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Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

July 29, 1992

TO: Pamela Grubaugh-Littig, Permit Supervisor

FROM: Henry Sauer, Senior Reclamation Soils Specialist *HS*

RE: Disposition of NOV N91-32-6-1, Western States Mineral Corporation, J.B. King Mine, ACT/015/002, Folder #2 & #5, Emery County, Utah

SUMMARY:

The above referenced violation has not been abated as of the date of this memo.

An extension was granted as per operator request, dated May 11, 1992. Abatement of NOV N91-32-6-1 was extended to no later than June 30, 1992.

Western States Minerals (WSM) submitted a proposal (received by FAX on 6/30/92) to abate Stipulation R614-301-742.113, N91-32-6-1, N91-35-6-1 and N91-35-7-1. WSM's response proposed no additional substantive work on site except for minor maintenance. The proposal was a complete reversal from the previous discussions the Division held with WSM and their consultants.

At this time, Division Director, Dr. Dianne Nielson, and Associate Director, Mr. Lowell Braxton are scheduled to meet, on site, with WSM representatives on August 11, 1992. The purpose of this meeting is to discuss the abatement of the above noted violation and NOV N91-35-6-1 and N91-35-7-1.

Scheduling of the abatement of NOV N91-32-6-1 has been administratively conducted by Dr. Dianne Nielson subsequent to the assessment conference held on February 11, 1992. My involvement since the modification of NOV N91-32-6-1, dated February 18, 1992, has been on a technical basis only.

In general, all violations are required to be abated within ninety days. It is my understanding that an authorized representative of the Division may extend the abatement period past ninety days but not to exceed an additional ninety days when

Page 2
J.B. Abatement
ACT/015/002
July 29, 1992

requested by the operator. Extensions past ninety days are contingent upon fulfilling the requirements of R645-400-327. Based upon my understanding of this procedure, it is difficult to understand how the requirements for timely abatement have been met in regard to NOV N92-32-6-1. For the purposes of clarification, it would be helpful if you could clarify this procedure in general and as applied to the referenced violation.