

0024



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
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Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

September 28, 1989

CERTIFIED RETURN RECEIPT REQUESTED
(P 879 596 398)

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

Dear Mr. Hagen:

Re: TDN #89-02-107-8, TV1, Utah Power and Light Company, Deer Creek Mine, ACT/015/018, Folder #5, Emery County, Utah

This letter responds to the above-referenced Ten-Day-Notice (TDN), the certified copy of which was received at the Division office on September 25, 1989.

TDN #89-02-107-8, TV1 was issued for "Failure to conduct surface coal mining and reclamation activities in accordance with the terms and conditions of the approved permit - Quarterly inspection of the Waste Rock Facility sediment pond." UMC 771.19 was cited as the regulation in violation.

Response: The operator stated on page 2-10.1 of the approved Permit Application Package that "Water impoundments and dams will be examined four times per year and reports will be sent to the Division quarterly beginning in the Fall of 1988. Structural weakness, erosion and other hazardous conditions, if identified, will be reported." This commitment meets the requirements of UMC 817.46(t).

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address and ZIP Code in the space below.
- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN



TO

Print Sender's name, address, and ZIP Code in the space below.

DIVISION OF OIL GAS AND MINING
 3 TRIAD CENTER SUITE 350
 SALT LAKE CITY UT 84180-1203

RECEIVED
 OCT 10 1989
 DIVISION OF
 OIL, GAS & MINING



PENALTY FOR PRIVATE USE, \$300

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 - If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
 - If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
 - Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
 - Save this receipt and present it if you make inquiry.

U.S.G.P.O. 1987-197-722

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1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
 ROBERT HAGEN DIRECTOR
 OFFICE OF SURFACE MINING
 SUITE 310 SILVER SQUARE
 625 SILVER AVENUE S W
 ALBUQUERQUE N M 87102

4. Article Number
 P 879 596 398

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address
 X

6. Signature - Agent
 X *Robert Hagen*

7. Date of Delivery
 10/15/89

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

P 879 596 398

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

Sent to ROBERT HAGEN DIRECTOR
 OFFICE OF SURFACE MINING
 Street and No STE 310 SILVER SQ
 625 Silver Ave S W
 P.O. State and ZIP Code
 ALBUQUERQUE N M 87102

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

PS Form 3800, June 1985

CTD/015/018 TDN 89-02-107-8

Page 2
Mr. R. Hagen
ACT/015/018
TDN #89-02-107-8, TV1
September 28, 1989

Since the Fall of 1988 the operator has conducted Quarterly Engineering Inspections of the Deer Creek Waste Rock Facility (see Attachments A, B and C). These reports were on file at the time of the oversight inspection. It is readily evident that the Quarterly Engineering Inspection of the Deer Creek Waste Rock Facility encompasses the inspection requirements of UMC 817.46(t) for Detention Basin Number One (see Attachment D). Accordingly, the Division considers the operator to have followed the conditions and terms of the approved permit and has been in compliance with UMC 779.19.

Conclusion: It is the Division's opinion that TDN #89-02-107-8, TV1 was inappropriately issued and should be withdrawn.

Sincerely,

Lowell P. Braxton
Lowell P. Braxton
Associate Director, Mining

RVS/djh
Attachments
cc: D. Smaldone, UP&L
R. Smith, DOGM
W. Malencik, DOGM
AT64/91-92

DEER CREEK
ACT/015/018
WASTE ROCK DISPOSAL SITE
ENGINEERING REPORT
4TH QUARTER 1988

INTRODUCTION:

The original site is located on the north east end of the material storage yard and now serves as an area for material storage. Its storage capacity was approximately 90,000 cubic yards.

The Elk Canyon storage pad modification plan is located in Elk Canyon and when completed will serve as a coal and material storage pad. Storage capacity is estimated 24,000 cubic yards

The third area for waste rock rock storage is located approximately 2.5 miles from the mine site, more specifically in sections 5 and 6, T.17 S., R. 8 E. SLM. When completed this site will contain approximately 1.3 million cubic yards of waste rock.

