



0017

STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Tempie A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

M E M O R A N D U M

February 29, 1984

TO: James W. Smith, Jr., Coordinator of Mined Land Development

FROM: D. Wayne Hedberg, Special Permit Supervisor *DWH*

SUBJECT: Snow Removal Policy Decision (i.e., sidecasting snow from haul road into stream) Pursuant to NOV N84-6-2-1 (issued by Bart Kale to Beaver Creek Coal Company, Huntington #4 Mine, ACT/015/004)

This memo is directed to you in response to a memorandum which I received from Bart Kale, I & E field specialist. Mr. Kale's memorandum (attached) presented a situation dealing with the recent issuance of a NOV to Beaver Creek Coal Company (Huntington #4 Mine) for rather indiscriminate snow removal practices. The area(s) of concern involved a certain section(s) of the Mill Fork drainage which parallels the Forest Service/mine access haul road below the minesite. Apparently, the stream was blocked with snow as a result of snow removal practices from the haul road by the BCCC road maintenance crew.

Mr. Kale has requested some basic Division policy decision or direction as to how mining company impacts, resulting from snow removal activities, to the off-site hydrologic balance will be dealt with.

I have perused the permanent program performance standards and the Coal Reclamation Act and find that there is sufficient language to sustain this violation. It is my opinion that the Division can derive a basic policy decision on snow removal and off-site hydrologic impacts from the specific regulatory statutes and regulations which are listed as follows:

1. Chapter 10 of Title 40, Utah Code Annotated 1953, Coal Mining and Reclamation Act.

Section 40-10-17(2)(j):

(j) Minimize the disturbances to the prevailing hydrologic balance at the minesite and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after surface coal mining operations and during reclamation by:

(ii) (A) Conducting surface coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area, but in no event shall contributions be in excess of requirements set by applicable state and federal law;

(B) Constructing any siltation structures pursuant to subsection (2) (h) (ii) prior to commencement of surface coal mining operations, such structures to be certified by a qualified registered engineer to be constructed as designed and as approved in the reclamation plan.

2. UMC 817.41 Hydrologic Balance; General Requirements

(a) Underground coal mining activities shall be planned and conducted to minimize changes to the prevailing hydrologic balance in both the mine plan and adjacent areas, in order to prevent long-term adverse changes in that balance that could result from those activities.

(b) Changes in water quality and quantity, in the depth to ground water, and in the location of surface water drainage channels shall be minimized so that the approved postmining land-use of the permit area is not adversely affected.

(c) In no case shall State and Federal water quality statutes, regulations, standards or effluent limitation be violated.

(d) Operations shall be conducted to minimize water pollution and, where necessary, treatment methods shall be used to control water pollution.

(1) Each person who conducts underground coal mining activities shall emphasize mining and reclamation practices that prevent or minimize water pollution. Changes in flow shall be used in preference to the use of water treatment facilities.

3. UMC 817.45 Hydrologic Balance: Sediment Control Measures

Appropriate sediment control measures shall be designed, constructed and maintained using the best technology currently available to:

(i) Prevent, to the extent possible, additional contributions of sediment to streamflow or to runoff outside the permit area,

(ii) Meet the more stringent of applicable State or Federal effluent limitations,

(iii) Minimize erosion to the extent possible.

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 shall 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.

4. UMC 817.150 Roads: Class I: General

(a) Each person who conducts underground coal mining activities shall design, construct or reconstruct, utilize and maintain Class I Roads and restore the area to meet the requirements of UMC 817.151-.156 and to control or minimize erosion and siltation, air and water pollution and damage to public or private property.

(b) To the extent possible using the best technology currently available, Class I Roads shall not cause damage to fish, wildlife and related environmental values and shall not cause additional contributions of suspended solids to streamflow or to runoff outside the permit area. Any such contributions shall not be in excess of limitations of State or Federal law.

Should you have any questions concerning the content of this memorandum, please contact me. Your prudent attention and response to this matter would be greatly appreciated.

DWH/btb  
77000



February 28, 1984

M E M O R A N D U M  
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TO: Wayne Hedberg, Reclamation Hydrologist  
FROM: Barton Kale, Field Specialist  
RE: Resolution of snow removal situation at Huntington #4  
Subject of NOV 84-6-2-1

The violation in question was issued as a result of snow removal operation at Huntington #4 on the Forest Service haul road. The snow was plowed into the creek and an NOV was issued as a result of impacted hydrologic balance.

The issue that the Division is faced with at this point is similar to past situations where an operator claims to be waiting for approval of their plan and therefore is not liable for violations for things contained in those plans.

The Forest Service Special Use Permit States that Beaver Creek Coal Company (BCCC) must plow the snow to the down hill side (creek side of the road) It also states that "through cuts" must be maintained (the first is being practiced the latter is not to my knowledge). The plan awaiting approval claims snow is being placed to the north side (uphill). The TA says that the uphill side is not enough and that because of significant environmental impact other controls must be put into action as well.

