



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

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

July 23, 1984

CERTIFIED RETURN RECEIPT REQUESTED
(P492 430 090)

Mr. Robert Hagen, Director
Albuquerque Field Office
Office of Surface Mining
219 Central Avenue NW
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

RE: State Response to OSM's Ten Day Notice #X-84-2-31-4, Utah Power & Light Company (UP&L), Des-Bee-Dove Mine, ACT/015/017, Folder #7, Emery County, Utah

In response to Ten Day Notice (TDN) #X84-2-31-4 received by the Division on July 13, 1984, the State offers the following response. On August 12, 1983, a precipitation event in excess of the design 10-year, 24-hour event deposited approximately 35,000 cubic yards of sediment into the Des-Bee-Dove sediment pond. This storm, although exceeding the design storm, created a potential noncompliance situation with this sediment pond.

The operator, in good faith, wanted to bring the pond back into compliance by excavating the deposited sediments. The wet nature of these sediments at the time of excavation precluded disposing of them in the proposed area utilizing standard engineering practices.

As a result of these conditions, the operator, on November 23, 1983, requested approval from the Division to temporarily store these sediments in an area upstream from the sediment pond as long as the area was diked and hydrologic controls implemented. The surface owner, the Utah Division of State Lands and Forestry (UDSLF) was also contacted for its input. The Division of Oil, Gas and Mining agreed with the company's temporary storage proposal in a letter dated November 29, 1983. In this letter, no deadline was given to the company for permanent removal of these sediments.

Page 2
Mr. Robert H. Hagen, Director
July 23, 1984

In the spring of 1984, the company changed plans and requested that this material be permanently disposed of at its current site since the surrounding soils are primarily Mancos Shale, similar to the material excavated from the pond. The company also cited the high cost involved with moving 35,000 cubic yards of saturated clay-like material as a factor in their request. A meeting was held on May 10, 1984, with UP&L, the UDSLFF and the Bureau of Land Management (BLM) to discuss this issue. The UDSLFF and BLM agreed with the Division that this material could be left in place as long as hydrologic, stability and reclamation concerns were addressed.

Plans were received by the Division on June 29, 1984, regarding the current configuration of the sediment storage area and proposed plans to be implemented upon approval. The Division reviewed these plans and conducted an on-site inspection. It was decided that the following be done immediately.

1. Upgrade the dike to insure stability.
2. Route drainage off of the sediment material.
3. Divert overland flow away from the excavated material.

Additionally, the Division concluded that an application revision would be required to permit the storage site to comply with the requirements found in regulations UMC 817.46(e) through (u) if the operator chose to leave the material permanently in place. The Division feels that these short-term and long-term requirements do address the concerns of the Division, the BLM and the UDSLFF.

As mentioned above, the company has been directed to perform temporary measures to assure the pile's stability. In addition, the company has been informed of its obligation to permit the pile if it chooses to leave the excavated material where it has been temporarily stored.

I spoke about this situation briefly with Allen Klein and we mutually agreed that the possibility exists to permit this excavated material along with the road which was the subject of Ten Day Notice 84-2-31-3 part 4. Any permit revision action, of course, would be accomplished with the full concurrence of the Western Technical Center since its resources would be employed in the review. Utah is ready to assist in the review, schedules permitting, in whatever way possible.

Page 3

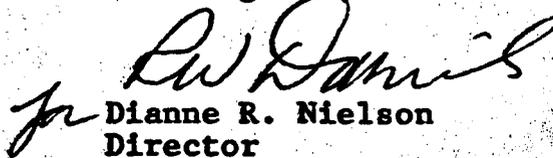
Mr. Robert H. Hagen, Director
July 23, 1984

Please refer to the enclosed Division directive dated July 23, 1984, which sets forth the requirements for temporary stabilization of this pile. This directive also informs the operator that permanent permitting and bonding is required.

In conclusion, the Utah Division of Oil, Gas and Mining does not intend to issue a Notice of Violation since the area in question is the direct result of a precipitation event in excess of the design 10-year, 24-hour event; and the company, acting in good faith, wanted to return the pond to full compliance. This created an emergency situation in which these sediments needed to be stored safely in the vicinity of the pond.

I trust that my explanation of the circumstances surrounding this sediment pile address your concerns. Should you have any questions or problems, do not hesitate to call.

Best Regards,


Dianne R. Nielson
Director

DRN/kw/tm:grc
enclosure

cc: Allen Klein, OSM
Frank Atencio, OSM
Stan Baker, UDSL
Ronald W. Daniels, DOGM
Joe Helfrich, DOGM
Ken Wyatt, DOGM

96640