0010

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

March 27, 1997

CERTIFIED RETURN RECEIPT
P 074 977 726

Chuck Semborski, Environmental Supervisor
PacifiCorp
P.O. Box 310
Huntington, Utah 84528

Re: Proposed Assessment for State Violation No. N-97-41-3-1, PacifiCorp, Des-Bee-Dove Mines, ACT/015/017, Folder #5, Emery County, Utah

Dear Mr. Semborski:

The undersigned has been appointed by the Division of Oil, Gas and Mining as the Assessment Officer for assessing penalties under R645-401.

Enclosed is the proposed civil penalty assessment for the above-referenced violation. The violation was issued by Division Inspector, Paul Baker on February 12, 1997. Rule R645-401-600 et. sec. has been utilized to formulate the proposed penalty. By these rules, any written information which was submitted by you or your agent, within fifteen (15) days of receipt of the Notice of Violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

Under R645-401-700, there are two informal appeal options available to you:

1. If you wish to informally appeal the fact of this violation, you should file a written request for an Informal Conference within 30 days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty.

2. If you wish to review the proposed penalty assessment, you should file a written request for an Assessment Conference within 30 days of receipt of this letter. If you are also requesting a review of the fact of violation, as noted in paragraph 1, the Assessment Conference will be scheduled immediately

following that review.

If a timely request for review is not made, the fact of violation will stand, the proposed penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the proposed assessment. Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,

Pamela Grubaugh-Littig
Assessment Officer

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tt
Enclosure
cc: James Fulton, OSM
Vicki Bailey, DOGM

WORKSHEET FOR ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE NOV# N-97-41-3-1

PERMIT# ACT/015/017 VIOLATION 1 OF 1

ASSESSMENT DATE 3/17/97 ASSESSMENT OFFICER Pamela Grubaugh-Littig

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE EFFECTIVE ON YEAR TO DATE

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS

1 point for each past violation, up to one year
5 points for each past violation in a CO, up to one year
No pending notices shall be counted

TOTAL HISTORY POINTS 0

II. SERIOUSNESS (Either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations MAX 45 PTS

1. What is the event which the violated standard was designed to prevent? Failure to main a road to control or prevent additional contribution of suspended solids to streamflow or runoff outside the permit area and failing to maintain the road to have adequate drainage control.
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE
None	0
Unlikely	1-9
Likely	10-19
Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 12

PROVIDE AN EXPLANATION OF POINTS

Five culverts were partially or completely blocked due to the construction of a pipelin next to the haul road. A ditch had been regraded to approximately the configuration in the plan but the inlets could not be found for four culverts on the lower part of the road. The inlet for the fifth culvert was three-fourths blocked with earth material and rock. This violation was issued for failure to maintain the road to have adequate drainage control. Additionally, soils were compaced in the trench excavated for the ditch where the pipeline was laid. These frozen soils could not be properly compacted and will require furth reworking when the weather permits. (See inspection report, Attachment 1)

3. What is the extent of actual or potential damage?

RANGE 0-25*

In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 8

PROVIDE AN EXPLANATION OF POINTS

It was unlikely that damage due to runoff occurred due to the time of year. Nevertheless, there was a high potential for blockage of the culverts.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement?_____

RANGE 0-25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS_____

PROVIDE AN EXPLANATION OF POINTS

—

TOTAL SERIOUSNESS POINTS (A OR B) 20

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE: OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence	0
Negligence	1-15
Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE Reckless

ASSIGN NEGLIGENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS

On July 31, 1996, Amendment ACT/015/017-96C entitled "15" CMP Culvert Installation at Haul Road to Allow for Drainage of Texaco's Proposed Drilling Access Road" was approved (see Attachment 2). In the approval document, it stated that, "the culvert is not needed for mining purposes, but is necessary to protect and maintain the integrity and function of the road ditch. The culvert is directly associated with an access road to a Texaco methane well." Additionally, "Texaco will install the culvert, since they have been granted the authority to construct the access road by BLM and are the party that precipitated the need for the culvert." This amendment was also coordinated with the BLM and Texaco by field a meeting held on July 22, 1996 with PacifiCorp and the Division. Texaco was aware of the DOGM requirements. (See Attachment 3)

IV. GOOD FAITH MAX -20 PTS. (Either A or B) (Does not apply to violations requiring no abatement measures)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?
IF SO - EASY ABATEMENT

Easy Abatement Situation
Immediate Compliance -11 to -20*
(Immediately following the issuance of the NOV)
Rapid Compliance -1 to -10
(Permittee used diligence to abate the violation)
Normal Compliance 0
(Operator complied within the abatement period required)
(Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

B. Did the permittee not have the resources at hand to achieve compliance Or does the situation require the submission of plans prior to physical activity to achieve compliance?
IF SO - DIFFICULT ABATEMENT

