



0012

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

ACT/007/022#5

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

October 28, 1987

FILE COPY

CERTIFIED RETURN RECEIPT REQUESTED
P 402 459 445

Mr. Robert Hagen
Office of Surface Mining
Reclamation and Enforcement
Albuquerque Field Office
Suite 310, Silver Square
625 Silver Avenue, S.W.
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

Re: Ten Day Notice X87-02-006-012-TV-8, Beaver Creek Coal Company,
C. V. Spur Mine, ACT/007/022, Carbon County, Utah

This letter responds to the aforementioned TDN, received by Lowell Braxton on October 13, 1987.

T87-02-006-012, 1 of 8. The soil compaction language defect in the MRP has been discussed with the operator. In accordance with OSM Directive INE-27, the operator submitted an amendment to the plan to correct the defective language.

T87-02-006-012, 2 of 8. While there appears to be some contradiction in the wording of UMC 817.52(a)(1) and b(1)(ii), the operator has submitted an amendment request to reflect quarterly reporting of water monitoring dates.

T87-02-006-012, 3 of 8. The Division approved an amendment to the water monitoring plan at C. V. Spur on May 4, 1987. In light of that approved amendment, which eliminates boron and fluoride, enforcement action at this time is not appropriate. No enforcement action will be taken.

Page 2
Mr. Robert Hagen
ACT/007/022
October 28, 1987

T87-02-006-012, 4 of 8. Revegetation of the topsoil areas and diversions has been largely unsuccessful in spite of repeated and even special efforts on the topsoil areas which included artificial irrigation. Other protective efforts have been undertaken on the topsoil areas in the form of a berm and sediment control measures. The operator has submitted, pursuant to INE-27, minor amendments to the approved plan which should rectify the language of concern noted by this TDN.

The Division identified the revegetation concerns noted in OSMRE's TDN during the mid-term review concluded April 2, 1987. The operator has committed to establishment of test plots to evaluate what measures can be undertaken for successful revegetation.

The test plots to be undertaken by Beaver Creek Coal Company in cooperation with DOGM, among others, will provide salient information on revegetation solutions that can be applied when final reclamation is undertaken. No NOV will be issued for this portion of this TDN.

T87-02-006-012, 5 of 8. The operator has submitted an MRP amendment that provides for a survey method to measure sediment levels. No NOV will be issued for this portion of this TDN.

T87-02-006-012, 6 of 8. A diversions and collection ditches proposed amendment to the MRP was submitted to DOGM on September 29, 1987. The Division is currently reviewing this request. While the instant TDN only concerns Beaver Creek Coal Company, it has equal application to the mines in Carbon and Emery counties for soils where the parent material is Mancos shale. Central to the whole issue is the matter of retaining soil in place and protecting the natural vegetation that has regenerated along such ditches and diversions. This is especially important since artificial revegetation experiences on this and closely allied soils have been disappointing. Further, it has been our observation that grading and soil disturbance adds to soil instability and increased soil movement. OSMRE will be apprised of the action taken on the pending amendment in the next month. DOGM plans no enforcement action at this time.

T87-02-006-012, 7 of 8. Culvert issues include inlet and outlet protection, minor crushing, and joint disconnection. The operator has repaired and provided required protection. No enforcement action is proposed by DOGM.

Page 3

Mr. Robert Hagen

ACT/007/022

October 28, 1987

T87-02-006-012, 8 of 8. Two culverts have been installed that are not reflected in the MRP. Four culverts on the MRP were not installed and protection was not provided on one culvert (riprap). Specifics are detailed in the inspection report. The operator has submitted an amendment to the MRP reflecting the actual situation on the ground with appropriate deletions and additions as summarized above.

Bob, I would like to pass on a concern of my staff that the approximately twenty hours spent on site in two days is considerably greater than that spent in previous oversight inspections for C.V. Spur: especially in light of the issues delineated. It would appear that the emphasis of inspections is shifting from a "joint" OSMRE/DOGM inspection with OSM critiquing DOGM to a full blown federal inspection. I would appreciate discussing the ramifications of this with you. Also, with respect to time spent on the mine site, the Division as much as possible tries to honor mine office closing times, and short of environmental emergencies, does not conduct inspections that run more than thirty minutes past the posted working hours of the facility being inspected. In the case of the need to continue the inspection considerably past the mine's working hours, our policy is to return to the site the following day. Not all mines maintain the same office hours, and to facilitate OSMRE inspectors planning of future inspections, my staff will send Steve Rathbun a list of mine office hours, in the near future.

Best regards,



Dianne R. Nielson
Director

WM:jvb

cc: K. May

L. Braxton

J. Whitehead

W. Malencik

1288R-25

PS Form 3811, July 1983 447-845

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

- Show to whom, date and address of delivery.
- Restricted Delivery.

3. Article Addressed to:
 Mr. Robert Hagen, ASM
 Albuquerque Field Office
 Suite 310 Silver Sq
 625 Silver Ave, SW
 Albuquerque, NM 87102

4. Type of Service: Registered Insured Certified COD Express Mail

Article Number: P402-459-445

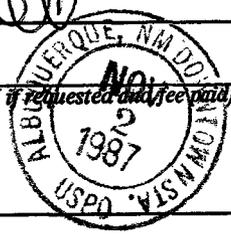
Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
X

6. Signature - Agent
X *J. Mitchell*

7. Date of Delivery

8. Addressee's Address (ONLY if requested and fee paid)



P 402 459 445

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED - NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to	Mr. Robert Hagen
Street and No.	Suite 310 Silver Sq
P.O., State and ZIP Code	625 Silver Ave, Albuquerque NM
Postage	
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return Receipt Showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

ACT/007/021m

PS Form 3800, Feb 1982

DOMESTIC RETURN RECEIPT

RETURN TO

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS
 Print your name, address, and ZIP Code in the space below.
 • Complete items 1, 2, 3, and 4 on the reverse.
 • Attach to front of article if space permits, otherwise affix to back of article.
 • Endorse article "Return Receipt Requested" adjacent to number.

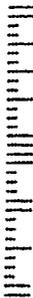
STATE OF UTAH
 NATURAL RESOURCES
 OIL, GAS, & MINING
 TRIAD CENTER, SUITE 350
 SALT LAKE CITY, UTAH 84180-1203



(Name of Sender)

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

(City, State, and ZIP Code)



STATE OF UTAH
 NATURAL RESOURCES
 OIL, GAS, & MINING
 TRIAD CENTER, SUITE 350
 SALT LAKE CITY, UTAH 84180-1203

0012