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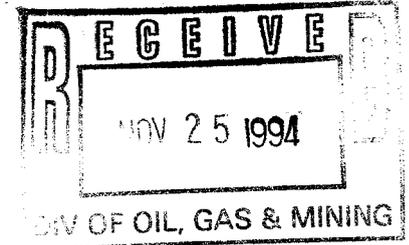


# United States Department of the Interior

OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
Suite 1200  
505 Marquette Avenue N.W.  
Albuquerque, New Mexico 87102

*Orig: - Mine list  
cc: Aaron H. ...  
LNS JWC  
RGL  
11/28/94 BJ*

November 21, 1994



CERTIFIED RETURN RECEIPT NO. P 079 749 384

Mr. James W. Carter, Director  
Division of Oil, Gas and Mining  
3 Triad Center, Suite 350  
355 West North Temple  
Salt Lake City, Utah 84180-1203

*Daron - please discuss  
with me.*

Dear Mr. Carter:

Section 510(c) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) prohibits a regulatory authority from issuing a surface coal mining and reclamation permit to any applicant who is either directly or indirectly responsible for a violation of SMCRA or certain other environmental laws or is linked to such a violation through a relationship of ownership or control. All State regulatory programs approved by the Secretary of the Interior are required to contain this prohibition.

The Office of Surface Mining Reclamation and Enforcement (OSM) has reason to believe that permit ACT/007/034 issued to Soldier Creek Coal Company was issued in apparent violation of the requirements of section 510(c) and R645-300-162. The basis for this finding is indicated in the enclosure.

In accordance with 30 CFR 843.21, we hereby request that within 30 days from the date of this notice you demonstrate to this office in writing that either:

1. the permit subject of this notice does not meet the criteria for an improvidently issued permit under 30 CFR 773.20(b) or the State program equivalent; or
2. your agency is implementing remedial measures in compliance with 30 CFR 773.20 and 773.21 or the State program equivalents.

Mr. James W. Carter

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If a response is not received by this office within the 30-day period, or if you do not make the demonstration required above, in accordance with 30 CFR 843.21(c) OSM will issue a ten-day notice to address this matter.

Sincerely,

  
for Thomas E. Ehmett, Acting Director  
Albuquerque Field Office

Enclosure

BASIS FOR DETERMINING IMPROVIDENTLY ISSUED STATE PERMITS  
PERMIT NO. ACT/007/034

At the time the above permit was issued, the permittee was linked through an ownership and control relationship to those on the attached lists. This entity was and continues to be responsible for the outstanding obligations indicated below. consequently, the above permit may be subject to suspension and rescission unless the outstanding obligations incurred by the entity to which the permittee is linked have been satisfied.

X Notices of Violation and/or Cessation Orders have not been abated.

— Violations cited under other environmental laws have not been abated as follows: [insert the applicable regulatory authority and violation identification information].

X Civil penalties in the attached lists have not been paid.

X Abandoned mine reclamation fees required by Section 402 of SMCRA have not been paid (see attached lists).

— Permit No(s). [insert] was/were issued to the entity to which the permittee was linked with the presumption that Notice(s) of Violation [insert No(s).] was/were in the process of being corrected, but Cessation Order(s) [insert No(s).] has/have been subsequently issued for failure to abate.

Entity Evaluation

Applicant Violator System

09-Nov-1994 12:48:15

State :	Permit No :	Appl No :
Applicant : 060111( COASTAL STATES ENERGY CO )		Seqno :

SYSTEM RECOMMENDATION IS BASED ON ENTITY OFT		
SYSTEM RECOMMENDATION	: DENY	11/09/94
PREVIOUS SYSTEM RECOMMENDATION	: DENY	02/04/93

Records retrieved : 29

ST	PERMIT	SEQ	VTYPE	VIOLNO	VIOLDATE
KY	0985150	0	FORF		03/26/85
KY	0985150	0	STCP	051577	05/30/84
KY	0985150	0	STCP	051582	03/17/83
KY	151672203U	0	AML		12/31/90
VA	1100428	0	FORF		08/30/85

REPORTS(F9)      VIOL(F4)    EVOFT(F5)    VOFT(F6)    CHOICES(F10)

PRV\_SCR(F3)

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OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

# of pages ▶ 6

To: Tom WRIGHT	From: Finley
Dept./Agency: OSM - ALB	Phone #:
Fax #: 505-766-2609	Fax #:

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Records retrieved : 29

ST	PERMIT	SEQ	VTYPE	VIOLNO	VIOLDATE
VA	1100428	0	STCO	857704	06/26/85
VA	1100428	0	STCP	84-65-2-AO	10/17/84
VA	1100428	0	STCP	84-65-2-HR	10/17/84
VA	1100428	0	STCP	84-65-2-RT	10/17/84
VA	1100428	0	STCP	85-77-3-WM	02/04/85

REPORTS(F9)

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Records retrieved : 29

ST	PERMIT	SEQ	VTYP	VIOLNO	VIOLDATE
VA	1100428	0	STCP	85-77-4-AO	04/30/85
VA	1100428	0	STCP	85-77-4-WM	04/30/85
VA	1100428	0	STCP	85-77-5-BR	05/28/85
VA	1100428	0	STCP	85-77-5-SS	05/28/85
VA	1100428	0	STCP	85-77-6-WM	06/26/85

REPORTS (F9)

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VOFT (F6)

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ST	PERMIT	SEQ	VTYPE	VIOLNO	VIOLDATE
VA	1100428	0	STCP	C84-65-2-HR	12/04/84
VA	1100428	0	STCP	C85-77-4-AO	06/26/85
VA	1100428	0	STCP	C85-77-4-OT	06/26/85
VA	1100580	0	FORF		03/28/88
VA	1100580	0	STCO	878504	06/01/87

REPORTS(F9)

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PREVIOUS SYSTEM RECOMMENDATION	: DENY	02/04/93

Records retrieved : 29

ST	PERMIT	SEQ	VTYPE	VIOLNO	VIOLDATE
VA	1100580	0	STCO	878505	08/27/87
VA	1100580	0	STCP	87-85-6-WM	08/27/87
VA	2240	0	FORF		06/09/81
VA	2511	0	FORF		09/09/80
VA	2958	0	FORF		11/09/83

REPORTS (F9)

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PREVIOUS SYSTEM RECOMMENDATION	: DENY	02/04/93

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ST	PERMIT	SEQ	VTYPE	VIOLNO	VIOLDATE
VA	2958	0	FORF		11/09/83
VA	3036	0	FORF		05/12/93
VA	3067	0	FORF		09/02/80
VA	3230	0	FORF		06/08/81
VA	3238	0	FORF		12/17/81

REPORTS (F9)

PRV\_SCR (F3)

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