Difficult Abatement Situation
Rapid Compliance -11 to -20*
(Permittee used diligence to abate the violation)
Normal Compliance -1 to -10*
(Operator complied within the abatement period required)
Extended Compliance 0
(Permittee took minimal actions for abatement to stay within the limits of the

NOV or the violated standard or the plan submitted for abatement was incomplete)
(Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? Easy ASSIGN GOOD FAITH POINTS 5

PROVIDE AN EXPLANATION OF POINTS

Abatement was performed by Texaco. Paul Baker, Reclamation Specialist assigned to Des-Bee-Dove Mine, inspected the culverts on February 27, 1997 and understood that the abatement work had been completed on February 25, 1997. A few days before this, Texaco had informed PacifiCorp that the abatement work was completed, but the permittee inspected the abatement work and found it unsatisfactory and Texaco redid some of their work.

V. ASSESSMENT SUMMARY FOR N97-41-3-1

I. TOTAL HISTORY POINTS 0
II. TOTAL SERIOUSNESS POINTS 20
III. TOTAL NEGLIGENCE POINTS 20
IV. TOTAL GOOD FAITH POINTS -5

TOTAL ASSESSED POINTS 35

TOTAL ASSESSED FINE $500.00

blb
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ATTACHMENT 1

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

INSPECTION REPORT

Partial:_ Complete: X Exploration:_
Inspection Date & Time: December 11, 1996, 11:00 AM to 3:00 PM
Date of Last Inspection: August 28, 1996

Mine Name: Des Bee Dove County: Emery Permit Number: ACT/015/017
Permittee and/or Operator's Name: PacifiCorp/Energy West Mining Company.
Business Address Box 1008, Huntington, Utah 84528
Type of Mining Activity: Underground X Surface_ Prep. Plant_ Other_
State Officials(s): Paul Baker
Company Official(s): Dick Northrup and Mike Dennis
Federal Official(s): None
Weather Conditions: Snow showers, 20's, mostly cloudy, up to about 4" of snow on the ground at the mine
Existing Acreage: Permitted- 2847 Disturbed- 78 Regraded-_ Seeded-_ Bonded- 78
Increased/Decreased: Permitted- 0 Disturbed- 0 Regraded- 0 Seeded- 0 Bonded- 0
Status: _Exploration/_Active/_Inactive/ X Temporary Cessation/_Bond Forfeiture
Reclamation (_Phase I/_Phase II/_Final Bond Release/_Liability_Year)

REVIEW OF PERMIT, PERFORMANCE STANDARDS & PERMIT CONDITION REQUIREMENTS

Instructions

1. Substantiate the elements on this inspection by checking the appropriate performance standard.
   a. For complete inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check N/A.
   b. For partial inspections check only the elements evaluated.
2. Document any noncompliance situation by referencing the NOV issued at the appropriate performance standard listed below.
3. Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
4. Provide a brief status report for all pending enforcement actions, permit conditions, Division Orders, and amendments.

	EVALUATED	N/A	COMMENTS	NOV/ENF
1. PERMITS, CHANGE, TRANSFER, RENEWAL, SALE	[X]	[ ]	[X]	[ ]
2. SIGNS AND MARKERS	[X]	[ ]	[ ]	[ ]
3. TOPSOIL	[X]	[ ]	[X]	[ ]
4. HYDROLOGIC BALANCE:				
a. DIVERSIONS	[X]	[ ]	[ ]	[ ]
b. SEDIMENT PONDS AND IMPOUNDMENTS	[X]	[ ]	[ ]	[ ]
c. OTHER SEDIMENT CONTROL MEASURES	[X]	[ ]	[ ]	[ ]
d. WATER MONITORING	[X]	[ ]	[ ]	[ ]
e. EFFLUENT LIMITATIONS	[X]	[ ]	[X]	[ ]
5. EXPLOSIVES	[ ]	[X]	[ ]	[ ]
6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES	[X]	[ ]	[ ]	[ ]
7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS	[X]	[ ]	[ ]	[ ]
8. NONCOAL WASTE	[X]	[ ]	[ ]	[ ]
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	[X]	[ ]	[ ]	[ ]
10. SLIDES AND OTHER DAMAGE	[X]	[ ]	[ ]	[ ]
11. CONTEMPORANEOUS RECLAMATION	[X]	[ ]	[ ]	[ ]
12. BACKFILLING AND GRADING	[ ]	[X]	[ ]	[ ]
13. REVEGETATION	[X]	[ ]	[ ]	[ ]
14. SUBSIDENCE CONTROL	[X]	[ ]	[ ]	[ ]
15. CESSATION OF OPERATIONS	[ ]	[X]	[ ]	[ ]
16. ROADS:				
a. CONSTRUCTION/MAINTENANCE/SURFACING	[X]	[ ]	[ ]	[ ]
b. DRAINAGE CONTROLS	[X]	[ ]	[X]	[ ]
17. OTHER TRANSPORTATION FACILITIES	[ ]	[X]	[ ]	[ ]
18. SUPPORT FACILITIES/UTILITY INSTALLATIONS	[X]	[ ]	[ ]	[ ]
19. AVS CHECK (4th Quarter-April, May, June)_(date)	[ ]	[ ]	[ ]	[ ]
20. AIR QUALITY PERMIT	[X]	[ ]	[ ]	[ ]
21. BONDING & INSURANCE	[X]	[ ]	[X]	[ ]

