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July 17, 1980

Registered-Return Receipt Requested

Mr. Clem Cafarelli, President  
Utah Coal and Energy, Inc.  
5511 South 4385 West  
Kearns, Utah 84118

RE: Black Hawk Mine  
Utah Coal and Energy Company  
Summit County, Utah  
ACT/043/001

Dear Mr. Cafarelli:

Mr. James Jones, attorney for Utah Coal and Energy, Inc. (U. C. & E.) visited the Utah State Division of Oil, Gas, and Mining Monday July 7, 1980. Mr. Jones stated that the portals at the Black Hawk Mine in Summit County, Utah were in jeopardy and that U. C. & E. required immediate approval of their mine plan by the Division to remedy the situation. Mr. Jones relayed the concern that the gravel slopes above portal No. 1 and No. 2 were not stable, had recently failed, and would become more unstable if a large rainstorm occurred.

Representatives of the Division, Jim Smith, Coordinator of Mined Land Development, and Lee Spencer, Reclamation Engineer, responded to Mr. Jones' concerns and visited the Black Hawk Mine site, Thursday, July 10, 1980 to review the situation. Mr. Harold Soderquist of U. C. & E. and Mr. Richard S. Kopp, geologist and consultant, met with Mr. Smith and Mr. Spencer.

The gravel embankments above both portals and the shop showed signs of excessive erosion as well as numerous small mass failures. Mr. Kopp pointed out that he had prepared the Mining and Reclamation Plan for the Black Hawk Mine which contains measures to remedy the slope instability in accordance with U. C. & E.'s desires and with the Surface Mining Reclamation and Enforcement Provisions For Coal, (Interim Regulations) adopted May 25, 1978. The plans submitted for stabilization are incomplete, in that they have not been certified by a qualified professional engineer registered in the State of Utah. In addition, the Final Rules of the Utah Board and Division of Oil, Gas, and Mining, Coal Mining and Reclamation, Permanent Program, Chapter I (Permanent Regulations) were promulgated under UCA 40-10-1 et seq. (the Act). In review of the mining

plans submitted, the Division must ensure that these plans are complete and in compliance with the Act and the Permanent Regulations. The stability plans are discussed as "temporary measures" in U. C. & E.'s Mining Plan and only stability plans which are permanent for the life of the mine will be approved as part of the mining permit issued by the Division.

It is the intention of the Division to cooperate with U. C. & E.'s desire to remedy the instability of the gravel slopes in acknowledgement of concerns by U. C. & E. that the slopes jeopardize the portals and other improvements. The Division suggests that if it is U. C. & E.'s wish to implement temporary measures such as the following: a telephone pole retaining wall, regrading of the slopes, and water diversion from the slopes; that plans should be submitted as emergency stabilization plans in a separate document. These plans must contain the following:

1. The plans must be prepared under the direction of a qualified professional engineer, registered in the State of Utah.
2. The plans must describe the final configuration of the slopes and all related slope stability measures and must be certified by a qualified professional engineer registered in the State of Utah to meet a minimum 1.5 factor of safety.
3. The plans must describe construction methods and show that the construction methods shall be followed pursuant to the direction of a qualified professional engineer registered in the State of Utah.
4. The plans must not include disturbance of areas previously undisturbed, without a description of the disturbance, and mitigating measures to minimize environmental damage.
5. The plans must demonstrate that the work to be accomplished is strictly restricted to the slope stability and no other construction will be accomplished without prior review and approval from the Division.
6. The plan must contain a statement by U. C. & E. that no construction work will begin until the Division has accomplished a rigid review and approved the emergency plans in writing.

After receipt of the complete emergency stabilization plan, and after U. C. & E. has posted a reclamation bond pursuant to the order of the Board of Oil, Gas, and Mining of January 23, 1980, the Division will promptly review the emergency stabilization plans. Only under these conditions may the Division approve the stabilization work that U. C. & E. requests.

The Division wishes to emphasize, that U. C. & E. must comply with the Board Order of January 23, 1980 for a performance bond by July 31, 1980. Failure to do so will require that the officials of U. C. & E. appear before the Board of Oil, Gas, and Mining to show cause for not complying with said order. The Division acknowledges receipt of the Mining Plan submitted May 8, 1980, pursuant to the interim regulations, as complying with a portion of the above Board Order.

July 17, 1980

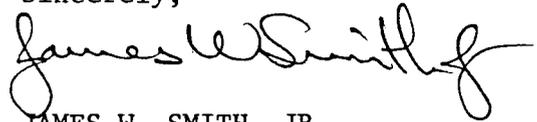
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Should U. C. & E. eventually wish to incorporate the emergency measures as part of the mining permit application pursuant to the Permanent Regulations, the construction must be in compliance with all performance standards and design criteria as set forth in these regulations.

The Division cannot review or approve the emergency stabilization measures as part of the permit application pursuant to the Permanent Regulations until U. C. & E. submits a complete application in accordance with all the provisions of the Permanent Regulations and all modifications to those regulations in effect at the time of review. Please find a copy of the Act and the Permanent Regulations enclosed for your information.

Please feel free to call if you have any questions.

Sincerely,



JAMES W. SMITH, JR.  
COORDINATOR OF MINED LAND RECLAMATION

JWS/kmf

cc: Don Crane, OSM  
Mr. Richard S. Kopp  
Mr. James M. Jones

Enclosures (2) Act / Chapter I