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Mine file

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

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

November 2, 1994

E. M. Gerick
Vice President of Operations
Western States Minerals Corporation
250 South Rock Boulevard, Suite 130
Reno, Nevada 89502

Re: Second Request for Time Extension on Notice of Violations N91-32-6-1, N93-25-3-1 and N93-25-5-1, Western States Minerals Corp., J. B. King Mine, ACT/015/002, Folder #3, Emery County, Utah

Dear Mr. Gerick:

The Division has reconsidered your request for extending the abatement periods on Notice of Violations ("NOV") N91-32-6-1, N93-25-3-1 and N93-25-5-1. This last NOV has been terminated and the Division is sending notice of this action under separate cover. While we understand your concerns about having adequate and mutually agreeable plans in place for abatement of N91-32-6-1 and N93-25-3-1, we do not feel that further delays are acceptable or that extending the time will provide any clearer picture of what needs to be accomplished on the ground. Our October 3, 1994, letter authorized you to proceed with field work. You have indicated that it is unclear which of the numerous past proposals is the one that the Division has authorized. For the sake of clarification, the Division hereby authorizes you to follow and use your February 1994, Appendix to Permit plus the modifications and supplemental information provided through October 26, 1994, with the following corrections:

1) The proposed "toe ditch" should not be constructed.

2) That during the construction of the main channel and feeder ditch, WSMC provide for the least amount of lateral disturbance while yet providing for the passage of the required design storm. This can be achieved through the use of side slopes greater than 2h:1v. However, any areas of the channel excavation where the side slopes appear unstable in the field will be laid back to a maximum of 2h:1v to achieve a minimum flow design cross-section. The decision to construct greater than 2h:1v side slopes will be determined based on visual observation during construction and verified through "as-builts" after construction.

3) That vegetative standards will remain as specified in the currently approved plan.

4) That an average of four feet of cover be maintained on the side slopes of the refuse pile.

The Division feels that you now have final approved plans for NOV abatement. Granted, they may not be readily insertable into your overall reclamation plan, but we feel they are acceptable for construction purposes and getting them incorporated can be accomplished later. Particularly since "as-built" designs will be required.

Again, we want to stress the importance of getting the NOVs abated.

We encourage you to proceed with the abatement of the NOVs as expeditiously as possible. In order to accommodate the tight time frame which you now have, we will consent to extend the abatement period to November 30, 1994. The Division will review the mining and reclamation plan in early December 1994, to determine if the updates to the MRP required for NOV abatement have been submitted. A field inspection will also be conducted in early December to determine your compliance with the abatement requirements.

Please call if you have any questions.

Sincerely,

Lowell P. Braxton
Associate Director, Mining

vb
cc: D. Haddock
J. Helfrich
H. Sauer
T. Munson
PROCEED.JBK