(Continuation sheet)

INSPECTION REPORT

PERMIT NUMBER: ACT/015/017

DATE OF INSPECTION: December 11, 1996

(Comments are Numbered to Correspond with Topics Listed Above)

1. Permits, Change, Transfer, Renewal, Sale

At the end of the inspection Mr. Northrup gave me an amendment discussing Texaco's activities at the site. Texaco is laying a pipeline in the ditch on the north side of the lower part of the haul road. I was notified December 5, 1996, of Texaco's activities. Mr. Northrup had learned of them a few days earlier and discussed the situation with the former Division inspector Bill Malencik. On December 6, 1996, Mr. Northrup and other representatives from PacifiCorp met with Ron Worth of Texaco and me to discuss the situation and regulatory implications and requirements.

The lower portion of the Des Bee Dove haul road is on State land, and the Division of State Lands and Forestry issued a right of way for the road in about the late 1970's. According to Mr. Worth, the Division of State Lands and Forestry issued a right of way for Texaco to build a pipeline in this same area in 1989. He said Texaco was instructed to build the pipeline in the ditch on the north side of the haul road in order to disturb as little land as possible.

3. Topsoil

In the area of the Texaco pipeline, the soil was bladed to the side before Texaco started to dig the trench. PacifiCorp did not learn of the pipeline until this blading had been done, and by that time, it was too late to salvage topsoil. The subsoil appears to be sandy material that will probably not be difficult to reclaim.

The area near the sediment pond and soil pile was very muddy, so I did not inspect the subsoil pile. However, Mr. Dennis told me he had recently checked the area.

4. Hydrologic Balance

e. Effluent Limitations

During the period September 11-18, 1996, the mine received 3.46 inches of rain, and the sediment pond discharged. The effluent limitations were exceeded for total iron and suspended solids. Total iron was 9.2 mg/L, and the limit is 2.0 mg/L. Suspended solids were 1.2 mg/L, and the limit is 0.1 mg/L. The permittee notified the Division and the Division of Water Quality as required. This is apparently only the second time the pond has discharged.

16. Roads

b. Drainage Control

The Texaco pipeline is being put in the ditch on the north side of the haul road; therefore, at the time of the inspection, the ditch did not comply with designs in the plan. However, since the work was being done without PacifiCorp's prior approval and since environmental damage seemed unlikely, I did not take enforcement action. In the meeting on December 6, we discussed the designs for the road ditch and that it would need to comply with what is shown in the plan. We also discussed seeding and compacting the area to reduce erosion. Texaco was later given information from the plan. I believe I made it clear that, although Texaco disturbed the ditch, PacifiCorp is ultimately responsible for its maintenance no matter what any outside party does. Mr. Worth indicated Texaco should be completed by about December 20, 1996.

On December 10, 1996, I telephoned Mr. Worth and told him I thought Texaco should put some straw bales or silt fences in parts of the ditch to control sediment from potential runoff. Some silt fences had been installed by the time of the inspection, but the bottoms of them were anchored with rocks rather than being buried. I told a representative from Texaco I thought they needed to be buried to better catch any runoff, and he agreed to have it done.

Copy of this Report:

Mailed to: James Fulton (OSM), Chuck Semborski (PacifiCorp)

Given to: Joe Helfrich (DOGM)

Inspector's Signature: Paul B. Baker #41 Date: December 19, 1996

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

INSPECTION REPORT

Partial:_ Complete: X Exploration:_
Inspection Date & Time: February 12, 1997, 10:00 AM to 2:30 PM
Date of Last Inspection: December 11, 1996

Mine Name: Des Bee Dove County: Emery Permit Number: **ACT/015/017**
Permittee and/or Operator's Name: PacifiCorp/Energy West Mining Company.
Business Address Box 1008, Huntington, Utah 84528
Type of Mining Activity: Underground X Surface_ Prep. Plant_ Other_
State Officials(s): Paul Baker
Company Official(s): Dick Northrup and Bob Willey
Federal Official(s): None
Weather Conditions: Cloudy, 30's, about 6" of snow on the ground
Existing Acreage: Permitted- 2847 Disturbed- 78 Regraded-_ Seeded-_ Bonded- 78
Increased/Decreased: Permitted- 0 Disturbed- 0 Regraded- 0 Seeded- 0 Bonded- 0
Status: _Exploration/_Active/_Inactive/ X Temporary Cessation/_Bond Forfeiture
Reclamation (_Phase I/_Phase II/_Final Bond Release/_Liability Year)

REVIEW OF PERMIT, PERFORMANCE STANDARDS & PERMIT CONDITION REQUIREMENTS

Instructions

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   b. For partial inspections check only the elements evaluated.
2. Document any noncompliance situation by referencing the NOV issued at the appropriate performance standard listed below.
3. Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
4. Provide a brief status report for all pending enforcement actions, permit conditions, Division Orders, and amendments.

