



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt  
Governor

Ted Stewart  
Executive Director

James W. Carter  
Division Director

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340  
801-359-3940 (Fax)  
801-538-5319 (TDD)

August 2, 1994

Denise Drago, Esq.  
Fabian & Clendenin  
215 South State, 12th Floor  
P.O. Box 510210  
Salt Lake City, Utah 84151

Re: White Oak Mining & Construction Co., Inc., Belina Mine, N94-39-2-1 and N94-43-2-1, ACT/007/001, Folder #5, Carbon County, Utah

Dear Denise:

I am writing in response to your letters of June 28th and July 19th regarding the referenced Notices of Violation (NOV). Although we have had several meetings and conversations, we still seem to have not reached a mutual understanding of the steps White Oak and the Division must take to achieve abatement of the NOV's.

Abatement of NOV N94-39-2-1 will require submittal by White Oak of a revised drainage and snow removal plan. We have agreed that the elements of the snow removal plan will be those set forth in your letter to me of June 28, but that information needs to be formatted as an amendment to the approved plan. The plan should also be amended to describe the installation and maintenance of the sediment control measures (read "strawbales") installed along the creek. With those amendments to the plan, the Division will be in a position to find that all requisite measures are being employed to minimize sediment contributions to Eccles Creek.

Abatement of NOV N94-43-2-1 requires White Oak to 1) place identification signs at the point of access from the public road to the office facility in Pleasant Valley, 2) mark the stream buffer zone along Eccles Creek from where the coal haul road joins county road 264, and 3) clearly mark the disturbed area boundary with markers as described in Section 521 of the 8/93 permit application package.

We had discussed the fact that relocating the disturbed area boundary of the road to coincide with the stream buffer zone boundary along Eccles creek would afford White Oak maximum flexibility in their snow removal activities on the road. To that end, it would be desirable to submit a plan amendment relocating the disturbed area boundary and place the buffer zone and disturbed area boundary markers along the same alignment. However, placement of the identification signs at the Pleasant Valley facility and marking the stream buffer zone along Eccles Creek are not tied to relocating the disturbed area boundary, and should be accomplished immediately.



File

Page 2  
Denise Dragoo, Esq.  
ACT/007/001  
August 2, 1994

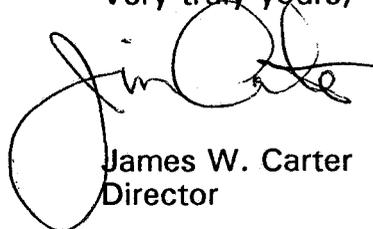
I have enclosed a permit change application for your review and submittal. A preliminary review of the items on page 2 of the application for permit change suggests that item numbers 1, 2, 7, 8, 10, 11, 13, 15, 17, 18, and 22 have application to the changes required by the NOV's to White Oak's mining and reclamation plan. This application should be accompanied by a map depicting the relocated disturbed area boundary, if White Oak wishes to move it to coincide with the buffer zone.

As a matter of administrative clarification, I am extending the abatement date of NOV N94-39-2-1 to no later than Friday, August 19, 1994. Inasmuch as the allowable 90-day abatement period, including two increments of administrative delay, will have passed by that date, it is imperative that White Oak meet that submittal date to provide information for permit review and approval. Upon receipt of a complete and properly formatted submittal, the Division will schedule a site visit.

Placement of the Pleasant Valley sign and the buffer zone boundary markers is not dependent upon any other actions or submittals, and can therefore be accomplished immediately. The disturbed area boundaries, including the Belina haul road, should likewise be marked at their permitted locations. I am extending the abatement date for NOV N94-43-2-1 to August 19, 1994. In the event White Oak requests approval to relocate the disturbed area boundaries of the haul road in its submittal to abate NOV N94-39-2-1, a request to extend the time for erecting markers on a relocated disturbed area boundary can be filed.

Although these issues have a complex and somewhat interlocking past, we are operating within the constraints of the UMCRA enforcement program, and must adhere to its procedures. White Oak must take positive steps toward abating the NOV's to preserve our settlement agreement. Please call if you have any questions.

Very truly yours,



James W. Carter  
Director

jbe  
Enclosure  
cc/enc: Steve Tanner  
Steve Demczak  
Jim Smith  
H:WHITEOAK.LTR