



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
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March 24, 1986

CERTIFIED RETURN RECEIPT REQUESTED
(P492 429 515)

Mr. C. E. Shingleton, Director
Permitting, Compliance and Services
Utah Power & Light Company
P. O. Box 899
Salt Lake City, Utah 84110

Dear Mr. Shingleton:

RE: Approval of Abatement Plans for Notice of Violation
N85-2-22-1 Submitted February 19, 1986, Des-Bee-Dove
Sediment Pond Access Road, ACT/015/017, #4 & 7, Emery
County, Utah

The Division has completed its review of Utah Power & Light Company's (UP&L) latest (February 19, 1986) abatement plan response to the Notice of Violation referenced above. Although the plans are technically adequate to abate the notice of violation requirements, several concerns relating to bonding and permit area boundaries must still be resolved. These additional concerns will not be made part of the requirements for abatement of this violation. However, they are now considered a separate permitting issue which will require a permit change to the approved PAP.

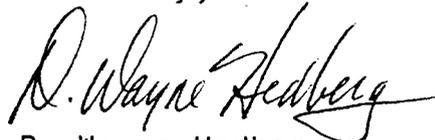
An application for permit change must be submitted to amend the approved mining and reclamation plan for the Des Bee Dove mine. A preliminary determination may place the change application within the incidental boundary change category. This classification would require confirmation based upon an accurate description of disturbed acres associated with this road compared with the overall approved permit area acreage for the mine site.

Page 2
Mr. Chris Shingleton
ACT/015/017
March 24, 1986

The enclosed technical review memorandum(s) outline the specific concerns which UP&L must address as part of a new application for permit change to include this road within the permit area for the Des Bee Dove mine.

Thank you for your patience and cooperation in finalizing this abatement action. Please be advised that the approved abatement plan must be implemented before July 31, 1986. We encourage you to contact us at your earliest convenience should you have any questions, or wish to schedule a meeting to discuss the additional requirements outlined in this letter. If possible, please provide a response to the remaining concerns by April 24, 1986.

Sincerely,



D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

Review Chronology:

A. Operator Submittals

1. 11/18/85
2. 11/22/85
3. 12/15/85
4. 2/19/86

B. DOGM Responses

1. 2/03/86
2. 3/24/86

DMW/btb

Enclosures

cc: Allen Klein
Lowell Braxton
John Whitehead
Pam Grubaugh-Littig
Dave Lof
Dave Wham

0505R-43 & 44

March 5, 1986

TO: Coal File

FROM: David M. Wham, Reclamation Hydrologist

RE: Abatement Plans for Notice of Violation N85-2-22-1
Submitted February 19, 1986, Des-Bee-Dove Sediment
Pond Access Road, Utah Power & Light Company,
Des-Bee-Dove Mines, ACT/015/017, #7, Emery County, Utah

Utah Power & Light Company's current submittal adequately addresses each of the hydrologic deficiencies outlined in the Division's February 3, 1986 letter. It is therefore recommended that the Division grant final approval for this abatement plan.

btb
cc: Wayne Hedberg
0571R-9

March 5, 1986

TO: Coal File

FROM: Pamela Grubaugh-Littig, Reclamation Engineer *pgl*

RE: Abatement Plans for Notice of Violation N85-2-22-1
Submitted February 19, 1986, Des-Bee-Dove Sediment Pond
Access Road, Utah Power & Light Company, Des-Bee-Dove
Mines, ACT/G15/O17, #7, Emery County, Utah

Summary and Conclusions

The Des-Bee-Dove sediment pond access road can be classified as a Class III road. The recent submittal did not, however, include that portion of the Class III access road from the haul road right-of-way line to Station 31+52 inside the permit boundary (although it is difficult to distinguish on drawing number CM-10658-DS [Plate 5-7] due to no legends or explanations on the drawing).

The permit boundary exclusion rationale by Utah Power & Light Company (UP&L) is that (1) the road existed prior to pond construction, (2) the abatement requirements for Notice of Violation (NOV) N85-2-22-1 did not require the road to be included in the permit area, (3) the right-of-way "application" requested nonrestrictive use, and (4) UP&L requests assistance to meet UMC 817.45, 771.49 and UCA 40-10-18(i)(ii) if it is included. UP&L did state, however, that all of the road will be reclaimed after mining. The entire access road should be included in the permit area.

UP&L did not submit a copy of the application or any documentation to the Division about the right-of-way extension to the Bureau of Land Management (BLM) and should as previously requested.

Body

UMC 800.5 Determination of the Bond Amount - PGL

The applicant submitted a sedimentation pond access road reclamation cost estimate for \$38,926.00. The Division concurs with the cost estimate or two percent of the bond. The present bond posted at Des-Bee-Dove is \$1,837,712.00, posted in 1989 dollars at an escalation rate of 6.78 percent. No adjustment is presently required for this abatement plan.

Page 2
Memorandum - Coal File
ACT/015/017
March 5, 1986

UMC 784.23 Operation Plan: Maps and Plans - PGL

(b)(1) and (b)(2) The rationale for not including the access road in the permit area does not meet public road criteria. Were public funds used in the construction of the road or are public funds used in the maintenance of the road? At the conclusion of mining, the road will be reclaimed which seems to direct sole use to sediment pond maintenance. Therefore, the applicant must submit permit area maps that include the access road in the permit area.

(b)(3) The permit area map which depicts all the bonded areas included under the performance bond must be revised to include the sediment pond access road.

UMC 782.13 Identification of Interests - PGL

(1) The applicant must include a copy of the application for the extension of the right-of-way by the BLM, or any acceptable form of documentation. When the extension is granted, the approval letter must be submitted to the Division for inclusion in the mine files.

btb
9075R-48 & 49