

0011

FILE
COPY

ACT/041/002



**Southern Utah
Fuel Company**

P.O. Box P
Salina, Utah 84654
(801) 529-7428

Division of
Coastal States
Energy Company



May 18, 1979

#7

U.S. DEPARTMENT OF INTERIOR
Office of Surface Mining
Assessment Office
Washington, D.C. 20240

RE: Notices of Violation No. 79-V-5-2
Southern Utah Fuel Company

MSHA I.D. #42-00089

Dear Sirs:

This letter constitutes our submission of information pertaining to the above referenced violations issued against our underground mining operation. I accompanied the inspector during the inspection.

Violation No. 1: "Failure to have a copy of the current mining permit to operate the mine available for inspection at or near the mine site".

A copy of the current mining permit is attached. Although the September 14, 1977 letter (permit) from the Division of Oil, Gas and Mining was on the mine site during the inspection, I was not aware at that time that it is in fact the permit. Evidently, it was my mistaken impression that our 1977 approval notice from the U.S. Department of Interior - U.S. Geological Survey was our permit to mine coal. This notice was readily available for inspection.

In view of the fact that the permit letter:

- (a) was confirmed on May 12, 1979 by the Utah Regulatory authority to me to be the permit in question,
- (b) is dated prior to the December 13, 1977 enactment of the interim Surface Mining Reclamation and Enforcement Provisions,
- (c) is dated prior to, rather than after, the February 4, 1978, effective date requirement for issuance of "initial permits" as stated in Part 720.12 (a), and
- (d) can easily be assumed not to be a permit since the word "permit" does not appear in the letter,

~~2298
2102
196~~

Route a copy of this
letter downstairs.
w/o enc.

KM

5/31

MW

SMS

100
15

it is more probable than improbable that any legally conscientious person would have difficulty identifying it as a permit. Again, the U.S.G.S. approval (and EPA permits) were shown to the inspector. For these reasons the notice should be vacated.

Violation No. 2: "Failure to grade road cuts, mine entry cuts and other surface work areas." 30 CFR Sec. 717.14.

Southern Utah Fuel Company has expanded production five fold during the past five years to 1,540,000 tons per year with an increase in disturbed area to approximately 12 acres from an initial 10 acres. The expansion is by no means complete. On-going construction is conducted at the mine site in preparation for our ultimate production level of just over 2,000,000 tons per year. Final grading and re-seeding of slopes is planned for the area upon completion of construction projects and well in advance (approximately 20 years) of completion of mining. The referenced violation, 30 CFR 717.14, requires this work "upon completion of mining".

The good faith demonstrated by our plans to regrade and reseed the slopes within such a relatively short time period (immediately after construction) and the minimal increase in disturbed area achieved during this production capacity increase should be reasons enough to vacate this notice. However, the fact that the notice is in direct conflict with the referenced regulation is reason alone to vacate the notice.

Violation No. 3: "Failure to pass surface drainage from the disturbed area through sedimentation ponds". 30 CFR Sec. 717.17(a) and,

Violation No. 4: "Failure to dispose excess rock and earth materials in an area approved by the regulatory authority." 30 CFR 717.15.

The mine is presently in full compliance regarding sedimentation structures with 30 CFR 211 and regarding rock and earth disposal with the attached letter from the U.S.G.S. dated February 3, 1978. An amendment to our mining plan detailing proposed new structures which will fulfill the requirements of 30 CFR 717, Section 15 and 17 was submitted to OSM for approval 63 days prior to the issuance of the notices by the inspector. This February 6, 1979, amendment was entitled "Waste Disposal and Drainage/Erosion Central Plan". Questions concerning it were conveyed to Southern Utah Fuel Company by the State Regulatory Authority on March 18, 1979. Southern

U.S. Department of Interior
May 18, 1979
Page Three

Utah Fuel Company immediately responded with a letter more fully explaining the plan and subsequently met with the State, OSM, National Forest Service and water resources agencies to further clarify the design. We have yet to receive either official approval or official rejection.

Upon approval, we will immediately construct the required structures. We believe the issuance of violation notices while a plan is in the hands of the regulatory authorities during the lengthy approval process is unwarranted and that these two notices should be vacated.

