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U. S. Department of Labor

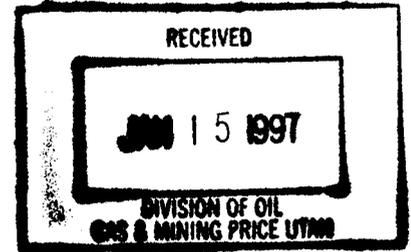
Mine Safety and Health Administration
P.O. Box 25367
Denver, Colorado 80225-0367



Coal Mine Safety and Health
District 9

DEC 10 1996

Denise A. Dragoo
Van Cott, Bagley, Cornwall & McCarthy
P.O. Box 45340
Salt Lake City, UT 84145-0450



RE: Wellington Loadout
I.D. No. 42-00099
Plant Refuse Pile
ID No. 1211-UT-09-00099-01
(Former ID No. 1211-UT-0010)
Request for Reconsideration

Dear Ms. Dragoo:

This is in response to the requests for reconsideration received from the Law offices of Van Cott, Bagley, Cornwall & McCarthy, letter dated August 30, 1996, and October 17, 1996.

MSHA's Pittsburgh Safety and Health Technology Center, Mine Waste and Geotechnical Engineering Division, (Denver office) personnel conducted an on site visit.

Based on this visit, MSHA has reached the following conclusions:

1. The site does fall under MSHA jurisdiction,
2. The site (facility) has been active as recently as 1994,
3. The impoundments at this site are being inspected weekly,
4. The refuse site has had material placed on it since 1984.

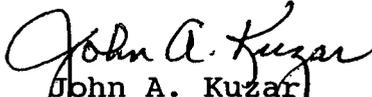
Title 30 CFR, Part 77.215(h), standard specifies that all refuse pile slopes be not steeper than 27° degrees (2h:1v) and that the pile be constructed in such a manner that the stability minimum safety of factor be equal to or greater than 1.5. Wellington Loadout's refuse pile has exterior slopes steeper than 27° degrees (2h:1v) and the pile's stability factor of safety has been determined to be approximately 1.1, which indicates that the pile does not meet the required factor of safety in some areas. Therefore; the requested construction configuration for the subject pile is not granted.

In conclusion it has been determined that the refuse site must be in compliance with MSHA standards which include Title 30 CFR, Part 77.215 (h).

Also, the legal identity report officially lists the facility as "Wellington Loadout", this name is reflected in this letter.

If you have any questions, please contact Bob Cornett at this office, (303) 231-5462.

Sincerely,


John A. Kuzar
District Manager

Enclosure

cc: Stephen J. Demczak, Reclamation Specialist
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Division of Oil, Gas and Mining
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