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Beaver Creek Coal Company
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April 14, 1983

Sandy Pruitt
Field Specialist
Utah Division of Oil, Gas and Mining
4241 State Office Building
Salt Lake City, Utah 84114

RECEIVED

APR 18 1983

DIVISION OF
OIL, GAS & MINING

RE: C.V. Spur Permits ACT/007/022
Folder No's ③ & 7
Carbon County, Utah

*file →
cc. cover to #7*

Dear Sandy:

Pursuant to your letter of March 29, 1983, Beaver Creek Coal Company (BCCC) hereby submits the requested information and designs for our C.V. Spur Coal Processing and Loadout facility. The material consists of text, figures and drawings that have been completed from information that will be submitted in mid May with the Beaver Creek Permanent Program Permit to Mine application.

It should be noted that with the submission of this material, Beaver Creek Coal Company does not relinquish our position that we were not operating the refuse area or the Trail Mountain truck dump at C.V. Spur without proper regulatory approvals. The expansion of the refuse area is covered in the original C.V. Spur Interim Permit application (MR form #1 and MR form #2). All procedures for operation of the refuse area were provided in that application, along with a map indicating areas to be disturbed in the future. This future disturbed area clearly contains the area of expansion. At no time under the Interim Permit did Beaver Creek Coal Company operate or expand the C.V. Spur refuse area in a manner different from that described in the above referenced permit application.

As indicated in the attached discussion concerning the Trail Mountain truck dump, construction of the facility commenced in October, 1980. At that time, OSM was administering the Surface Mining Control and Reclamation Act (SMCRA) in Utah, which in their opinion included regulation of activities at the C.V. Spur facility. As explained and documented in the attached material, an OSM concurrence of construction and operation of the truck dump and related facilities was obtained by their receiving Beaver Creek's acceptance of a stipulation to monitor particular matter.

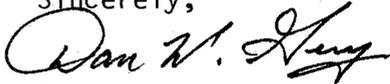
It was after regulatory approval of and commencement of construction of the facility in question that the State of Utah Division of Oil, Gas and Mining received primacy for administration of SMCRA. Included in the transfer of primacy from OSM to Utah was the understanding that all approvals made by OSM under SMCRA would carry over to the state program. It is under this premise that Beaver Creek Coal Company feels that proper approval to construct the Trail Mountain truck dump was gained.

As you know, the time spent by both Beaver Creek and DOGM personnel in researching this matter, as well as the time spent compiling the requested information, was extensive. The time required to respond to these questions has taken time from other projects important to the DOGM as well as to Beaver Creek Coal, such as the ACR response on C.V. Spur and the final approval of the plant overflow pond at the Spur.

It is Beaver Creek's position that the DOGM action concerning this matter was somewhat spontaneous and that further research could have been conducted by the agency to determine the ultimate approval status of the facilities in question. It should also be pointed out that BCCC would have had no problem submitting the requested information under a time frame that could easily have been fitted into our current C.V. Spur ACR response schedule which, as explained to various DOGM personnel, was to be within three weeks of this deadline. Since no environmental harm was being caused by these two year old projects, it is difficult to understand why an additional three weeks to respond was too much to ask.

If there are any questions concerning the above information or the material attached with this letter, please do not hesitate to contact Scott Raymond or myself at Beaver Creek Coal Company.

Sincerely,



Dan W. Guy
Permits Manager

DWG/pjm

cc: R. Daniels DOGM
J. Helfrich DOGM
J. Smith DOGM
J. Shirazi DOGM
File #4-P-4-2