	EVALUATED	N/A	COMMENTS	NOV/ENF
1. PERMITS, CHANGE, TRANSFER, RENEWAL, SALE	[X]	[ ]	[X]	[ ]
2. SIGNS AND MARKERS	[X]	[ ]	[X]	[ ]
3. TOPSOIL	[X]	[ ]	[ ]	[ ]
4. HYDROLOGIC BALANCE:				
a. DIVERSIONS	[X]	[ ]	[X]	[ ]
b. SEDIMENT PONDS AND IMPOUNDMENTS	[X]	[ ]	[ ]	[ ]
c. OTHER SEDIMENT CONTROL MEASURES	[X]	[ ]	[ ]	[ ]
d. WATER MONITORING	[X]	[ ]	[ ]	[ ]
e. EFFLUENT LIMITATIONS	[X]	[ ]	[ ]	[ ]
5. EXPLOSIVES	[ ]	[X]	[ ]	[ ]
6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES	[ ]	[X]	[ ]	[ ]
7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS	[ ]	[X]	[ ]	[ ]
8. NONCOAL WASTE	[X]	[ ]	[ ]	[ ]
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	[X]	[ ]	[X]	[ ]
10. SLIDES AND OTHER DAMAGE	[ ]	[X]	[ ]	[ ]
11. CONTEMPORANEOUS RECLAMATION	[ ]	[X]	[ ]	[ ]
12. BACKFILLING AND GRADING	[ ]	[X]	[ ]	[ ]
13. REVEGETATION	[X]	[ ]	[X]	[ ]
14. SUBSIDENCE CONTROL	[X]	[ ]	[ ]	[ ]
15. CESSATION OF OPERATIONS	[ ]	[X]	[ ]	[ ]
16. ROADS:				
a. CONSTRUCTION/MAINTENANCE/SURFACING	[X]	[ ]	[ ]	[ ]
b. DRAINAGE CONTROLS	[X]	[ ]	[X]	[ ]
17. OTHER TRANSPORTATION FACILITIES	[ ]	[X]	[ ]	[ ]
18. SUPPORT FACILITIES/UTILITY INSTALLATIONS	[X]	[ ]	[ ]	[ ]
19. AVS CHECK (4th Quarter-April, May, June)_(date)	[ ]	[X]	[ ]	[ ]
20. AIR QUALITY PERMIT	[X]	[ ]	[ ]	[ ]
21. BONDING & INSURANCE	[X]	[ ]	[ ]	[ ]

(Comments are Numbered to Correspond with Topics Listed Above)

Because of the snow, we did not go to the sediment pond and topsoil stockpile. Looking at these from the road, I saw no problems. Also, it was very difficult to see all of the drainage control structures because of the snow.

1. Permits/Change/Transfer/Renewal/Sale

On ~~December~~ January 9, 1997, the Division approved an amendment to designate Charles Semborski as resident agent.

On December 11, 1996, the Division received an amendment showing installation of natural gas and water lines along the lower part of the haul road. This was approved on December 24, 1996. In association with this, another amendment was approved January 15, 1997, which allows for installation of a culvert parallel to the road in the ditch.

2. Signs and Markers

A few of the perimeter marker signs along the north side of the lower portion of the haul road are missing and need to be replaced.

4. Hydrologic Balance

a. Diversions

Some earthen material has slumped into the ditch on the inslope of the road at the lower part of the mine, and this needs to be cleaned. It appears this is a recurring problem.

On the pad by the Little Dove Mine portals, there is a berm that was breached so the operator could retrieve a portion of a conveyor. This berm needs to be restored and reseeded.

9. Protection of Fish, Wildlife and Related Environmental Values

Two golden eagles were in the cliffs above the mine, and they were vocalizing. I suspect they may be establishing their territory for the nesting season.

16. Roads

b. Drainage Control

As noted in the report for the December inspection, Texaco has been putting in natural gas and water lines in the ditch next to the lower part of the haul road. The ditch has now been regraded to approximately the configuration shown in the plan, but I could not find the inlets for four culverts on the lower part of the road, and the inlet to a fifth culvert was about 3/4 blocked with earth material and a rock. Violation N97-41-3-1 is being issued for failure to maintain a road to control or prevent additional contributions of suspended solids to stream flow or runoff outside the permit area and for failing to maintain the road to have adequate drainage control.

