

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

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