

Hand File
Ken May
D.R. Nielson
LNB

0046

VALLEY CAMP OF UTAH, INC.

Scofield Route
Helper, Utah 84526

W. L. WRIGHT, PRESIDENT
& CHIEF OPERATING OFFICER

12 December 1985

RECEIVED

DEC 16 1985

DIVISION OF OIL
GAS & MINING

Dr. Dianne R. Nielson, Director
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: Valley Camp of Utah, Inc. - Permit
Condition Response Review ACT/007/001

Dear Dr. Nielson:

On September 30, 1985, I mailed to you a letter (en-
closed) relating my concerns to the above mentioned
subject, and, in the same letter, suggested that we
felt a meeting was appropriate. We also stated that,
if you agreed that a meeting was appropriate, to please
contact me so that a mutually agreeable time for such
a meeting could be arranged.

I am now in receipt of a letter (enclosed) from Mr. L.
P. Braxton to Mr. Trevor Whiteside. This letter states
that Valley Camp of Utah, Inc. "has submitted no fur-
ther deficiency response." And, further hints at en-
forcement action because of the lack of response.
Finally, the letter asks for a meeting shortly after
the first of the year.

It has been my posture to attend such a meeting since
it was suggested on November 8, 1984, and, I believe
my letter of September 30, 1985, was a valid response.
It appears to me that there has been a definite lack
of communication on the part of DOGM. Another pos-
sibility is that my letter of September 30, 1985 was
never received. Would you please confirm or deny the
receipt of that letter.

I am anxious to conclude this matter in behalf of
Valley Camp of Utah, Inc., and I am willing to attend

Dr. Dianne . Nielson
12 December 1985
Page 2

any meeting so arranged. I will not be available to meet January 20 through January 22, 1986. Any other date will be acceptable.

Very truly yours,

W. L. Wright

W. L. Wright

Enclosures:

Copies to: ~~L. P. Braxton, w/encl. (Certified)~~
J. S. Kirkham, w/o encl.



STATE OF UTAH
 NATURAL RESOURCES
 Oil, Gas & Mining

Norman H. Bangerter, Governor
 Dee C. Hansen, Executive Director
 Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

November 29, 1985

Mr. Trevor Whiteside
 Valley Camp of Utah, Inc.
 Scofield Route
 Helper, Utah 89526

RECEIVED

DEC 16 1985

RECEIVED
 DEC 11 1985

VALLEY CAMP OF UTAH, INC.

DIVISION OF OIL,
 GAS & MINING

Dear Mr. Whiteside:

Re: Conditions to Permit Approval, Belina Complex,
ACT/007/00 , Folcer No. 3 and 4, Carbon County, Utah

On July 22, 1985, the Division of Oil, Gas and Mining (DOGM) notified Valley Camp of Utah, Inc. (Valley Camp) by letter of deficiencies in their submitted responses to permit conditions. Since that time, Valley Camp has submitted no further deficiency response.

To facilitate the finalization of the response to permit conditions, and to prevent enforcement action from being taken against Valley Camp, DOGM would like to suggest that a meeting be held with representatives from Valley Camp, the Office of Surface Mining, and DOGM to discuss remaining deficiencies and the response required.

It would be convenient for DOGM to hold this meeting shortly after the first of the year. Please contact me, as soon as possible, as to Valley Camp's preference for a meeting time and place.

Sincerely,

L. P. Braxton

L. P. Braxton
 Administrator
 Mineral Resource Development
 and Reclamation Program

SCL:jvb
 cc: R. Holbrook
 S. Linner

0028R-77

VALLEY CAMP OF UTAH, INC.

Scofield Route

Helper, Utah 84526

W. L. WRIGHT, PRESIDENT
& CHIEF OPERATING OFFICER

September 30, 1985

RECEIVED

DEC 16 1985

DIVISION OF OIL
& GAS & MINING

Dr. Diane Nielson
Director
Division of Oil, Gas, & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

Re: Valley Camp of Utah, Inc. - Permit Condition
Response Review ACT/007/001

Dear Dr. Nielson:

On November 8, 1984, we met with you and various other members of your staff to discuss certain aspects of the relationship between Valley Camp of Utah, Inc. and the Division of Oil, Gas & Mining. At the time of that meeting, concerns were expressed related to the need for further discussion and clarification of the conditions contained in the permit issued by the Office of Surface Mining. Those same conditions have apparently been incorporated into the permit issued by the Division of Oil, Gas & Mining. During the meeting you expressed the need to have time to discuss in further detail within the Division the conditions with respect to Valley Camp's permit and indicated that a meeting should be set up within a couple of weeks following the November 8 meeting at which time Valley Camp would have the opportunity to meet with the representatives of the Division and discuss the permit conditions.

Trevor Whiteside and other members of my staff have had discussions with various staff members of the Division but I have not received any contact from you or the Division with respect to the proposed meeting. By letter dated July 22, 1985, addressed to Trevor Whiteside and over the signature of L. P. Braxton, the Division submitted what it characterized as a Permit Condition Response Review. This "Response" is not only confusing to us but it also contains no direction as to how Valley Camp is to proceed with respect to satisfying the "responses" contained in the letter.

I have recently learned that representatives of your enforcement

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staff are now talking about issuing citations supposedly on the basis of the review letter of July 22. From our prospective we do not believe such action is appropriate on the basis of that letter nor do we believe such action would be sustainable.

We have several concerns with the letter of July 22, and I will mention a couple of those concerns for illustration purposes.

Condition No. 4 of our OSM Permit requires Valley Camp to submit a "Subsidence monitoring program" and to commit to restore the original stream channels of intermittent streams within the permit area that may be disturbed by underground coal mining activities. The Division's Response as contained in the July 22, 1985 letter, begins by talking about the monitoring program but then asks:

1. "How much subsidence can occur under the stream channels?"
2. "Will the slope of the stream channel change?"

We cannot understand how either of these questions has anything to do with a subsidence monitoring program or our commitment with respect to stream channels. What kind of a response do you expect to such questions?

At another point in the letter we are asked to define a term that is not our term but instead is a term imposed upon us by the Office of Surface Mining and, by adoption, the Division itself.

Many other items contained in the letter of July 22 appear to be commentary with no direction as to whether any further response is needed. We cannot find any basis in the regulations or the act for several of the comments. This is especially true with respect to water replacement inasmuch as we believe and adamantly take the position that water replacement in connection with underground mines is not an actual requirement of either the statute or the regulations.

Because of the concerns we have expressed and because of the nature of the letter of July 22, 1985 we believe it is now time that a meeting be held at which we could discuss the concerns Valley Camp has with respect to the conditions contained in the permit issued by OSM and adopted by DOGM. If you agree that a meeting is appropriate, would you please contact me so that we can arrange a mutually agreeable time for such a meeting.

Very truly yours,



W. L. Wright, President
& Chief Operating Officer

WLW/gs



STATE OF UTAH
 NATURAL RESOURCES
 Oil, Gas & Mining

Norman H. Bangerter, Governor
 Dee C. Hansen, Executive Director
 Dianne R. Nielson, Ph.D., Division Director

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Sincerely,

L. P. Braxton

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 Administrator
 Mineral Resource Development
 and Reclamation Program

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