

0008



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangarter
Governor

Dee C. Hansen
Executive Director

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Division Director

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3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

June 16, 1992

CERTIFIED RETURN RECEIPT
P 074 979 250

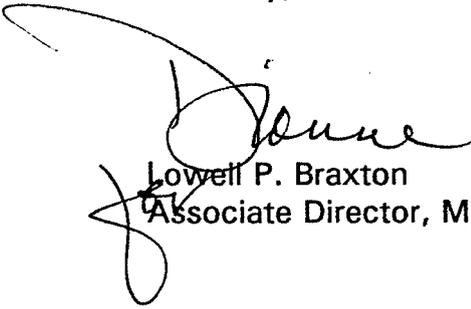
Mr. Mike Glasson
Andalex Resources, Inc.
Wildcat Loadout
P.O. Box 902
Price, Utah 84501

Mike
Dear Mr. Glasson:

Re: Division Order, Andalex Resources Inc., Wildcat Loadout, ACT/007/033-DO-92A, Folder #3, Carbon County, Utah

Enclosed please find a Division Order and Findings of Permit Deficiency for the Wildcat Loadout. If in your review of this Order you have any questions, please call me or Pamela Grubaugh-Littig.

Sincerely,


Lowell P. Braxton
Associate Director, Mining

jbe
Enclosure
cc/enc: Pamela Grubaugh-Littig
Joe Helfrich
Tom Munson
Jesse Kelley
A:\DOLTR.92A

DOG M JBE ACT/007/033-DO-92A #3

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 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 boxes for additional services requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to: MIKE GLASSON ANDALEX RESOURCES INC WILDCAT LOADOUT PO BOX 902 PRICE UT 84501		4. Article Number: P 074 979 250
5. Signature - Addressee: <i>Mike Glasson</i>		Type of Service: <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Insured <input type="checkbox"/> COD <input type="checkbox"/> Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
6. Signature - Agent: X		
7. Date of Delivery: X		8. Addressee's Address (ONLY if requested and fee paid): U



P 074 979 250
 RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
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MIKE GLASSON ANDALEX RESOURCES INC Street and No. WILDCAT LOADOUT PO BOX 902 P.O., State and ZIP Code PRICE UT 84501	
Postage	\$ 52
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Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	1 00
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 2 52
Postmark or Date	PRICE UT JUN 16 1992 OFFICE

DOG M JBE ACT/007/033-DO-92A #3

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

PS Form 3800, June 1985

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed strip to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed strip to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

* U.S.G.P.O. 1989-217-132

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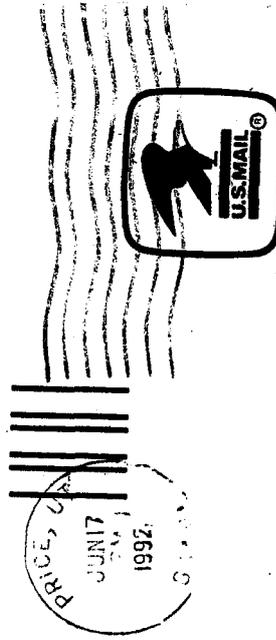
SENDER INSTRUCTIONS

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- 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.

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TO**

Print Sender's name, address, and ZIP Code in the space below.

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



**PENALTY FOR PRIVATE
USE, \$300**

STATE OF UTAH
DIVISION OF OIL, GAS AND MINING

PERMITTEE

Mr. Mike Glasson
Andalex Resources, Inc.
Wildcat Loadout
P.O. Box 902
Price, Utah 84501

ORDER & FINDINGS
of
PERMIT DEFICIENCY

PERMIT NUMBER ACT/007/033
DIVISION ORDER #DO-92A

PURSUANT to R645-303-212, the DIVISION ORDERS the PERMITTEE, Andalex Resource, Inc., to make the permit changes enumerated in the findings of permit deficiency in order to be in compliance with the State Coal Program. These findings of permit deficiency are to be remedied in accordance with R645-303-220.

