

0037



1407 West North Temple
P.O. Box 899
Salt Lake City, Utah 84110

Mine file

J. Whitehead

ACT/015/019

May 13, 1987

Mr. Lowell P. Braxton
Administrator, Mineral Resource Development
and Reclamation Program
State of Utah
Department of Natural Resources
Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 400
Salt Lake City, Utah 84180-1204

Subject: Mid-Term Review
Wilberg Mine

Dear Lowell:

Sorry we took so long getting back with our responses.
This submittal, together with our May 8, 1987 letter, completes the
mid-term review for Wilberg.

UMC 771.23

Mine and sequence maps were submitted on May 8, 1987. A
new page is included to replace page two on the original submittal
to correct a typo.

Volume I - Surface Water Monitoring is revised.

Remove page 2-77
Remove pages 2-95, 2-95-A

Replace with 2-77
Replace with 2-95, 2-95-A
2-95-B, 2-95-C, 2-95-D
All pages revised 5/12/87

UMC 783.14

Response included.

UMC 784.20

Volume II - response included

Remove page 4-41

Replace with pages 4-41, 4-41-A
All pages revised 5/4/87

Mr. Lowell P. Braxton
May 13, 1987
Page 2

UMC 817.71 - Underground Development Waste

See response under UMC 783.14.

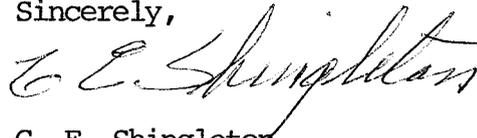
Vegetational Information - U.S. Forest Service - Sensitive Plant

Volume 1

Remove page 2-107

Replace with page 2-107
Revised 5/4/87

Sincerely,



C. E. Shingleton
Director of Permitting,
Compliance & Services
Mining Division

CES:bb:5786
Enclosure

Lowell P. Braxton
May 8, 1987
Page 2

THIS A
CORRECTED PAGE
2 OF LETTER
DATED 5-8-87.

This submittal is an extension of the interim mine plan which was, in part, approved on June 25, 1986. It is of importance to note at this time that development work is proceeding as shown on the mine plans.

Please understand production from longwall mining requires development commitments a year in advance. Once development begins there can be no changes without severely curtailing mine production. Therefore, it is imperative approvals are given well in advance of scheduled mining.

If you have any further concerns, please call.

Sincerely,



C. E. Shingleton
Director of Permitting,
Compliance & Services
Mining Division

CES:SMC:bb:5779
Enclosure

cc: V. Payne w/enclosure (2)
J. Taylor w/enclosure
R. Fry w/enclosure

UMC 783.14 - Geology Description

(a) (1) (iii) *1/19/015/019* rock as suggested by
the Division seen *Pomona* a modification to
its approved MRP *please attach this* disposal sites.

Historically *to the 5/13/87* iron and coal seams
are predictable *letter from UP&L* provided in this
section - see par *Chris Shingleton*

It certainly *(Wilber and Toron Roman)* constituents of the
waste rock; howe *we disagree whether it should* be done before or
after mining.

We suggest the Division wait until UP&LCO submits its modifications of its waste rock disposal site, which is currently being prepared. UP&LCO proposes to submit a detailed plan which will include a testing program for waste rock during disposal. Further, we feel sufficient information has been submitted under this section to meet the application requirements.

UMC 784.20 - Subsidence Control Plan

Your concern of aquifer as it relates to renewable resources is more appropriately found and discussed under section 783.15 (2-68) which is ground water.

A re-review of UMC 784.20 is vague in its interpretation of providing a recharge map or discussion pertaining to same. We have submitted endless data concerning water flows and quality. However, ground water (aquifers) are still being analyzed as they are affected by mining. These results are reported in the hydrological monitoring reports submitted annually.

UMC 783.14 - Geology Description

(a) (1) (iii) - A new monitoring plan for waste rock as suggested by the Division seems premature. UP&LCO has initiated a modification to its approved MRP to include additional waste rock disposal sites.

Historically waste rock generated from roof, floor and coal seams are predictable in nature. Rock analyses have been provided in this section - see pages 2-66 through 2-68.

It certainly makes sense to know the chemical constituents of the waste rock; however, we disagree whether it should be done before or after mining.