In summary, we ask that you bear in mind that Southern Utah Fuel Company has no history of previous violations under Pub. L 95-87. Submission of plans for approval to comply with the regulations has been expeditious and has shown good faith. The seriousness of any probability of occurrence for each violation is minor as none pose an eminent threat to the environment or health and safety of the public.

Your serious consideration of this information submittal during your assessment procedures will be appreciated.

Very truly yours,

SOUTHERN UTAH FUEL COMPANY



Kerry A. Frame
Chief Engineer

KAF:sm

xc: Vernal J. Mortensen
Tom Gambill
Ron Daniels - Division of Oil, Gas & Mining, State of Utah
Murray Smith - Office of Surface Mining - Denver



UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

NOTICE(S) OF VIOLATION NO. 79-V-5-2

The following Permittee or Operator:

Name Coastal States Energy Co
Mine Sufco Surface Mine Underground Mine Other
County and State Sevier Co Utah Tel.# ()
Mailing Address P.O. Box 17 Salina Utah 84656
OSM Mine # _____ State Permit # Act-041-002 MSHA I.D.# 42-00089

Date of Inspection: May 10, 1979
Time of Inspection: from 1:00 a.m. to a.m.
 p.m. to 5:15 p.m.

Name of Operator (if other than permittee) _____
Mailing Address _____

Person Served with Notice Kerry Frame Chief Engineer
Print Name and Title

Signature Kerry A. Frame

Under the authority of the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87; 30 U.S.C. 1201), the undersigned authorized representative of the Secretary of the Interior has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) described in the attachment(s). This Notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

This notice shall remain in effect until it expires as provided below or is modified, terminated, or vacated by written notice of an authorized representative of the Secretary. The time for abatement may be extended by the authorized representative for good cause, if a request is made within a reasonable time before the end of the abatement period.

IMPORTANT — PLEASE READ CAREFULLY

1. **Review.** You may apply for review of this Notice by submitting an application for review, within 30 days of receipt of this Notice by you or your agent to:

Hearings Division
Office of Hearings and Appeals
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, Virginia 22203

2. **Minesite Hearing.** In addition to the review mentioned in paragraph 1, an informal public hearing at or near the minesite may be provided if this notice requires cessation of mining. The authorized representative finds that cessation of mining is is not expressly or implicitly required by this Notice. If cessation of mining is required, this Notice will expire within 30 days of actual notice to you unless an informal public hearing is held at or near the minesite. Such a hearing is not required if the violation(s) have been abated or if the hearing has been waived. If this Notice expires, you will still be liable for any penalties assessed with regard to the 30-day period.

3. **Penalties.** Section 723.16 of the regulations allows you to submit information in writing pertaining to the violation(s) covered by this Notice within 10 days of the date that it is served on you or your agent. This information will be considered in determining the facts surrounding the violation and the amount of the penalty. If you wish to submit this information, you should send it to the U.S. Department of the Interior, Office of Surface Mining, Assessment Office, Washington, D.C. 20240.

For each violation covered by this Notice, a penalty of up to \$5000 may be assessed for each day during which that violation continues.

If you fail to abate any of the violations within the time set for abatement or to meet any interim step, you must be assessed a minimum penalty of no less than \$750 for each day during which the violation continues beyond the time set for abatement, and you must be issued a cessation order requiring you to cease surface coal mining operations on the portions relevant to the violations.

4. **Effect on Permit.** In addition, if it is determined that a pattern of violations of any requirement of the Act, the regulations, or permit conditions exists with respect to this mine, and that the violations were caused by unwarranted failure to comply or were willful, your permit may be suspended or revoked.

Date of Service May 10, 1979 Signed: Garry R. Fritz
(Authorized Representative)

I.D.# 15

NOTICE OF VIOLATION(S) NO. 79-V-5-2 PAGE. 2 OF 5

Violation(s) No. 1

Nature of the Violation(s)

Failure to have a copy of the current mining permit to operate the mine available for inspection at or near the mine site.

Provisions of the Regulations, Act or Permit Violated

30 C.F.R. Sec. 717.11

Portion of the Operation to which Notice Applies

Entire operation

Remedial Action Required

Have a copy of the current mining permit to operate the mine from the regulatory authority at or near the mine site.

