

0012



**CASTLE
GATE**

COAL COMPANY

Mr. Ken May
Division of Oil, Gas and Mining
355 West North Temple
Three Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

September 29, 1986

cc Lowell
Sue Kinner 10-9-86
RECEIVED
SEP 30 1986

**DIVISION OF
OIL, GAS & MINING**

Re: Requirements of UMC 817.46(t)

Dear Mr. May:

Castle Gate Coal Company has been giving close scrutiny to the inspection, reporting, and notifying requirements under the above referenced section. A careful reading seems to indicate Castle Gate must inspect all ponds every seven days and provide the Division with copies of the inspection reports under 30 CFR 77.216-3(c) and contact the Division if a notification under 30 CFR 77.216-3(b) is necessary.

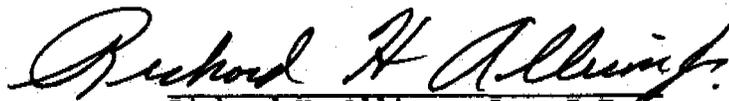
Castle Gate understands all ponds on the permit area which do not meet the criteria of 30 CFR 77.216(a) are approved for quarterly inspection under the last sentence of UMC 817.46(t). Our confusion is with the report and notification requirements discussed. It seems excessive to require that the seven-day inspection records of the School House Canyon Refuse Pile Pond be submitted to you.

This matter is further confused by the language in terminated NOV N 86-4-8-3 on page 3 "Submit to the Division a copy of the annual report as described under 30 CFR 77.216-4." While UMC 817.46(t) references 30 CFR 77.216-3, there is no reference in the UMC to the annual report requirement in 30 CFR 77.216-4 other than the reference in UMC 817.46(q)(4). Castle Gate does not want the additional paperwork and liability of submitting the annual report to both the Division and to MSHA when no apparent authority exists for this request.

Mr. Ken May
September 29, 1986
Page - 2

Your assistance in clarifying whether Castle Gate must submit the seven-day inspection reports of the School House Canyon Refuse Pile Pond and notify you of hazardous conditions in that pond, and whether Castle Gate must submit copies of the annual report would be appreciated.

Sincerely,



Richard H. Allison, Jr., P.E.
Project Supervisor

WOH/1343
cc: Dave Ham