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ACT/015/032 copy: [redacted] Bradlow, May, Hinkley,  
File # [redacted] [redacted] PFO



# United States Department of the Interior

OFFICE OF SURFACE MINING  
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FEB 09 1988

Rec DOGM  
2-12-88

In Reply Refer To:  
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INE

Dr. Dianne R. Nielson, Director  
Division of Oil, Gas and Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, UT 84180

Re: Crandall Canyon, TDN 87-02-006-017

Dear Dr. Nielson:

The Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement (OSMRE), has reviewed Utah's Division of Oil, Gas and Mining's (DOGM) response to Ten-Day Notice (TDN) No. 87-02-006-017. Following is our determination:

The Division's response to violation 1 of 15 is appropriate. Correcting the permit boundaries on plate 2-1 will solve the problem. A notification, response, and review dates of December 23, January 13, and May 13, respectively, is reasonable.

The Division's response to violation 2 of 15 is appropriate. DOGM approved (on January 4, 1988) the coal-sorting facility through February 3, 1988.

The Division's response to violation 3 of 15 is inappropriate. OSMRE has not received any documentation concerning Tract I's Midterm Review Stipulation 800. Additionally, DOGM needs to commit to a timeframe for receiving and reviewing Tract II's second stipulation. Such further clarification will deem the response as appropriate.

The Division's response to violation 4 of 15 is appropriate. Permit ACT/015/032 was issued twice, causing confusion for DOGM and Genwal Coal Company. DOGM's handling of the stipulations may be discussed later as a programmatic issue.

The Division's response to violation 5 of 15 is inappropriate. Tract I, Chapter 4's post-mining land use description remains incomplete, with DOGM not proposing to correct the permit. In accordance with OSMRE Directive INE-27, DOGM needs to require a revision to meet the requirements of UMC 784.15(a).

The Division's response to violation 6 of 15 is inappropriate. Section 817.46(m) requires combined slopes of 5:1 or better and, as confirmed in DOGM's TDN response, the existing slopes are only 4:1 combined. DOGM's decision not to enforce this regulation will be reviewed as a programmatic issue.

The Division's response to violation 7 of 15 is appropriate. Requiring quarterly reporting of the surface-water monitoring will resolve the problem. A notification, response, and review dates of December 23, January 13, and May 13, respectively, is reasonable.

The Division's response to violation 8 of 15 is appropriate. Because the road is not permitted, a certification may not be required; however, DOGM's decision not to permit the road will be discussed later as a programmatic problem.

The Division's response to violation 9 of 15 is inappropriate. The operator's failure to install the required sprinkler system cannot be considered a permit defect. Thus, for the TDN's response, the violation should have been cited unless a revision was actually approved.

The Division's response to violation 10 of 15 is inappropriate. Section 817.49(h) and Tract I's volume, Chapter 7, page 51 requires five statements to be provided with the certification. The plans are "as-built" designs and the "after-construction" certification was done, but not completely. UMC 817.49(h) and the permit both require five specific statements to be included with the certification.

The Division's response to violation 11 of 15 is appropriate. OSMRE will assume that DOGM's review of the water-monitoring records found the five deficiencies to be satisfied.

The Division's response to violation 12 of 15 is inappropriate. Misnaming a culvert (C-3) does not negate the field observation of a partially plugged culvert. Because DOGM's response does not indicate that the culvert has been replaced or cleaned, a violation still exists.

The Division's response to violation 13 of 15 is inappropriate. The permit requires riprap. If the operator does not wish to place the riprap, then the permit should be revised.

The Division's response to violation 14 of 15 is appropriate. DOGM has field-verified the adequate posting of additional perimeter markers.

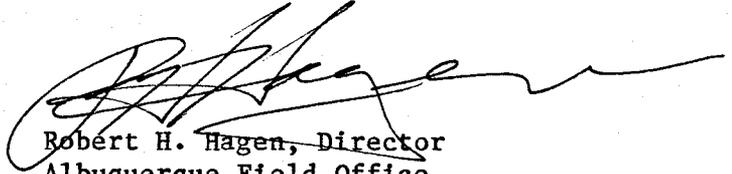
The Division's response to violation 15 of 15 is appropriate. Apparently, based on a follow-up inspection, DOGM has field-verified the reposting of sediment pond markers.

Dr. Dianne R. Nielson

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In summary, DOGM's response to violations 1, 2, 4, 7, 8, 11, 14, and 15 is appropriate while response to violations 3, 5, 6, 9, 10, 12, and 13 is inappropriate. Please address any questions on this determination to Steve Rathbun, Supervisory Reclamation Specialist, at (505) 766-1486.

Sincerely,



Robert H. Hagen, Director  
Albuquerque Field Office

✓ Sue: ① Can we clean any of these up in the 5-year reviews?

② can we "work with" mdy to resolve any others?

Pl. adv.

Thy

Janet 2-12