Time for Abatement (including interim steps, if any)

June 10, 1979.

NOTICE OF VIOLATION(S) NO. 179-II-5-2 PAGE 3 OF 5

Violation(s) No. 2

Nature of the Violation(s)

Failure to grade road cuts, mine entry cuts and other surface work areas.

Provisions of the Regulations, Act or Permit Violated

30 CFR Sec 717.14

Portion of the Operation to which Notice Applies

Slopes behind the office and change room, fan portal in east spring canyon, shop, proposed coal stockpile area, Access road to the 10,000 gallon water tank.

Remedial Action Required

Grade, stabilize and revegetate the slopes. Grade and stabilize the access road to the 10,000 gallon water tank.

Time for Abatement (including interim steps, if any)

July 10, 1979

11/15/78

NOTICE OF VIOLATION(S) NO. 79-IV-5-2 PAGE. 4 OF 5

Violation(s) No. 3

Nature of the Violation(s)

Failure to pass surface drainage from the disturbed area through sedimentation ponds

Provisions of the Regulations, Act or Permit Violated

30 CFR Sec. 717.17 (a)

Portion of the Operation to which Notice Applies

Waste disposal areas and the surface facilities

Remedial Action Required

Construct sediment ponds in accordance with plans approved by the regulatory authority

Time for Abatement (including interim steps, if any)

July 10, 1979 plans should be submitted

NOTICE OF VIOLATION(S) NO. 79-II-5-2 PAGE 5 OF 5

Violation(s) No.

4

Nature of the Violation(s)

Failure to dispose excess rock and earth materials in an area approved by the regulatory authority

Provisions of the Regulations, Act or Permit Violated

30 C.F.R. Sec. 717.15

Portion of the Operation to which Notice Applies

East Spring Canyon at the base of the mining pad.

Remedial Action Required

Dispose the excess rock and earth materials in accordance with plans approved by the regulatory authority.

Time for Abatement (including interim steps, if any)

July 10, 1979

ACT/041/002



SCOTT M. MATHESON
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON
Executive Director,
NATURAL RESOURCES

STATE OF UTAH

I. DANIEL STEWART
Chairman

DEPARTMENT OF NATURAL RESOURCES

CHARLES R. HENDERSON
JOHN L. BELL
THADIS W. BOX
C. RAY JUVELIN

CLEON B. FEIGHT
Director

DIVISION OF OIL, GAS, AND MINING
1588 West North Temple
Salt Lake City, Utah 84116
(801) 533-5771



September 14, 1977

Mr. Vernal Mortensen, Vice-President
Southern Utah Fuel Company
P.O. Box "P"
Salina, Utah 84654

Re: Final Approval:
Convulsion Canyon Mine
Sevier County, Utah
ACT/041/002

Dear Mr. Mortensen:

This letter is to inform you that the Division grants final approval to the above mentioned mine under the Utah Mined Land Reclamation Act of 1975.

During the 30 day publishing period of the abbreviated notice on intent and reclamation plan, no adverse comments to that plan were received from the public by this Division; therefore, this mine may lawfully operate under Utah Law.

Since both the surface and mineral ownership for the property is held by the Federal Government, and Southern Utah Fuel Company will supply surety for reclamation to the Federal Government for this mine and attendant work, no surety will be required for the State. We do ask, however, that you supply this office with a copy of the bond which you have supplied to the Federal Government for the reclamation work.

If you have any questions on this approval, please contact this office.

Sincerely,

DIVISION OF OIL, GAS, AND MINING

RONALD W. DANIELS
COORDINATOR OF MINED
LAND DEVELOPMENT

/tlb

cc: Area Mining Supervisor, U.S.G.S.

