



Norman H. Bangarter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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

April 28, 1989

TO: File *LPR*

FROM: Lowell P. Braxton, Administrator

RE: Citizen's Complaint on Permitted Mining Operation,
ACT/007/007, Folder #2 and #3, Carbon County, Utah

On April 3, 1989, I received a call from Steve Rathbun of Office of Surface Mining, Reclamation and Enforcement, Albuquerque (OSMRE), informing me that his office had received an anonymous citizen's complaint dealing with an unpermitted mining operation.

I asked Steve which mine he was referring to, and he indicated it was the Sunnyside Mine, and that the complainant had alleged that this mine was operating without a permit. I indicated to him that I had seen, although I did not have a copy, of a reclamation agreement between Sunnyside Reclamation and Salvage and the Division, indicating that bonding arrangements have been reached, and that a permit transfer from Kaiser Coal Corporation to Sunnyside Reclamation and Salvage concerning the above referenced mine was in progress, and that based on my understanding of that reclamation agreement, the Division considered the Sunnyside Mine to be a permitted mine.

Subsequent to that conversation, I investigated the cooperative agreement between Utah and the Federal Government, specifically Article VII, B, that deals with citizen complaints. I quote, "all citizen complaints which do not involve an immanent danger of significant, immanent, environmental harm will be referred to Division of Oil, Gas and Mining for action."

Page 2
Memo to File
ACT/007/007
Citizen's Complaint
April 28, 1989

The conversation with Mr. Rathbun did not infer that immanent harm existed. On this basis, I believe that resolution of this citizen's complaint should be left to the Division, and I am awaiting formal notification of that by OSMRE, should they deem it appropriate.

djh
cc: D. R. Nielson, Director
AT/18/35-36