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DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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April 16, 1992

Mr. Dwight J. Crossland
Western States Minerals Corporation
250 South Rock Blvd., Suite 130
Reno, Nevada 89502

Dear Mr. Crossland:

Re: Review of Conceptual Plan for Erosion Control, Western States Mineral Corporation, J.B. King Mine, ACT/015/002, Folder #2, Emery County, Utah

The Division has reviewed your erosion control conceptual plan for the J.B. King Mine submitted March 16, 1992 which addresses major erosion control issues which were subject to Notices of Violation Numbers N91-35-6-1, N91-35-7-1, N91-32-6-1, Stipulation response R614-301-742.113, and the Informal Appeal Conference of February 11, 1992. This proposal was conceptual in nature and, therefore, detailed comments about specific designs could not be made.

There are two major erosion issues at the reclaimed J.B. King Mine: 1) creation of reclaimed channels that are erosionally and geomorphically stable; and 2) creation of a protected coal refuse pile and other areas underlain by coal waste (at this site considered acid- and toxic- forming material), covered with four feet of material, which must also be erosionally and geomorphically stable.

Your conceptual plan proposes to:

1) Monitor erosion rates by the use of a reference area;

2) Rework the drainage ditches;

3) Remove silt fences and allow a rill and gully pattern to develop; and

4) Monitor Dog Valley Wash for sediment.

This plan proposes to rework the drainage ditches and suggests that armoring would be considered. In regards to the feeder ditch plans proposed, a more defined plan for a geomorphically and erosionally stable channel must be submitted. The plans submitted were not adequate to define final slopes and

profiles for both longitudinal slopes and perpendicular cross-sections. All coal refuse must be removed from the channel areas and a broad enough flood plain must be created to achieve a stable channel. The idea of moving the feeder ditch off the road as proposed and creating energy dissipation basins at the base of the escarpments is a good one.

However, the remainder of the plan implies "let it rip and monitor it". The monitoring, unfortunately, would be of an area that does not have the same conditions as the mine, i.e., the mine site has been disturbed and that disturbed area would be compared to an undisturbed area (apples and oranges analogy).

The worst problem with the "let it rip" idea, is the uncontrolled erosion on the coal refuse pile. Basically, no coal refuse can be exposed. There are stringent regulatory requirements for acid- and toxic-forming materials (R645-301-731.300), specifically R645-301-731.312, which states, "Drainage from acid- and toxic-forming material and underground development waste into surface water and ground water will be avoided by: **storing material in a matter that will protect surface water and ground water by <u>preventing erosion</u>, the formation of polluted runoff and the infiltration of polluted water."**

Objectives of the erosion control plan must be driven by R645-301-742.111: "Sediment Control Measures (must) prevent, to the extent possible, additional contributions of sediment to stream flow or to runoff outside the permit area." and (R645-310-742.113) "Minimize erosion to the extent possible." Diversions must be designed, according to (R645-301-742.312.1) to "Be stable" and (R645-310-742.312.3) "Prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow outside the permit area."

The issue of preventing additional contributions of suspended solids to streamflow brings up the issue of the permanent impoundment which captures all the runoff from the disturbed or reclaimed area. Permanent impoundments must meet R645-301-733.222: "The quality of impounded water will be suitable on a permanent basis for its intended use and, after reclamation, will meet applicable Utah and federal water quality standards, and discharges from the impoundment will meet applicable effluent limitation and will not degrade the quality of receiving water below applicable Utah and federal water quality standards" and 645-301-733.225 "The impoundment will not result in the diminution of the quality and quantity of water utilized by adjacent or surrounding landowners for agricultural,

industrial, recreational or domestic uses;" and R645-301-733.226 "The impoundment will be suitable for the approved postmining land use."

The Division recognizes the difference between "minimize" versus "no" erosion. The intent, according to the Utah Coal Regulatory Program for reclamation at J.B. King Mine Site, is to have a "self-sustaining reclaimed environment." This means that the area must be stabilized.

Therefore, the Division requests that the monitoring portions of the conceptual plan address more specifically the prevention of erosion on the coal refuse pile because the bottom line is that there can be no exposed coal refuse. Additionally, the specific details of the channel restoration must be submitted with the intent of achieving a stable channel.

It will be necessary to implement this erosion control plan this year. Therefore, a revised erosion control plan must be submitted by May 15, 1992 with a schedule for implementation this season.

It is suggested that Western States Minerals Corporation contact other Utah coal operators regarding these issues or review other approved reclamation plans as to how they achieve compliance.

If you have any questions, please call me.

Sincerely,

Pamela Grubaugh-Littig
Permit Supervisor

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