Findings of Permit Deficiency

The Division finds the permit deficient in that, in contravention of R645-301-512.240, the designs and as-built drawings for the permanent impoundment are not properly certified by a professional engineer. Design and as-built certification statements for impoundments must contain, at a minimum, but need not be identical to, the following:

Design Certification:

I hereby certify that I am experienced in the design and construction of impoundments; I am qualified and authorized in the state of Utah to prepare and certify such maps and plans as required for the design of these impoundments; that these designs meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and that these designs have been prepared by me or under my direction.

Construction Certification:

I hereby certify that I am experience in the construction of impoundments; I am qualified and authorized in the state of Utah to inspect and certify the construction of impoundments in accordance with the certified and approved designs for this

structure; the materials and conditions required for construction are in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and that inspections of the impoundment were made during critical periods of the construction by me or under my direction.

Regulation Cited

512.240 The professional engineer will use current, prudent, engineering practices and will be experienced in the design and construction of impoundments and certify the design of the impoundments according to R645-302-743.

Requirements

In order to comply with this regulation, the permittee must certify the designs and as-built drawings of the permanent impoundment.

Findings of Permit Deficiency

The Division finds the permit deficient in that, in contravention of R645-301-521.141, the maps do not include the permanent impoundment in the disturbed area.

Regulation Cited

521.141 The Permit Area Map(s) will clearly indicate "[t]he boundaries of all areas proposed to be affected over the estimated total life of the coal mining and reclamation operations, ..." R645-100-200 defines an "affected" area as "... any area covered by surface excavations, workings, impoundments, dams, ..."

Requirements

In order to comply with this regulation, the permittee must extend the disturbed area, as shown on all maps, to include the permanent impoundment.

Findings of Permit Deficiency

The Division finds the permit deficient in that, in contravention of R645-301-521.141, the maps do not include the upper part of ditch UD-1 in the disturbed area.

Regulation Cited

521.141 The Permit Area Map(s) will clearly indicate "[t]he boundaries of all areas proposed to be affected over the estimated total life of the coal mining and reclamation operations, ..." R645-100-200 defines an "affected" area as "... any land or water surface area which is used to facilitate, or is physically altered by, coal mining and reclamation operations."

Requirements

In order to comply with this regulation, the permittee must extend the disturbed area, as shown on all maps, to include the upper part of ditch UD-1.

Findings of Permit Deficiency

The Division finds the permit deficient in that, in contravention of R645-301-536, it contains no designs for the refuse pile.

Regulation Cited

536. The permit application will include designs for placement of coal mine waste in new or existing disposal areas within approved portions of the permit area. Coal mine waste will be placed in a controlled manner and have a design certification as described under R645-301-512.

Requirements

In order to comply with this rule, the permittee must submit complete plans for the refuse pile. These plans must include drawings and cross sections showing the present and anticipated final configuration of the refuse pile, a description of how it is and will

be constructed (material placement), and a description of how it will meet the relevant requirements of R645-301-536, including the stability requirement of R645-301-536.110. As required by R645-301-512, the plans must be properly certified by a qualified, registered, professional engineer.

Findings of Permit Deficiency

All disturbed and undisturbed ditches in the PAP do not have typical cross-sections.

Regulations Cited

512. Certification.
- 512.100 Cross Sections and Maps. Certain cross sections and maps required to be included in a permit application will be prepared by, or under the direction of, and certified by a qualified, registered, professional engineer or land surveyor, with assistance from experts in related fields such as hydrology, geology and landscape architecture, and will be updated as required by the Division. The following cross sections and maps will be certified:
- 512.140 Hydrology as described under R645-301-722, and as appropriate, ~~R645-301-731-700~~; and
722. Cross Sections and Maps. The application will include cross sections and maps showing:
- 722.200 Location of surface water bodies such as streams, lakes, ponds and springs, constructed or natural drains, and irrigation ditches within the proposed permit and adjacent areas.

Requirements

The permittee will provide certified typical cross-sections for streams, lakes, ponds and springs, constructed or natural drains, and irrigation ditches within the proposed permit and adjacent areas. All diversions except UD-1 do not have typical cross-sections or

certified designs. Tables 4-12 and 4-13 which only show minimum cross-sectional area are not adequate. Cross-sections must be supplied.

Findings of Permit Deficiency

The permittee has not properly addressed the S.A.E.'s areas as shown on Plate 2. The permittee must demonstrate that these areas qualify as a Small Area Exemption and meet effluent standards or designate these areas as having adequate sediment controls using the Best Technology Currently Available.