OPERATION:

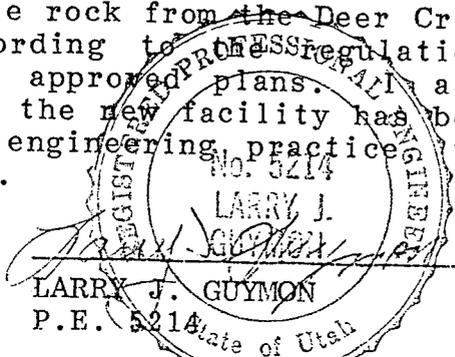
The original site at the mine was completed in the 4th Quarter 1987. During 4th quarter 1988 the 2:1 out slope were hydro-seeded with the interim seed mix.

During the quarter approximately 3200 yards of waste rock was dumped at the Elk Canyon site. Twice during the quarter the material was leveled and compacted in place. During this operation the trash and extraneous material was sorted from the waste rock and disposed of in an approved sanitary landfill.

Construction began on the new site located 2.5 miles from the mine site. Inspection of the construction was done on a continual basis. The construction is complete except for the installation of the silt fence along the toe of the soil berms, and the construction of the perimeter fence.

CERTIFICATION:

I do hereby certify that the waste rock from the Deer Creek Mine is being disposed of according to the regulations governing its disposal and the approved plans. I also certify that the construction of the new facility has been constructed according to sound engineering practice, the regulations and the approved plan.


LARRY J. GUYMON
P.E. 5214
1-5 89

File #2

DEER CREEK

ACT/015/018

WASTE ROCK DISPOSAL SITE

ENGINEERING REPORT

1ST QUARTER 1989

INTRODUCTION:

The original site is located on the north east end of the material storage yard and now serves as an area for material storage. Its storage capacity was approximately 90,000 cubic yards.

The Elk Canyon storage pad modification plan is located in Elk Canyon and when completed will serve as a coal and material storage pad. Storage capacity is estimated 24,000 cubic yards

The third area for waste rock storage is located approximately 2.5 miles from the mine site, more specifically in sections 5 and 6, T.17 S., R. 8 E. SLM. When completed this site will contain approximately 1.3 million cubic yards of waste rock.

OPERATION:

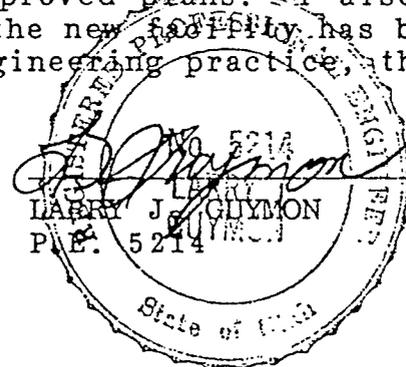
During the quarter 3500 yards of waste rock was dumped at the Elk Canyon Site. Twice during the quarter the dumped material was leveled and compacted. During this operation trash and extraneous material was sorted from the waste rock and disposed of.

New Site: The silt fence was installed during the quarter.

Inspection of the facility for structural stability was done on March 28, 1989. Inspection of the operation of the facility was done on a continual basis.

CERTIFICATION:

I do hereby certify that the waste rock from the Deer Creek Mine is being disposed of according to the regulations governing its disposal and the approved plans. I also certify that the construction of the new facility has been constructed according to sound engineering practice, the regulations and the approved plan.



DEER CREEK
ACT/015/018
WASTE ROCK DISPOSAL SITE
2ND QUARTER 1989

INTRODUCTION:

The original site is located on the north east end of the material storage yard and now serves as an area for material storage. Its storage capacity was approximately 90,000 cubic yards.

The Elk Canyon storage pad modification plan is located in Elk Canyon and when completed will serve as a coal and material storage pad. Storage capacity is estimated 24,000 cubic yards.

