



0015

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

September 22, 1983

Mr. Bob Hagen
219 Central Avenue NW
Suite 216
Albuquerque, New Mexico 87102

RE: Ten day Notice 83-2-31-1
Des Bee Dove Mine
ACT/015/017, Folder No. 7
Emery County, Utah

Dear Mr. Hagen:

In response to your ten day notice received by this office on September 14, 1983, I offer the following: UMC 817.55 (g) specifies that MSHA approval is needed for any discharge of surface waters to an underground mine working. Currently three mines in this state conduct activities of this nature.

After consulting with MSHA official Jack Matekovic of their Orangeville, Utah field office, I was informed that MSHA does not have a specific problem with this type of activity. Mr. Matekovic further indicated that he did not have the authority to write a letter approving such a practice or even explaining that MSHA has no problems with this.

Mr. John Barton, District Manager for MSHA in Denver, was then contacted on September 21, 1983. Mr. Barton indicated that he had no problem with this, however, he would turn this problem over to his Engineer in Denver. Mr. Barton stated that he would work on this and forward a letter to the Division office as soon as he and his engineer had appraised the situation.

Mr. Bill Knepp called me on September 22, 1983. We discussed the mine's obligation for obtaining the approval letter from MSHA. Val Payne of Emery Mining Corporation was then contacted and he and Mr. Knepp were working out the details, for approval by MSHA. Tower Resources will be directed to Mr. Knepp (see attachment 1).

At this time we are awaiting an MSHA response to this dilemma and will forward their response to your office upon receipt.

Concerning your cover letter to ten day notice 83-2-31-1 in relation to the lack of a Hydrologic monitoring plan for the Des Bee Dove Mine. A more

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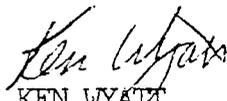
thorough Federal inspection would have revealed that the Des Bee Dove Mine's hydrologic situation is discussed in UP & L's Subsidence and Hydrologic monitoring plan for Deer Creek and Wilberg Mine. This plan was submitted to the regulatory authority on January 15, 1979. Further this plan was approved by OSM on August 31, 1979 and by DOGM on October 10, 1979.

This situation was discussed in a December 1982 Memo to the Coal File dated March 15, 1983 (see attachment 2).

Another point to consider is that the entire watershed in which the Des Bee Dove Mine is located is channeled into and through the sediment pond for this facility. This drainage is ephemeral in nature and only flows during storm events and possibly snowmelt periods. To date there has only been one instance when the pond has discharged. This discharge occurred in August 1983 during a precipitation event in excess of a 10 year 24 hour event.

Should you have any further questions or concerns please call.

Sincerely,


KEN WYATT
FIELD SPECIALIST

KW/jvb

cc: Ron Daniels, DOGM
Joe Helfrice, DOGM

Enclosures

April 18, 1983

State of Utah
Department of Natural Resources
Division of Oil, Gas and Mining
4241 State Office Building
Salt Lake City, Utah 84114

Attn: Dave Darby

Re: 816.55 (e)

Dear Mr. Darby:

We have encountered a complication in our attempts to comply with your request; specifically obtaining approval from the Mine Safety and Health Administration to divert surface runoff from our disturbed area into underground workings.

As you may be aware, MSHA regulations are very specific in nature and as Allen Emmel has discussed with you, there are no regulations in Title 30 CFR part 75 (MSHA) which pertain to such a requirement. Therefore, our next option was to contact MSHA to see if they could give us any advise or suggestions as to the proper procedure. They had not encountered this problem previously in the Price Sub-District office, and their reaction specifically was that they could not grant an approval for which they had no authority. That is, MSHA cannot grant approval of DOGM regulations just as you cannot approve MSHA requirements. The Sub-District Manager in the Price office was unsure as to why paragraph (e) was included in 816.55. Part 816 are SMCRA regulations and do not pertain to the Health and Safety Act which MSHA governs.

MSHA informed us that in order to approve such a requirement they would need to know first, specifically from whom the approval is to come, i. e. the Sub-District office, District office, Secretary's office, etc., and second, they would need to know specifically under what authority they were granting the approval, since there are no regulations pertaining to this issue in part 75. They will not simply write a letter saying that they have no problem with this, not because they do have a problem, but because they do not feel it is within their jurisdiction to do so.

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Mr. Dave Darby
April 18, 1983

We would greatly appreciate your guidance on this as we would like to clear up this issue and naturally we do not wish to be out of compliance.

We will wait to hear from you at your earliest convenience.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael W. Glasson", with a long horizontal flourish extending to the right.

