



0012

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

015/018 #5
Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
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355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

November 27, 1987

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
(#P 402 458 595)

Mr. Robert Hagen, Director
Albuquerque Field Office
Office of Surface Mining
Reclamation & Enforcement
Suite 310, Silver Square
625 Silver Avenue, S.W.
Albuquerque, NM 87102

Dear Mr. Hagen:

RE: TDN #X-87-02-006-016-TV-6, Utah Power and Light Company, Deer Creek, ACT/015/018, Folder No. 015, Emery County, Utah

This letter responds to the above-referenced Ten-Day Notice (TDN), the certified copy of which was received at the Division's office on November 23, 1987.

1. Number 1 of 6 was issued because the "Operator has failed to comply with the terms and conditions of the permit (by not conducting surface water monitoring correctly in 1986 and in the first and second quarters of 1987)".

Response - The operator had added the missed manganese parameter to the third quarter 1987 sampling program and had gotten Division of Oil, Gas and Mining (DOGM) approval for deletion of the north and south springs. Regarding the missed manganese parameter, DOGM believes that issuing an after-the-fact violation would serve no useful purpose, and will not take enforcement action on this portion of the TDN.

2. Number 2 of 6 was issued because the "Operator has failed to comply with the terms and conditions of the permit (by not submitting the pond inspection reports to DOGM quarterly) - for the only sediment pond".

Response - A permit defect exists, since Volume 2, pages 3-47 requires annual submission to DOGM of the quarterly pond inspections; and Volume 2, pages 3-17 requires quarterly reporting. On October 28, 1985, the Office of Surface Mining (OSM) approved Utah Power and Light Company's Deer Creek Mine federal permit. Since this permit defect existed before DOGM became the lead agency with SMCRA primacy in Utah on April 13, 1987, DOGM intends to address this problem in the upcoming Mid-Term Review. No enforcement action will be taken by the Division on this issue at this time.

3. Number 3 of 6 was issued because the "Operator has failed to comply with the terms and conditions of the permit (by not conducting and submitting a 1986 report on the two fill slopes' revegetation efforts) - Run of Mine (ROM) mine conveyor and equipment storage yard".

Response - A permit defect exists, since the ROM mine conveyor rests on a bench between two cut slopes, not fill slopes as so labelled. Additionally, the equipment storage yard's fill is not vegetated, due to the access required for the waste rock fill extension. As in Number 2 of 6, OSM approved the federal permit. Therefore, DOGM intends to address this issue in the upcoming Mid-Term Review, rather than issue an NOV at this time.

4. Number 4 of 6 was issued because the "Operator has failed to comply with the terms and conditions of the permit (by not submitting the waste rock fill inspections to DOGM in time for 1986 and for the first, second and third quarters of 1987)".

Response - DOGM believes that issuing an after-the-fact violation would serve no useful purpose and thus none will be issued. The operator will submit the inspections in a timely manner starting fourth quarter 1987.

5. Number 5 of 6 was issued because the "Operator has failed to comply with the terms and conditions of the permit (by not revegetating the pond dam) - the permit's only sediment pond".

Response - A permit defect exists, since Volume 2, pages 3-17 specifies that the pond "slopes constructed on fill have been revegetated to minimize erosion." In fact, the pond inslope and outslope are riprapped. As in Number 2 of 6, OSM approved the federal permit. Therefore, DOGM intends to address this issue in the upcoming Mid-Term Review, rather than initiating enforcement activities.

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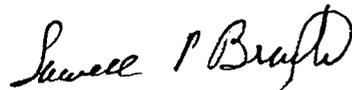
Mr. Robert Hagen - ACT/015/018

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6. Number 6 of 6 was issued because the "Operator has failed to design the diversions - all of the disturbed area drainage surface channels and the culvert along C-1 conveyor support 33".

Response - A permit deficiency exists, since no diversion designs were found. As in Number 2 of 6, OSM approved the federal permit. Therefore, DOGM intends to address this issue in the upcoming Mid-Term Review.

Sincerely,



Lowell P. Braxton
Administrator
Mineral Resource Development
and Reclamation Program

HS:jr

cc: Ray Christensen - U. P. & L.

Harold Sandbeck - PFO

K. E. May

J. Helfrich

J. Whitehead

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