Although the ditch on the side of the road appears to basically conform to designs in the plan, I am concerned about the reconstruction procedures that were used. Based on photographs I saw of the construction sequence and my conversation with Mr. Willey and Mr. Northrup, the ditch was rebuilt as follows:

1. A trench was excavated in the ditch, and gas and water lines were put in the trench.

2. The contractor installing the lines used a trackhoe to sift soil into the trench. A few inches of snow was on the ground and in the trench when this was done, and the soil was apparently frozen. About two feet of this fine material was placed on the lines, then it was compacted with a small sheepsfoot roller.

INSPECTION REPORT

(Continuation sheet)

3. From the photographs, it appeared the contractor finished filling the trench with rocks about six inches in diameter and larger.

4. Finally, finer material was spread over the top and graded to approximately the ditch configuration shown in the plan.

I believe the soil will settle as it thaws this spring because it is impossible to properly compact frozen soil. I also believe the fine material on the surface will pipe into the rocks below. Assuming these happen, it will be necessary to rework the ditch, probably sometime within the next year.

Even though the soil will probably settle and pipe and will probably need to be reworked, the area should be planted with the interim seed mix as soon as possible. The ditch could become the subject of further enforcement action if it is not properly maintained.

Not far above the sediment pond, there is a cut where the road loops north toward the mine. The inlet of the culvert on the north side of the road in this area needs to be cleaned.

Copy of this Report:
Mailed to: James Fulton (OSM), Chuck Semborski (PacifiCorp)
Given to: Joe Helfrich (DOGM)

Inspector's Signature: Paul B. Baker #41 Date: February 21, 1997

ATTACHMENT 2

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

July 31, 1996

Val Payne
Sr. Environmental Engineer
PacifiCorp
PO Box 310
Huntington, Utah 84528

RE: 15" CMP Culvert Installation at Haul Road to Allow for Drainage of Texaco's Proposed Drilling Access Road, PacifiCorp, Des Bee Dove Mine, ACT/015/017-96C, Folder #3, Emery County, Utah

Dear Mr. Payne:

This approves your permit amendment application received at the DOGM Price Field Office on July 30, 1996. The approval is effective July 31, 1996, and is based on the information contained in your application together with the findings cited below.

Followup Action By Permittee

Since the project involves on the ground construction, please submit within 30 days after construction the following certified documents:

- Certified updated Deseret Coal Road to Wilburg Coal Road Plan Sheet, Plate 5-1, (R645-301-521.164)

Project Description

PacifiCorp haul road where the culvert is to be installed is covered by two authorizations, a ROW grant on federal land by BLM, and a DOGM Mining and Reclamation Permit.

The project involves installing a culvert 50 feet in length and 15 inches in diameter in an existing approved westerly Des Bee Dove road ditch. The 15" culvert sizing is consistent with the runoff/flow calculations as covered in the prior DOGM approved ditch design.

The culvert is not needed for mining purposes, but is necessary to protect and maintain the integrity and function of the road ditch. The culvert is directly associated with an access road to a Texaco methane well.

INCORPORATED
EFFECTIVE:
JUL 31 1996
UTAH DIVISION OIL, GAS AND MINING
PRICE FIELD OFFICE

Analysis

This project, as described in the above description from both an environmental and an operational standpoint, will maintain the integrity and function of the DOGM approved road ditch. It is not needed for coal mining purposes. However, the coal permittee has elected to submit an amended permit application to install the culvert. Texaco will install the culvert, since they have been granted the authority to construct the access road by BLM and are the party that precipitated the need for the culvert.

Since the permittee submitted the amendment, there are no reasons for disapproving the application. Again, as previously mentioned, suggest the Division look into this matter and determine if a better solution exists similar on future situations. Increasingly this may become a coordination and jurisdictional problem as related to methane exploration and well development on coal permitted areas and access across coal permitted areas.

Findings

(1) AMENDMENT APPLICATION. The applicant, PacifiCorp, has submitted a complete and accurate amendment application in conformance with the coal rules (R645-301-150).

(2) DOGM PERMIT STATUS. The culvert lies within the current DOGM approved permit area, and more particularly, an area that was disturbed during road construction.

(3) ACTIVE OPERATION. The area is included in an active approved coal mining and reclamation operation and is under approved temporary cessation.

(4) LAND STATUS. The surface estate is federal and under the jurisdiction of BLM.

(5) OTHER APPROVAL/COORDINATION. This amendment has been coordinated with BLM at a field meeting held July 22, 1996.

(6) IMPACTS. The instant project does not have an adverse impact on the hydrologic balance, nor does it involve a critical habitat area.

INCORPORATED
EFFECTIVE:
JUL 31 1996
UTAH DIVISION OIL, GAS AND MINING
PRICE FIELD OFFICE

(7) RECORD UPDATE. The Technical Analysis does not need to be updated.

