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

Michael O. Leavitt  
Governor  
Kathleen Clarke  
Executive Director  
Lowell P. Braxton  
Division Director

1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, Utah 84114-5801  
801-538-5340  
801-359-3940 (Fax)  
801-538-7223 (TDD)

January 5, 1999

Johnny Pappas, Senior Environmental Engineer  
Cyprus Plateau Mining Corporation  
Willow Creek Mine  
847 Northwest Highway 191  
Helper, Utah 84526

Re: Update As-Built Status, Cyprus Plateau Mining Corporation, Willow Creek Mine, ACT/007/038-98G, Folder #2, Carbon County, Utah

Dear Mr. Pappas:

As you are aware, the aforementioned document was submitted to the Salt Lake Division of Oil, Gas, and Mining in two segments; three volumes pertaining to hydrology were submitted in October of 1997, and the remaining information was submitted approximately thirteen months later. As the initial submittal was incomplete, the Division decided not to initiate the review of same until all information had been received.

Various individuals on the permitting staff have received assignments relative to this submittal with regard to their fields of expertise. Generally, these assignments were made to the material which was last received.

Ms. Sharon Falvey is the Reclamation Hydrologist assigned to review the three volumes submitted. In a meeting conducted 12/17/98, with Ms. Falvey, Joe Helfrich, and myself, we determined that the maps which are part of the approved permit application package generally do not resemble the submitted "as-builts". As an example, Map 23A, Drainage and Sediment Control Plan (submitted 10/27/97) utilizes more ditch designations and riprapped splash basins than was approved in the PAP. The mine substation location has been moved fifty feet to the east, and turned forty-five degrees. Map 23A shows six ditch designations for the undisturbed drainage NW of the fan pad and propane tank area with three riprapped plunge basins. We had difficulty understanding the need for six different ditch designations and wondered why six different ditch designations were warranted? Are six ditch cross sections implemented, or is this a method of location for operations people? We discovered that Map 23A (PAP submittal) shows one ditch designation and fewer catch basins.

These are but a few of the differences in the "as-built" hydrology submittal, versus the initial PAP hydrology submittal, which has been thoroughly reviewed, and which has received Division approval. **Ms. Falvey indicated that the review and analyses of these hydrologic changes will require a complete review of the entire submittal, once the field changes versus approved PAP designs have been determined.** It is obvious that this review will require a great deal of unnecessary time to review.

It is understood that a PAP approval is required to get a mine started, and that the intent of the "as-builts" is to accurately document the field conditions which have been implemented. However NOV's have been issued when an operator has failed to conduct mining activities in accordance with the approved

permit.

In consideration of the current situation at the Willow Creek Mine, it is felt that an NOV is not justified at this time for the following reasons:

- 1) It is not known what level of accuracy is expected by the Division regarding approved PAP designs and implemented "as-built" field conditions for a major construction situation, such as the Willow Creek Mine.
- 2) This Mine was constructed on a "behind schedule" basis from the initial permitting through the long wall set-up/fire-up. Amendment processing and approval of the approved PAP would probably have resulted in additional delays to the Mine construction, simply due to the volume of necessary changes, the limited number of reviewers at the DOGM and their volume of unrelated work, and the problems encountered by the day-to-day operation of the Mine/wash plant which required input from the DOGM regarding same, (i.e., the hydrocarbon issue, "K" seam water interception issue, etc.).
- 3) The permittee's authorized representative has done an outstanding job trying to keep all the outstanding issues in perspective and progressing. Mr. Pappas is severely overloaded with other work from both the reclaimed Castle Gate mines and the re-gearing up of the Star Point mine, in addition to his problems associated with the Willow Creek operation.
- 4) The Willow Creek "as-builts" were prepared by a consultant, under contract.

The Division and Cyprus are still faced with the dilemma of reviewing and determining what to do with ACT/007/038-98G, the Willow Creek "as-builts". The major portion of the review relates to hydrologic concerns and it appears that most of the nightmare stems from comparing the "as-builts" to those designs which have already been reviewed and approved within the PAP.

In order to reduce the amount of review time inherent in the review, the following recommendations have been made, these adjustments need to be made by the permittee before a complete review can be performed by the Division.

- 1) The permittee, or the permittee's consultant should compare every drawing submitted in the "as-built" submittal to every similarly referenced drawing in the approved PAP. Every change made to implement "as-built" design, as compared to the approved design, should be listed according to the map reference on which it is shown.
- 2) All changes in ditch designation(s), design, specifications, and criteria used to make said changes should be listed by map(s), and referrals made to the correct ditch in the approved PAP by volume, chapter, and page such that simple cross referencing can be easily performed.
- 3) All changes to other hydrologic designs, if implemented as "as-builts" without previous approval from the PAP approval. All changes should again be listed according to volume, chapter, and page number and simplified for cross referencing to the maximum extent possible.

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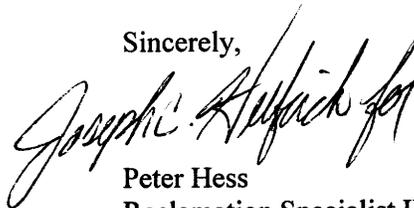
- 4) All changes relative to engineering concerns, (i.e., roads, retaining walls, storage areas, etc.), should be listed by comparing approved map "XYZ" with submitted "as-built" "XYZ".

This is partly necessary due to the fact that the PFO copy of the Willow Creek MRP does not contain all of the "approved" maps which were submitted as "as-builts".

There is no doubt that the proper identification of all field changes which were implemented to construct the Willow Creek Mine as compared to the "approved" design, and the associated cross referencing for each will be a time consuming process. However, as the permittee did generally not submit amendments for these changes.

Please submit the requisite information by no later than January 23, 1999. Until the requested information is received, further review of amendment 98G is pending. Thank you for your cooperation in this matter.

Sincerely,



Peter Hess  
Reclamation Specialist III

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cc: Daron Haddock, DOGM, SLO  
Joe Helfrich, DOGM, SLO  
Sharon Falvey, DOGM, SLO  
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