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

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December 16, 1993

Mr. Val Payne
Senior Environmental Engineer
PacifiCorp
P.O. Box 1005
Huntington, Utah 84528

Re: Abatement of Violation N93-7-1-3 for Lower Terrace, Pacificorp, Deer Creek Mine, ACT/015/018-93J, Folder #5, Emery County, Utah

Dear Mr. Payne:

Violation #N93-7-1-3 was issued on September 14, 1993. Part 3 of 3 was issued for "failure to conduct coal mining activities only as described in the approved mining and reclamation plan" and applied to the "terrace diversion above the office/bathhouse and the ROM conveyor bench". The remedial action was to 1) Cease all unpermitted activities outside of the approved disturbed area as defined by the perimeter markers on the south side of the office/bathhouse until permitted, 2) Obtain a valid permit for this area **or** perform reclamation of said terrace in accordance with the R645 rules."

A meeting was held at the Division on October 20, 1993 to clarify the issue of the violation and the violation was modified to an abatement date of October 29, 1993. On October 29, 1993 a request for an extension was received because "The review resulted in identification of maps, drawings, and text pages that will need to be revised for submittal. Additionally, it has been determined that additional information is needed to prepare an adequate amendment. The terrace area must be surveyed to develop adequate and effective operation and reclamation plans regarding hydrology and vegetation". An extension until December 3, 1993 was granted for abatement of the violation.

On December 3, 1993, an amendment to the plan (submittal of revised text and maps) was received, of which this is the deficiency response. Plate 3-9, Surface Yard Map, does not show the terrace area as having been included in the disturbed area. In fact, neither Plate 3-9 nor any other map in the approved permit

adequately delineates the disturbed area boundaries for this mine site. In accordance with R645-301-521.141, the "disturbed area" must be clearly delineated on a map similar to Plate 3-9 at a scale of 1" = 100' or 1" = 50' for inclusion in the PAP and this will constitute the abatement for the violation.

The amendment also included the proposed use of an upper terrace as a reference area for the lower terrace. This must be denied until at such time as the Division has inspected the terrace and the permittee made a demonstration that the vegetation is adequate to control erosion. This vegetation erosion control demonstration can be conducted at any time of the year when the surface is devoid of snow.

As this amendment was received December 3, 1993 and has been under review since that date, thirteen days of administrative delay are granted, i.e. until December 29, 1993. By that date, the "disturbed area" map must be "approved" by the Division. Therefore, it is incumbent for the permittee to submit this map as soon as possible.

If you have any questions, please call me.

Sincerely,

Pamela Grubaugh-Littig
Permit Supervisor

pgl
Enclosure
cc/enc: JHelfrich
LBraxton