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CT/007/004



CARBON COUNTY
PRICE, UTAH 84501

RECEIVED

JUL 12 1993

DIVISION OF
OIL GAS & MINING

July 9, 1993

Richard H. Allison, Jr., P.E.
Project Supervisor
AMAX Coal West, Inc.
165 South Union Blvd., Ste 1000
Lakewood Co 80228

Dear Mr. Allison;

I appreciate your inquiry regarding the county's weed and mosquito department, and am writing to answer your questions about its funding, responsibilities, and operating procedures.

The Weed and Mosquito department is funded in the same manner as all other county departments, i.e. through the county's general fund. There is not now, nor has there ever been any mil levy specifically designated for this department. Over the past 15 odd years, this department's responsibilities have grown without ever having a need to raise the tax rate for our citizens.

At the present time this department employs four full time, permanent employees. We also hire one temporary employee during the summer months to help relieve this department during it's busiest time of the year.

As you may or may not be aware, this county experienced a very wet winter and an unusually windy spring and summer. These two weather conditions combined to create a greater growth in all vegetation. We are pleased that these conditions occurred as they help relieve our drought situation, but they also create weed problems on an unusual scale. This department is required to attempt control of weeds throughout the entire county, including land owned and managed by the Forest Service, the BLM, canal companies, all cities and towns, and other private property.

Although this department is called the Weed and Mosquito Department, the abatement of those pests are not our only duties. We are called upon to help in the building and maintenance of all county properties. For instance, this year we helped build our new animal shelter. We have also used employees to repair and build up our fairgrounds facilities so they are adequate to use

for big events which bring people into our county. This department also must be available to prepare grave sites when the county is called upon to bury indigent citizens in our cemetery. Although these and other activities take away from their pest our pest control duties, they are a necessary part of our service to Carbon County citizens.

As a businessman I am sure you appreciate the need to set priorities. Our first criteria for setting the priorities in this department is timing. We attempt to spray where the weeds will seed first, which generally occurs at lower elevations. We have to spray the farm areas and in cities and towns before we get to the mountains.

Although your letter of June 28th did not indicate our meeting, I believe it is important to recall that it was yourself and I, along with Paul Baker, who spent nearly half a day surveying your project needs and touring your property on during the third week in May. At that time I explained our department's procedures and priorities. After that, I brought department personnel back to your property to plan their attack of the problem. At that time the property was locked, so we were unable to enter. We later were able to get a key, and did spray the property in question on June 23. Since that time, the department loaned you a back pack sprayer along with chemicals at no expense to your company. At this time, we are confident that we have cut the infestation of noxious weeds on your property by half from last year.

With answering machines and phones, communication can be a problem. You should, however, recall the several messages I left on your machine in my attempt to answer your calls. It is unfortunate that in the past years certified seed was not used during all reclamation projects. We would not have the problem in your canyon with Dyers Wode if this had been the case. Your White Top was sprayed nearly two months before the date of your letter.

As always we appreciate any concerns our citizens have with our county government. If there are any other questions or concerns, we would be happy to speak with you. Thank you again for your concern with Carbon County.

Sincerely,


Mikel Johnson
Weed and Mosquito Supervisor

cc: Neil Breinholt
Paul Baker, DOGM
Steve Burningham
Mark Cook



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DIVISION OF
OIL GAS & MINING

Richard H. Allison
AMAX Coal West
165 South Union Blvd, STE 1000
Lakewood CO 80228

Dear Mr. Allison,

Receiving your letter of June 28, and understanding your concerns, I am convinced at this point that you have been misled, or for whatever reason misunderstand Carbon County's Weed and Mosquito department. It is unfortunate that you and I did not get to talk during the time of your frustration, especially if there is a problem in communication involved with the phones or messages. I know that can be very annoying.

I have checked into your concerns extensively both with the abatement department and the finance department and county clerk's office. For your information, I have enclosed with this letter the county clerk's response to my inquiry.

It is my understanding, although your letter did not so indicate, that there was quite a bit of participation with yourself, your project, and Carbon County's spraying. If not all of that participation has come before you, the gentleman that you met, our supervisor Mike Johnson who spent a half a day on your project walking over your concerns, will be writing to you to let you know all of the details of that involvement.

Each year we are faced with unique concerns. This year we have had high winds that have effected certain parts of the spraying and pest control that we have not had to deal with in the past. However, as far as noxious weeds are concerned, even with the high wind problem, we have been successful at spraying an equal amount to this time last year, and have used chemicals for weed control at as high a level as we have ever been able to.

