

Document Information Form

Mine Number: CI007/006

File Name: Internal

To: DOGM

From:

Person N/A

Company STATE OF UTAH

Date Sent: N/A.

Explanation:

CAUSE NUMBER OSM-001

cc:

File in:
CI 007, 006, Internal

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BEFORE THE DIVISION OF OIL, GAS, AND MINING
DEPARTMENT OF NATURAL RESOURCES
in and for the STATE OF UTAH

IN THE MATTER OF CONSIDERING THE
GRANTING OF AN EXTENSION TO THE
DEADLINE AS SET FORTH UNDER SECTION
710.11(d) OF THE REGULATIONS ADOPTED
BY THE U.S. DEPARTMENT OF INTERIOR
IN ACCORDANCE WITH PUBLIC LAW 95-87,
SURFACE MINING CONTROL AND RECLAMATION
ACT.

CAUSE NO. OSM-001
Plateau Mining Company

The above entitled matter came on for hearing before Cleon B. Feight,
Hearing Officer, on the 3rd day of May, 1978, in the Executive Conference
Room - Holiday Inn, 1659 West North Temple, Salt Lake City, Utah.

The following members of the staff were also present and
participating:

- Ronald W. Daniels, Coordinator of Mined Land Development
- Brian W. Buck, Engineering Geologist
- James W. Smith, Reclamation Soils Specialist
- Michael Thompson, Reclamation Hydrologist

Appearances were made as follows:

- For Plateau Mining Company: Tom Bailey,
General Manager
- Steve Rigby,
Mine Engineer

NOW THEREFORE, the hearing officer having considered the testimony
of the witness and all exhibits introduced and received in the course of
said hearing and in all respects being fully advised of the premises, makes
and enters the following Findings of Fact and Conclusion and renders an
Order as follows:

FINDINGS OF FACT

1. That the Division has the authority under applicable law
to make and enter the order set forth herein.
2. That due, proper and regular notice of the time, place and
purpose of the hearing was given to all interested parties in the form and
manner and within the time prescribed by the rules and regulations of the
Board and the Mined Land Reclamation Act.
3. That Plateau Mining Company owns and operates the Star Point
No. 1 and No. 2 coal mines, Carbon County, Utah, and that said mines are
underground mining operations.

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4. That there is existing on said mining properties certain structures and/or facilities that might not conform with the requirements of the performance standards set forth in Section 717 of the rules adopted under Public Law 95-87 (Surface Mining Control and Reclamation Act).

5. That said non-conforming structures and/or facilities are described in Exhibits A, B, and the transcript (pp 36-42) which are attached hereto and made a part of this order.

6. That "Interim Final Rules" establishing General Performance Standards were adopted December 13, 1977 and amended January 19, February 7 and February 27, 1978.

7. That this mine is at an elevation of 8,500 feet and snow pack generally persists into the spring months.

8. That United Mine Workers of America were on strike from December 6, 1977 until approximately March 27, 1978.

CONCLUSION

That because of the operators uncertainty as to his legal obligations under the rules; the weather and ground conditions; and the strike of the United Mine Workers, it is physically impossible to bring the structures and/or facilities into compliance by the May 3, 1978 deadline.

That pursuant to the foregoing Findings of Fact and Conclusions the hearing officer hereby makes the following:

ORDER

That subject to approval by the Office of Surface Mining and the Secretary of the Department of Interior, the applicant is hereby granted an extension as authorized by Section 710.11(d)(2) of the rules pertaining to pre-existing non-conforming structures and/or facilities, in order to bring them into compliance no later than November 4, 1978.

DATED this 3rd day of May, 1978.

DIVISION OF OIL, GAS, AND MINING

Cleon B. Feight
CLEON B. FEIGHT, Hearing Officer