File ACT/007/022

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ARCO Coal Company
Permits and Compliance Group
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DIVISION OF
OIL, GAS & MINING

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July 21,1981

Mr. James W. Smith, Jr.
Coordinator, Mined Land Development
Division of Oil, Gas and Mining
Utah Department of Natural Resources
1588 West North Temple
Salt Lake City, Utah 84116

Dear Mr. Smith:

On March 23, 1981, applications were filed for the Huntington Canyon No. 4, Gordon Creek No. 2 and Gordon Creek No. 3 and 6 mines as required under UMC 771.21(b) of the Utah Mining and Reclamation Permanent Regulatory Program. A permit application filed August 8, 1980, for the Castle Valley Spur Coal Processing and Loadout Facility was deemed to fulfill the above requirements (see Benjamin Costello III correspondence to DOGM, March 5, 1981).

Chapter 40-10-9 (1), Utah Code Ann., and Part UMC 771.11 of the regulations implementing the Act, provide that on and after 8 months from the date of an approved regulatory program, no person shall engage in mining activities unless that person has first obtained a valid permit issued by the Division under the approved program. Part UMC 771.13(b) does allow continued operations under an interim program permit if a complete application has been filed but the Division has not yet rendered an initial decision with respect to the application. ARCO's concern is that the Division has not issued CV Spur an approved interim permit under which operations may continue under the authority cited above after September 20, 1981.

Although completion of review and issuance of a CV Spur permanent program permit by September 20 appears highly unlikely, ARCO did receive the Division's Apparent Completeness Review (ACR) of the CV Spur application on April 3, 1981.

In this situation, I believe that it is reasonable and proper for ARCO to be issued an Interim Permit under Part 771.13(b) for ongoing operations at CV Spur until its Permanent Program application is acted upon. I hereby request that the Division issue such a permit prior to September 20.

I am available to discuss this situation at any time. Please feel free to contact me if you have any questions.

Sincerely,

Ken W. Wangerud
Coordinator
Permits and Compliance

KWW/blh