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Utah State Division of Oil,
Gas and Mining

Salt Lake City, Utah

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FEB 23 1987

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DIVISION OF
OIL, GAS & MINING

Copy for:
L.P. Braxton
D.R. Nielson
R. May
S. Loman
M. Anderson
Mine file

ATTN: Director and all Board Members

RE: Boyer Coal Mine
Operator: Bill Blonquist
Chalk Creek Area,
Summit County, Utah

Dear Board Members,

The purpose of this letter is to address the granting of a permit to mine coal at the Boyer mine site. According to regulations pertaining to coal mining, "The division shall use a process that allows any person having an interest which is or may be affected adversely to petition to have an area designated as unsuitable for coal mining activities," UMC7604. This regulation also says the division of mining shall establish a process allowing any person who may be adversely affected to petition to have an area designated as "unsuitable" for all types or certain types of surface effects related to coal mining. Based on this process of appeal, we would like to point out why the mine should not open and why the permit application is woefully inadequate. Our information is based on the coal mining and reclamation permanent program manual, revised September 20, 1982. We feel the following points need to be addressed by the division:

1. The permit area shall not be within 100 feet of the outside edge of any public road. The permit request shall have a written waiver of any houses within 300 feet of the permit area. Not only is the mine area too close to the road, but the mine operators have failed to even mention the two homes which are within a 1000 ft. horizontal line of the permit area. These homes are owned by us and our relatives. They provide a place to operate our farms, as well as provide recreational and civic needs. Because of the area, and uses of the homes, they are

Note: News paper ad requested comment
To begin by 2-6-87 for public comment mtg. Done rec by 2-9

occupied by family and friends for about 10 to 11 months out of each year. By omitting the existence of these homes within the proximity of the mine sites, compliance with regulation U.M.C. 761.11 becomes very difficult. This requires a written finding that the interests of the affected public and land owners will be protected. It also requires a written waiver from any home owner within 300 ft. of the permit areas consenting to surface effects of mining.

2. The mining act requires all names of persons owning property which is adjacent to, or contiguous with the mine site. A quick review of the mining permit application and a visit to the court house will reveal that over 50% of these names have been omitted.

3. A list of the names with mineral rights on the subject property have been provided in the permit. Yet, only a portion have signed leases granting their rights in the coal to the operators of Boyer Mine. A reason for this is possibly they have never been contacted. There are 6 of us in our family that have coal rights. All are over 21 years of age, yet, only 1 out of 6 have been contacted in regards to leasing.

All 6 of us are living here locally, yet no attempt has been made to acquire these rights. Who protects our rights and those of others who don't even know someone is mining and selling their assets. It seems the permit granting is a little lax in this area.

4. According to our understanding, it is against regulation to sell coal during an exploratory stage of mining. Yet, the mine operators advertised locally and sold fairly large amounts of coal this past year. Based on our conversations with your office, you acknowledged that this was brought to your attention. Not only would we like to see an accounting of these "cash" sales, but also an explanation of why you have continued to allow this to go on. This seems to be a willful violation on their part, and lack of enforcement by the agency.

5. UMC 817.95 requires air resources protection for the area. This is to prevent fugitive dusts through a process of monitoring and control. This requires a plan to control fugitive dust by periodic watering, chemical stabilization, and paving of roads. It also requires prompt removal of coal, rock, soil, and other dust forming debris from roads. Revegetating and planting of windbreaks in the permit area are required. Our visual observation of the site indicates nothing has been done the past 2 years to prevent or eliminate this problem. Another pollution problem for us is the noise. We built these houses in the area because of it's peacefulness and serenity. Now, we listen to the noise of mining operations all day.

6. In reviewing the permit application, it has a simple letter from the Division of Wildlife Resources stating they could see no harm to wildlife. The regulation calls for a plan on how to minimize disturbances with wildlife, along with a study of fish and wildlife in the area. This is a little more explicit than someone's personal opinion on any impacts.

7. A prime consideration for coal mine permitting is the need for coal. For the last 3 years, we have read of mine closures, and unemployed miners. Just as recent as a week ago, another big coal mine closed in Eastern Utah. The reason appears to be greater supply than demand. Included with this letter is our excerpt from the Ogden Standard Examiner entitled, "Little Hope For Utah Miners".

8. Any blasting at the mine site requires notification of any residents within one mile of the mine be warned 24 hours in advance. It also requires a pre-blast inspection of those homes. Maybe there weren't any explosions, but if there were, no notifications or inspections were done prior to the use of those explosives.

9. Ground water is of top concern for all those in the area. This concern is not only for quality, but for quantity since our only source is from wells.

We feel that the information gathered so far is inadequate since testing for quality and content has not been on a regular basis. As for quantity, no tests at our well sites have even been run so far. Several weeks ago, we contacted Mr. Rick Summers with the division and chatted with him at length in regards to this matter. He indicated that he needed more information as to quality and had nothing as to quantity yet. We have offered to allow him to gather this information, subject to guarantying the sterility of the wells, (protecting against contamination). We await any further contact on this matter since the division assumes responsibility to monitor this situation. According to the UMC 783.13 and 783.15, 783.17, NO permit shall be granted until the hydrology report containing water quality for the mine site and adjacent area is made available. This includes any water which will flow into or receive discharge of water from the general area.

This report should include;

- (a) The depth below the surface, and the horizontal extent of the water table and aquifers.
- (b) The lithology and thickness of the aquifers.
- (c) Uses of the water in the aquifers.
- (d) The quality of subsurface water if encountered

Also, the permit shall identify the alternative sources of water supply that could be developed to replace existing sources.

Surface water pollution through discharges from holding ponds is a critical point. This area is known for its yearly flash floods which even wash boulders, mud and debris onto the county road and into the farm fields. The clay, when mixed with rain quickly clogs the culverts and fills the ditches. We have pictures available from the last two years where a flash flood sent mud and debris through the mine site, across the road and into the fields. We don't hope to be watering the fields with toxic wastes.

10. According to the map of the project site, the waste dump is going to be situated about a quarter of a mile to the west. We have plans to put two more houses across the road from this site, since we have a developed water well located

there. This is close to the site of our "old" farm house which is west of the mine area. We were quite chagrined to learn of this dump and waste disposal site two weeks ago. We hope efforts will be made to test the water at this well also, along with a water spring in the field used for drinking purposes. Our understanding is toxic material shall not be stored where they can cause or pose water pollution. This affects our farm, which is different that our new home in location. (A detailed map in the permit application of the area, with accurate information of ownership will provide the data.)

The list could go on and on. We think that the permit is not complete according to required information in the regulations manuel. We are sure you are probably more familiar with them than us.

It is a very inappropriate way to "permit" a mine when the state allows an explor tory mine to develop into a full mining operation during the permit process. It seems you may have foreclosed upon many of your options in this matter. We sincerely hope your options will not be biased or prejudice because of the magnitude of their development.

We look forward to hearing from you in writing as it relates to the questions posed in this letter and any comments you have. If we can further clarify any of our points, please feel free to call.

Sincerely,

Brent Boyer
Fern L. Bayer
Dee A. Bayer
Stephen M. Bayer
Greg Boyer


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