0011

File
ACT/015/009

orig assessment file
- J. Helfrich
cc B.W. Roberts
~~cc admin~~
K. May

ARCH OF UTAH
Trail Mountain Mine
P.O. Box 550
Orangeville, Utah 84537

June 16, 1987

RECEIVED
JUN 18 1987
DIVISION OF
OIL, GAS & MINING

Secretary
Board of Oil, Gas and Mining
3 Triad Center/Suite 350
Salt Lake City, Utah 84180-1203

RE: Proposed Assessment Information on NOV 87-26-2-2 issued to Trail Mountain

Dear Sirs;

Trail Mountain would formally submit to you and the Division this written statement pursuant to Notice of Violation N 87-26-2-2 issued to the Trail Mountain Mine May 27, 1987. We would hope that you would use this information in determining the facts and circumstance surrounding the issuance of NOV 87-26-2-2 and also to use this information to help in determining the amount of assessment, if any.

This NOV contains two parts. Part A reads: Failure to dispose of waste oil in accordance with the approved permit.

> Trail Mountain's 1985 approved MRP ACT/015/009 Appendix 3-2 states: "Waste oil is collected at the mine site in a large waste oil tank and is disposed of in an approved manner by Ashworth Trucking." Ashworth Trucking was never able to provide this service for Trail Mountain and with no other service locally available, Trail Mountain started the practice of "disposing of the waste oil in an approved manner" by dumping waste oil onto our coal stockpile as a dust suppressent and a BTU inhancement. Once the waste oil is dumped onto the coal stockpile, the stockpile is loaded into trucks and hauled to the point of use.
>
> This disposal practice has been in place since early 1985 and has been expressed to all regulatory agencies and also in all mine correspondence concerning waste oil disposal. (See OSM mine site evaluation inspection report dated 4/16/86).
>
> It is Trail Mountain's contention that this waste oil disposal method is in an approved manner as stated in the MRP. It is also felt that any changes in an approved permit, such as deleting the words "Ashworth Trucking", could take place in the arena of the min-term permit review which is presently being conducted at the Trail Mountain mine site. The abatement time for this NOV is the due date for the Trail Mountain response to DOGM's mid-term review, at which time the wording in the Tract 1 MRP will be changed to reflect current practice.

Part B reads: Failure to obtain written DOGM approval before changing the main Cottonwood Stream channel.

As a stipulation and requirement of a Federal Lease, Trail Mountain was required to upgrade, realign, widen and asphalt the Cottonwood Canyon road from Highway 29 North to the Trail Mountain mine site. This road is in the Emery County Road system #5-06.

As a result of road construction, several channel relocations were necessary in the Cottonwood Creek. Permit #576 was issued by the State Engineer, Division of Water Rights to allow these channel changes, specifically channel change # 14 (see enclosures), the change in question.

Prior to Emery Counties envolvement in the asphalting of the county road, a 66' (from the center line of the road) right-of-way was given to the county by the US Forest Service, BLM, LDS Church and Trail Mountain Coal Company. The #14 channel change falls within the right-of-way easment. The Emery County Engineering Office (Johanson & Tuttle), The State Engineer (Mark Page) and DOGM (Philip Ralphs) were all involved in this channel change. At no time during this construction and the 12 months after the completion of the channel change was Trail Mountain considered to be in violation of any DOGM regulation.

Once again, if there was any question of Trail Mountain being in a non-compliance state, it is felt by the operator that while we are involved in the mid-term permit review, this should be the time and place to make corrections and/or additions to the MRP and not use the ticket book to accomplish what a mid-term permit review is set up to do.

Your time and consideration in this matter is greatly apreciated. If you have any questions or need further information regarding this matter, please contact me at 748-2140.