(8) RECLAMATION AND BONDING. The existing reclamation plan and surety bonding are adequate as determined by the undersigned. (R645-301-820/830).

The current surety bond is $1,837,712.00 is adequate and based on the primary road reclamation plan and estimated costs related thereto.

Appreciate your cooperation and foresight in recognizing potential conflicts and seeking compatible solutions for a turnoff on the Des Bee Dove haul road. Also, both Ron Wirth and Larry Slaughterback of Texaco, were most helpful in solving this field problem. Such cooperation has facilitated the processing of your application and is appreciated.

Sincerely,

Wm. J. Malencik
Reclamation Specialist

sd
Enclosures
cc: Ranvir Singh, OSM, Denver
Mark Bailey, BLM, Price
Janette Kaiser, USFS, Price
Mark Page, State Eng, Price, w/out enc
Dave Ariotti, DEQ, Price, w/out enc
Bill Bates, DWR, Price, w/out enc
Ron Wirth, Texaco, Orangeville, w/o enc
Joe Helfrich, DOGM, SLC
Pam Grubaugh-Littig, DOGM, SLC, w/o enc

INCORPORATED
EFFECTIVE:
JUL 31 1996
UTAH DIVISION OF OIL, GAS AND MINING
FIELD OFFICE

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

August 23, 1996

Val Payne
Sr. Environmental Engineer
PacifiCorp
PO Box 310
Huntington, Utah 84528

RE: Culvert Installation (15" CMP) on Haul Road, PacifiCorp, Des Bee Dove Mine, ACT/015/017-96C, Folder #3, Emery County, Utah

Dear Mr. Payne:

Your as-built on the installation of a 15" culvert on the Des Bee Dove permitted haul road is hereby approved effective August 23, 1996.

The amendment approval decision was submitted to you on July 31, 1996. Copy of that decision was also submitted to required cooperating agencies. Since you have provided the required certified road "as built", as required, the case is hereby closed. Appropriate documents must be inserted into your MRP.

Sincerely,

Wm. J. Malencik
Reclamation Specialist

sd
Enclosures
cc: Ranvir Singh, OSM, Denver
Mark Bailey, BLM, Price
Janette Kaiser, USFS, Price
Mark Page, State Eng, Price, w/out enc
Dave Ariotti, DEQ, Price, w/out enc
Bill Bates, DWR, Price, w/out enc
Joe Helfrich, DOGM, SLC
Pam Grubaugh-Littig, DOGM, SLC, w/o enc

ENERGY WEST Mining Co.
PO Box 310
Huntington, Utah 84528

Restore Road
Permit
Amendment

August 14, 1996

RECEIVED
AUG 20 1996
DIVISION OF OIL
GAS & MINING PRICE UTAH

Division of Oil, Gas and mining
451 East 400 North
Box 156
Price, Utah 84501

Attention: Mr. Bill Malencik

Re: 15" CMP CULVERT INSTALLATION, AS BUILT DRAWING, PACIFICORP, DES-BEE-DOVE MINE HAUL ROAD, ACT/015/017-96C,FOLDER #3 EMERY COUNTY, UTAH.

PacifiCorp, by and through its wholly owned subsidiary, Energy West mining Company (Energy West) as mine operator, hereby submits (7) copies of the As-Built drawing #CM-10584-DS, sheet 10 of 38, packet 5-1, volume 6. The updated revision depicts the 15" CMP culvert installation at approximate station 204+45. Work accomplished by Texaco.

We appreciate your assistance in the above matter. If you have any questions or concerns regarding this matter, please contact Richard Northrup at 687-4822 or me at 687-4722.

Sincerely,

Val Payne
Sr. Environmental Engineer

RECORDED
EFFECTIVE:
AUG 23 1996
UTAH DIVISION OF OIL, GAS AND MINING

Huntington Office:
(801) 687-9821
Fax (801) 687-2695
Purchasing Fax (801) 687-9092

Deer Creek Mine:
(801) 381-2317
Fax (801) 381-2285

Cottonwood Mine:
(801) 748-2319
Fax (801) 748-2380

ATTACHMENT 3

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

July 25, 1996

TO: Attendees

FROM: Wm. J. Malencik, Reclamation Specialist

RE: Texaco Access Road Meeting, Cottonwood Waste Rock Site, PacifiCorp, ACT/015/019, Folder #2, Emery County, Utah

This highlights facts and required follow-up on a proposed project by Texaco to construct a methane well access road across a DOGM permitted coal mine waste rock site.

Following are my impressions and conclusions of our meeting. Should you not concur with the matters or suggest language, please provide your suggested changes. Meeting highlights are as follows:

Date of Meeting: July 22, 1996

Purpose of Meeting: Discuss 1977 BLM right-of-way grant to PacifiCorp and subsequent DOGM Mining and Reclamation permit all awarded to PacifiCorp for a coal mine waste rock site. Also, discussed BLM secondary authorization for an access road within the disturbed portion of the prior BLM ROW grant and DOGM waste rock permit.

