

0018

### Document Information Form

Mine Number: C/015/018

File Name: Internal

To: DOGM

From:

Person N/A

Company N/A

Date Sent: May 31, 1983

Explanation:

Memo to Coal file

cc:

File in:  
C/015, 018, Internal

Refer to:

- Confidential
- Shelf
- Expandable

Date \_\_\_\_\_ For additional information

May 31, 1983

Memo to Coal File:

RE: Addendum to Inspector  
Statement for NOV N83-4-4-1  
Prepared on April 5, 1983  
Utah Power & Light Company  
Deer Creek Mine  
ACT/015/018-A  
Folder No. 7  
Emery County, Utah

On May 23, 1983 an assessment conference was held for Notice of Violation N83-4-4-1. During the conference additional information was provided by Utah Power and Light Company pursuant to said violation. As this information was not available prior to the issuance of the aforementioned violation, on April 6, 1983, the following comment is provided as an addendum to the inspector statement.

The first portion of the document reiterates the NOV. It reads as follows:

Nature of the Violation

Failure to mine in accordance with an approved interim permit. Failure to dispose of underground development waste and excess spoil in a disposal area approved by the Division.

Provisions of the Regulation, Act or Permit Violated

UMC 771.13 (b)(3), UMC 771.19, UMC 817.71 (a) and interim MC 715.15 (a)(1).

Portion of the Operation to Which the Notice Applies

Disposal area on the east end of the materials storage pad.

Remedial Action Required

Submit to the Division complete and adequate plans for approval of the disposal area in accordance with UMC 817.71 - 817.74.

Time for Abatement

30 days from date of receipt.

The second portion of the document contains the company's rebuttal. In the rebuttal the operator contends that they are 'mining in accordance with an approved interim permit and further the material from the coal handling facilities are being used as backfill to bring an elevation which will allow proper drainage accordi (emphasis added).

Regulation UMC 817.71 (a) states, 'Underground not required to acheive approximate original conto overburden has been removed and which is not used or conveyed to and placed in designated disposal a

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Refer to Record No 0018 Date 5-31-83

In C/ 015, 018, Internal

For additional information

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Regulation UMC 817.71 (a) states, 'Underground development waste and spoil not required to achieve approximate original contour within the area where overburden has been removed and which is not used as backfill shall be hauled or conveyed to and placed in designated disposal areas within a permit area,

MEMO TO COAL FILE  
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May 31, 1983  
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if the disposal areas are authorized for such purposes in the approved permit application in accordance with sections UMC 817.71 - 817.74." According to this regulation there are three options available to the operator for the disposal of excess spoil and underground development waste:

1. Use it to achieve approximate original contour.
2. Use it as backfill.
3. Place it in a designated disposal area approved by the Division.

In UMC 817.101 Backfilling and Grading: General Requirements, materials used for backfilling and grading are defined as those materials used for final reclamation purposes to restore the areas affected by surface operations to closely resemble the general surface configuration of the surrounding terrain and blend into and compliment the drainage pattern of the surrounding terrain, and be reclaimed to be capable of supporting the approved post-mining land use.

According to the operator they are using the underground development waste material as backfill to raise the grade of the east end of the parking lot/materials storage yard. According to UMC 817.101 the use of the materials in this manner does not constitute backfill since these materials are not being used to achieve the approximate original contour in accordance with an approved final reclamation plan.

Since the materials are not being used as backfill for reclamation purposes, the operator must, as required by UMC 817.71, dispose of the materials in a designated disposal area within the permit area which is approved by the Division. The operator did not include plans for underground development waste disposal in their approved interim permit and they have not received from the Division approval for an underground development waste disposal site in a modification to said permit. Therefore, the operator is in violation of UMC 817.71 (a) and is not operating in accordance with their approved interim permit.

  
DAVID LOF  
FIELD SPECIALIST

DL/lm

cc: Tom Ehmett, OSM  
Ron Daniels, DOGM  
NOV File