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STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

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

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

December 30, 1983

Mr. Richard Holbrook  
Consolidation Coal Company  
2 Inverness Drive East  
Englewood, Colorado 80033

RE: Technical Deficiencies  
Emery Deep Mine  
ACT/015/015, Folder No. 2  
Emery County, Utah

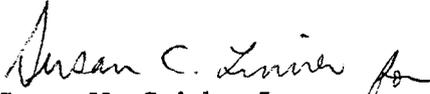
Dear Mr. Holbrook:

A preliminary Draft Technical Analysis (DTA) of the Emery Deep Mining and Reclamation Plan (MRP) has identified the following technical deficiencies still exist in the Emery Deep MRP. Since these comments resulted from a preliminary draft TA, additional concerns may still follow (however, these are expected to be few).

Please make an appropriate response to these deficiencies on or before January 16, 1983.

As always, please call should you have any questions or need clarification.

Sincerely,

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

JWS:LMK/btb

Enclosures

cc: Allen Klein, OSM  
John Rice, Bio/West, Inc.  
Debbie Ricahrdsn, Richardson Associates  
L. Kunzler, DOGM  
S. Limer, DOGM

## TECHNICAL DEFICIENCIES

Consolidation Coal Company  
Emery Deep Mine  
ACT/015/015, Emery County, Utah

December 30, 1983

### UMC 817.22 Topsoil: Removal

Physical and chemical soil testing must be conducted on all materials proposed as topsoil substitutes to demonstrate their suitability as topsoil. This testing must be conducted using methods and procedures that are acceptable and in line with current and recognized practices. Please submit a sampling and testing plan for all topsoil substitute materials.

### UMC 817.24 Topsoil: Redistribution

Please submit a detailed redistribution plan for topsoil substitute materials. This plan should include the type of equipment to be used, procedures to insure an even distribution of materials, procedures to minimize physical deterioration of soil structure and procedures to protect the topsoil from wind and water erosion (timing should be such that a favorable seeding period would follow immediately after final site preparation).

### UMC 817.25 Topsoil: Nutrients and Soil Amendments

Although the applicant has committed to the addition of soil amendments as needed based on a soils testing program, the applicant must submit a description of the soil testing program, including sampling methods and soil tests (and who will perform the tests).

### UMC 817.43 Hydrologic Balance: Diversions and Conveyance of Overland Flow

The roadside ditch within the system that routes flow to pond #2, while adequate to handle flow off the road, is undersized to carry flow from the culvert. At a design minimum depth of 0.75 feet, it can carry the required four cfs, but does not provide freeboard. The applicant must submit plans and commit to enlarging this ditch (and a date as to when enlargement will be done) to provide a minimum of 0.3 feet of freeboard (see also comment under UMC 817.150-.176).

### UMC 817.97 Protection of Fish, Wildlife and Related Environmental Values

Please provide dates (time frames) as to when the wildlife monitoring plan will be developed (in consultation with DOGM and the Division of Wildlife Resources) and implemented.

UMC 817.106 Regarding or Stabilizing Rills and Gullies

The applicant must provide a specific plan for regrading rills and gullies. This plan must show an inspection interval and identify when the applicant will regrade rills and gullies.

UMC 817.111 Revegetation: General Requirements

Please provide a contingency plan for determining what species and at what stocking levels shrubs will be transplanted or seeded to meet woody plant density rates should monitoring data show insufficient woody plant establishment from initial seeding.

UMC 817.113 Revegetation: Timing

The applicant must commit to seeding during the first favorable planting season following final site preparation (see comment under UMC 817.24 also).

UMC 817.116 Revegetation: Standards for Success

The applicant must include a comparison of woody plant density and diversity as well as the comparisons of cover and productivity currently planned, to determine revegetation success. Success will be achieved when these parameters on the revegetated area are at least 90 percent of the corresponding reference area parameters.

UMC 817.121 Subsidence Control: General Requirements

(a) The applicant must commit to provide the regulatory agency a specified number of copies of the results of any cultural survey within a specified time frame (preferably in terms of weeks, not months) upon completion of such a survey and incorporating such a survey in the applicant's mine permit.