The third area for waste rock storage is located approximately 2.5 miles from the mine site in Huntington Canyon, more specifically in sections 5 and 6, T.17 S., R. 8 E. SLM. When completed this site will contain approximately 1.3 million cubic yards of waste rock.

OPERATION:

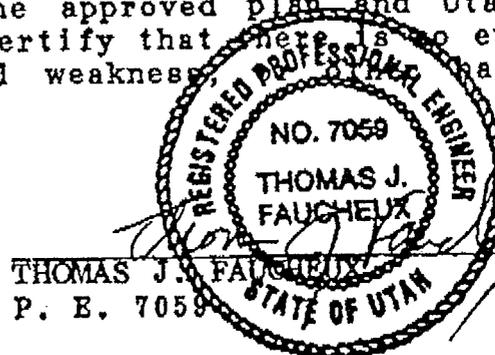
During the quarter approximately 6000 yards of waste rock were dumped at the Elk Canyon site. Twice during the quarter the dumped material was leveled and compacted. During this operation trash and extraneous material was sorted from the waste rock and disposed of.

At the Huntington Canyon site the first waste rock material was dumped during the quarter. No leveling or trash removal has been done during the quarter but will be accomplished during the third quarter.

Inspection of the facility for structural stability was done on June 30th, 1989. Inspection of the operation of the facility was done on a continual basis.

CERTIFICATION:

I do hereby certify that the three waste rock sites for the Deer Creek Mine are constructed and maintained as designed and in accordance with the approved plan and Utah Coal Mining Rules. I do also certify that there is no evidence of instability, structural weakness, or hazardous conditions.



7-6-89

**Utah
power**
& LIGHT COMPANY
MINING DIVISION
P O Box 310
Huntington Utah 84528

September 26, 1989

Rick Smith
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: Deer Creek Waste Rock Storage Facility Inspection, Second
Quarter, 1989

Dear Mr. Smith:

I conducted the inspection of the facility on June 30, 1989. I intended to inspect the entire facility for instability, structural weakness or other hazardous conditions. I was very familiar with the facility and had participated very heavily in the design of the structures there, to include the sediment basin and the perimeter berms and ditches.

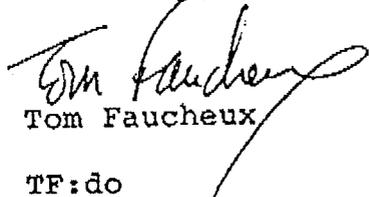
It was obvious when I arrived at the site that very little waste material had been deposited there. I estimated that less than 500 tons of material had been spread over an area of a quarter of an acre. This amount was not compacted nor pushed with the dozer. As such, the construction of the fill had not actually started so I concentrated the inspection on the other structures at the site.

A contractor was beginning to clean the mine sediment pond and had started hauling the water from the mine pond into the waste rock storage facility impoundment. I inspected the main basin and the secondary basin used to hold the water and sediment from the mine pond. I inspected the grouted channel spillway for the main basin. I found the water level to be about five feet below the spillway. There was a water mark about six inches above the then present water level but I anticipated that the water would be rising due to the contractor's water hauling efforts. The spillway had never discharged any water and appeared to be in excellent condition. No attempt was made to record the water level or if any sediment existed in the basin. Because the impoundment is built below the natural ground line, there are no dams or man made structures associated with the basin to be inspected other than the spillway.

I walked along the perimeter berms, inspecting both the inside and outside slopes, looking for any signs of instability. I checked the diversion ditches on the north and west sides to see if the rip-rap lining had performed as designed. I found that an apparently large storm had caused a lot of runoff from the undisturbed area to deposit quite a bit of sediment in the northern ditch but the lining appeared intact. I was satisfied that the ditch had done its job of preventing erosion and had also captured some of the natural suspended material.

The inspection I conducted was a complete inspection of the entire facility, including the impoundment. The certified report stated that the facility had been inspected for stability, signs of weakness or hazardous conditions. None of these were found in any of the structures, including the basin.

Sincerely,



Tom Faucheux

TF:do

cc: Guy Davis