Sincerely;

ARCH OF UTAH

Allen Childs

Allen P. Childs
Mine Engineer

Enclosures

APC/gg

RECEIVED
JUN 18 1987
DIVISION OF
OIL, GAS & MINING

Form No. 93-R

Application No. 576

93-Area 9/15/83

RECEIVED
SEP 14 1983
STATE ENGINEER
PRICE, UTAH

APPLICATION TO ALTER NATURAL STREAM

NOTE: Information given in the following blanks should be free from explanatory matter, but when necessary, a complete supplementary statement should be made under the heading "Explanatory".

For the purpose of acquiring permission to alter a natural stream channel, application is hereby made to the State Engineer, based on the following facts, submitted in accordance with the requirements of the laws of the State of Utah, Section 73-3-29, Utah Code Annotated 1953, as amended.

1. Relocate [X] Revetment Work [ ] Change [ ] Divert Stream Flow [ ]

2. Name of applicant Natomas Coal Company & Emery County Road Dept.

3. Address of applicant 5970 S. Syracuse St., #124, Englewood, Colorado 80111

4. The stream to be altered or relocated is Cottonwood Creek

5. The channel to be altered is in the drainage area of Trail Mountain and East Mountain

6. The location of the channel to be altered is in Emery County. Located in (see location map) Section 36, Township 17S, Range 6E; Section 25, Township 17S, Range 6E; and Sec. 31, T 17S, R 7E
(Give location within 40-acre tract of section, township, and range.)

7. The nature of the proposed channel change is the relocation of small segments of Cottonwood Creek 20 to 40 feet to the west away from the Cottonwood Canyon Road fill.

8. The alteration or relocation is made for the purpose of widening the Cottonwood Canyon Road adjacent to Cottonwood Creek.

9. The existing condition of the channel is a natural meandering stream which has eroded a channel through the adjacent colluvial material.

10. The estimated streamflow is 0.87 cubic feet per sec. second-feet.

11. The description of the proposed work involved is the work will be done in fall when the flow is the lowest. A backhoe or dozer will begin construction of new channel on the downstream end working toward the upstream end. When the flow established in the new channel, the island of dirt between the old and new chan- will be dozed up against the road fill, blending in the dirt with surrounding rain and leaving the slopes flatter than 1.5:1.

12. Is the land owned by the applicant? Yes [ ] No [XX] If the answer is "No", has written permission to proceed with the work been obtained?
Application is pending with BLM & USFS over a new right-of-way for the road
Note: The approval of this application does not grant the applicant the right of egress or trespass. Such authorization must be accomplished in accordance with the standard legal procedures.

13. Channel Improvement Grouping (for federal agencies only)

Explanatory

The following additional facts are set forth in order to define more clearly the full purpose of the proposed application: The BLM, Emery County Road Dept. & USFS has required the Trail Mountain Mine to assist them in widening the Cottonwood Canyon Road. As a result of this road widening, certain channel relocation is necessary in Cottonwood Creek.

Include below a diagram or sketch of the channel changes proposed.

See attached sketches:

1. Location of the Trail Mountain Mine Plan Area
2. Location Map: Scale 1" = 2000'
3. Site #7 to #14: Scale 1" = 50'
   Contour Interval = 2'

September 13, 1983
Date

Joe Bulder 9/14/83
Applicant's Signature

Recommendations of Area Engineer: The work should take place during low flow and all sediment should be controlled and not allowed to reach straight canyon.

AP 9-15-83

Conditions

1. This application is rejected for the following reasons: _____

2. This application has been reviewed and approved pursuant only to the requirements of House Bill 79. The approval is subject to: _____

November 15, 1983
Date

Donald B. Prescott for
Dee C. Hansen, P.E., State Engineer

RECEIVED

NOV 28 1983

November 14, 1983

Natomas Coal Company
Emery County Road Department
5971 South Syracuse Street #124
Englewood, Colorado 80111

RE: Stream Alteration 576

Dear Applicants:

Application to Alter Natural Stream Number 576 has been approved pursuant to the requirements of Statute 73-3-29, Utah Code Annotated, 1953, subject to the following:

