

OGMCOAL - Re: Fwd: Utah Railway contact info?

From: Mark Reynolds <mreynolds@etv.net>
To: April Abate <aprilabate@utah.gov>
Date: 1/5/2010 11:31 AM
Subject: Re: Fwd: Utah Railway contact info?
CC: <OGMCOAL@utah.gov>, Steve Demczak <stevedemczak@utah.gov>

April,

Your email shows that you still don't understand the situation. As I mentioned in the previous email that area is not disturbed, there are no coal fines migrating off our disturbed area. The pictures you took are an area that does not meet the requirements of SMCRA and that we have no control over. If I look at my neighbors yard and decide I don't like something and go in to fix the problem, although I may have had good intentions I am still trespassing.

In regards to our desire to do the right thing, I am all for doing the right thing, for instance the many homeowners that are under water on their mortgages because of predatory practices of the banks, I feel that the right thing to do is to help them, but I don't have the financial resources to do it right now. You have to realize during periods of financial hardship there is a limit to how much charity work we are willing to do.

Also as operators we are always concerned with the creep effect, this area you are taking about is just a small part of the Utah Railway property, but is typical of the conditions you find along their property if we were to commit to take responsibility for this site their is a concern the Division my try to have us maintain the entire stretch of Utah Railway property which would be a considerable financial hardship to us that we can't afford right now.

Additionally the argument could be made that the small amount of fines reaching the river from this very small stretch you took pictures of is minimal and actually acts as fertilizer and is beneficial to down stream users

When you say you are trying to do your job and do the right thing for these sites, I assume you mean mine sites, because that is your job and I commend your efforts, but the area we are talking about is not a mine site which is why it was excluded from the permit. I am sorry if the previous discussions and emails did not clarify this fact.

I hope that by sites you did not mean any site (industrial or other) that you don't like the look, while I am all for cleaning up all sites, the job of the Coal program is to regulate coal mine sites in accordance with the coal regs. There are other entities looking after the other areas, one for example is SUWA, their employees are paid to try to correct any thing they consider an environmental problem, so yes, if you are working for one of those other entities this would be an area you would try to correct. As I mentioned earlier I hope that you just misunderstood that this area was not part of the mine site because just as I would not pay somebody to go work at Wal-Mart, the Division should not pay somebody that is going beyond the work the Division was chartered to do and doing the work of another entity, this would be mismanagement of public funds.

In regards to our willingness to work with the Division, your inspectors and other reviewers at the Division can tell you that many times we have committed or agreed to exceed the statutory or regulatory requirements in actions taken on our mine sites in the spirit of working with the Division and doing the right thing. But you must realize this is not my mine site and due to current financial conditions we are unwilling to do this charity work. Also it is not any body's mine site and does not meet the requirements of SMCRA so it is outside the statutory authority of the Division.

Also, my comments about Utah Railways position was in no way critical of the Division, but in the past when we have asked Utah Railway to do maintenance on this stretch of line they have always declined to do it, or asked us to provide some of the financial backing for the projects, especially since the destruction of their bridge by an arsonist.

Mark

April Abate wrote:

Mark,

The problem is with the berm and not so much with the catch basin that you addressed in your response. I understand that it is on the ROW, but Hiawatha has made attempts to repair the berm in the past. Why not just try to do the right thing and keep up with it and keep the coal fines from migrating off the disturbed area? Here are some of the photos I took of the conditions of the berm during the midterm inspection.

The people here are just trying to do our jobs and do the right thing for these sites. I was pretty disappointed by the tone of your email. I really hope you and Hiawatha will make a better effort to work with us. More and more it seems to me that for every step forward we take, we end up taking two steps back.

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>>> Steve Demczak 1/5/2010 6:15 AM >>>





