



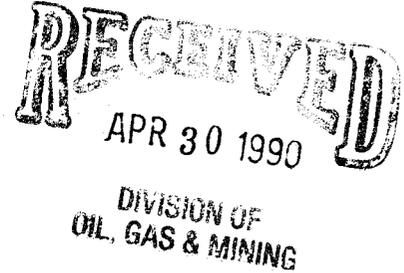
# United States Department of the Interior

OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
SUITE 310  
625 SILVER AVENUE, S.W.  
ALBUQUERQUE, NEW MEXICO 87102

April 23, 1990

In Reply Refer To:

Act 1091002  
#2



Mr. Lowell P. Braxton  
Associate Director, Mining  
Division of Oil, Gas and Mining  
3 Triad Center, Suite 350  
355 West North Temple  
Salt Lake City, UT 84180-1203

Re: Southern Utah Fuel ASCA's

Dear Mr. Braxton:

The purpose of this letter is to respond to your letter of March 26, 1990.

Your letter presents the Division's determination that application of alternative sediment control techniques constitutes Best Technology Currently Available (BTCA) for the nine ASCA's at the Convulsion Canyon Mine and, specifically, that the monitoring of receiving stream water quality substantiates maintenance of instream quality and the viability of the BTCA concept.

Utah's approved program as it existed at the time the Southern Utah Fuel ASCA's were approved requires more than a comparison to background stream standards for a determination of BTCA (the newly approved program also does). UMC 817.45 specifies that sediment control measures shall be designed, constructed, and maintained to prevent, to the extent possible, additional contributions of sediment to streamflow or runoff outside the permit area; meet the more applicable of State or Federal effluent limitations; and minimize erosion to the extent possible. Paragraph (f) of UMC 817.45 classifies certain ASCP's as allowable sediment measures and, therefore, subject to a determination of BTCA. The definition of "BTCA" at UMC 700.5 provides additional guidance. The definition states, in part, "\* \* \* BTCA means equipment, devices, systems, methods, or techniques which will (a) prevent to the extent possible additional contributions of suspended solids to stream flow or runoff outside the permit area, but in no event result in contributions of suspended solids in excess of requirements set by applicable state or federal laws; and (b) minimize to the extent possible, disturbances and adverse impacts on fish, wildlife, and related environmental values and achieve enhancement of those resources where practicable." The definition further states that "\* \* \* within the constraints of the

copy for Pam  
Daron  
Joe  
Rick  
Tom Miller  
TAKE PRIDE IN AMERICA

Mr. Lowell P. Braxton

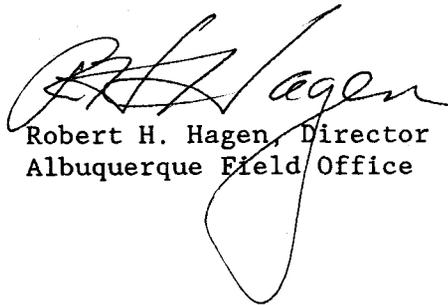
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permanent program, the Division or Board shall have the discretion to determine the best technology currently available on a case-by-case basis, as authorized by the state and federal Acts and Chapter I."

In the case of the ASCP's described for Southern Utah Fuel, AFO recognizes that the Division is exercising its discretion to determine BTCA. However, the Division has not made a proper finding that the alternative sediment control practices have met the criteria specified by the definition at UMC 700.5 and the requirements for sediment controls at UMC 817.45.

If you have questions, please contact me at (505) 766-1486.

Sincerely,



Robert H. Hagen, Director  
Albuquerque Field Office