

Document Information Form

Mine Number: C/007/006

File Name: Incoming

To: DOGM

From:

Person N/A

Company OFFICE OF HEARINGS AND APPEALS

Date Sent: OCTOBER 25, 1977

Explanation:

PETITIONS FOR MODIFICATION.

cc:

File in:
C/007, 006, Incoming

Refer to:

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United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS

Hearings Division
6432 Federal Building
Salt Lake City, Utah 84138
(Phone: 801-524-5344)

October 25, 1977

PLATEAU MINING COMPANY, : Petitions for Modification
: :
: Petitioner : Docket No. M 77-193
: :
v. : Docket No. M 77-194
: :
MINING ENFORCEMENT AND SAFETY : Docket No. M 77-195
ADMINISTRATION (MESA), :
: Star Point No. 2 Mine
Respondent :
: :
UNITED MINE WORKERS OF :
AMERICA (UMWA), :
: :
Respondent :

DECISION

Appearances: James T. Jensen, Esq., Price, Utah, for petitioner;
Edward H. Fitch, Jr., Esq., Office of the Solicitor,
Department of the Interior, Arlington, Virginia,
for respondent, MESA.

Before: Administrative Law Judge Mesch

Pursuant to section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c), Plateau Mining Company filed a petition for modification of the application of 30 CFR 77.214(a), 77.215(a), and 77.215(h) to its Star Point No. 2 Mine located in Carbon County, Utah. The petition alleged, among other things, that the compaction, slope and

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distance requirements for refuse piles specified in the regulations should be waived because their application would create conditions more hazardous than the present refuse pile. The petition was assigned the above three docket numbers.

MESA filed answers to the petition stating that it would conduct a complete investigation and the results of the investigation would be made known by amended answers. No answer was filed by any representative of the miners at the mine. After completing its investigation, MESA filed amended answers stating that it was of the opinion the petition should be granted subject to three conditions stated in a memorandum attached to the amended answers.

The petitioner and the United Mine Workers of America were directed to show cause why the petition should not be granted subject to the three conditions specified by MESA. No response has been filed by the UMWA. The petitioner filed a document consenting to the granting of the petition subject to the conditions specified by MESA.

Based upon the pleadings filed herein and the investigative report prepared by MESA's technical experts on mine safety, it is determined that, if the conditions hereinafter ordered are complied with, the present methods of disposal of refuse at the petitioner's Star Point No. 2 Mine will at all times provide a no less effective means of maintaining safety than that provided for in 30 CFR 77.214(a), 77.215(a) and 77.215(h).

It is ordered, therefore, that the petition be granted as to the present refuse pile at the petitioner's Star Point No. 2 Mine provided there is full compliance with the following conditions:

1. Only material removed from faults, roof falls and rock excavations should be disposed at this site. Refuse from these areas does not contain any appreciable amounts of coal or coal fines, and therefore presents no fire hazard.
2. Approval of the size and location of any access ramp, needed to remove build-up of refuse from below the discharge point of the conveyor belt, shall be received from the District Manager prior to the operation of equipment on the pile.

3. Two warning signs should be posted at the bottom of the refuse pile to warn of falling rock and material. These signs should be located on each side of the valley bottom about 100 to 200 feet from the toe of the pile.

Robert W. Mesch

Robert W. Mesch
Administrative Law Judge

Distribution
By Certified Mail

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Jensen & Jensen
190 North Carbon Avenue
Price, UT 84501

Office of the Solicitor
U. S. Department of the Interior
Mine Health and Safety Division
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Washington, DC 20240

Harrison Combs, Esq.
United Mine Workers of America
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Standard Distribution



United States Department of the Interior

MINING ENFORCEMENT AND SAFETY ADMINISTRATION
COAL MINE HEALTH AND SAFETY
DISTRICT 9
POST OFFICE BOX 15087
DENVER, COLORADO 80215

December 16, 1977

In Reply Refer To:
EMS-D9-6029

E. A. Shaw, Safety Director
Plateau Mining Co.
P.O. Drawer PMC
Price, UT 84501

Re: Refuse Pile I.D. #1211-UT-9-0026
Star Point #2 Mine - Lion Portal
I.D. #42-00171

Dear Mr. Shaw:

The plan submitted on November 21, 1977, for the construction of the access ramp on the Star Point No. 2 Refuse Pile, I.D. # 1211-UT-9-0026, has been approved and placed on file at this office.

Sincerely yours,


John W. Barton
District Manager

Enclosure



PLATEAU MINING COMPANY

Refuse Pile No. 1211-UT-9-0026

Access Ramp

1. The access ramp will be inspected by a M.E.S.A. qualified person under 77.216-3 impounding structures for instability before the dozer advances on the ramp.
2. The ramp will be maintained at $1\frac{1}{2}$ times the width of the dozer.
3. A four foot berm will be constructed along the edge of the ramp up to the discharge point of the material being pushed.
4. The high wall will be kept at a slope equal to the angle of repose. As close to the belt as possible.

