

0021



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

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*Copy Tom, Susan,
Henry*

May 20, 1993

CERTIFIED RETURN RECEIPT REQUESTED
No. P 540 713 949

E. M. Gerick, Vice President
of Operations
Western States Minerals
Suite 130
250 South Rock Boulevard
Reno, Nevada 89502

Dear Mr. Gerick:

Re: Status of Notice of Violation, N91-35-6-1, January 20, 1993 Response to
December 7, 1992 Division Letter, Western States Minerals, J.B. King Mine,
ACT/015/002, Folder #2, Emery County, Utah

The Division staff has reviewed the additional information submitted by Western States Minerals Corporation (WSMC) required by the December 7, 1992, letter from the Division Director for the abatement of Notice of Violation (NOV) N91-35-6-1 and N91-32-6-1. This letter summarizes the findings of the technical staff regarding the information that was submitted and establishes the Division's position as to the adequacy of the response.

NOV N91-35-6-1

The December 7, 1992, letter stated that "Abatement of N91-35-6-1 will be accomplished when the text and appropriate maps in the Mining and Reclamation Plan are modified to show elimination of the silt fences."

Map JBK-1 was resubmitted with a revised date of January 5, 1993. The map indicated that the silt fences were eliminated but also deleted the green shading which identified the 3.8 acres of augmentative seeding done in October 1989. Additionally, the map was not recertified after these changes. The area of augmentative seeding must be delineated and the map certified prior to approval of Map JBK-1, Revision (1).

Therefore, this map may be accepted with the area of augmentative seeding accurately depicted on the map, and the map recertified. Per your discussion with

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Lowell Braxton April 28, 1993, silt fences may be removed. However, it should be understood that the removal of the silt fences does not eliminate the need to control erosion by other means, nor that the configuration will meet future bond release criteria.

The following comments apply to modifications of the text of the permit to accommodate removal of the silt fences:

The text was changed pursuant to UMC 817.45 Hydrologic Balance: Sediment Control Measures to state that, "very little sediment has accumulated behind these silt fences." This statement is misleading and should be deleted due to the fact that the appearance of little sediment is due to the operator maintaining and cleaning out the accumulated sediment as requested during Division inspections and washing of the sediment downhill when they have not been maintained.

WSMC also revised the text to state that "after the silt fences are removed, the sediment will be spread out evenly." This statement should be changed to read that, "the sediment will be spread out unevenly."

WSMC has amended the text of UMC 817.106 Regrading and Stabilizing Rills and Gullies to allow onsite maintenance without restarting the bond clock. Pursuant to Utah Admin. R. 645-301-357.100 this inference must be removed from the amendment and the area in which gullies were repaired in 1992, must be delineated on Plate JBK-1 Revision (1) as augmentative.

WSMC has also amended the text regarding UMC 817.56 Post-Mining Rehabilitation and Sedimentation Ponds, Diversion, s Impoundments, and Treatment Facilities. Pursuant to R. 645-301-880.320, the sedimentation pond may not be allowed to fill in naturally. The text must be revised accordingly.

A proposal was made to allow the removal of topsoil material from the surface of the refuse pile by erosion and to allow the eventual exposure of coal refuse. This proposal does not meet the performance standards pursuant to R. 645-301-242, R. 645-301-553.250, R. 645-301-553.300, R. 645-301-731.300, and R. 645-301-745.113 and is therefore denied.

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Conclusion

Violation N91-35-6-1 may be terminated upon the following: Map JBK-1, Revision (1) must be recertified and the area of augmentive seeding done in October 1989 redrafted on the map exactly where it was removed. Changes in the text suggested above, although not a specific condition of termination should be submitted along with the map. The attached modification of the NOV requires submission of the materials within 45 days following receipt of this letter.

Sincerely,



Lowell P. Braxton
Associate Director

vb

Enclosure

cc: P. Grubaugh-Littig
J. Helfrich

jbking

5-14-93

P 540 713 949

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WESTERN STATES MINERALS
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* U.S.G.P.O. 1989-234-555

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Western States Minerals Corporation

Mailing Address 250 South Rock Blvd, Suite 130, Reno NV 89502

State Permit No. ACT/015/002

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., Utah Code Annotated (1953):

Notice of Violation No. N 91-35-6-1 dated November 18, 1991.

Cessation Order No. C _____ dated _____, 19____.

Part 1 of 1 is modified as follows: The abatement is changed from "address the requirement to" "The Division will

Reason for modification is accept the proposal to remove silt fence, without placement of additional structures, to

Part _____ of _____ is modified as follows: satisfy the permit stipulation. Abatement will be accomplished when the text and

Reason for modification is appropriate maps in the Mining and Reclamation Plan are modified to show "No Disturbance

Part _____ of _____ is modified as follows: of silt fences". (Per letter to E.M. Jenich from Dianne R. Nielson dated December 7, 1992).

Date of service, (mailing) 5-21-93 Time of service, (mailing) 11:00 a.m. p.m.

Date of inspection _____

E.M. Jenich
Permittee/Operator representative

Title

Signature

LOWELL P. BROXTON
Division of Oil, Gas & Mining

Associate Director, Mining
Title

Lowell P. Broxton
Signature