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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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Mine file

September 28, 1990

Mr. Val E. Payne
Senior Environmental Engineer
Utah Power & Light Company
P. O. Box 310
Huntington, Utah 84528

Dear Mr. Payne:

Re: Deer Creek Mine, ACT/015/018, Emery County, Utah

Pursuant to our conversation on September 18, 1990, and your discussions with Pam Grubaugh-Littig and members of Mary Ann Wright's staff, the following discusses cleanup of portions of the abandoned Byron Howard Mine site that lie within the Deer Creek permit area, and the applicability of these activities to the Utah Coal Regulatory Program and the Abandoned Mine Lands (AML) Program.

Utah Power and Light (UP&L) has indicated an interest in removing the coal and coal waste from the Byron Howard site that may be subject to erosion due to fluctuations in the flow of Deer Creek. These materials would be pulled back from the stream and relocated on the existing benches of the Byron Howard abandoned mine site.

Since there are no present regulatory design requirements for the channel of Deer Creek at the abandoned Byron Howard site, and since UP&L is not proposing mining activities for the future at Byron Howard, these remedial cleanup activities will not be considered mining activities under the Utah Coal Regulatory Program. (I have not evaluated the permitting requirements of other state, local or federal agencies for these activities.)

Cleanup and reclamation activities at this abandoned site have been prioritized by the Utah AML Program, and there are no funds budgeted for this activity in the immediate future, consequently I cannot propose funding support for UP&L's efforts by the AML Program. UP&L's proposed stream cleanup activities do not jeopardize the viability of future AML activities at this location, which will concentrate on portal closures. If UP&L can voluntarily clean up coal materials in the side drainage at the Byron Howard site, this would be appreciated by the AML staff.

I appreciate UP&L's willingness to unilaterally conduct these remedial activities. I also appreciate the willingness you expressed to contain sediment contributions to Deer Creek resulting from your proposed cleanup activities.

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Both the Coal Regulatory Program and the AML Program share an interest in ensuring your success in these efforts. If staff from either of these programs can help in an advisory capacity, please feel free to contact me in that regard.

Sincerely,

Lowell P. Braxton ^{by us}

Lowell P. Braxton
Associate Director, Mining

vb
cc: P. Grubaugh-Littig
M. Wright
MI78/118&119

DEER CREEK MINE

**PAP
ORGANIZATION LISTING (cont)**

<u>Volume</u>	<u>Action Needed</u>
Volume 7	Replace Map 5-1 with revised Map 5-1 (dated 10-4-90).
Volume 10	Replace pages 4-16 and 4-17 of Chapter IV, Section V with revised pages 4-16 and 4-17 dated 10-6-90.