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RECEIVED
DEC 20 1989

December 18, 1989

Mr. Lowell Braxton
State of Utah Natural Resources
Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

DIVISION OF
OIL, GAS & MINING

*Paul Joe
let's do a
conference call with
Bill M. Early in 1990
I need to respond to Ben.
Thur
Jan 12-21*

Re: Information Pertaining to Violation N89-26-22-2

Dear Mr. Braxton:

The following is presented in response to Violation N89-26-22-2, issued by Bill Malencik on December 13, 1989. The violation consists of two parts; each will be discussed separately.

1 of 2

The provision of the act, regulations, or permit violated lists UMC 817.42 (a)(1) and UMC 817.42 (a)(3) as having been violated. While it is true that the three areas in question have not formally been designated as Alternative Sediment Control Areas ((a)(3)), there are some sediment controls in place.

The "area that drains into sediment trap S-11" drains into sediment trap S-11 obviously, so how can it violate UMC 817 (a)(1) which states "... drainage from the disturbed area ... shall be passed through a ... treatment facility before leaving the permit area."?

The "explosive storage area" consists of three structures -- a powder magazine (12' x 12' x 6' high - steel box), and two cap magazines (4' x 5' x 5' high - steel boxes). The powder magazine is in an area where runoff flows through a sediment filter structure consisting of straw bales and/or sediment filter fabric, which is a treatment facility. All three structures are of steel construction and store explosives and create no contamination, nor do they contribute to pollution leaving the permit area.

Both of these areas have been the subject of much discussion in the past with Division technical staff and inspectors. In the first area (sediment trap S-11), this trap is included in our approved runoff control plan. The second area (explosive storage area), has been the subject of a previous violation which was resolved in part by installing the sediment filter.

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This part of the violation is an administrative issue, and should be resolved by completing the paper work without the necessity of a violation. We request the violation be vacated.

2 of 2

The provision of the act, regulations, or permit violated lists UMC 817.45(iii) and (e) as having been violated. Provision (iii) states "Minimize erosion to the extent possible." "To the extent possible" seems to indicate that some point is reached where reason dictates that "enough is enough." In the case of our operation, where we are in extremely steep terrain, where the soils are highly erosive, and where our runoff control plan has to be very complex, when is "enough" enough? We propose that the runoff control facilities in existence today are enough. If we are continually required to provide controls for every erosion site on the property, we soon will have a system that is impossible to maintain.

The area of the violation in question is in the disturbed area that flows to sediment pond No. 5. There is no topsoil being affected, and no harm is being caused by the minor erosion. We request the violation be vacated.

Respectfully,



Ben Grimes
Sr. Environmental Engineer

/kam

Chrono: BG891204

File: ENV 2-5-2-5, N89-25-1-1