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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340

October 14, 1988

CERTIFIED RETURN RECEIPT REQUESTED  
(#P 879 596 377)

Mr. Robert Hagen, Director  
Office of Surface Mining  
Reclamation and Enforcement  
Suite 310, Silver Square  
625 Silver Avenue, S. W.  
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

Re: TDN (#X88-02-107-9 TV1), Cyprus-Plateau Mining Company,  
Starpoint Mine, ACT/007/006, Folder #5, Carbon County, Utah

This letter responds to the above referenced Ten-Day Notice (TDN), the certified copy of which was received at the Division's offices October 3, 1988.

Number 1 of 1 was issued for "Failure to divert all surface drainage from the area above the coal processing waste and from the crest and face of the waste in accordance with the requirements of the regulations: failure to divert surface water from the area above the fill through diversion channels designed to pass safely the runoff from the 100-year, 24-hour precipitation event."

Response: The Division concurs with OSM that the correct design event was not utilized for the diversions associated with the coal refuse area. OSM initiated this error in issuing a defective permit for the Star Point Mine in 1982. Further, DOGM erred in not identifying this permit defect in the recently completed five year renewal. Therefore it is not appropriate to issue enforcement action to the company at this time.

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Since the applicable design event, the 100-year, 6-hour event is less in magnitude than the currently approved 10-year, 24-hour event, the existing design calculations are in excess of the requirements. Rectification of this problem appears to be academic in nature, and resubmission of designs is not the recommendation of the Division at this time.

Sincerely,

*Lowell P. Braxton*  
Lowell P. Braxton  
Administrator  
Mineral Resource Development  
and Reclamation Program

TM/djh  
cc: B. Grimes, Plateau  
R. Orell, OSM  
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WP+/33-34