

0019



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

*Mine  
File*

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May 28, 1993

**CERTIFIED RETURN RECEIPT REQUESTED**  
**No. P 074 975 385**

Robert Hagen, Director  
Albuquerque Field Office  
Office of Surface Mining  
Reclamation and Enforcement  
505 Marquette N.W., Suite 1200  
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

Re: Response to Ten-Day Notice (TDN) X-93-020-190-03 TV2, Western States Minerals Corporation, J. B. King Mine, ACT/015/002, Folder #5, Emery County, Utah

This letter responds to the above-referenced Ten-Day Notice (TDN), faxed to the Division May 18, 1993. The certified copy was received at the Division on May 21, 1993.

Number 1 of 2 Reads:

"Failure to have an adequate cover of non-toxic, non-combustible material over mine development waste." Location: Exposed waste in erosion channel south of sediment pond approximately 300 feet on east side of main feeder channel. Regulation Cited: R645-301-553.252 and R645-301-553.300.



Number 2 of 2 Reads:

"Failure to protect and stabilize surface areas by effectively controlling erosion." Location: Slopes of reclaimed disposal area for underground waste. Regulation Cited: R645-301-244.100 and R645-301-244.310.

Division Response

Erosional stability at J. B. King is the subject of a Division enforcement action, Notice of Violation N91-32-6-1. This NOV was written because the field condition of the ditch and feeder ditch (which is referenced in Number 1 of 2, above) do not comport with designs in the approved plan. Through N91-32-6-1, its modifications and ensuing correspondence in the broadest sense, the Division recognizes the erosional activity that has taken place at J. B. King subsequent to reclamation. I have a concern that the OSM's Ten-Day Notices cited above are redundant, and confuse the resolution of N91-32-6-1 that Utah is actively pursuing.

Division staff shares the concerns enumerated in TDN X-93-02-190-03 with respect to the reclaimed site's ultimate ability to meet bond release conditions. Bond release is not the subject of the TDN's or this response. In considering propriety of this response and the Utah program's enforcement activity at J. B. King, please consider the following:

1. With the exception of a small area draining the upper portion of the refuse pile (that is the subject of a Division NOV distinct from N91-32-6-1), there is no evidence that surface runoff has left the reclaimed site, therefore contributing to surface water quality degradation. (The vast majority of drainage from the site reports to a sedimentation pond that has never discharged.) There is no perennial or intermittent stream within miles of J. B. King, all juxtaposed drainages are ephemeral.
2. Annual precipitation at J. B. King is less than 10 inches. The Division has required covering of coal refuse at the site to comply with program requirements, but the probability of generating off site acid mine drainage (AMD) or contamination of groundwater by AMD is

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low, given the precipitation regime, the cover in place above the refuse and the high evaporation rate.

3. No finding of revegetation success has been made by the Division, and Utah is on record with this operator that areas of augmented seeding face extended bonding liability periods contemplated in the regulations. The Division and WSMC are monitoring vegetation establishment against the permit requirements and against the conditions existent at the reference area.
4. While recognizing that there is rilling on site, the Division has not made a finding that rilling does not disrupt the approved post-mining land use.

I have discussed the need for representatives of WSMC to resolve the issues outstanding on NOV 91-32-6-1 and other Division concerns regarding this site with Jim Carter and E. M. Gerick of WSMC. I anticipate this meeting taking place in June of 1993.

Given the breadth of the Division's concern regarding overall reclamation success at J. B. King, and the impending Division/WSMC meeting, I ask that you find this response appropriate for TDN purposes, and recommend we discuss the resolution of the site configuration at J. B. King at future oversight meetings.

Sincerely,



Lowell P. Braxton  
Associate Director

vb  
cc: E. M. Gerick, WSMC  
J. Carter  
P. Grubaugh-Littig  
J. Helfrich

jbtdn526

DOGM VB TDN RESPONSE P 074 975 385

PS Form 3811, Mar. 1985 U.S.G.P.O. 1985-212-865 DOMESTIC RETURN RECEIPT

1. Article Addressed to: ROBERT HAGEN DIRECTOR ALBUQUERQUE FIELD OFFICE OFFICE OF SURFACE MINING RECLAMATION & ENFORCEMENT 505 MARQUETTE NW STE 1200 ALBUQUERQUE NM 87102

2. Article Number: P 074 975 385

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