1. Installation of sedimentation measures to prevent siltation in straight canyon.

2. Minimal instream equipment use.

3. Revegation of distrubed bank area.

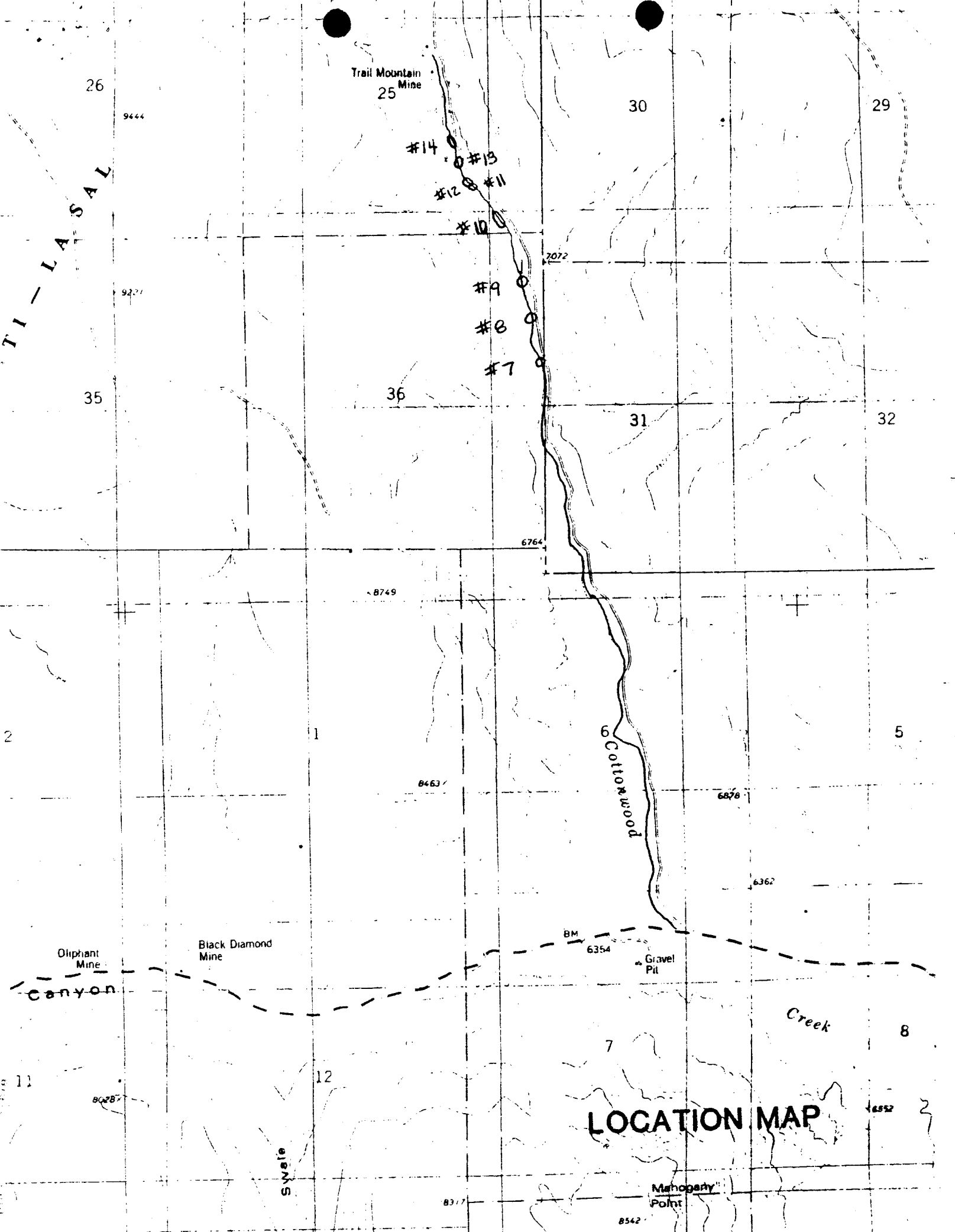
A copy of the approved application is being returned to you for your records.

