

0012



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

Michael O. Leavitt
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Division Director

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801-538-5319 (TDD)

January 23, 1995

Ken Rait, Issues Director
Southern Utah Wilderness Alliance
1471 South 1100 East
Salt Lake City, Utah 84105

Re: Cessation Order C94-39-1-1, Andalex Resources, Inc., Wildcat Loadout, ACT/007/033, Folder #2, Carbon County, Utah

Dear Ken:

I am writing in response to your letter of January 20, 1995, inquiring about the above identified Cessation Order written to Andalex Resources, Inc. The Cessation Order was written to Andalex because its earth-moving contractor was excavating fill material outside the permit area boundaries adjacent to the Wildcat Loadout. The abatements required were to cease those activities immediately, which occurred, and to "immediately" begin reclamation of the affected area in accordance with Title V of the Utah Coal Program. The negotiations you refer to were actually Mr. Braxton's direction to Mr. Glasson to obtain necessary approvals from the Bureau of Land Management, the land managing agency involved, before commencing reclamation activities.

The operator ceased its activities immediately upon receipt of the Cessation Order, and I am advised that all necessary steps to effect reclamation have been completed except reseeding, which is awaiting clearing of the snow cover.

I hope this is responsive to your inquiry and concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jim Carter".

James W. Carter
Director

jbe
H:WILDCATL.SUW





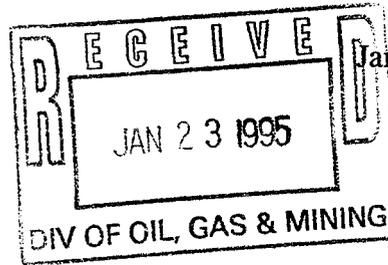
SOUTHERN UTAH WILDERNESS ALLIANCE

CODE RED
CC JWE

1471 South 1100 East
Salt Lake City, UT 84105

JAB
PGL
orig file

Mr. James Carter
Utah Division of Oil, Gas and Mining
355 West North Temple
Salt Lake City, UT 84101



January 20, 1995

Dear Mr. Carter:

Pursuant to R645-301-113, applicants for coal permits must, consistent with SMCRA, file past violation information with the Division. During our routine review of Andalex-related documents in your file room, we came upon the enclosed Cessation Order (94-39-1-1).

On December 21, 1994, UDOGM found that Andalex has been conducting mining operations outside the approved permit area at the Wildcat Loadout. The top of page one of the cessation order contains the following handwritten note:

The abatement for this enforcement action has been negotiated between Mike Glason and Lowell Braxton and does not necessarily reflect the written abatement requirements of this cessation order.

SUWA hereby requests complete disclosure by the Division of this incident. We request a Division investigation into this matter and similar instances which have occurred in the past. We request that the results of this investigation be fully disclosed in writing.

Specifically, we are interested in the negotiations which occurred between Lowell Braxton, Assistant Director of the Division and Mike Glason of Andalex. We are interested in knowing how those negotiations were inconsistent with the abatement requirements of this Cessation Order. We are interested in knowing whether Andalex complied with the Cessation Order and what measures were taken by Andalex to resolve their violations. We are interested in knowing whether Mr. Braxton absolved Andalex of any formal abatement requirements through the "negotiations." We are also interested in understanding the authority of Mr. Braxton to be cutting back-room deals which are inconsistent with formal procedure, and the extent to which this has occurred in the past.

We look forward to your prompt response.

Sincerely,

Ken Rait
Issues Director

cc: Office of Surface Mining
Attorney General



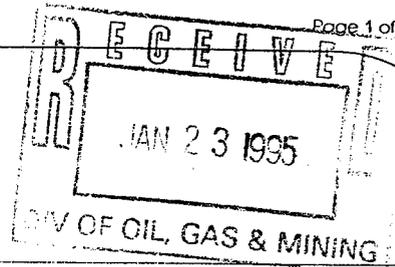
UTAH NATURAL RESOURCES
Oil, Gas & Mining

3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

THE ABATEMENT FOR THIS ENFORCEMENT ACTION HAS BEEN
NEGOTIATED BETWEEN MIKE GLASSON AND DWELL BRAXTON AND
DOES NOT NECESSARILY REFLECT THE WRITTEN ABATEMENT REQUIREMENTS
OF THIS CESSATION ORDER. *OK*

Page 1 of 2

NO. C 94-39-1-1



cessation order

To the following Permittee or Operator:

Name Andalex Resources, Inc
 Mine Wildcat Loadout Surface Underground Other
 County Carbon State Utah Telephone 801-637-5385
 Mailing Address P.O. Box 902 Price Ut 84501
 State Permit No. ACT/007/033
 Ownership Category State Federal Fee Mixed
 Date of inspection Dec 21, 1994 19 94
 Time of inspection 10:30 a.m. p.m. to 12:00 a.m. p.m.
 Operator Name (other than Permittee) _____
 Mailing Address _____

Under authority of the Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas & Mining has conducted an inspection of above mine on above date and has found that a Cessation Order must be issued with respect to each of the conditions, practices or violations listed in the attachment(s). This order constitutes a separate Cessation Order for each condition, practice or violation listed.

In accordance with Section 40-10-22, *Utah Code Annotated*, you are ordered to **cease immediately** the operations described in the attachment(s) and to perform the affirmative obligations described in the attachment(s) within the designated time for abatement. Reclamation operations not directly the subject of this order shall continue while this order is in effect. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that this order does not require cessation of mining expressly or in practical effect. For this purpose, "mining" means extracting coal from the earth or a waste pile, and transporting it within or from the mine site.

This order shall remain in effect until it expires as provided on reverse side of this form, or is modified, terminated or vacated by written notice of an authorized representative of the Division of Oil, Gas & Mining.

Date of service/ mailing 12-21-94 Time of service/ mailing 3:45 a.m. p.m.

Mike Glasson
Permittee/Operator representative Title _____

Signature
Stephen J. Demczak
Division of Oil, Gas & Mining representative Title Reclamation Specialist

Signature Stephen J. Demczak Identification Number #39

SEE REVERSE SIDE

WHITE DOGM YELLOW-OSM PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE



CESSATION ORDER NO. C 94-39-1-1

Violation No. 1 of 1

Nature of condition, practice or violation

Conducting mining operations outside the approved permit area.

Provisions of act, regulations or permit violated

R645-300-141

R645-300-142

2(CA 1953 ET. sec. section 40-10-9

Check appropriate box

- Condition, practice or violation is creating an imminent danger to health or safety of the public.
- Permittee/Operator is/has been conducting mining activities without a permit.
- Condition, practice or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources.
- Permittee or Operator has failed to abate Violation(s) No. _____ included in Notice of Violation No. N. _____ within time for abatement originally fixed or subsequently extended.

Operation(s) to be ceased immediately

Mining activities along the west side of main ^{road} ~~road~~ (Consumer Road) by railroad trucks.

Affirmative obligation(s) and abatement time (if applicable)

- a) Cease mining activities immediately
- B) Immediately begin reclamation of the affected area in accordance with Title 5 Utah Coal Program