

0005



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

Michael O. Leavitt
Governor
Kathleen Clarke
Executive Director
Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

January 9, 2002

TO: Compliance File

FROM: Pamela Grubaugh-Littig, Permit Supervisor 

RE: 510 (c) Recommendation for UtahAmerican Energy Inc., Horse Canyon Mine, C/007/013

As of this writing of this memo, there are no NOV's or CO's which are not corrected or in the process of being corrected for the Horse Canyon Mine. There are no finalized civil penalties, which are outstanding and overdue in the name of Utah American Energy, Inc. UtahAmerican Energy, Inc. does not have a demonstrated pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

Attached is an OSM recommendation from the Applicant Violator System (AVS) with a notice that there was one violation retrieved by the system. This link is to a state violation issued to Belmont Coal Company in Ohio and is coded "C" in the AVS. (This violation refers to a 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. This is now identified as OH D1020 in the AVS).

I contacted Scott Stiteler, Environmental Specialist at the Ohio Division of Mineral Resources Management (614-265-6431) on January 8, 2002. He verified that the civil penalty in question is under administrative remedy and is in the process of being resolved, i.e. a conference has been scheduled. Therefore, this is not a permit block. But the permit is issued "conditionally" until the matter is resolved. The condition is that "UtahAmerican Energy, Inc. must notify the Division of the resolution of the Belmont Coal Company (OH D1020) within 15 days of its resolution."

sm

O:\007013.HOR\Compliance\AVS_010902.doc

State : UT Permit No	ACT007013	Appl No	ACT007013
Permittee :	146487(UTAHAMERICAN ENERGY INC)	Seqno :	2
Applicant :	146487(UTAHAMERICAN ENERGY INC)		

OSMRE: Comments/Analysis: Date : 09-Jan-2002 Mode : UPDATE
The state violation of Belmont Coal (OH D1020) is coded 'C',
indicating a settlement, payment plan, or pending challenge. Linking
entities are Clyde Borrell and Robert Murray. aw

SRA: Comments/Analysis: Date : Mode : VIEW

SAVE (F5) DELETE (F8)
 PRV_SCR (F3) QUIT (F4) CHOICES (F10)