Sincerely yours,

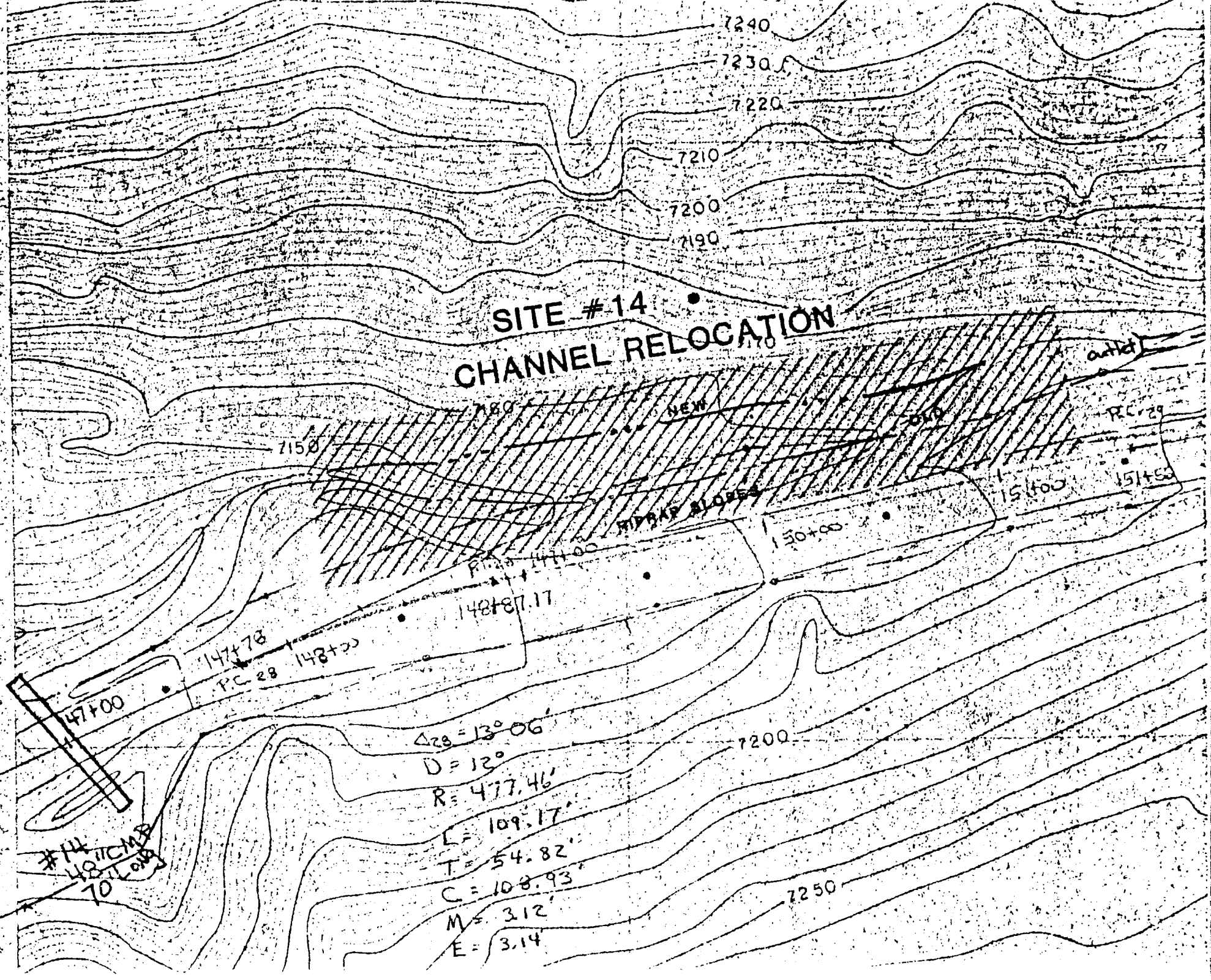
Donald C. Norseth
for Dee C. Hansen, P.E.
State Engineer