Who Attended:
Val Payne, PacifiCorp, Huntington, UT, 801-687-4722
Ron Wirth, Texaco E & P Inc., Orangeville, UT, 801-748-5395 Office
801-636-6827 Cellular
Michael Kaminski, BLM, Price, UT, 801-636-3640
Bill Malencik, DOGM, Price, UT, 801-637-5806

Where Held: PacifiCorp Waste Rock Site, Adjacent to State Highway 57

FACTS AND GENERAL POINTS OF AGREEMENT

(1) BLM granted PacifiCorp a non-exclusive ROW to store coal mine waste rock on federal lands in 1977.

(2) DOGM issued PacifiCorp a Mining and Reclamation permit shortly after the BLM/ROW grant. The permit was renewed for another five year period and was approved on 7/6/94.

(3) The need to minimize new disturbances and look to accommodating compatible uses on existing disturbed areas; even under different agency authorities, responsibilities, and jurisdictional complexities was discussed.

(4) In order to avoid conflicts and false starts, early understanding on agency coordination, due process, and project scoping is necessary in order to expedite such projects, involving all of those who have a stake in the outcome.

(5) BLM granted Texaco either a ROW, or by virtue of an oil and gas lease, a twenty-five foot access road corridor on a portion of federal lands discussed in (1) and (2) above.

(6) It appears from all parties in attendance that the area noted in (1) above could be segregated to accommodate the needs of PacifiCorp and Texaco. Please refer to sketch map.

A) PacifiCorp, at the meeting, did not identify the need to use the 25' Texaco road corridor.

B) PacifiCorp will prepare a DOGM permit amendment, addressing:

- the revised disturbed area,
- the changes in runoff conveyance system, as necessary
- the changes to runoff treatment, as necessary, and
- a written commitment to maintain the new berm and relocated fence.

C) PacifiCorp, under BLM ROW grant and the DOGM permit, would not have any reclamation responsibilities on the "Texaco Road" and corridor.

D) PacifiCorp is responsible for the maintenance of the undisturbed drainage unless this drainage is included in Texaco's BLM grant in which case Texaco is responsible for it's maintenance with BLM having oversight responsibilities.

E) PacifiCorp would be responsible to maintain and reclaim the berm adjacent to the road ditch and relocated fence.

F) Texaco would construct a 25' road on an existing berm after appropriate approvals have been authorized.

G) Texaco would not disturb the reference area.

H) Texaco would relocate PacifiCorp's fence.

I) Texaco would be responsible to maintain the road and ditch.

J) Texaco is responsible to reclaim the road to BLM standards as covered in the original grant to PacifiCorp or as may hereafter be modified by BLM.

K) Texaco would install the necessary runoff/control measures ie., diversion and berm. The diversion, a road ditch, would discharge road runoff as approved by BLM and would not commingle with PacifiCorp runoff as covered in the DOGM Mining and Reclamation permit. The berm provides PacifiCorp redundant runoff control and protection from the road. During construction, interim runoff/sediment control may be required. Texaco would construct the relocated fence to same standards as the existing fence.

Follow-up To Attendees

1) Please make changes as you deem appropriate.
2) Items 5) and D) need additional attention to confirm what's been approved.

Comment/DOGM and BLM Management

The rational for Texaco reclaiming the road under BLM oversight is axiomatic. The agency approving the road grant and having oversight role on the road is BLM. The road's estimated life is 30 years. The active waste rock storage area's estimated life is 20 years or less.

Furthermore, the need for the secondary grant on the waste rock active area was generated by a non coal mine project approved by BLM under appropriate delegated authorities specified in 43 CFR. Also, BLM is the land management agency having ultimate authority and responsibility for planning and designing long range management systems for the waste rock and contiguous areas. Last but not least, the character and perhaps the complexity of the reclamation has changed with the road. It is not reasonable therefore to hold PacifiCorp responsible for reclamation of the road area. The berm and area where the road is to be constructed is currently covered with a dense stand of desirable vegetation with no visible signs of erosion. Suggest that BLM personnel review current reclamation standards as covered in the approved MRP before approving reclamation stipulations for the Texaco road and incorporate those reclamation requirements as necessary.