We suggest the Division wait until UP&LCO submits its modifications of its waste rock disposal site, which is currently being prepared. UP&LCO proposes to submit a detailed plan which will include a testing program for waste rock during disposal. Further, we feel sufficient information has been submitted under this section to meet the application requirements.

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Cottonwood/Wilberg Coal Mine

Mid-term Review
U. S. Forest Service Comments

1. A sensitive (protected) plant, *Hedysorum occidentale* var. *conone*, has been identified as being found at two locations within the permit boundary by the Forest Service. We acknowledge the plant's existence and plan to survey both sites this growing season. Reference page 2-107.
2. As to the complaint of not receiving the 1985 and 1986 Subsidence Monitoring Reports we can resubmit them if so directed.

Additional Vegetational Monitoring

Of major concern is the insistence by the Forest Service to initiate additional monitoring outside of the scope of the approved Mining and Reclamation Plan (MRP). This is a legal dilemma and poses problems not only for the permittee but also for the regulatory authority and coordinating surface agencies.

For whatever reason the Forest Service saw fit not to include their list of environmental concerns within the permit application and the review process, rather they have chosen to voice their concerns through federal coal lease readjustments where jurisdiction lies with the Bureau of Land Management. As this process requires no input from the lease holder nor has a public review it serves the purpose of providing the surface agency a forum to invoke its will without corroboration from the authorized permitting agency.

It has the appearance of quasi authority and relies on other agencies for its enforcements as witnessed by their inquiry in this mid-term review.

We have legally resisted the restrictions and base our objections on the premise, if they are in fact substantially legal, then there is no need or reason for the act (95-87) nor OSM nor a state authority. We further believe it serves contrary to the act and circumvents congressional intent.

Until this matter is resolved we will pursue legal relief and ask the Division to clarify its position.

Attached is a letter from the Office of Surface Mining stating Utah Power & Light Company has met all its permit obligations.

1. Page 3-26 - installation of gabion structures along the Cottonwood Canyon road may be a potential safety problem.

The area of concern is directly in front of the Trail Mountain Coal Company. This section of road is a county road and the width has been widened to accommodate coal hauling. The road has been constructed and so have the small gabions. As a matter of opinion, less hazard exists now than^u before. We suggest the Forest Service revisit the area to re-evaluate the potential safety problem.

2. Page 3-35 - the 5,000 tons of emergency open coal storage.

An emergency stockpile was identified in the original application. Its purpose is an overflow of the silo storage. Its operation has shown no adverse impacts to water or air quality.

3. 2-13 - Miller Canyon discharge, requires NPDES.

An outfall discharge has been added to the existing NPDES permit.

4. Surface watering monitoring stations in Cottonwood Canyon.

Cottonwood Creek, Cottonwood fan portal sediment ponds and Miller Canyon discharge are all monitored and reported in the annual hydrological monitoring report which is submitted to the U. S. Forest Service.

K. JERMAN
V. PAYNE



United States Department of the Interior
OFFICE OF SURFACE MINING
Reclamation and Enforcement
BROOKS TOWERS
1020 15TH STREET
DENVER, COLORADO 80202

20 MAR 1986

RECEIVED

MAR 25 1986

MINING AND
EXPLORATION

Mr. C. E. Shingleton, Director
Permitting, Compliance and Services
Utah Power and Light Company
P. O. Box 899
Salt Lake City, Utah 84110

Dear Mr. Shingleton:

The enclosed correspondence from the U. S. Forest Service confirms that Utah Power and Light (UPL) has complied with the terms of the Manti-LaSal National Forest Special Condition on the Deer Creek mine permit UT-0016. Please note the request by the Forest Service for additional information as described in the correspondence.

If you have any questions please call Rick Lawton or Richard Holbrook of my staff at (303) 844-2451.

Sincerely,

Mel Shilling
Melvin L. Shilling, Chief
Mining Analysis Division

Enclosure

cc: Robert Hagen, OSMRE/AFO
Dr. Dianne Nielson, UT DOGM

Wilberg Coal Mine
Mid-Term Review
U. S. Fish and Wildlife Concerns

Since the Wilberg fire crucial mine plan changes were required. Prime factors involved in the finalized five (5) year mine plan were cost effective production, coal quality and mining that would allow continuation of the extensive coal quality studies being undertaken in the South Cottonwood lease.

Present mine plans reflect our concerns of meeting both production and coal quality without committing to mining the upper coal seams at this time.