

*East Gillette Federal*



ED HERSCHLER  
GOVERNOR

# Department of Environmental Quality

## LAND QUALITY DIVISION

HERSCHLER BLDG. - THIRD FLOOR  
122 WEST 25TH

TELEPHONE 307-777-7756  
November 18, 1985

CHEYENNE, WYOMING 82002

CERTIFIED MAIL, RETURN RECEIPT REQUESTED - #73752

**FILED**

**NOV 19 1985**

Arthur and Marjorie Tarno  
303 Tower Avenue  
Gillette, Wyoming 82716

Terri A. Lorenzon, Adm. Aide  
Environmental Quality Council

### INFORMAL CONFERENCE DECISION LETTER

RE: Protest Against Permit Application of  
Kerr McGee Coal Corporation for the  
East Gillette Federal Mine, TFN 1 4/243

Dear Mr. and Mrs. Tarno:

In regard to your protest against the issuance of a permit for the East Gillette Federal Mine near your home in Gillette, I have fully considered the information you presented at the informal conference in my office on September 19, 1985. You will recall that the conference was also attended by representatives of the Kerr McGee Coal Corporation, the applicant, and by personnel of the Land Quality Division of the Department of Environmental Quality.

From the information presently available to me, I cannot find that the damages to your home have been caused by the blasting at the two existing mine sites. Although I do not doubt that some of the blasts have been felt in your home in the Collins Heights subdivision, particularly by Mrs. Tarno, the recorded evidence of the seismic monitors indicates that the vibrations from the blasting operations at the Clovis Point and Wyodak mines have been well below the Department's safety standard of 1.0 inch per second movement at the nearest structures not owned by the mine companies. The maximum recorded shock was less than half the allowable standard, which has been set at half the shock estimated by blasting engineers to be required for structural damage to properly designed and constructed buildings. The recorded shocks are in the range of 0.02 to 0.12 inches per second movement. The highest recorded shock was somewhere between 0.34 and 0.44 inches per second. I note that a shock of only 0.02 inches per second can be detected by the human body. But feeling the shock waves from time to time is not the same as proving them to be the cause of structural damage.

Arthur and Marjor Tarno  
November 18, 1985  
Page 2

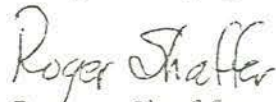
It appears to me that the damages to your home are of the type more likely to have been caused by shifting or settling of the ground following construction, which was completed on your home in 1980. The information you presented did not eliminate this possibility. There may also be a soil slippage problem due to the fact that your home site is located near the top of a hill. Unless you can show a direct connection between the blasting activities and the cracks in the walls of your home, etc., I will not be persuaded that the ground shock waves such as have been recorded are the cause of the damages. For the future, I suggest that you keep some detailed records of when specific blasts are detected in your home and what specific effects happen as an immediate result. A soil analysis from around your home's foundation and the nearby area could also be informative.

I conclude that you have not shown any compelling reason why the permit for the East Gillette Federal Mine should not be issued. However, because this mine will be located closer to your home than are the two other mines about which you have complained, I will consider including as a condition of the permit that one or more blast monitoring devices be placed in appropriate locations with reference to your home so that the Land Quality personnel can determine if the shock waves from blasting at the new mine site constitute a threat to your property.

You are advised that this decision is the result of an informal conference held under authority of Wyoming Statute 35-11-406. You have the right to seek a hearing before the Environmental Quality Council in accordance with its rules of practice and procedure and the contested case procedures set out in the Wyoming Administrative Procedure Act.

As matters now stand in regard to your protest, it is my intention to issue a permit for the East Gillette Federal Mine. You will receive a copy of the permit when it is issued.

Very truly yours,



Roger Shaffer, Administrator  
Land Quality Division

cc: Steve Klein, Attorney  
John W. Coleman, Kerr McGee Coal Corporation  
Barbara Hoffman, Attorney  
Randolf Wood, Director, DEQ  
John D. Erdmann, Assistant Attorney General  
Terri Lorenzon, Environmental Quality Council  
Rick Engleman, Land Quality Division, DEQ  
Robert Giurgevich, Land Quality Division, DEQ, Sheridan