Other than the fact that I have been misled by BCCC as to their knowledge of the subject, technically the ball is in their court to respond. Although no plans are required by the NOV, plans are required by the TA. In between the present and the time BCCC's plan is approved (with whatever submittals are reviewed) some basic policy as far as snow removal into the creek is needed by the Division, as well as what is expected by BCCC until their plan is approved.

Thank you for pursuing this matter.

BK:re  
76800

MRP REVISION/NOV TRACKING FORM

Type of proposal:

COAL  NON-COAL

?  Exploration  
 NOV abatement, NOV # 84-62-1, Abatement deadline March 1  
 MRP revision

Issuing inspector Barton Kate

Title of proposal: Policy (Snow removal)

Company name: Beaver Creek Coal Company Mine name: Huntington #4

File # (PRO/ACT): ACT/005/004 Acreage (Fed/State/Fee): 1/1/

Assigned reviewers:	_____ (Hydrology)	Review	_____
	_____ (Wildlife/Veg.)	Time (hrs):	_____
	_____ (Engineering)		_____
	_____ (Soils)		_____
	_____ (Geology)		_____

DATES:

- (a) INITIAL PLAN RECEIVED \_\_\_\_\_  
Tech review due \_\_\_\_\_  
" " complete \_\_\_\_\_
- (b) OPERATOR RESUBMISSION \_\_\_\_\_  
Tech review due \_\_\_\_\_  
" " complete \_\_\_\_\_
- (c) FINAL APPROVAL \_\_\_\_\_  
Stipulations due \_\_\_\_\_  
" received \_\_\_\_\_
- (d) NOV TERMINATION \_\_\_\_\_
- (e) BOND REVISION \_\_\_\_\_  
Amount (\$) \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE (INSPECTORS): Please attach a copy of the NOV issued to the abatement plan when received from the operator.

NOTE (REVIEWERS): Please prepare review comments in a format referencing the appropriate regulation or statute. State the deficiency as well as minimum requirement necessary to demonstrate compliance (when possible). Also fill in the number of hours spent in review by discipline. Return the revision/NOV abatement to the Special Permit Supervisor when review is complete.

STATE OF UTAH  
 DEPARTMENT OF NATURAL RESOURCES  
 DIVISION OF OIL, GAS & MINING

1588 West North Temple  
 Salt Lake City, Utah 84116  
 Telephone: (801) 533-5771

84-6-2-1

NOTICE OF VIOLATION NO. N

From the STATE OF UTAH  
 To the Following Permittee or Operator:

NAME Beaver Creek Coal Company  
 MINE Monticello #4  SURFACE  UNDERGROUND  OTHER \_\_\_\_\_  
 CATEGORY OF OWNERSHIP:  STATE  FEDERAL  FEE  MIXED  
 OSM MINE NO. \_\_\_\_\_ STATE PERMIT NO. \_\_\_\_\_ MSHA I.D. NO. \_\_\_\_\_  
 COUNTY AND STATE Carbon County UT TELEPHONE 637-5050  
 MAILING ADDRESS: Box AV Price, Utah 84501  
 DATE OF INSPECTION Feb 7, 19 84  
 TIME OF INSPECTION: FROM 7  a.m. to 2  p.m.  
 NAME OF OPERATOR (if other than permittee) \_\_\_\_\_  
 MAILING ADDRESS: \_\_\_\_\_

Under the authority of the Utah Coal Mining and Reclamation Act of 1979 (Sec. 40-10-1 et seq., Utah Code Annotated, 1953), the undersigned authorized representative of the Director and the Division of Oil, Gas & Mining has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the attachment(s). This Notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that cessation of mining is  is not  expressly or in practical effect required by this Notice. For this purpose "Mining" means extracting coal from the earth or a waste pile and transporting it within or from the minesite.

This Notice shall remain in effect until it expires as provided on the reverse or is modified, terminated or vacated by written notice of an authorized representative of the Director of the Division of Oil, Gas & Mining. The time for abatement may be extended by the authorized representative for good cause, if a request is made within a reasonable time before the end of the abatement period.

Date of Service February 9 1984 Barton S. Tate  
 SIGNATURE OF AUTHORIZED REPRESENTATIVE  
 Time of Service 9:00 AM Feb 9  
Please Assen  
 NAME AND I. D. NO. Barton S. Tate #6  
 Person Served with Not NOV 84-6-2-1  
Sign Institute to job  
for my additional info  
 SIGNATURE AND TITLE  
 Signature \_\_\_\_\_

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

56 64 16

STATE OF UTAH

Notice of Violation No. N 84-6-2-1

Violation No. 1 of 1

Nature of the Violation

Failure to operate underground coal mining activities to  
maintain balance to the hydrologic balance in both the  
mine plan and areas + allow in order to prevent long  
term adverse changes in that balance that could result from  
these activities

Provision(s) of the Regulations, Act, or Permit Violated

UAC 817.41(a)

Portion of the Operation to which Notice Applies

Mill Fork as it runs along access road between sed pond  
and last hair pin turn

Remedial Action Required (including interim steps, if any)

remove blockage of snow removal from drainage where  
disturbance to drainage will be minimal

Time for Abatement (including time for interim steps, if any)

1 week



SCOTT M. MATHESON  
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON  
Executive Director,  
NATURAL RESOURCES