ACT/041/002



United States Department of the Interior

SL-062583

GEOLOGICAL SURVEY

Office of the Area Mining Supervisor
Conservation Division
8426 Federal Building
125 South State Street
Salt Lake City, Utah 84138



February 3, 1978

Mr. Thomas Gambill, Vice President
Coastal States Energy Company
Five Greenway Plaza East
Houston, Texas 77046

Dear Mr. Gambill:

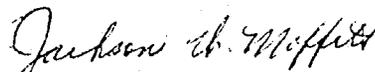
The 211 mining plans received at this office on January 17, 1977, for the SUFCo No. 1 mine are approved, subject to the following stipulations:

1. The provisions of 30 CFR 700 series dated December 13, 1977, are to be complied with. Some time after May 3, 1978 (30 CFR 710.11 (3)(ii)), you will be informed of any necessary additions or changes to the plan.
2. An approved subsidence and hydrologic plan will be necessary for complete approval of the mining plans. These plans were received in this office on January 4, 1978. They are in the reviewing process.
3. It will be necessary to comply with the regional impact statements when they are finalized.
4. Surface facility maps (7 copies) showing the new surface layout should be included.
5. Mine maps should be included (7 copies), which show: the change in the approved mine plan dated January 17, 1977, resulting from Coastal State's inability to acquire U-28297; a 5-year projection of expected mine progress (one copy color coded); the new outside mains; the new location of the belt, exhaust, and intake entries.

These maps can be combined. Lease boundaries should be shown. The maps should also include overburden lines.

Attached is an approved copy of the Mining and Reclamation Plan, approved February 2, 1978, and the associated Environmental Analysis. Any deviations, changes, additions or modifications to the approved plans must be submitted to this office for review and approval.

Sincerely yours,



Jackson W. Moffitt
Area Mining Supervisor

Attachments



United States Department of the Interior

U-0149084

GEOLOGICAL SURVEY

Office of the Area Mining Supervisor
Conservation Division
8426 Federal Building
125 South State Street
Salt Lake City, Utah 84138

September 1, 1978

Mr. Donald A. Crane
Regional Director
Office of Surface Mining
Post Office Bldg. Rm 270
1823 Stout Street
Denver, Colorado 80202

Dear Mr. Crane:

Enclosed is copy of a plan to extend the mine yard with a dump at the Convulsion Canyon mine in Sevier County, Utah. The plan was submitted by Southern Utah Fuel Company, a Division of Coastal States Energy Company.

We talked by telephone with Murray Smith, of your office, and Earl Cox at our regional office in Denver, and were advised to send the plan to you for review and processing.

An onsite inspection was held May 19, 1978, with representatives of the company, U.S. Forest Service, and the Geological Survey. The specialists from the Forest Service said at the joint onsite meeting they did not object to the proposed dump but would not allow any garbage to be mixed with the rock and coal fill.

Jackson W. Moffitt

Enclosure

cc: SouthemUtah Fuel Company

**Southern Utah
Fuel Company**
P.O. Box P
Salina, Utah 84654
(801) 529-7428

our copy
Jim Davis

Division of
Coastal States
Energy Company
9-1-78
SENT COPY TO:

August 9, 1978

2. DSM
1. STATE
2. US Forest
Service

Jackson Moffitt
U.S. Dept. of the Interior
Geological Survey
Area Mining Supervisor
8426 Federal Bldg.
125 S. State Street
Salt Lake City, UT 84138

GEOLOGIC
AUG 13 1978
SALT LAKE CITY

Dear Mr. Moffitt:

In regards to your visit to our mine in May, 1978, concerning the dumping of gob and rock into the canyon, we have made plans to extend our mine yard water drainage culvert as we agreed upon. Extending the culvert 230' alongside and down the edge of the canyon from the existing culvert end point would direct the water to intersect the base of the canyon at a point 76' beyond the present toe of the gob. In other words, the water would bypass the gob, reaching the bottom of the canyon beyond the gob. We have made calculations (see attached) to estimate how much gob would have to be dumped over the canyon to fill it up to the point where the gob would reach the new water discharge point. We have calculated that it would take approximately 74,600 yards to fill the canyon up to this point. If the mine life were 25 years, each year we would have to dump approximately 3,000 yards of gob into the canyon to fill it up by the end of the life of the mine.

We feel like the chances are very minimal that we will fill up the canyon to this point before the end of the life of the mine. However, the culvert is in a position where it can be extended even further down the canyon if the need should ever arise. We plan to extend the drainage point with 72" diameter culvert (same diameter as the existing culvert). It is estimated that this project will cost approximately \$20,000. It is also estimated that it will take 3 weeks to complete the construction of this project, if there are no interruptions. Our plans are to begin this project during the spring or summer of 1979.

A map showing the present and proposed culvert discharge points and the present and proposed stream paths is attached. Gob yardage calculations are also attached.

