

## THE VALLEY CAMP COAL COMPANY

Scofield Route  
Helper, Utah 84526

*File Copy  
Route to  
Doug & Joe*

W. H. HAYNES, JR.  
PRESIDENT, WESTERN DIVISION

GENERAL OFFICES  
700 WESTGATE TOWER  
CLEVELAND, OHIO 44116

January 14, 1980

U.S. Department of the Interior  
Office of Surface Mining  
Assessment Office  
Washington, D.C. 20240

Gentlemen,

Pursuant to 30 CFR 723.16, Valley Camp of Utah, Inc. hereby submits information pertaining to Notice of Violation No. 79-5-18-7 which addresses one (1) alleged violation of 30 CFR 717 as follows:

VIOLATION NO. 1 of 1: Failure to maintain culvert which drains access road.

- A. A violation of 30 CFR 717.17 (j) (3) (ii) did not occur and the notice of violation should therefore be vacated.

At the time of the inspection, there was no obstruction present which would impede drainage to the culvert. Neither was there any drainage which could be obstructed or impounded.

- B. The permittee has no history of previous notices of violation or cessation orders for which penalty has been assessed at this mine, prior to the date of this inspection and therefore should be assessed no points for determination of penalty in this regard.

- C. If a violation of the regulation had occurred as alleged, it would not have been serious and no points should be assessed in computation of a penalty in this regard.

The standard is designed to prevent harmful interference of the intended purpose of the structure. An accumulation of snow at the culvert inlet offers no resistance to a flow of water. On the day of the inspection, there was no flow whatsoever in the drainage leading to the culvert.

- D. No negligence was involved in permittee's actions resulting in the issuance of the notice and no points should be assessed in computation of the penalty in this regard.

Drainage to the culvert was not impeded.

January 14, 1980

- E. Permittee demonstrated good faith in achieving compliance with the notice of violation and therefore 10 points should be subtracted from any points total assessed for the alleged violation.

Culvert inlet was cleared of snow on January 9.

If further information pertaining to Notice of Violation No 79-5-18-7 is required, please call on us.

Sincerely,



W. H. Haynes, Jr.

whh:vy

cc: Ronald Gregg, Office of Surface Mining  
Cleon B. Feight, Director, Division of Oil, Gas & Mining