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EarthFax

July 31, 1992

DIVISION OF
OIL GAS & MINING

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Ms. Pamela Grubaugh-Littig
Permit Supervisor
State of Utah
Division of Oil, Gas, and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: Stipulation Response for Permit, Blue Blaze Coal Company, PRO/007/020 #2

File

Dear Pam:

EarthFax Engineering, Inc. (EarthFax) is responding to the Division's stipulations of June 23, 1992 at Blue Blaze Coal Company's (BBCC) direction. Enclosed are four copies of the responses to the stipulations, revised Plate 7-1, and quarterly baseline water quality data.

Due to several questions that were raised during the process of addressing these stipulations and conversations with members of the Division's staff, we are requesting an extension on the time frame to provide additional information regarding several of these stipulations.

The stipulations regarding the hydrology issues and the timing of the survey information submittals were unclear. We propose that a meeting be held within the next two weeks with you and members of your staff to clarify and address these concerns.

Please let us know how you would like to proceed. Call if you should have any questions.

Sincerely,

Richard B White

Richard B. White
Principal Hydrologist

Enclosures

cc: R. Skaggs

STIPULATION RESPONSES

STIPULATION #1

Stipulation:

The Applicant is limited to mining only the non-federal coal within the permit area until a mining plan approval is obtained from the Secretary of Interior to mine Federal Coal Lease SL-063011.

Response:

BBCC commits to mine only the non-federal coal with in the permit area until a mining plan approval is obtained from the Secretary of Interior to mine Federal Coal Lease SL-063011.

STIPULATION #2

Stipulation:

Prior to topsoil removal operations, the applicant must commit to excavating the A or E horizon for the Curecanti Family and Senchert Series in accordance with the profile descriptions located in the USDA/SCS Soil Survey for the Carbon County Area, Utah.

Within 30 days of the completion of the initial phase of construction, the applicant must submit as-built surveys of the completed subsoil and topsoil stockpiles. Surveys must include the following information: volume of material, maximum and minimum elevations and slopes, cross-sections, and all other pertinent dimensions.

Additionally, the applicant must amend the topsoil and subsoil mass balance table in accordance with the results of the above stockpile surveys.

Response:

BBCC commits to excavating the A or E horizon for the Curecanti Family and Senchert Series in accordance with the profile descriptions located in the USDA/SCS Soil Survey for the Carbon County Area, Utah.

BBCC additionally, commits to submit as-built surveys of the completed subsoil and topsoil stockpiles. Surveys must include the following information: volume of material, maximum and minimum elevations and slopes, cross-sections, and all other pertinent dimensions. The timing of these survey submissions is unclear. We propose a meeting with

the Division personnel to determine what constitutes the end of the initial phase of construction.

Based on the results of the survey from the stripped topsoil and subsoil stockpiles, BBCC commits to amend the topsoil and subsoil mass balance table. This information shall be submitted along with the survey information.

STIPULATION #3

Stipulation:

The applicant must commit to fulfilling the requirements of R645-301-233, in the event that the mass balance indicates a topsoil/subsoil deficiency.

Response:

BBCC commits to fulfilling the requirements of R645-301-233, in the event that the mass balance indicates a topsoil/subsoil deficiency.

STIPULATION #4

Stipulation:

The applicant must submit to the Division of Water Rights a Change Application for the point of diversion for any water right to be used. The applicant must also show Water Right 91-94 in Appendix 1 and indicate it on the Water Rights Map.

Response:

BBCC commits to submit the required change applications for any water rights used in the mining operations. Additionally, Water Right 91-94 will be added to information presented in Appendix 1 and will be indicated on the Water Rights Map.

STIPULATION #5

Stipulation:

Mining of the Hiawatha seam will be contingent upon the collection of adequate baseline data from holes LMC 1, 2 and the additional in-mine hole designated as drill hole BBCC-3. The LMC holes will be redrilled in another location, so as to supplement existing

data as referenced on page 7-17. All drilling proposals will obtain approvals from the Division of Water Rights and any other appropriate agencies.