Last year we had an incident involving the spraying on the road side to Cyprus Plateau Mine where it was questioned that spraying

Richard H. Allison
July 9, 1993
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was done in high wind conditions. There were trees that were damaged in that area. Although the cause of the damage to those trees was never determined, it heightened the awareness that there was a real critical problem in weed abatement in windy conditions. We have been plagued with that problem this year, but have had no reports of similar incident. I believe the county supervisor in that department is doing his very best to schedule crews in and out of the windy areas and times of the day to focus the most that he can toward spraying.

I realize there is probably some misconception about the funding of the department. In Carbon County, there has never been special taxation, mil levies, special service district, or any collection of monies from people specifically for the purpose of weed and pest control. The department is funded out of the general fund. Everyone in the department is funded by that same account.

There are other counties that do, in fact, have special service district and special taxation for their weed and pest control abatement. Carbon County is not one of those. Other counties also charge individuals and private industry for all spraying. In looking at surrounding counties that use this system, it is clear even from a drive through, that it is not as successful as Carbon County's approach. The White Top and other problems that you see in Utah County are almost invisible in this county by comparison.

Like the rest of the departments in the county, and in most all government offices, this department's employees have a diversity of duties to accomplish. Over the course of a year's employment they all wear several hats.

I have felt for a long time that the name of the department, weed and mosquito, has been inappropriate and especially leaves people wondering why we would have those employees working year round when spraying can only occur during some months, generally during spring and summer. This department grew out of a service and maintenance department and is still required to provide general maintenance for all county facilities. They are involved with many construction projects, and are a multi-talented crew who are often asked to do several times more than they are able to accomplish with their limited personnel and funding.

On our particular project at the fairgrounds, the only time the entire crew was tied up was during high winds in an afternoon following weed spraying which took place up until 2:00 p.m. that day. That was just one of the projects that was going on that several departments were involved with.

Richard H. Allison
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The spraying, however, except for the high winds this year, has been very effective. We have also had some particular problems with the moisture and water content, based on our winter. We have noticed increases in calls concerning mosquitos in areas that generally have had no problems.

The effect of this growth and increase awareness of pest control has meant that this department has evolved into much, much more than maintenance, and they have increased their weed and pest control measures several fold from their early beginnings.

Again, I believe it is unfortunate that there is misinformation about the total concern and responsibilities of the department, the funding of that department, the commission's relationship to that department, and I believe some of that misunderstanding may stem from a few employees or individuals.

There are currently three full time employees in that department, beside the supervisor, and one part time employee. We purchased a new spray truck last year which is doing a phenomenal job, and which allows us to accomplish six or seven times as much with one employee than we have in the past. Even so, we are now looking for one more part time help to finish out the summer.

It is not only proper for these employees to be doing other projects, but it is mandatory for them to fulfill their duties and qualify for year round work. Obviously, the emphasis in the summer months is weed and pest control, but there are projects which come up at the last minute when individual employees from several departments will be pulled together to accomplish a task.

I am concerned that you do not feel there was an adequate or timely response from Carbon County. It has been my experience with each of these types of concerned calls that when checked into, the supervisor, Mike Johnson, has done his very best to respond timely, and schedule according to what he thought was priority.

Some of your weed problems were running at a different growth schedule than the same type problems lower in the valleys. The White Top there was going to seed earlier, and the concentration of spraying was priority.

We have not, however, underestimated or written off your concerns and needs, and would be glad to help in any way we could in a timely matter considering our other obligations.

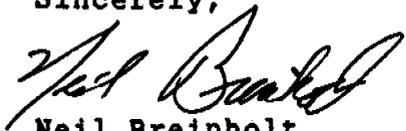
Please feel free to contact me directly, in addition to any communication you have with department personnel. I would be

Richard H. Allison
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glad to hear from you and get personally involved in scheduling our relationship with your project.

Thank you for your letter. I hope these facts help clear the air on this matter.

Sincerely,



Neil Breinholt
Carbon County Commission

NB/mn

cc: Raul Baker, DOGM
Steve Burningham
Mark Cook



CARBON COUNTY
PRICE, UTAH 84501

July 9, 1993

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Board of Carbon County Commissioners
120 East Main
Price, Utah 84501

DIVISION OF
OIL GAS & MINING

Attention: Neil Breinholt

Dear Commissioner Breinholt:

As per your request today regarding the county budgetary practices I submit the following clarification of the revenue source for the Weed and Mosquito department.

All departments in the County General Fund are funded with several different revenues. The County only sets one tax rate for the General Fund. We do not set special tax rates for any of the allowable items such as Flood Control, Tort Liability, Recreation, or Mosquito and Weed Abatement. The County has chosen not to do this in an effort to save the tax payer's money.

