

0033

PRICE RIVER COAL COMPANY

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

*Set for
8/18/82
130*

July 26, 1982

ACT/007/004

*Fill in PRCO
NOV 1983
V# 19873
\$1,340.00 dtd
7/26/82*

CERTIFIED MAIL NO. 3968213
Return Receipt Requested

RECEIVED

JUL 30 1982

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: Assessment Conference for Violation No. N82-4-5-1

Dear Mr. Daniels:

We wish to request a conference to contest the amount of the assessment for the Violation No. N82-4-5-1 concerning pond cleaning. We feel that the amount of the assessment is far too high considering the situation surrounding the problem.

Price River Coal Company has been aware of the problem with the existing pond for some time. We have continually made the Division aware, as well, and have proposed a solution to the problem, i.e.; the construction of a new pond. In a letter to S. Keefer, dated April 28, 1982, we stressed the emergency nature of the situation. We received no response until June 12, 1982, when we received a letter from your office which both misinterpreted submitted information and required new expensive studies to prove the soundness of our new pond plans. We have proceeded to pursue the required information since the receipt of the June 10, 1982 letter, and only received the results on July 23, 1982. The studies bear out our original designs.

In the interim, we are subjected to a Notice of Violation for the problem we have been striving to address. Although the violation is technically accurate, it is patently unjust and, certainly, in poor taste.

We have had to bear the cost of the studies for the satisfaction of regulatory interpretation; some \$1,000. We have cleaned the old pond again, and as soon as possible, at a cost of \$2,500, plus. Our inability to move the pond location in a timely fashion has cost us, as yet to be counted, thousands, for double handling of earth materials that were to be placed in the old pond location. We have cleaned out the old pond completely, twice in the past eight months, and



Mr. Ronald W. Daniels
Division of Oil, Gas, and Mining
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Page Two

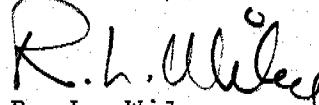
partially, several times. As we have stated, we admit the technical facts of the violation, however, we feel that the fine should be deleted.

As per our phone conversation on July 26, 1982, a conference may be held on August 11, 1982 at 1:30 P.M. in your offices. Should this time block prove unsatisfactory, we will be available during the week of August 16. We would specifically request that your Mr. Helfrich be excluded from the proceedings. Not only has he no real interest in the situation, his abrasive nature and propensity to demean our veracity at every turn, can only disrupt what would otherwise be a calm discussion of the facts.

It is planned that only Ken Hutchinson and I will attend to represent Price River Coal Company.

Please find enclosed a check for the amount of \$1,340.00.

Sincerely,



R. L. Wiley
Environmental Engineer

RLW:ga

Enclosure/Check, Pond Stability Information and Letter to S.
Keefe, 7/23/82

cc: C. Feight
K. Hutchinson
G. Cook

SEE FOLDER #2
FOR POND STABILITY INFO. &
LETTER TO S. KEEFER