DCH.DCN.pmh

cc: M.P. Page, Price River Area Office
Darrell Nish, Wildlife Resources



LOCATION MAP



SITE #14
CHANNEL RELOCATION
7240
7230
7220
7210
7200
7190
7180
7170
7150
NEW
OLD
outlet
RIPRAP SLOPES
P.C. 29
151+00
151+50
150+00
148+87.17
147+78
148+00
P.C. 28
147+00
#14
48" CMP
70' LONG
Δ28 = 13° 06'
D = 12°
R = 477.46'
L = 109.17'
T = 54.82'
C = 108.93'
M = 3.12'
E = 3.14'
7200
7250

STATE OF UTAH
NATURAL RESOURCES
Water Rights

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Robert L. Morgan, State Engineer

Southeastern Area • 453 S. Carbon Avenue • P.O. Box 718 • Price, UT 84501-0718 • 801-637-1303

August 27, 1986

Trail Mountain Coal Company
Attn: Allan Childs
P.O. Box 551
Orangeville, Utah 84537

Dear Allan: Re: Appl. to Alter Stream #576

This letter is written as a follow-up to our meetings of August 22 and 25, 1986, concerning the road construction in Cottonwood Canyon from Highway 29 to the Trail Mountain Mine. There are many violations of the approved stream alteration permit, which was issued on November 14, 1983. In reviewing the application as it was approved, the only alteration that occurred, but not according to the specification, was at site #14, Station #149. This site should be modified to meet the design as approved.

The remainder of the violation sites should be modified as we discussed with you and the engineers. The rocks and brush that have been marked should be removed from the creek channel to allow for high flows that periodically occur. Some of the smaller rocks can be pulled from the stream channel and placed upslope and placed among the larger rocks. A series of silt traps should be employed immediately below station #101 to minimize the turbidity in the stream.

At the time of our last meeting, it was not determined who would do this remedial work. When this has been decided, I would like a letter outlining the decision. I look for this letter to be forthcoming within the next ten days. When the work is completed, I would like to inspect the sites.

Your assistance in this matter is appreciated. If you have any questions, please feel free to contact me.

Sincerely,

Mark P. Page

Mark P. Page
Area Engineer

cc: 1) Division of Water Rights,
Attn: Kent Jones, Director of Distribution
2) Johansen & Tuttle Engineering Inc.
Attn: Craig Johansen
3) Phil Ralphs
P.O. Box 169
Price, Utah 84501

Diamond Shamrock
Coal Company

September 3, 1986

Mr. Mark Page
State of Utah
Natural Resources
P. O. Box 718
Price, Utah 84501

Dear Mr. Page;

This letter is written in response to your letter dated August 27, 1986, concerning the road construction in Cottonwood Canyon from Highway 29 to the Trail Mountain Mine.

One area in question (Site #149) has been modified in that large rip rap has been placed strategically along the creek embankment. This was done using front end loaders at Trail Mountain Coal Company. All areas in our previous inspection on August 22 and 23 have been cleaned or changed to meet with your approval.

Having toured the site today, September 3, your approval has been granted with the exception of three areas. These concerns were related to Mr. Wayne Nielsen of Nielsen Construction. He will have them taken care of to meet your approval. This should be completed in the near future.

It was a pleasure to tour the site with you and discuss the areas of concern with you. Having completed the cleanup on the last three areas, we would trust our compliance being met. Thanks for your help and recommendations.

Sincerely;

TRAIL MOUNTAIN COAL COMPANY

Joseph R. Fielder
General Manager

JRF/gg

cc: Allen Childs - Trail Mountain Coal
Craig Johansen - Johnasen and Tuttle

Trail Mountain Coal Company A Subsidiary of Diamond Shamrock
P.O. Box 370 Orangeville Utah 84537-0370 Phone 801 748-2140