This practice in budgeting has been this way since I have been the County Budget Officer for the past sixteen years.

The County has not formed a special service district for mosquito and weed abatement because the overhead and duplication of administration costs do nothing but cost the tax payer more money. By keeping this department in the General Fund we have been able to eliminate those additional administrative costs.

Other items the County does to keep the personnel costs down is to use the weed and mosquito department personnel year around for other jobs like snow removal in the winter and for maintenance of County Buildings and Grounds when they are unable to spray. This has eliminated having to pay unemployment benefits on a crew that only works during the summer.

Carbon County has, to the best of their financial ability tried to keep the department up to date in the training and equipment necessary to do their jobs. The County purchased a new, state of the art, spray truck that cost in excess of \$50,000. This enabled the spray crew to spray more and at a less expensive cost.

It seems every year the cost of chemicals keeps going up which in turn cost the County more to perform the same function as the year before.

If you need any further information please let me know.

Sincerely yours,

Norman Prichard

Norman Prichard
Carbon County Clerk Auditor

Act/007/004 #2

AMAX COAL WEST, INC.

A Subsidiary of AMAX Coal Industries, Inc.

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JUL 09 1993

DIVISION OF

Post-It routing request pad 7664



Handwritten initials

ROUTING - REQUEST

Ms. Sharon Falvey
Division of Oil, Gas & Mining
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

Please

- READ
- HANDLE
- APPROVE

and

- FORWARD
- RETURN
- KEEP OR DISCARD
- REVIEW WITH ME

To FYI
DARON ✓
Paul ✓
STEVE ✓ to
File ACT/007/004
#2

Dear Sharon:

I appreciate you, Paul and Steve traveling to inspect the refuse pile project. I want you to know that the ditch to be constructed according to the plans and that the engineer who must certify the project upon completion of a permanent solution to the drainage problems at the refuse pile.

Date _____ From _____

The following is a summary of the discussions which we had during our meeting on July 1, 1993.

1. AMAX will contact the Division at various stages of construction, such as completion of grading work, completion of the installation of the bedding stone, and the completion of the riprap placement. The Division if it so desires may send an inspector to look at the project.
2. Some areas of the ditch did not meet the standards of plans, for depth and width. In order to correct the irregularities, I have instructed the contractor to build a template of proper width, depth and side slopes. The template will ensure that the ditch is constructed as closely as possible to the plan.
3. Areas where there is competent rock on the bottom of the channel will not require riprap. However, the bedding stone and the riprap on the side slopes of the refuse will need to be placed to the competent rock bottom.
4. AMAX will attempt to build cutoff walls at various locations along the length of the ditch in order to minimize the possibility of erosion under the riprap channel. The approximate size of the cut walls will be two feet wide x three feet deep, the width of the channel.

ACT/007/004
#2

AMAX COAL WEST, INC.

A Subsidiary of AMAX Coal Industries, Inc.

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JUL 09 1993

DIVISION OF
OIL GAS & MINING



July 6, 1993

Ms. Sharon Falvey
Division of Oil, Gas & Mining
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

Dear Sharon:

I appreciate you, Paul and Steve traveling to Castle Gate Mine and taking the time to inspect the refuse pile project. I want you to know that I am as concerned as you are that the ditch be constructed according to the plans and once it is finished, it will function properly. As the engineer who must certify the project upon completion, I want this remediation to be a permanent solution to the drainage problems at the refuse pile.

The following is a summary of the discussions which we had during our meeting on July 1, 1993.

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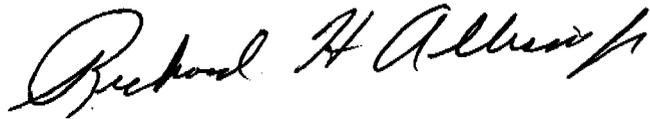
Letter to Sharon Falvey
July 6, 1993
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5. Brown colored soil materials will be segregated during the backfilling process in order to provide the best possible soil for revegetation.
6. An attempt will be made to undercut the existing riprap channel at the location where the new structure meets the old grouted channel.

The Division decided at this meeting only to grant an extension until August 2 for the abatement of NOV 92-39-7-1. This is significantly less time than the original request by AMAX in my June 1 letter which requested an extension of abatement period until August 31, 1993. Approximately two weeks prior to the August 2 deadline, AMAX will assess the construction situation at the site and determine whether or not to request another extension to the abatement time period. Included in this request will be documentation by the contractor as to the necessity for the extension of time.

If I have misstated anything pursuant to this meeting, Sharon, please let me know.

Sincerely,



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

RHA:njt

cc: Tom Lien