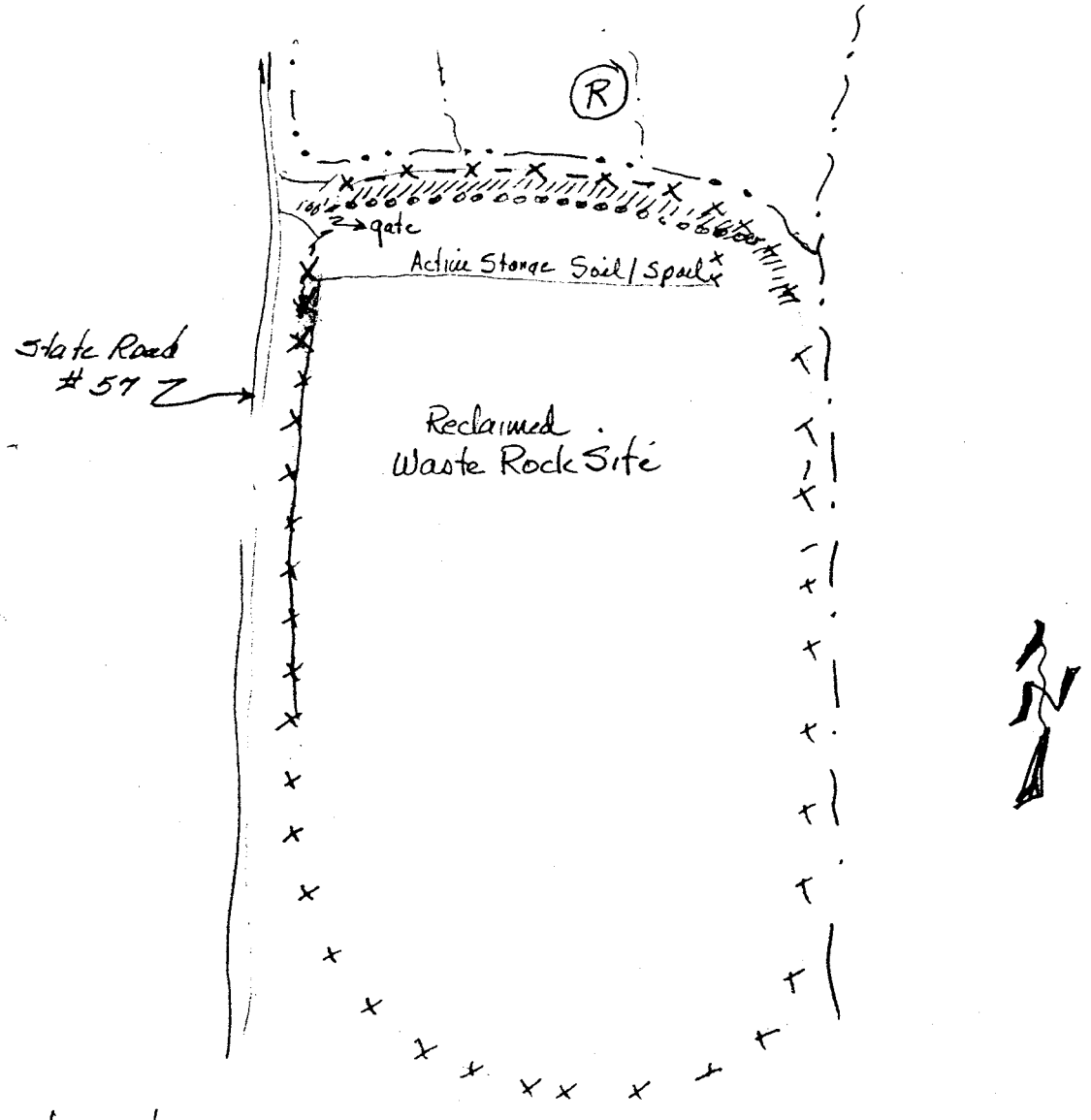
sd
enclosure
cc: Lowell Braxton, DOGM, SLC
Joe Helfrich, DOGM, SLC
BLM

SKETCH

WWM 7/23/96

PacifiCorp Coal Mine Waste Rock Site

General Area: Sec. 34, Twp 17S. R 7E, SLPM



Legend

IIII Berm - Proposed Texaco Access Road

X-X Fence -- PacifiCorp DOGM Disturbed Boundary

—··— PacifiCorp DOGM permitted undisturbed diversion

—·— Natural Drainage

(R) Reference Area: One of Standards To Measure Reclamation Success

oooo Relocated Fence/Amend DOGM Disturbed Boundary

Not To Scale

22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS
AMPAD

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

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- Endorse article "Return Receipt Requested" adjacent to number.

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OF
OIL GAS & MINING
~~1594 W NORTH TEMPLE STE 1210~~
BOX 145801
~~SALT LAKE CITY UT 84114-5801~~

DOGM ID 3/26/97 ACT/015/017 ASSESSMENT

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2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

CHUCK SEMBORSKI
PACIFICORP
PO BOX 310
HUNTINGTON UT 84528

4. Article Number
P 074 977 726

Type of Service:
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- ☐ Return Receipt for Merchandise

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5. Signature — Address
X

6. Signature — Agent
X Debra Warrington

7. Date of Delivery
3-31-97

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Mar. 1988 ★ U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT