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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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June 11, 1993

Mr. Ken May, Manager
Southern Utah Fuel Company
397 South 800 West
Salina, Utah 84654

Dear Mr. May:

Re: Remaining Deficiencies in Renewal Application, Coastal States Energy company, Convulsion Canyon Mine, ACT/041/002-DO92A, Folder #3, Sevier County, Utah

The Division has completed a review of your submittal received on March 24, 1993, which was intended to complete Division Order 92A (Renewal Deficiencies). There still remain a few minor problems with your application which have not been adequately addressed. The enclosed technical memos discuss the remaining deficiencies. Please review them and provide a response by July 12, 1993.

With an appropriate response, your plan and the permit renewal process will be essentially complete. We will then incorporate all of your renewal responses into your plan and you will be responsible to follow it and all of the approved changes. Any issues remaining after that date will be handled outside of the renewal arena under separate action.

Thank you for your help in completing the permitting process. Please call me or the corresponding reviewer if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Daron R. Haddock".

Daron R. Haddock
Permit Supervisor

Enclosures

cc: W. Western
J. Smith
P. Baker

REMADEFI.SUF





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TO: Daron Haddock, Permit Supervisor
FROM: Wayne H. Western, Reclamation Engineer *WHW*
DATE: April 5, 1993
RE: Renewal Response to Deficiencies, Southern Utah Fuel Company (SUFCo),
Convulsion Canyon Mine, ACT/041/002/DO92A, Folder #2, Sevier County,
Utah

**R645-301-553.620 Approval is obtained from the Division for incomplete elimination
of highwalls in previously mined areas in accordance with R645-
301-553.500**

Original Deficiency:

A revision of Plate 5.2B was found with the submittal which shows limited pre-SMCRA surface facility development with one legend and a second legend with much larger surface disturbance to 1977. Please clarify this discrepancy.

Applicant's Response:

The Applicant incorrectly referred to the plate showing the surface disturbance prior to SMCRA as Plate 5-1. The correct plate is Plate 5-2B which was submitted. Plate 5.2B shows the limit of surface disturbance prior to 1977 as a boundary line; i.e. the limit of dirt work for pad construction. The structures that were built prior to the enactment of SMCRA are shown shaded. Both legends are necessary because structures have been built after 1977 on the existing pad that was completed prior to the enactment of SMCRA.

Analysis:

The Applicant stated that Plate 5-1 was incorrectly referenced in the text. The correct reference should have been for Plate 5-2B. The correct plate is included in the MRP.

The Applicant has not corrected the reference in the MRP. Correcting the text must be done to clarify the MRP.

Deficiencies:

1. The Applicant must correct the reference in the text from Plate 5-1 to Plate 5-2B.



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TO: File

THROUGH: Daron Haddock, Permit Supervisor

FROM: Paul Baker, Reclamation Biologist 

DATE: April 27, 1993

RE: Second Round Response to Permit Renewal Technical Deficiency Review, Southern Utah Fuel Company, Convulsion Canyon Mine, Folder #2, ACT/041/002

SUMMARY

On March 24, 1993, the Division received a second response to deficiencies found in SUFCO's plan in the permit renewal review. A few deficiencies still remain after this second response, and, in addition to information needed from SUFCO, a variance from approximate original contour also requires certain Division actions.

ANALYSIS

R645-301-341

Revegetation

Deficiency:

1. *The plan must adequately address the revegetation requirements for final reclamation at the breakout areas.*

Response and Analysis:

The plan states that the breakout areas will be reclaimed using the standard seed mix. Seeding will be done by broadcasting. Mulch and fertilization will be applied at the rates listed under mulching techniques.

The reason for including this deficiency was that it was felt that the revegetation procedures to be used at the main portal area might not be practical at the breakouts. Although hydroseeding and hydromulching are acceptable planting and mulching methods, SUFCO should consider whether it is practical to transport equipment needed to perform these operations to the areas where the breakouts are located.



Unrelated to this deficiency but included in this regulation, SUFCO was given approval to use hydroseeding at the waste rock disposal site last fall with the understanding that the mulching method would be included in the plan. This has not been done in this submittal. It was assumed that a wood fiber mulch would be used, and this was the case.

Remaining Deficiency:

1. The revegetation plan for the waste rock disposal area needs to state what type of mulch will be used.

R645-301-341.250 Success Determination Measures

Deficiency:

1. *Woody species density standards that were established in consultation with the Division of Wildlife Resources and approved by them need to be incorporated into the plan. These standards are 1000 woody plants per acre at the mine site and 5000 woody plants per acre at the waste rock site.*

Response and Analysis:

The plan has been changed to state that 1000 tree and shrub seedlings will be planted in the mine portal and sedimentation pond area. Page 4-6 of the waste rock revegetation plan states that woody plant species density will be 5000 plants per acre.

Some of the revegetation standards for success are clearly defined in the rules; however, some are not defined and must be developed through discussions with the Operator and consultation with other agencies. Standards that are not stated in the rules need to be included in the plan as approved standards for success. The tree and shrub density standard for success is established by the Division in consultation with State forestry and wildlife management agencies and needs to be stated in the plan. This standard has been included for the waste rock disposal area, but the plan needs to include a *standard for success*, not just a revegetation plan, for woody species density in the mine portals area.

The changes that have been made to the revegetation plan for the portals area are good and should increase the chances for revegetation success. The reviewer commends SUFCO for going beyond regulation requirements in the reclamation plan.

Remaining Deficiency:

1. The plan needs to include the woody species density standard for success for the mine portal area of 1000 woody plants per acre that was established in consultation with and approved by the Division of Wildlife Resources.

R645-301-412

Reclamation Plan

Deficiencies:

1. *The plan must contain a copy of comments concerning the proposed postmining land use from the legal and equitable owners of record of the surface of the permit area. This condition has been satisfied for the Forest Service and UNELCO but not for the land owned by Roger and Ruth Nielsen.*
2. *The plan needs to contain right of entry information in compliance with R645-301-114.200 for the lands owned by Roger and Ruth Nielsen where the private mineral estate and private surface estate have been severed.*

Response and Analysis:

Correspondence included with the latest response states that a copy of comments concerning the proposed postmining land use for the land owned by Roger and Ruth Nielsen does not need to be included because the postmining land use is not different from the premining land use. It also states that the right of entry information is not required because Utah Code Annotated (UCA) 40-10-1 does not require this right of entry information except for surface mining operations.

As SUFCO stated in their response letter, the postmining land use for the land owned by the Nielsen's is not to be changed, and there should be no surface disturbance except for possible subsidence. This information would normally have been in the initial permit application, so it will not be required now.

Although R645-301-114.200 does not specify that this regulation only applies to surface mining operations (it says "certain coal mining and reclamation operations"), UCA 40-10-1 and the federal regulations do. Therefore, this deficiency was inappropriate.

Remaining Deficiencies:

None.

Deficiency:

3. *The plan must adequately address appropriate sections of R645-302-270 for the variance from approximate original contour requirements.*

Response and Analysis:

The response letter states that the Forest Service approved leaving the highwalls as part of the original MRP plan approval. The highwalls to be retained are of such limited extent compared to the natural cliffs in the drainage that watershed characteristics will not be affected.

The original TEA documents that the postmining land uses were approved by the Forest Service; however, the regulations require that the plan contain a specific request from the landowner that the area not be restored to approximate original contour (AOC). The statement that hydrologic characteristics will not be changed compared to other cliffs in the canyon is probably valid, but this justification needs to be included in the plan. R645-302-271.700 requires that the watershed be improved compared with the condition of the watershed before mining or with its condition if the AOC were to be restored.

In addition to the requirements that SUFCO needs to meet for AOC variance, the Division needs to mark the permit as containing a variance and to make the requirements of R645-302-270 a specific condition of the permit. Until both SUFCO and the Division have satisfied these requirements, the AOC variance cannot be considered to be approved.

Remaining Deficiencies:

1. The plan must adequately address appropriate sections of R645-302-270 for the variance from approximate original contour requirements. Additionally, the Division needs to include the requirements of R645-302-270 as a specific condition of the permit and to comply with other parts of R645-302-272 through 275.

RECOMMENDATIONS

SUFCO needs to address some of the requirements of R645-302-270 and the Division needs to include the requirements of R645-302-270 as a specific condition of the permit and to comply with other parts of R645-302-272 through 275 in order for the variance from AOC to be granted. The plan needs to include a woody species density standard for success for the mine portals area, and the type of mulch to be used at the waste rock site needs to be specified.



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April 1, 1993

TO: File

THROUGH: Daron Haddock, Permit Supervisor

FROM: James D. Smith *JDS*

RE: Review of Responses to Renewal Deficiencies
Round II - Received March 24, 1993
Southern Utah Fuel Company, Convulsion Canyon Mine
ACT/O41/002, Folder #2, Emery County, Utah

SUMMARY

The remaining deficiencies concern results of waste rock analyses. There is no analysis report for the fourth quarter of 1990 either in the M&RP or in the 1990 Annual Report. Analyses for boron, selenium, and alkalinity appear to be done routinely but there are no analysis results reported for these parameters for 1988 and 1989. SUFCO has provided neither this information nor an explanation for its absence.

R645-301-600. Geology.

Deficiency 1. The geology of the permit and adjacent areas is found in two different parts of the PAP. The permittee shall cross-reference Volume 2, Chapter 6 with Volume 3, Part 2.

Proposal:

The location of the geologic information on the waste rock disposal site, found in Volume 3, Part 2.2, is referenced on page 6-2 of Volume 3, Chapter 6.

Analysis:

The deficiency has been satisfied by the added cross reference.

Deficiency:

None.

R645-301-622. Cross Sections, Maps and Plans.

Deficiency 1. Additional information on the Duncan seam has been added to other sections of the MRP but is not included in the description of the Duncan seam on page 6-7.

Deficiency 2. The areal extent of the Duncan seam is not clear from descriptions on pages 5-14a and 6-7,

Proposal:

The description of the Duncan seam on page 6-7 has been revised.

The description on page 6-7 has been revised to reflect the

unsplit portion as being less than 50 acres to match the description on page 5-14a.

Analysis:

The description of the Duncan seam on page 6-7 has been expanded to provide information consistent with that presented in other sections of the M&RP. The areal extent of the unsplit coal has been clarified as part of this additional information.

Deficiency:

1. None.

R645-301-624. Geologic information

1. *Requests for confidentiality remain in the MRP on page 6-11, in Section 6.2.4.1 under the heading Drill Logs and Chemical Analysis and in Section 6.2.4.3 under Lithologic Logs.*

Proposal:

The requests for confidentiality have been revised to comply with R645-301-624.

Analysis:

The request that cross sections, maps, and plans be kept confidential has been removed. The requests for confidentiality of drill logs, chemical analyses, and lithologic logs (in Appendices 6-1 and 6-2) have been modified to request that access to this information be limited to persons with an interest that is or may be adversely affected as provided under Section 40-10-10(4) of the Act.

Deficiency:

1. None.

R645-301-624.300. Samples from test borings or drill cores

1. *Analysis of samples is stated to have taken place quarterly, but there are gaps or omissions in the sampling record that are not accounted for in the MRP.*
2. *Pre 1991 analysis results for Se, Acid-Base Potential and Alkalinity pe appear to have been omitted when the summary of waste rock analyses in Appendix 6-2 was made.*

Proposal:

The Operator made no response to these deficiencies. The response to the previous deficiency was, "The waste rock site is sampled throughout the quarter as material is put in place. A composite sample is analyzed quarterly."

Analysis:

Results of annual waste rock analyses for 1987 and 1988 are in Exhibit 5 of Volume 3. A summary showing those annual tests and quarterly analyses from the last quarter of 1988 to the third quarter of 1990 is in Appendix 6-2. The last quarter of 1990 is missing from this summary. Waste rock analysis reports for the first and second quarter of 1991 are also in Appendix 6-2, but reports for the last two quarters of 1991 are not there. Reports from all four quarters of 1991 and 1992

are in the 1991 and 1992 Annual Reports submitted to DOGM. There are no waste rock analysis reports in the 1990 report, so waste rock analyses results for the fourth quarter of 1990 are not currently available to DOGM from any source.

Samples have been analyzed basically following the DOGM "Guidelines for Management of Topsoil and Overburden for Underground and Surface Coal Mining" (April, 1988), but some analyses appear to have not been reported. Analysis results for selenium, Acid-Base Potential, and Alkalinity *pe* are not shown on the summary in Appendix 6-2, but those three tests are explained in the footnotes and the results may simply have been omitted when the summary was made. Acid Potential and Neutralization Potential were listed, so Acid-Base Potential is readily calculated from the available data. Boron analysis was also either not done or omitted when the summary was made, but boron is not mentioned in the footnotes. Analysis results for all four parameters were reported in the 1991 and 1992 Quarterly and Annual Reports.

Deficiency:

1. The Operator has made no response to these deficiencies.

R645-301-623.300 Subsidence control plan

1. *The 1990 Subsidence Report, including Maps 1 and 2, is referenced as part of the MRP but the maps are not included in the MRP.*

Proposal:

Copies of Maps 1 and 2 are included for the 1990 Subsidence Report.

Deficiency:

1. None.

R645-301-700. Hydrology.

1. *The MRP does not contain information on the abandonment of the exploration boreholes that are not being used as piezometers.*

Proposal:

All exploration boreholes that have not been used for piezometers have been plugged properly prior to abandonment as required by the regulatory authority. This plugging was the final step in the drilling process prior to abandonment. The text has been revised accordingly on page 6-14.

Analysis:

The change to page 6-14 states the applicant believes the boreholes have been plugged properly. This is probably more accurate than a flat-out statement that they have been plugged.

Deficiency:

1. None.