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United States Department of the Interior

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*S. C. L. P. Braxton
King News file
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**TAKE
PRIDE IN
AMERICA**

In Reply Refer To:

August 17, 1990

Dr. Dianne R. Nielson, Director
Division of Oil, Gas and Mining
Department of Natural Resources
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

RECEIVED
AUG 20 1990

DIVISION OF
OIL, GAS & MINING

Re: Wildcat Loadout, TDN 90-02-107-8 (1-4)

*Aug 10071033
#5*

Dear Dr. Nielson:

The following is a written finding, in accordance with 30 CFR 842.11, regarding the Division of Oil, Gas, and Mining's (DOGM) response to the above referenced Ten-Day Notice (TDN).

On June 21, 1990, the Albuquerque Field Office (AFO) conducted a random sample inspection (RSI) of the Andalex Resources, Wildcat Loadout. The inspection resulted in the issuance of the four-part TDN referenced above for alleged violations of the Utah regulations. DOGM received the TDN via certified mail on July 5, 1990, thereby setting the response due date at July 16, 1990. AFO received DOGM's initial response dated July 10, 1990 on July 18, 1990. On July 19, 1990 a representative of AFO contacted DOGM representatives to request additional information concerning the Division's initial response. DOGM responded to the request with revised maps received in AFO on August 1, 1990 and an August 14, 1990 faxed letter.

Part 1 of the TDN was issued for the operator's failure to certify siltation structures...to be constructed as designed and as approved in the reclamation plan in accordance with R614-301-742.212.

DOGM's initial response indicates that modifications to the ponds have been completed and the plates (maps) recertified and submitted to the Division on July 6, 1990. DOGM submitted the maps in response to AFO's request for additional information. The maps indicate the structures have been properly certified.

Therefore, the AFO finds DOGM's response to part 1 of the TDN appropriate.

Part 2 of the TDN was issued for the operator's failure to comply with the terms and conditions of the approved permit in accordance with R614-300-143. The TDN references the 24-inch lift thickness at the coal processing waste site and diversion ditch UD-1.

DOGM's initial response indicates that the coal processing waste pile has been reconfigured and diversion ditch UD-1 has been enlarged to meet the design in the mining and reclamation plan (MRP). The response also indicates a half-round culvert will be installed in the lower portion of the diversion. DOGM submitted additional information in response to AFO's request which indicates the Division will approve a revision regarding construction of a permanent impoundment by October 15, 1990.

AFO finds DOGM's response to part 2 of the TDN appropriate. The response is appropriate because the operator enlarged the diversion to meet the typical design specified in the MRP and reconfigured the coal processing waste pile within the TDN response period. The proposed modifications, the half-round culvert and the impoundment, affect the diversion but they are not directly related to the violation cited in the TDN.

Part 3 of the TDN was issued for the operator's alleged failure to certify haul roads in accordance with R614-301-512.250. The TDN references the road from the north entrance to the truck scales to the stoker coal stockpile.

DOGM's initial response indicates the haul roads were certified within the TDN response period. In response to AFO's request for additional information DOGM provided a copy of the map which indicates the haul roads have been certified.

Therefore, AFO finds DOGM's response to part 3 of the TDN appropriate.

Part 4 of the TDN was issued for the operator's failure to divert runoff at the site of the coal processing waste using diversions designed to pass runoff resulting from a 100-year, 6-hour precipitation event.

DOGM's initial response indicates the diversions associated with the coal processing waste pile will be recalculated for the 100-year, 6-hour storm and that the operator is in the process of preparing the information. The response also references the problem as a permit defect. In response to AFO request for additional information, DOGM's second response indicates the amendment to the permit will be approved by October 15, 1990.

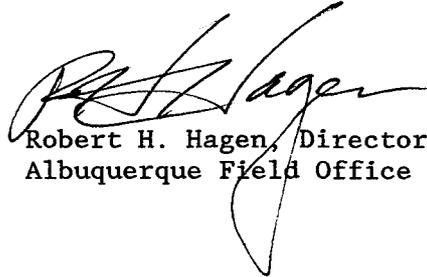
AFO finds DOGM's response to part 4 of the TDN appropriate. The response is appropriate because DOGM is taking action to correct the permit defect within the time frames specified by the State program.

Dr. Nielson

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If you wish to discuss this matter further, please contact John Kathmann
or me at (505) 766-1486.

Sincerely,



Robert H. Hagen, Director
Albuquerque Field Office