineer

cc: Tom Paluso - Soldier Creek Coal Company

WAW/mjk