We want to ensure that the mine drainage water is not contaminated, and we hope our plans to ensure this meet your approval. If you have any questions, please don't hesitate to call me at 286-2381. Thank you.

Sincerely,

Robert J. Wise

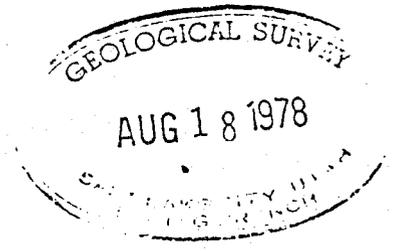
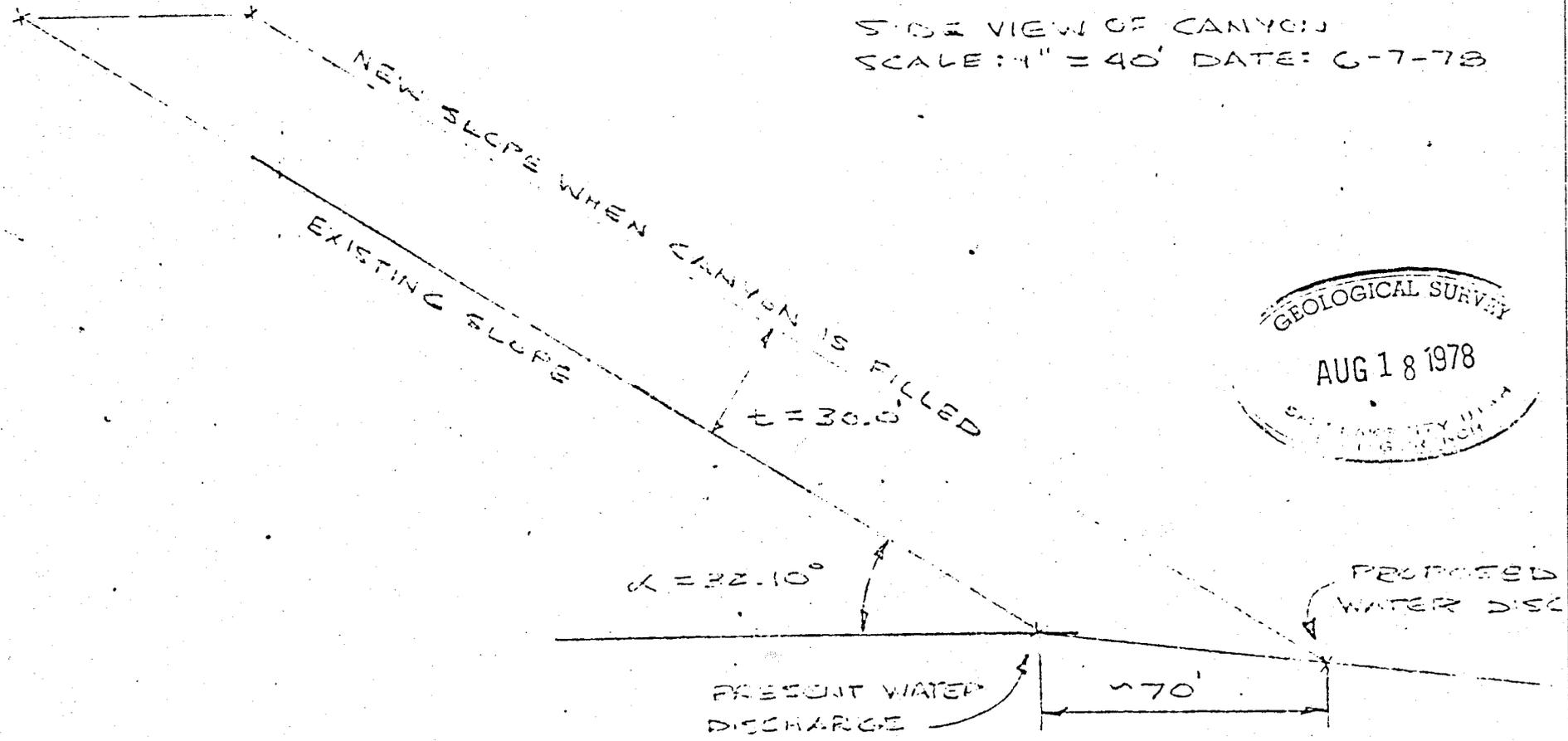
Robert J. Wise
Mining Engineer