Baseline water quality data must be collected for a period of two years. The data can be reviewed at the end of one year, if the applicant provides an updated PHC summarizing all data collected for the PHC at the end of one year. No water quality parameters will be dropped for the Division's water monitoring list until the applicant provides a summary of the data for Division review and a discussion justifying the rationale for elimination of any parameters. If any parameters are consistently below the detection limit and/or the Drinking Water Standards, then it is appropriate that this is summarized in the applicant's PHC.

An approval to mine the Hiawatha seam will be contingent on the submittal of the revised PHC, summarizing all water data collected to data specifically addressing the aquifers above, within, and below the Hiawatha seam.

Response:

BBCC commits to redrill holes LMC 1 and 2. These holes will be renamed BBCC 1 and 2 and will be drilled at locations shown on revised Plate 7-1. The drilling date for these holes will be set upon bond acceptance and permit approval.

BBCC also commits to collect baseline data for two years. The data collected will be summarized at the end of the first year in an updated PHC. Water quality parameters for the Division's water monitoring list will be reviewed based on a summary of the data and a discussion justifying the rationale for elimination of any parameters. Any parameters which are consistently below the detection limit and/or the Drinking Water Standards will be considered for elimination and will be summarized in the PHC.

STIPULATION #6

Stipulation:

The applicant must submit a plan specifically outlining new drill hole locations for LMC 1 and 2 and a commitment to complete these holes to the bottom of the base of the first saturated strata or the bottom of the Starpoint Sandstone, whatever comes first.

Response:

BBCC commits to redrill the holes LMC 1 and 2, renamed as BBCC 1 and 2, and to complete these holes to the bottom of the base of the first saturated strata or the bottom of the Starpoint Sandstone, whatever comes first. The locations of the holes is presented on

revised Plate 7-1 and the specifics of the drilling plan will be submitted to the Division following bond acceptance and permit approval.

STIPULATION #7

Stipulation:

The applicant must supply the necessary information regarding discharges into the underground mine satisfying the requirements of R645-301-731.511.1 through R645-301-731.511.4 before any water is discharged into the underground mine.

Response:

No natural or uncontrolled discharges will be directed into the underground workings. Water used in the mining operations will be collected from the North Fork of Gordon Creek and will be piped in a limited and controlled manner on an as needed basis for dust control and equipment usage in the mining operation. No other discharges will be allowed to the underground workings.

STIPULATION #8

Stipulation:

The applicant must submit the necessary information to obtain approval to conduct any activities within 100 feet of the Right Fork North Fork of Gordon Creek. A commitment to clearly mark all stream buffer zones on the ground must be made and the stream buffer zone must be identified on the appropriate map.

Response:

The Right Fork North Fork of Gordon Creek is an ephemeral stream. Therefore, no stream buffer zone needs to be declared.

The North Fork of Gordon Creek is an intermittent stream and a buffer zone will be provided. BBCC commits to mark all buffer zones on the ground and will identify them on an appropriate map. To facilitate the identification of the extent and the location of the buffer zones, it is proposed that a meeting with the Division personnel be set-up to address this stipulation and the extent of the required pre-disturbance sediment control as required in Stipulation 9.

STIPULATION #9

Stipulation:

The applicant must provide a plan to the Division for adequate sediment control measures prior to conducting any surface disturbance. This plan will include sediment control measures during the development stages of mining prior to any site disturbance. This plan must be done in order to meet the requirements for sediment control measures during the development phase of mining.

Response:

A plan for sediment control during construction of the mine facilities is provided in the permit document (see page 7-34). This plan is generic due to the need for flexibility during the construction phase of the facility. If this plan is not adequate, please let us know and we would propose a meeting with members of your staff to discuss an appropriate conceptual design.

STIPULATION #10

Stipulation:

The applicant must provide adequate designs for sediment control during all phases of reclamation. The applicant must submit a complete and technically adequate reclamation plan to the Division regarding the stabilization and revegetation of disturbed areas prior to the removal of siltation structures. This must be done in order to meet the requirements for siltation structures during reclamation.

Response:

A plan for sediment control during reclamation of the mine facilities is provided in the permit document (see pages 7-54 through 7-58 and Appendix 6E). This plan is felt to be the most appropriate for the site due to the constraints of the narrow canyon and the need to remove the by-pass culvert to allow re-establishment of the North Fork and Right Fork drainage channels. If this plan is not adequate, please let us know and we would propose a meeting with members of your staff to discuss an appropriate conceptual design.