



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

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April 24, 1997

Brad Bourquin, P.E.  
Horizon Coal  
1131 South Dover Street  
Lakewood, Colorado 80232

RE: Response to Division Order 96A and Permit Stipulations, Horizon Coal Company, Horizon Mine, ACT/007/020-97A & 97C, File #2, Carbon County, Utah

Dear Mr.  Bourquin:

The referenced information was submitted to the Division's Price Field Office by Vicky Bailey on February 10, 1997. The submittal addressed three agency actions: Division Order 96A, Notice of Violation N-96-35-1-2 #2/2, and the special conditions to your permit approval of October 10, 1996. The response to the notice of violation has been approved under separate cover. Review comments addressing the Division Order and special conditions to the permit approval are outlined below. Your response by June 16, 1997 is required.

Division Order 96A

**R645-301-333.300.**

The permittee must provide a commitment in the MRP and construct all power line towers according to the guidelines outlined in *Mitigating Bird Collisions with Power Lines: The State of the Art in 1994*, Edison Electric Institute, Washington, D.C.

The permittee must provide a copy of the permit issued by Carbon County to construct the water pipe line from the Sweets Pond to the horizon facility.

The permittee must provide a written copy of landowner request to have the utilities remain after the mine has discontinued their use, i.e. Sweets Pond pump facilities, etc.

**R645-301-411**

The MRP fails to address the premining and current land use of the area associated with the water and power lines and the Sweets Pond area. The description of the area must also include classifications of the area under local law. The permittee should indicate whether or not the Sweets water truck fill up facility is going to remain and be used by Horizon or

indicate the possible need for another fill up facility.

**R645-301-412**

The permittee must address and discuss the postmining land use of the disturbed area associated with the water and power lines and the Sweets Pond area in the MRP. The postmining land-use section must also contain a copy of the surface or land owner comments regarding the proposed postmining land use.

**R645-301-512**

Plate 3-8 needs to be certified by a registered professional engineer.

**R645-301-521.100**

The following corrections should be made on plate 3-8.

- ▶ The power line is identified on the wrong side of the road from the substation to Sweets Pond. Illustrate the power line in the correct location.
- ▶ Show the power line location on Plate 3-8 to the north of the substation.
- ▶ Properly identify the disturbed area
- ▶ Illustrate where the power lines tie in to other lines, power poles, etc.
- ▶ The power system should depict in sufficient detail the existing facilities proposed lines and power poles.

Special Conditions to Permit Approval

**R645-301-120**

The permittee must provide accurate information on plate 7-1 and correct duplication of site labels and symbols to accurately reflect the type of site represented by the label.

**R645-301-121.200**

Resubmit Table 3-4 in a legible form.

**R645-301-352**

The temporary seed mixture must be changed to a permanent seed mixture when referring to contemporaneous revegetation. The permit change states that the temporary seed mixture will be used in contemporaneous revegetation. Contemporaneous revegetation is permanent revegetation performed during the operations phase of mining on land that will not be disturbed again. Interim revegetation is only temporary revegetation and stabilization on lands which will be disturbed during operational or reclamation activities.

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**R645-301-353**

The permittee must present a reclaimed drainage through the Jewkes Creek area which will allow a reasonable likelihood of reestablishing the Riparian Wet Meadow vegetation which currently exists on site. At a minimum the Riparian Wet Meadow community must be of the extent as shown on the wet lands map in appendix 9-2. The permittee must meet the commitment made in the MRP to address this requirement, weather conditions permitting, by no later than June 16, 1997, as addressed in the letter dated April 8, 1997, to Daron Haddock from Brad Bourquin.

**R645-301-731**

The permittee must clarify the information presented on page 7-30 in this submittal to clearly present the proposed monitoring at CC-5 and MC-4. Additional parameters to be collected should include field monitoring parameters and TDS.

**R645-301-731.121**

The permittee must provide an oil skimming design for the sedimentation pond spillway.

**R645-301-742**

The permittee must correct the **reclamation time table** to show the intention to remove the sedimentation pond prior to completing regrading practices and provide a commitment in the plan to obtain approval from the division prior to removal of the sedimentation pond coordinated with an inspection to be completed by a division hydrologist. The permittee must also provide a detailed time table and plan for the construction activities to occur. This detail should include timing and sequencing of the following: removal of the culvert system; regrading, topsoil placement, mulching and erosion control matting for specific areas, phased drainage control for major stages of reclamation, a monitoring program with sampling set up on a continual basis at timed intervals to demonstrate that effluent limitations set forth in our 645-301-751 will be met as provided in 40CFR part 434 and which demonstrates sediment contributions to the stream has been minimized or; provide for retention of the sedimentation pond as required under R645-301-763.

The permittee must obtain an additional mine water discharge point for the UPDES permit, prior to discharge from the mine portal.

**R645-301-742.240**

The permittee must request an exemption from sediment control measures along the county road and provide necessary documentation and information to meet the requirements of this section.

**R645-301-742.300**

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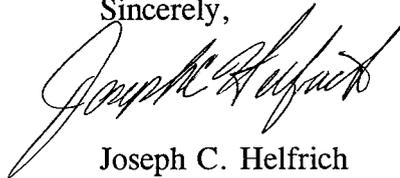
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The permittee must provide surface topography that is graded to drain to the channels especially as it relates to Portal Canyon.

**R645-301-742.322**

The permittee must demonstrate that the reclaimed intermittent and perennial channels can carry the flow capacity for the upstream and down stream channel sections.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph C. Helfrich". The signature is written in a cursive style with a large, sweeping initial "J".

Joseph C. Helfrich  
Permit Supervisor

tt

cc: Bill Malencik, PFO  
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