RJW/jr
xc: R: Heath

SUFCD

SIDE VIEW OF CANYON

SCALE: 1" = 40' DATE: 6-7-78



TO FILL CANYON TO NEW WATER

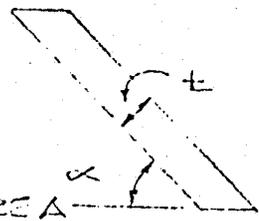
DISCHARGE POINT

SD = CANYON DISTANCE

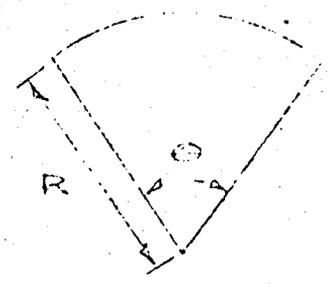
α = SLOPE ANGLE

\bar{x} = (AVERAGE)

A = % CANYON FACE AREA



SIDE VIEW



FRONT VIEW

EQUATION FOR CUBIC YARDS OF SOIL:

VOLUME = t x A

AND $A = \frac{1}{2} \theta R^2$

t = DEPTH

SURFACE AREA = AND $A = \frac{1}{2} \theta R^2$

$\theta = 89^\circ$

$\bar{x}_{SD} = 294'$ AND $SD = R$

$\Rightarrow \bar{x}_R = 294'$ AND $t = 30'$

$\therefore A = \left(\frac{1}{2}\right) (89.00^\circ) \left(\frac{\pi \text{ RAD.}}{180^\circ}\right) (294)^2 = 67,132 \text{ FT}^2$

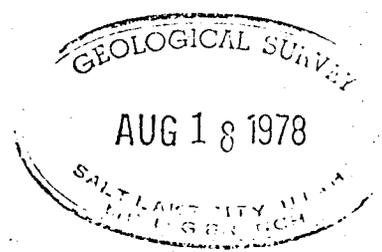
$\therefore V = \frac{(30 \text{ FT}) (67,132 \text{ FT}^2)}{(27 \text{ FT}^3/\text{YD}^3)} = 74,590 \text{ YD}^3$

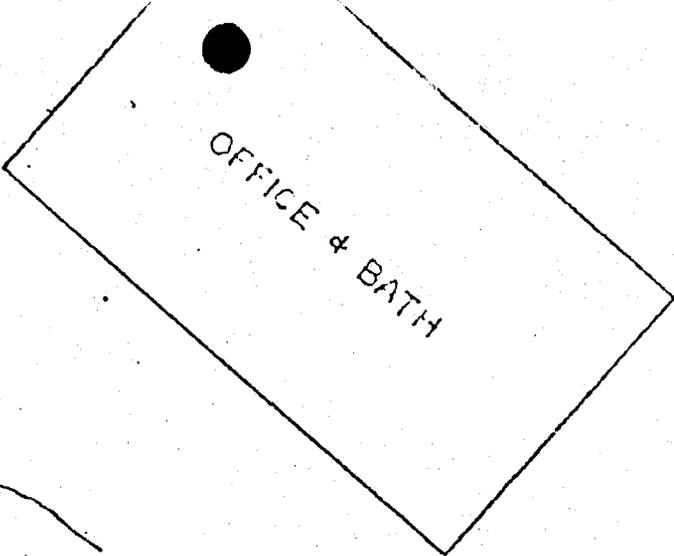
FOR 25 YEAR LIFE, YARDS PER YEAR = $\frac{74,590 \text{ YD}^3}{25 \text{ YRS}} = 2984 \text{ YD YEAR}$

(SEE ENLARGE SIDE AND FRONT VIEW SKETCHES ATTACHED)

