

0017

PRICE RIVER COAL COMPANY

P.O. BOX 629 HELPER, UTAH 84526 (801) 472-3411

October 4, 1982

RECEIVED
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CERTIFIED MAIL NO. 3968238 - Return Receipt Requested

Mr. Ronald W. Daniels
Acting Assessment Officer
Utah Department of Natural Resources
Division of Oil, Gas, and Mining
4241 State Office Building
Salt Lake City, Utah 84114

DIVISION OF
OIL, GAS & MINING

RE: State Violation No. N82-4-9-1

Dear Mr. Daniels:

We, at Price River Coal Company, must object to the State Violation No. N82-4-9-1 issued by David Lof on September 9, 1982. The violation was issued for an alleged infraction of UMC 817.89, which regulates disposal of non-coal wastes. We must maintain the violation was erroneously issued and that no violation of UMC 817.89 existed.

UMC 817.89 provides, in part, that "non-coal wastes including, but not limited to, grease, lubricants, paints, flammable liquids, garbage, abandoned mining machinery, timber and other combustibles generated during underground coal mining activities shall be placed and stored in a controlled manner in a designated portion of the permit area. Placement and storage shall ensure that leachate and surface runoff do not degrade surface or ground water, fire is prevented, and that the area remains stable and suitable for reclamation and revegetation compatible with the natural surroundings."

The errant object of concern to the inspectors does not fit into the definitions in this regulation since it is not waste of any kind. The object in question is a large (about 5' diameter) wooden cable spool. The spool has not been discarded and is to be re-used to hold cable. The fact that this particular spool rolled and partially straddled an undisturbed runoff diversion ditch should have been of no concern to your inspectors. It did not block the drainage, or surely we would have received a violation under some other regulation (UMC 817.43(c)?). The spool did not harm or degrade the environment. The inspector, John Whitehead, stated over the phone that no real environmental concerns were involved. He further stated that he was issuing a violation to show that we must do what we are told.

The spool has been relocated (on September 9, 1982). It would have eventually been removed in any event, since a wooden spool is not part of the final site configuration.

Why was this violation issued? There was no violation of law or regulation. An inspector should not issue violations based on speculation



Please set up the A.C. for this NOV for 1:30 PM on 11/8/82
Copy to John Whitehead

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of offense or his aesthetic sensitivity, but on clear and factual violations of law.

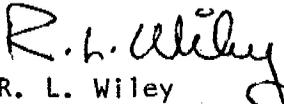
This issue of the spool was merely an insignificant item on the bottom of a list of important maintenance activities recommended by your inspectors as needing attention and for the most part, with maintenance already underway. I hope that you are aware of our continuing maintenance program, our rapid compliance and spirit of cooperation in all environmental protection and reclamation matters. If not, please question almost any member of your staff who has worked with us.

I have come to feel that receipt of a notice of violation now and again is inevitable. An act of omission will occur. We will not contest justified violations. We will make repairs and pay our fines. Conversely, we cannot accept this type of violation without an objection.

We do not wish to expend our time or waste anymore of your valuable time on this matter. This violation should be vacated. It would be most advantageous if it could be done without further expenditure of either of our resources. An assessment hearing is unnecessary in the event of a vacation of this violation, unless your internal mechanisms require it.

I have enclosed a check for the assessment amount of \$280.00 so that our board hearing option will remain open.

Sincerely,


R. L. Wiley
Environmental Engineer

RLW:ga

Encl.

cc: G. Cook
K. Hutchinson
M. Keller
~~C. Knight, DCM~~