



OGMCOAL DNR &lt;ogmcoal@utah.gov&gt;

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## Re: Notice of Completion of Reclamation of Deer Creek Mine

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**Steve Christensen** <stevechristensen@utah.gov>

Wed, Nov 6, 2019 at 4:18 PM

To: "Fleck, Ken" &lt;Kenneth.Fleck@pacificorp.com&gt;

Cc: "OGMCOAL OGMCOAL (OGMCOAL@utah.gov)" &lt;OGMCOAL@utah.gov&gt;, "Semborski, Chuck" &lt;Charles.Semborski@pacificorp.com&gt;, "Oakley, Dennis" &lt;Dennis.Oakley@pacificorp.com&gt;, "Child, Scott" &lt;Scott.Child@pacificorp.com&gt;, Karl Houskeeper &lt;karlhouskeeper@utah.gov&gt;, Steve Demczak &lt;stedemczak@utah.gov&gt;, Dana Dean &lt;danadean@utah.gov&gt;

Good afternoon Ken,

We received your letter last week notifying us that the reclamation work at Deer Creek had been completed. Thanks for doing that and congratulations on getting the work completed! I know how hard you all have been working to get that done before the snow flies. As to the question of inspection frequency, I apologize for not getting back to you sooner. I wanted to do some homework on the rules and how we've handled this in the past.

Unfortunately, we can't accommodate your request to scale back the inspection frequency from monthly to quarterly at this time. The rules that speak to "inactive" sites are found in R645-400-136, -136.100 and 136.200. Basically there are two scenarios for a mine site to be considered "inactive" and thus allow for a quarterly inspection frequency:

- 1) Sites that are in temporary cessation per R645-301-515.320, -515.321 or
- 2) Sites where Phase II bond release has been achieved.

Obviously, the Phase II bond release route is not an option as you just finished reclamation. That leaves the temporary cessation option. The problem with that route is that the temporary cessation rules contemplate some future mining and/or reclamation activity occurring at the site. In the case of Deer Creek, obviously no future mining will be taking place and per your letter, the reclamation work has been done since November 1st. As such, the temporary cessation rule doesn't really apply here. It's for these reasons that we've continued to do the monthly partials and one complete/quarter inspections at Cottonwood/Wilberg. At this point in time, both sites are still considered "active" per the R645 rules.

I'm sorry. I know that's not what you wanted to hear. I would mention that in discussing this with others here at the Division, the Phase II bond release scenario to "inactive" status has been the path we've utilized at other mine sites where final reclamation has been completed. As always, if you have questions or want to discuss this further, don't hesitate to call me.

Regards,  
Steve

On Fri, Nov 1, 2019 at 12:21 PM Fleck, Ken <Kenneth.Fleck@pacificorp.com> wrote:

See Attached Letter.

*Ken*

**Kenneth S. Fleck**

Geology and Environmental Affairs Manager



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