SUFCCO

DATE: 6-7-78



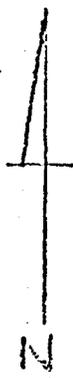


OFFICE & BATH

7551.0

7562.2

PROX. LOCATION OF DISCHARGE PRESENTLY



230

72" diameter
Culvert

Jim
Travis

EXIST STREAM PATH

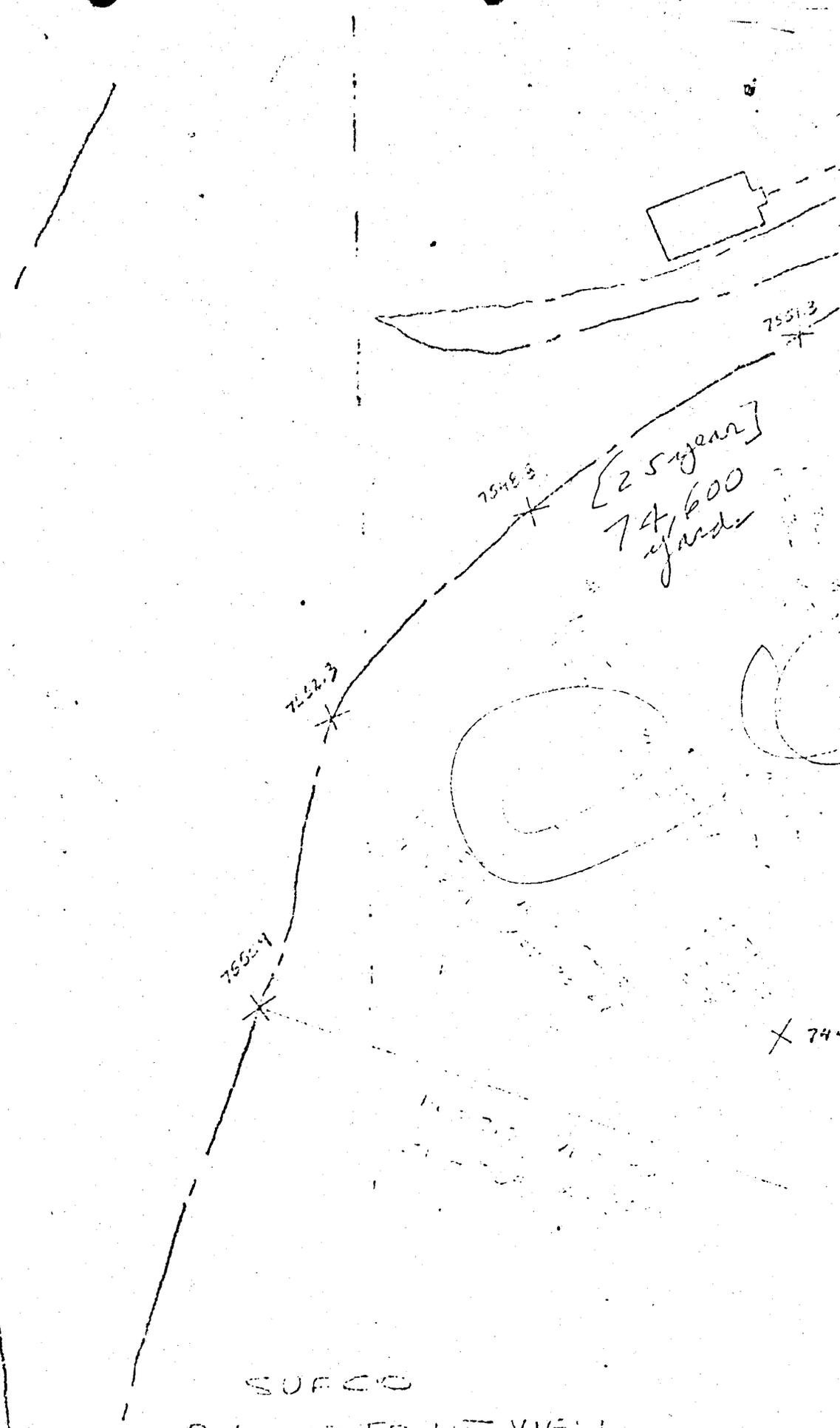
LOCATION
OF SOB

PROPOSED LOCATION OF DISCHARGE

PROPOSED
STREAM PATH

GEOLOGICAL SURVEY

AUG 18 1978



[25 year]
74,600
yards

7548.3

7552.3

7553.4

7551.3

7491

SURCO
PLAN OR FRONT VIEW