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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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801-538-5340

March 20, 1991

CERTIFIED RETURN RECEIPT REQUESTED  
P 074 979 042

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

Dear Mr. Hagen:

Re: TDL #X91-02-116-001 TV2, PacifiCorp Electric Operations, Cottonwood/Wilberg Mine, ACT/015/019, Folder #5, Emery County, Utah

This letter is in response to the above-referenced Ten-Day Letter, certified copy received March 11, 1991.

Number 1 of 2 reads: "Failure to provide adequate design, construction, and maintenance plans to ensure compliance with R614-301-700-742 through 742.125. Violation includes: 1) ASCA approved as a part of Waste Rock Storage Area (new area) approval; and 2) all ASCA's approved by DOGM on 4/20/90 and shown as Table 5.1 in permit. This does not include the ASCA approved for the proposed Cottonwood Fan Portal site." Regulation Citation: Included in Nature of Violation.

Division Response: The sediment control measures, such as silt fences, straw bales, vegetative filter, etc., are approved as the best technology currently available for treating areas not reporting to a sedimentation pond.

The approval to implement straw bales and silt fences at this mine site is an acknowledgement of the functionality of these designs by professional hydrologists. In other words, they constitute a best management practice or the application of best technology currently available as an alternative to a sedimentation pond. Furthermore,

the straw bales and silt fences in place provide compliance with performance standards. OSM has inspected this site on previous occasions, and has never questioned the lack of design in the permit.

Number 2 of 2 reads: "Failure to backfill and grade surface areas disturbed incident to underground coal mining activities in accordance with a time schedule approved by the Division as a condition of the permit. Location: Proposed Cottonwood Fan Portal site." Regulation Citation: UMC: 817:101(a)

Division Response: This rule was inappropriately cited. There is no counterpart to UMC 817.100 (Contemporaneous Reclamation) approved as part of the State Program. However, the reclamation plan states that this area will be reclaimed. This Fan Portal will be used in conjunction with future mining.

Condition #4 of the original OSM approved permit required that the "permittee shall place sufficient clean backfill material on the horizontal portions of the benches above Cottonwood portal so as to effectively cover the exposed rider coal seams." A letter from Allen Klien, OSM, dated December 28, 1984, documents compliance with this condition.

The Division feels the issues raised in the Ten-Day Letter have been adequately addressed.

Sincerely,

  
Lowell P. Braxton  
Associate Director, Mining

jbe  
cc: Pamela Grubaugh-Littig  
Joe Helfrich  
Susan White

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