(b) The applicant must provide a brief discussion on fracture zones, joints, etc., especially those over the west mains and how he/she shall mitigate subsidence effects as the result of mining under such geologic features. This discussion shall include a narrative delineating the areal extent, trend, vertical extent and other characteristics of such features.

(c) The applicant must commit to providing the regulatory authority with a specified number of copies of the subsidence survey report as the result of any subsidence survey within a specified number of weeks of completing such surveys. These shall include at a minimum:

1. Mine maps showing where pillars have been pulled and the month and year that such mining occurred.
2. Maps showing the location of survey monitoring stations, subsidence contours, tension cracks and/or compression features.

3. The differential level and horizontal survey summary.
4. Brief narrative explaining any "significant movement" and any action the applicant has taken to mitigate such movement and any tension or compression features visible on the surface.

(d) The applicant must commit to providing the regulatory authority with plans developed by the applicant to protect renewable resources and structures where due to economic constraints, seam conditions or mining techniques employed, plans will be developed three months prior to undermining surface areas to be protected within a specified time frame (not to exceed one month) of their development and incorporate such plans in the mine permit.

UMC 817.122 Subsidence Control: Public Notice

The applicant shall submit a plan for notification of affected surface landowners over the mine. This plan shall (1) identify all landowners which shall be contacted, (2) contain a commitment to notification by mail six months prior to mining beneath or adjacent to his or her property or residence, and (3) consist of a notification which will identify specific areas in which mining will take place, dates of underground operations and measures to be taken to prevent or control adverse surface effects as the result of subsidence. This is required in response to the recent significant subsidence event which occurred above the mine and as the result of the complexity of the subsidence issue at the mine.

Ninety days prior to mining under the occupied structure in Section 30, the applicant shall submit to the regulatory authority a written waiver showing the occupants concurrence with this activity.

UMC 817.124 Subsidence Control: Surface Owner Protection

The applicant must provide documentation as to how the effects of subsidence will be mitigated. This must be either: (1) restore, rehabilitate, or remove and replace, to the extent technologically and economically feasible, each materially damaged structure, feature or value promptly after the material damage from subsidence is suffered, to the condition it would be in if no subsidence had occurred and restore, to the extent technologically and economically feasible, those surface lands that were reduced in reasonably foreseeable use as a result of such subsidence to a condition capable of supporting reasonably foreseeable uses that such lands were capable of supporting before subsidence; or (2) purchase the damaged structure or feature (except structures or features owned by the person who conducted the underground coal mining activities) for its pre-subsidence fair market value. The person conducting the underground coal mining operation shall promptly, after the material damage or reduction in value or reasonably foreseeable use from subsidence occurs, to the extent technologically and economically feasible, restore the purchased structure or the structure owned by the person conducting the underground mining operations, restore those

surface lands that were materially damaged or reduced in value or reasonably foreseeable use by such subsidence, to a condition capable and appropriate of supporting the structure, and any other foreseeable uses such surface lands were capable of supporting before mining. Nothing in the paragraph shall be deemed to grant or authorize an exercise of the power of condemnation or the right of eminent domain by any person engaged in underground coal mining activities; or (3) compensate the owner of any surface structure in the full amount of the diminution in value resulting from subsidence, by purchase prior to mining of a noncancellable premium prepaid insurance policy or other means approved by the Division as assuring before mining begins that payments will occur; indemnify every person owning an interest in the surface for all damages suffered as a result of the subsidence; and, to the extent technologically and economically feasible, fully restore the land to a condition capable of maintaining reasonably foreseeable uses which it could support before subsidence.

UMC 817.150-.176 Roads

Since the roads are in effect utilized as diversions to direct flow to pond #2, the applicant must commit to maintaining a minimum of six inches in depth for runoff in the area adjacent to the north side of the roads (see comments under UMC 817.43 also).

UMC 806.14

The applicant must complete the certificate of liability insurance form and submit it to the Division. In addition, the amount of coverage for each aggregate must also be submitted.