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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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Salt Lake City, Utah 84180-1203  
801-538-5340

*Mine Site*

September 24, 1992

Dwight Crossland  
Western States Minerals Corp.  
Suite 130  
250 South Rock Boulevard  
Reno, Nevada 89502

*Dwight*

Dear Mr. Crossland:

**Re: Extensions of Abatement Beyond 90 Days, Notice of Violations  
N91-35-6-1, N91-35-7-1, and N91-32-6-1, ACT/015/002, J. B.  
King Mine, Western States Minerals Corp., Emery County, Utah**

By letter dated August 19, 1992, the Division approved an extension in abatement beyond 90 days for the above-cited NOV's. Times for abatement as established in that letter were:

1. Submit plans for abatement by September 15, 1992.
2. Abate the violations by October 15, 1992.

The October 15 date is beyond the 90-day increment allowed at R645-400-328.5, since the 90-day period started July 1, and will end September 28, 1992.

On September 15, the Western States Minerals Corp. (WSMC) complied with Step 1, above, by submitting information relative to the abatement of the violations.

When the Division issued the violations, the abatement contemplated by the Division involved on-the-ground mechanical activities. The response submitted on September 15 proposes modification of the MRP to accommodate existing field configurations, rather than changes to field conditions. It should be noted that delay of abatement would not result in off-site degradation, and that deterioration of conditions on site (if any) would be minimal, and no interim abatement steps have been required by the Division.

On September 16, a meeting was held involving the review team and Division management. This discussion noted that the proposed abatement would require review of materials not previously reviewed by members of the team before approval or denial of the abatement steps. A tentative date of

Page 2  
Dwight Crossland  
September 24, 1992

October 23 was selected to review team findings with Division management. This date is beyond the 90-day increment allowed at R645-400-328.5, the terms of the August 19 letter, notwithstanding.

Circumstances which may qualify an operation for an abatement of more than 90 days are contemplated at R645-400-327. In the case of the subject NOVs, the operator has been granted abatement beyond 90 days by the above-cited August 19 letter. As is contemplated at R645-327.100, the operator has submitted abatement measures to the Division, and is unable to achieve abatement because approval of designs and plans has not been granted by the Division. Since abatement will not be achieved by September 28, procedure enumerated at R645-400-328.5 would normally dictate the operator request another extension in abatement. In this case, this is a redundant step since the Division is cognizant of your inability to abate, pending prior Division approval of proposed measures.

This memo establishes that no additional correspondence from the WSMC is required to extend abatement beyond September 28, 1992. The Division grants the WSMC an additional 90-day abatement period beginning September 29, 1992, for the Notice of Violations that are the subject of this memo.

After meeting on or about October 23, the Division will notify you of its position on the September 15 submittal.

Sincerely,



Lowell P. Braxton  
Associate Director, Mining

vb  
cc: E. M. (Buzz) Gerick, WSMC  
P. Grubaugh-Littig  
J. Helfrich  
jbkabtmt