

SWISHER COAL CO.

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RECEIVED

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DIVISION OF
OIL, GAS & MINING

February 20, 1980

Mr. Ron Daniels
 Coordinator of Mined Land Development
 Utah Division of Oil, Gas, & Mining
 1588 West North Temple
 Salt Lake City, Utah 84116

Re: Huntington Canyon #4 Mine
 Mining & Reclamation Plan

Dear Ron:

As you are aware, the Mining and Reclamation Plan for Huntington Canyon #4 Mine was approved by OSM on January 30, 1980. This approval is contingent upon Swisher Coal Co.'s acceptance (in writing) of the Standard and Special Stipulations attached thereto. Upon final review of the 30 special stipulations, Swisher remains in doubt as to the applicability of two of these and, therefore, does not feel it is appropriate to accept these in writing without further discussion.

In an effort to resolve these problems, a meeting has been scheduled with OSM in Denver on Tuesday, March 4, 1980, at 9:00 a.m. Those expected at this meeting will be: Don Crane; an OSM Solicitor; and other staff as necessary; representatives of Atlantic Richfield Company, including a legal representative; and at least one representative of Swisher Coal Co. By this letter, Swisher Coal Co. is requesting your presence at this meeting. With your knowledge of the mine plan and environment you could certainly provide additional insight into the discussion of the problems.

The key issues to be discussed are:

- 1) Special Stipulation #6 - The use of the words "processing plant" in this stipulation implies that C.V. Spur is currently connected to the #4 Mine Plan. The C.V. Spur is a separate operation that will be permitted as required under the permanent program, and should not be tied to this mine plan approval.

In this regard, Swisher has been issued Notice of Violation #79-5-5-29 (1) of September 20, 1979, by OSM for "operating C.V. Spur without an approved mining permit". We are currently contesting this Notice of Violation and do not wish to yield this legal issue at this time.

- 2) Special Stipulation #25 - The addition of the words "and air

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quality monitoring" at the end of this stipulation places an excessive burden on Swisher Coal Co. In a narrow canyon containing an unpaved, public road it is not practical to place an air monitor for the operation. It is also questionable whether OSM has the authority to require such monitoring since this is an area of EPA jurisdiction.

- 3) Other stipulations that may be discussed for clarification are:
- a) Special Stipulation #20 - Haulage restrictions.
 - b) Special Stipulation #30 - Culvert spacing on upper access road.

I hope you can find time to attend this meeting. If you have any questions or need any further information please let me know.

Respectfully,



Dan W. Guy, P.E.
Chief Engineer

DWG/rh