

**VALLEY CAMP OF UTAH, INC.**

Scofield Route  
 Helper, Utah 84526

26 July 1984

File  
 ACT/007/001  
 Folder 7  
 CC: *Wayne*  
*Ron D.*  
*Joe*  
*Kem*

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DIVISION OF OIL  
 GAS & MINING

Mr. James W. Smith, Jr.  
 Coordinator of Mined Land Development  
 Division of Oil, Gas and Mining  
 4241 State Office Building  
 Salt Lake City, Utah 84114

Re: Notice of Violation No. N84-7-6-1

Dear Mr. Smith:

On May 30, 1984, the subject violation was issued to Valley Camp of Utah, Inc. Remedial action required at that time, as per the N.O.V., was simply ridiculous in that Part A and B were practically impossible to achieve. The abatement deadline was, at that time, given as ten (10) days.

The context of this N.O.V. and the required remedial action and abatement period were discussed at length with yourself, Joe Helfrich and Ron Daniels and myself for the purpose of arriving at a reasonable solution for the Division's concerns, and to identify explicitly just what the Division's concerns and strategy really were.

One reason for the operator's concern was that the N.O.V. was issued on the results of one (1) water sample analysis obtained by the Division, and the operator was required to abate the violation with four (4) consecutive samples which would meet effluent limitations, taken on four (4) consecutive days in the presence of a Division inspector. The operator, through this activity, would then be held responsible for non-compliance in the event the inspector was unable to fulfill the requirement of being present four (4) consecutive days. This was considered to be an onerous and unfair requirement.

Additional concern resulted from the remedial action required by Part B, which demanded the operator to demonstrate a particular volume in the pond. This confused the operator, and, as a result of several phone

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conversations, (previously alluded to) an alternate solution to Part B was offered under cover of correspondence dated June 14, 1984.

As a result of the phone calls, the original N.O.V. was modified on June 5, 1984. This modification revised Part A of the remedial action required, and extended the abatement time from the original N.O.V. requirement.

Subsequent to the discussions, the operator also committed to a \$300,000 construction project which would clean out the sediment from Pond No. 4, and would certainly demonstrate the volume capacity desired by the Division, and would, essentially, put the pond back in the condition as originally approved by the Division. However, this could not be accomplished in just a short period of time, so the operator requested additional time to perform this activity. Assuming the Division would approve this plan; in letter form, the operator instructed a contractor to locate equipment large enough to handle this job. However, on July 9, 1984, the operator received correspondence from the Division requesting information which essentially can only be derived from a change in design of the pond. This request appears to have been made without benefit of consideration for the originally approved design, and gives rise to further confusion as to the Division's objective. In addition, a new abatement deadline was given as July 27, 1984. This amounts to only fourteen (14) working days for the operator to respond to the "surprise" requirements of their July 5th letter.

The operator feels as though the situation has gotten somewhat "out of hand", and, therefore, requests relief from the July 27, 1984, abatement deadline, since the Division appears to view the pond cleaning as of minor importance now, and has not given the operator sufficient time to properly respond in whatever action would result in abatement.

The operator feels as if a meeting on this problem is warranted, and hereby requests an opportunity to meet with you and members of your staff in hopes of resolving this issue.

Thank you for your consideration in this matter, and please feel free to contact me if you have questions regarding our needs.

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Sincerely,

A handwritten signature in cursive script, appearing to read "T. G. Whiteside".

T. G. Whiteside  
Chief Engineer

Copies to: Allen Klein, OSM, Denver  
Robert Hagen, OSM, Albuquerque  
Dianne R. Nielson, DOGM