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United States Department of the Interior  
OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
219 CENTRAL AVENUE, NW  
ALBUQUERQUE, NEW MEXICO 87102

September 2, 1983

*Joe - for your  
copying. Then  
fill in ACT/007/016  
NOV file  
cc: to Ope + Bart  
and file in #7  
of act/007/016*

CERTIFIED MAIL NO. P213300660  
RETURN RECEIPT REQUESTED

Dr. Jim Shirazi, Director  
Division of Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, UT 84114

Subject: Ten-Day Notice No. 83-II-242-7

Dear Dr. Shirazi:

Attached is the subject Ten-Day Notice that is issued as a result of a Federal oversight inspection conducted on August 16, 1983 at the Gordon Creek #2 Mine.

Please notify the Office of Surface Mining (OSM) within ten days of receipt of this letter as to what action Utah's Division of Oil, Gas and Mining intends to take regarding this matter.

If you have any questions, please contact either Jodie Merriman or myself.

Sincerely,

For  
Robert H. Hagen, Director  
Albuquerque Field Office

Enclosure

RECEIVED  
SEP 07 1983

DIVISION OF  
OIL, GAS & MINING

UNITED STATES DEPARTMENT OF THE INTERIOR  
 Office of Surface Mining  
 Reclamation and Enforcement  
**TEN-DAY NOTICE**

Originating Office:  
 OSM - Albuquerque Field Office  
 219 Central Avenue, NW  
 Albuquerque, NM 87102  
 Telephone Number: (505) 766-1486

Number: X - 83 - II - 242 - 7 TV

Ten-Day Notice to the State of Utah

You are notified that, as a result of Federal inspection on 8/16/83 (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: Beaver Creek Coal Company  
(Or Operator if No Permit)

County: Carbon

Surface

Mailing Address: P. O. Box AU, Price UT

Underground

Permit Number: ACT/007/016

Mine Name: Gordon Creek #2

Other \_\_\_\_\_

NATURE OF VIOLATION AND LOCATION: UMC 817.153(a)(2) Failure to provide adequate sediment control on the portion of the county road between the Gordon Creek #2 Mine and the Gordon Creek #3 and #6 Mines. OSM has determined that this portion of the county road should be considered a Class I haulroad and subject to those regulations. This decision is based on the fact that the coal company is responsible for maintenance of this road

and it is therefore not considered a public road by definition (30

Section of State Law, Regulation or Permit Condition believed to have been violated:

CFR 710.5 and 30 CFR 701.5, Federal Register published 4/5/83)

NATURE OF VIOLATION AND LOCATION: \_\_\_\_\_

Section of State Law, Regulation or Permit Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: \_\_\_\_\_

Section of State Law, Regulation or Permit Condition believed to have been violated:

Remarks or Recommendations: \_\_\_\_\_

Date of Notice: 8/31/83

Signature of Authorized Rep.: Jodie Merriman

Print Name and ID: Jodie Merriman #242

OK-Ron

*[Handwritten signature]*

September 13, 1981

Robert T. Hagen, Director  
U.S. Department of the Interior  
Office Surface Mining Reclamation  
and Enforcement  
219 Central Avenue, N.W.  
Albuquerque, New Mexico 87102

Dear Bob:

This letter is in regard to the ten day notice issued to the Utah Division of Oil, Gas and Mining (UDOGM) requesting a determination as to what action will be taken on mining company use of county roads.

As you are well aware, our situation here in Utah does not parallel that existing in the eastern mining states where a county judge or official will issue a document stating that the road is in the county system as a favor for the operator. Here, the counties vigorously oppose any coal operator takeover of a heretofore county road because the county receives significant funding for those roads from the federal government. Those funds, however, may be applied to maintain those same roads which the counties claim to be theirs.

The UDOGM has been discussing the matter of applying haul road performance standards to these roads for a month or so and has determined that the reasonable way to proceed is to call each operator before the Board of Oil, Gas and Mining (Utah's adjudicatory body for mining matters) for a determination as to whether the road is:

- 1) maintained with public funds, and
- 2) has significant public use.

Failure on the part on the part of the operator to prove these elements will result in a finding that the road is not a county road for the purposes of the mining laws and therefore must be permitted and maintained in line with Sec-

Robert H. Hagen  
September 13, 1983  
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tion 40-10-1 et seq. U.C.A. Subsequent to such a finding, the UDOGM will allow a reasonable time (to be based upon the facts of each case) to comply with the haul road standards. Failure to finally conform will subject the operator to enforcement action.

As per our telephone conversation of September 9, 1983, and my telephone conversation with Bill Schmidt on that same day, the UDOGM will be sending out letters soon after next week's Board hearing (September 22) informing all coal operators of the intended action.

If you have any further questions regarding Utah's management of their program, please feel free to contact either me or the UDOGM. It seems much more effective to communicate verbally concerning apparent problems with any necessary written confirmation following as our meeting in Albuquerque exhibited.

I will send you a copy of our next settlement agreement on mining violations and also copies of the letters sent on the county/haul road matter.

Sincerely,

BARBARA W. ROBERTS  
Assistant Attorney General

BWR/dp