



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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December 11, 2001

To: Internal File

From: Pamela Grubaugh-Littig, Permit Supervisor 

Re: Explanation and Response to SUWA Exhibits Regarding AVS Issues, Received November 28, 2001, Horse Canyon Mine, UtahAmerican Energy, Inc., C/007/013

This memo outlines the responses to the SUWA Exhibits that were submitted November 28, 2001 for the December 4, 2001 Board Hearing.

Exhibit 90: This exhibit is from the Lila Canyon application and is the list of violations for the past three years for all of the UtahAmerican Energy, Inc. affiliates. A "potential" violation is listed for the Maple Creek Mining, Inc. Preparation Plant. No violation number is noted but an issue date of March 26, 1998 is given. It also states "MCMC is under a schedule for compliance. No fines have been issued." I spoke with Chad Riddle at the DEP-BAQ (Department of Environmental Quality in Pennsylvania, Bureau of Air Quality, phone number 412-442-4000) on December 3, 2001. He said that he checked the files for Maple Creek Mining and noted that there was a violation issued on May 10, 1998, but could not find a termination date. He said that he started in 1999 and there was no Air Quality violation there when he started. He said that he can safely say, that Maple Creek Mining is in compliance at this time.

This violation was not a hindrance to permit issuance on July 27, 2001.

Exhibit 91: This is the final TA from the Administrative Record about violation information. This actually alludes to the Bureau of Air Quality of Violation that has been terminated.

The TA should have been updated at the time of permit issuance.

Exhibit 92: This is an AVS report for the Maple Creek Mine in Pennsylvania that was run on November 5, 2001 that shows there is an outstanding "violation" (#12163, dated March 22, 2001) issued by the State of Ohio to Belmont Coal Company. The violation actually refers to Civil Penalty Assessment Number 12163, for Cessation Order #8614, written as a failure to abate for violation #21197. Cessation Order #8614 was terminated on February 12, 2001. The civil

Penalty for the cessation order was not input into the AVS by Ohio personnel until November 2, 2001. (Personal communication with Scott Stiteler, AVS coordinator for the Ohio State program, on November 30, 2001.)

This civil penalty was not on AVS at the time of permit issuance on July 27, 2001.

Exhibit 93: Copy of violation #21197 for Belmont Coal Company issued on October 31, 2000. Copy of failure to abate cessation order #8614 (for violation #21197) issued on December 14, 2000. (This violation was terminated on February 12, 2001, per personal communication with Scott Stiteler on December 3, 2001.)

This failure to abate cessation order was terminated on February 12, 2001 and need only be listed in the application.

Exhibit 94: Copy of the AVS Users Index.