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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter

Governor

Dee C. Hansen

Executive Director

Dianne R. Nielson, Ph.D.

Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

May 10, 1989

CERTIFIED RETURN RECEIPT REQUESTED
P 879 596 556

Mr. Robert Hagen, Director
Albuquerque Field Office
Office of Surface Mining
Reclamation & Enforcement
Suite 310, Silver Square
625 Silver Avenue, S. W.
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

Re: TDN #X-89-02-107-3, Consolidation Coal Company, Emery Deep Mine,
ACT/015/015, Folder No. 5, Emery County, Utah

This letter responds to the above-referenced Ten-Day Notice (TDN), the certified copy of which was received at the Division's offices on May 1, 1989.

1. Number 1 of 3 reads: "Failure to pass all disturbed drainage from the disturbed area through a sedimentation pond, series of ponds or treatment facility before leaving the permit area. Borehole 4B3, outslope of pad, pipeline corridor and soil stockpiles at pond 6."

All of the areas cited in the TDN are sites of recent construction. The borehole is not yet operational. The new pump borehole and associated facilities has been handled as an amendment to the Emery Deep MRP. In the proposal for the pump borehole facilities the operator requested Small Area Exemption status for the areas noted in the TDN and committed to use alternative sediment controls in these areas. The areas cited have been disced, seeded and/or bermed.

The Division has not issued final approval for the pump borehole and associated facilities as of yet. This approval is contingent upon submittal and Division approval of as-built plans after completion of construction. Based on recent Division inspections of the site the facilities can be considered completed at this time. As per the attached letter, the as-built plans will be due on June 12, 1989, and small area exemptions must be included as part of

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the plans. This is an inappropriate TDN based on INE 35, Section 4b, since the permitting action has not been finalized and the areas in question had functional sediment controls.

It should also be noted that the regulation cited in the TDN (UMC 817.43(a)) does not match the violation cited. Perhaps this was a transcribing error. If not, further rationale for using this regulation is requested.

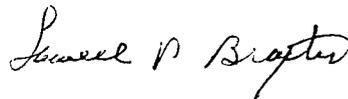
2. Number 2 of 3 reads: "Failure to maintain records in accordance with the requirements of the regulations. As-Built certifications for ponds 2 & 3."

These certifications have been available at the mine office previously, including during the last federal inspection (August 1987 inspection report). However, they could not be located during this inspection. Company representative Chris Jones notified the Division by phone on May 8, 1989 that the certifications for ponds 2 and 3 are now available on site. Therefore the situation has been corrected.

3. Number 3 of 3 reads: "Failure to certify haul roads -- the road from the approximate location of the office to the coal stockpile at the entrance to the mine and the road from the coal processing area to the coal stockpile located on the south and west side of Quitcupah Creek."

The operator has not provided haul road certifications as part of the Mining and Reclamation Plan (MRP) for the Emery Deep Mine. This is considered a permit defect which was previously overlooked. The operator has been notified by the attached letter to provide the necessary certifications by June 12, 1989.

Sincerely,



Lowell P. Braxton
Associate Director, Mining

Attachment
cc: C. Jones, Consolidation Coal Company
S. Linner
J. Helfrich
P.F.O
BT1413/10-11



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May 10, 1989

Mr. Chris Jones
Consolidation Coal Company
P. O. Box 527
Emery, Utah 84522

Dear Mr. Jones:

RE: Ten-Day Notice Response, Consolidation Coal Company, Emery Deep Mine, ACT/015/015, Folder #2, Emery County, Utah

A Federal Inspection of your facilities has resulted in issuance of a Ten-Day Notice, X-89-02-107-3 TV3, on April 26, 1989. Part 1 of this notice addresses pump borehole 4B3 facilities and was issued for failure to pass all disturbed drainage from the disturbed area through a sedimentation pond. The specific facilities in question are the outslope of the borehole pad, the pipeline corridor, and the topsoil stockpiles above pond 006.

The Division granted conditional final approval of these facilities on January 23, 1989 with a stipulation requiring an as-built drawing of pond 006 (see Stipulation 817.42 - 1 - MMD) identifying the location and design specifications of any alternative sediment control measures implemented on site, to be submitted upon completion of construction. This information has not been submitted to date. Recent site inspections by Division personnel have shown construction to be essentially complete. Therefore Consolidation Coal Company must submit the required as-built drawing, including alternative sediment control information demonstrating compliance with the requirements of UMC 817.42 by June 12, 1989.

Part 3 of the TDN notice was written for failure to certify haul roads. This includes the road from the approximate location of the office to the coal stockpile at the entrance to the mine, and, the road from the coal processing area to the coal stockpile located on the south and west side of Quitchupah Creek.

Mr. Chris Jones
ACT/015/015
May 10, 1989

The Division has reviewed the Mining and Reclamation Plan and found that this information is indeed currently lacking in the plan. Although the roads are shown on some of the drawings in the plan, they are not delineated or specified as Class I haul roads on the drawings or within the text of the plan. Additionally, no certification statement for the design and construction of the Class I haul roads could be found within the plan.

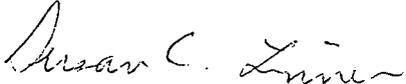
Consolidation Coal Company shall be required to modify their existing plan by:

1. Providing a certification statement in accordance with the requirements of UMC 817.150(d). The certification statement shall indicate the date of completion of the haul road facilities and a determination that the roads were built in compliance with the regulations and generally accepted engineering practices for the intended function and use of the haul roads.
2. Providing certified supporting maps and plans as required under UMC 784.24 and 817.150-.156 for certification as to the design and construction of the haul roads.

At a minimum, design information shall provide a drawing delineating the location and extent of the haul roads within the permit area. The drawing shall include sufficient information to determine the alignment and the grade of the haul road. Additionally, information regarding the drainage control, surfacing, design, maintenance and other details relevant to the haul roads shall be provided. Please refer to the regulations regarding Class I Haul Roads in response to these requirements.

The operator shall provide the above information by June 12, 1989.

Sincerely,


Susan C. Linner
Reclamation Biologist/
Permit Supervisor

cc: R. Harden
M. DeWeese
L. Kunzler
BT98/25-26