Michael W. Glasson
Senior Geologist

MWG/dg

March 15, 1983

Inspection Memo
to Coal File:

RE: Utah Power & Light Company
Church Mine
ACT/015/017
Folder No. 7
Emery County, Utah

DATE: December 8 and 30, 1982
TIME: 2:15 - 3:30 P.M. and 11:30 A.M. - 2:00 P.M., respectively
WEATHER: Clear and cool, sunny and cold, respectively
COMPANY OFFICIAL: Larry Guymon (8th), Paul Peterson (30th)
STATE OFFICIAL: David Lof
ENFORCEMENT ACTION: None

Compliance with Permanent Performance Standards

UMC 771 et al Permits

The following permits and approval letters were reviewed with the operator in the mine office:

1. A letter dated August 12, 1975 from the USGS approving the 211 Mine Plan for the Church Mine.
2. A May 11, 1978 letter from the Division granting tentative approval until a final permit is issued under Public Law 95-87.
3. A Special Use Permit from the U. S. Forest Service for 100.41 acres, signed by the Acting Forest Supervisor on February 10, 1977. The Special Use Permit is for the parking lot, warehouse, bathhouse, office and lower storage area. While reading through the permit I noted that item number 23 of the permit requires that the "permit area will be maintained to present a clean, neat, orderly appearance. Trash, debris and useable machinery, improvements, etc. will be disposed of currently. Building materials, fire wood, etc. will be neatly stacked."
4. A Special Use Lease Agreement (SULA-436) for 40 acres for the sediment pond, was issued by State Lands and Forestry on November 22, 1978.

UMC 817.11 Signs and Markers

A mine identification sign was properly posted at the entrance to the permit area. Perimeter markers were appropriately placed along the majority

of the perimeter of those areas affected by the surface operations. The operator was asked to post perimeter markers along the east side of the parking lot south of the bathhouse complex. The primer and powder magazines were not provided with warning signs as required in the General Safety Orders for Utah Coal Mines issued by the Industrial Commission of Utah.

UMC 817.41 - .52 Hydrologic Balance

The Beehive-Little Dove pad appeared to be okay, it was difficult to say for sure because everything was frozen. I could not tell if any work had been done on the berm by the magazines as requested during the partial inspection in November because of the amount of snowfall received since then.

The berm on the east side of the disturbed area runoff inlet on the coal stockpile pad still did not abut the inlet structure as requested during the November inspection. The operator was asked to remedy this immediately.

Because of the amount of snow on the parking lot, I could not tell whether any ponding was occurring along the east side of the pad. The disturbed area runoff diversion behind the bathhouse was maintained as required.

Soil erosion was evident on the downslope of the fill which forms the materials storage yard and auxiliary coal stockpile area. The possibility of establishing a berm along the south side of the storage pad was briefly discussed with the operator.

UMC 817.52 Surface and Ground Water Monitoring

The operator has been issued NPDES permit #UT-0023591. This permit became effective on March 23, 1982 and expires on December 31, 1986. This permit covers the Church Mine's sedimentation pond. There have not been any discharges from the Church Mine sedimentation pond.

The hydrologic monitoring plan for the Church Mine is discussed in Utah Power and Light Company's Subsidence and Hydrology Monitoring Plan for the Deer Creek and Wilberg Mines. The Deer Creek and Wilberg Mines monitoring plan was approved in a letter from the Division dated October 10, 1979. The Church Mines hydrologic monitoring plan was never approved probably due to an oversight on the part of the Division and Utah Power & Light Company because the Church Mine was omitted from the title of the hydrologic monitoring plan.

UMC 817.71 - .73 Disposal of Underground Development Waste and Excess Spoil and Non-acid and Non-toxic forming Coal Processing Waste

The operator's underground waste disposal site for the Wilberg and Church Mines and its approval is discussed in an inspection memo to coal file concerning the Wilberg Mine dated February 8, 1983.

Inspection Memo to Coal File
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UMC 817.97 Protection of Fish, Wildlife and Related Environmental Values

According to a letter from the Division dated November 26, 1982 the U. S. Fish and Wildlife Service completed a survey of the existing powerlines at the Church Mine to determine if they posed an electrocution hazard to eagles or other large raptors. The survey indicated that the powerlines were designed and constructed in such a manner as to be "safe" to raptors.


DAVID LOF
FIELD SPECIALIST

DL/lm

cc: Tom Ehmett, OSM
Larry Guymon, Emery Mining Corporation
Joe Helfrich, DOGM

Statistics:

See Deer Creek Mine memo, dated February 25, 1983.