Regulations Cited

- 742. Sediment Control Measures.
- 742.100 General Requirements.
- 742.110 Appropriate sediment control measures will be designed, constructed and maintained using the best technology currently available to:
- 742.111 Prevent, to the extent possible, additional contributions of sediment to stream flow or to runoff outside the permit area;
- 742.112 Meet the effluent limitations under R645-301-751; and
- 742.113 Minimize erosion to the extent possible.
- 742.120 Sediment control measures include practices carried out within and adjacent to the disturbed area. The sedimentation storage capacity of practices in and downstream from the disturbed areas will reflect the degree to which successful mining and reclamation techniques are applied to reduce erosion and control sediment. Sediment control measures consist of the utilization of proper mining and reclamation methods and sediment control practices, singly or in combination. Sediment control methods include, but are not limited to:

- 742.121 Retaining sediment within disturbed areas;
- 742.122 Diverting runoff away from disturbed areas;
- 742.123 Diverting runoff using protected channels or pipes through disturbed areas so as not to cause additional erosion;
- 742.124 Using straw dikes, riprap, check dams, mulches, vegetative sediment filters, dugout ponds and other measures that reduce overland flow velocities, reduce runoff volumes or trap sediment;

Requirements

The permittee will provide a plan to treat all disturbed areas with adequate sediment control. Any areas which cannot report to a sediment pond will be defined as small disturbed areas which can be effectively treated with the Best Technology Currently Available (i.e., BTCA Areas). The permittee will provide a plan with the following information.

- 1) Depiction of BTCA's areas on the disturbed area drainage map, both operation and reclamation phases must be shown.
- 2) The permittee must submit a plan stating how all sediment controls will be installed, maintained, and eventually removed following reclamation. This plan will provide a commitment by the permittee to monitor these sediment controls when possible to provide a demonstration that they will meet all applicable effluent limits both State and Federal.
- 3) The permittee will provide the total disturbed area each control treats and provide the 10-yr/24-hr storm volume for each treated area. The sum total area of treatment by alternative controls (i.e., silt fences, straw bales, etc.) will not exceed 15 percent of the total disturbed area.
- 4) Failure to properly maintain these controls according to approved designs will result in enforcement action.

Findings of Permit Deficiency

The Permit Application Package (PAP) does not completely and accurately show the designs for a total containment impoundment, east of the depression area as shown on Plate 2, Wildcat Loadout Surface Facilities Topography (Watershed and Drainage).

Regulations Cited

- 743.130 Impoundments will include either a combination of principal and emergency spillways or a single spillway as specified in 743.131 which will be designed and constructed to safely pass the design precipitation event or greater event specified in R645-301-743.200 or R645-301-743.300.
- 743.131 The Division may approve a single-open channel spillway that is:
- 743.131.1 Of nonerodible construction and designed to carry sustained flows; or
- 743.131.2 Earth-or grass lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.
- 743.132 In lieu of meeting the requirements of 743.131 the Division may approve an impoundment which meets the requirements of the sediment pond criteria of R645-301-742.224 and 742.225.
- 743.140 Impoundments will be inspected as described under R645-301-514.300.

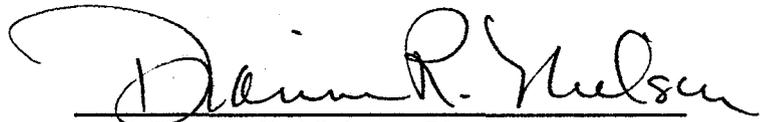
Requirements

The permittee must submit the appropriate designs for the permanent impoundment and supply the necessary certifications for no spillways in compliance with the rules and provide a means for decanting the structure as required under R645-301-742.224.

Order

It is hereby ordered that Andalex Resources Inc. make the requisite permit changes in accordance with R645-303-220 and submit a complete application for permit change, addressing the findings of permit deficiency by no later than July 20, 1992.

Ordered this 16th day of June, 1992, by the Division of Oil, Gas, and Mining.



Dianne R. Nielson
Dianne R. Nielson, Director
Division of Oil, Gas and Mining

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