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple  
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E. STEELE McINTYRE

Modification of Notice or Order

To the Following Permittee or Operator:

Name Brown Creek Coal Company  
Mailing Address Box AV Pocatello UTAH 84501  
State Permit No. ACT 1005/004

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

Notice of Violation No. N 84-6-2-1 Y TV dated Feb 9 1981, 1981

Cessation Order No. C \_\_\_\_\_ Y TV dated \_\_\_\_\_, 19\_\_\_\_

Violation No. 1 is modified as follows: Abatement date extended to March 5 1981

The reason for this modification are as follows: Delay of receipt of NOV, not received by operator

Violation No. \_\_\_\_\_ is modified as follows:

The reasons for this modification are as follows:

Violation No. \_\_\_\_\_ is modified as follows:

The reasons for this modification are as follows:

Date of Service Feb 23 1981

Barton D. Kule  
Signature of Authorized Representative

Time of Service or Mailing 4:30 a.m.  p.m.

Barton D. Kule #6  
Name and I.D. No.

### 3.4.3 Protection of Hydrologic Balance (continued)

One NPDES permit with two outfall numbers exists at the No. 4 Mine. Outfall number 001 pertains to discharge from the cyclone overflow system in Mill Fork Creek which is an approved point of diversion for collection of water for use in mining operations. Outfall number 002 pertains to possible discharge of water from mine workings. Any discharges of water will meet state and federal water quality laws and established numerical effluent limitations.

#### 3.4.3.1 Projected Impacts of Mining on Hydrologic Balance

Mining operations at the No. 4 Mine are not expected to impact the surface or groundwater quality or quantity. The principal source of groundwater is the Star Point sandstone which is below mining.

Mill Fork Creek, Little Bear Creek, and Crandall Creek are the only surface water courses that lie outside of the permit area. Mill Fork Creek which flows intermittently throughout most of the year, is the only one of these streams that lies down gradient from surface disturbance. Flow from disturbed areas is controlled by diversions and sedimentation ponds. A buffer zone was established between the northern portion of the haul road and the stream. Disturbance in this area is limited to road maintenance and snow removal, which is directed to the north of the haul road to eliminate sediment loading of the stream. Therefore, by maintaining sedimentation control facilities over the life of mining operations, impact to surface water is not expected.

The surface water hydrology of the Huntington No. 4 Mine site is not expected to change significantly after final reclamation. Erosion of the reclaimed surface is the area of greatest concern

817.57 Hydrologic Balance: Stream Buffer Zones

Existing Environment and Applicant's Proposal

Page 3-28 of the MRP notes that a buffer zone is established between the northern portion of the haul road near the sediment ponds and the Mill Fork stream channel. Road maintenance and snow removal operations are the primary activities which occur within this zone. The MRP notes that snow removal operations are directed to the north of the road to avoid sediment loading in the Mill Fork stream.

Compliance

The sediment contributions from the access road to the Mill Fork stream are a significant environmental concern. Site visits in the early spring of 1983 showed that snow removal operations generate large amounts of earth material which is frequently placed in or just adjacent to the stream channel.

An analysis of Total Suspended Solids (TSS) for the period March 1982 through July 1983 shows a pattern of significant sharp increases in total suspended sediments between Stations 4-4W and 4-5-W (both on Mill Fork Creek). This concurs with on-site observations of sediment loading from snow removal operations.

The applicant notes on page 7-85 that Station 4-5-W has been deleted based on a re-evaluation of the applicant's monitoring program. This is not acceptable in light of the TSS problem described in the previous paragraph. Station 4-5-W must be retained (see Stipulations under UMC 817.52).

It is evident that the surface mining activities, primarily the haul road, being conducted within the 100 foot buffer zone are not able to comply with this section unless additional drainage controls are implemented. A catch basin with a filtering device at the outflow and an appropriately sized berm along the south edge of the haul road would be one option. The applicant will have to submit plans to address this problem.

Stipulation 817.57-(1)-JW

1. The applicant shall submit plans to be included in the MRP to address the water quality impacts being generated by surface mining activities within the 100 foot buffer zone of Mill Fork Creek. This must include sediment control measures for snow removal operations including specific sediment control measures for snow removal storage areas.

c. Removal

Width - Snow will be removed to the full width of the road plus any turnouts and ditch lines. Through-cuts will be allowed only after snow depths exceed the height of the cab or across flat ground. Disposal shall always be to the outside or downhill side of the road.

Outlets - Outlets for surface runoff shall be placed in all snow through-cuts at points where water can flow off the road surface at the following intervals:

8% or less grades - 500 feet center to center minimum.

8% and up grades - 300 feet center to center minimum.

Cattleguards - Crawler tractors will not be operated across cattleguards.

Culvert Cleaning - Culvert heads and outlets shall be cleaned of snowpack by hand.

Tree Damage - Snow should not be pushed, blown, or stacked on trees along the roadside. Care will be taken to avoid scarring trees with equipment.

2. Inspections

- a. Intermittent inspections may be made during snow removal operations.
- b. Final inspection will be made to check for full compliance and damages.