



State of Utah

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September 30, 1991

Mr. Robert Hagen, Director
Albuquerque Field Office
Office of Surface Mining
Reclamation and Enforcement
Suite 310, Silver Square
625 Silver Avenue, S. W.
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

Re: Inaccuracies in September 4 and 5, 1991 Inspection Report, Valley Camp of Utah, Belina Mine, ACT/007/001, Folder #5, Carbon County, Utah

A review of the above-referenced OSM Mine Site Evaluation Inspection Report received at the Division offices on September 25, 1991, reveals a few inaccuracies that we feel should be corrected:

-- The inspection report states, "no approved permit was in place from 8/25/89 - 5/24/90."

Response: Indeed, a permit was in place during the time mentioned (See attached document).

-- Another excerpt from the report says, "...the permittee was given 90 days to address the deficiencies and the Forest Service's concerns; - on 1/16/91, DOGM released Valley Camp from the 90-day deadlines."

Response: This statement gives the impression that DOGM released Valley Camp from completing the Stipulations, which is not true. Valley Camp was concerned that even though they had submitted a response to the deficiencies within the 90 days required by the stipulations, they would still be responsible for not complying with the stipulations because the Division had not reviewed and approved it. The January 16, 1991 letter (copy enclosed), simply relieved them from the time constraints associated with the Division's review, not from completing the stipulations.

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ACT/007/001
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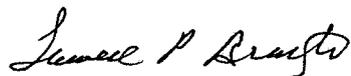
-- Further concerns were that it was not clear which MRP documents were approved.

Response: Valley Camp submitted a new MRP formatted to the new R614 regulations as part of the permit renewal. The Division's review was done on that MRP and the permit renewal was done based on the updated MRP. The Administrative Overview from the Division's Decision Document of July 11, 1991 (copy enclosed), was clear that the new MRP was being used. Deficiencies in that MRP were handled as stipulations to the permit. There may have been technical deficiencies, but there should be no question which MRP documents were approved with the July 11th renewal.

With regard to the statement that, "...OSM will determine if a Ten-Day Letter will be issued for operating with a permit application that is not complete and accurate..."; certainly the permit application has not gotten worse. On the contrary, it is much improved. Yes, there are still some deficiencies, but the deficiencies are of a technical nature which are being corrected through stipulation. The fact that the Division is finding the deficiencies and having them addressed should indicate that the Division is actually doing a better job on permit review and renewal and has a more complete and accurate permit application than when the original permit was issued by OSM in 1984.

The bottom line is that many of these concerns or questions could have been resolved had the inspector spent a few minutes with our permitting staff in our office as you agreed should be done prior to the inspection, rather than the 5-7 hours in the field. Thank you for your time in considering these issues. If you have questions please feel free to call.

Sincerely,



Lowell P. Braxton
Associate Director, Mining

Enclosures

cc: D. Haddock, DOGM
J. Zingo (OSM)
D. Nielson, DOGM
ZINGRESP.LET