



0024

STATE OF UTAH  
NATURAL RESOURCES & ENERGY  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

March 15, 1983

Mr. Robert Hagen, Director  
U. S. Department of the Interior  
Office of Surface Mining  
219 Central Ave. NW  
Albuquerque, N.M. 87102

RE: Huntington #4 Mine  
Beaver Creek Coal Company  
ACT/015/004  
Folder No. 7  
Emery County, Utah

Dear Mr. Hagen:

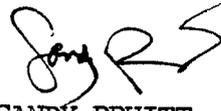
In response to your letter dated March 16, 1983, I am providing the following explanation for why I did not issue a Notice of Violation for a violation detected during an inspection of the Huntington #4 Mine on February 17, 1983. On that date, snow removed from the portal access road had been pushed to the roadside and into a dry tributary of the Mill Fork drainage. Snow (including mud) was also stockpiled near the cyclone and adjacent to the main drainage of Mill Fork Creek (which was flowing at this point). At the time of this inspection no environmental harm was evident.

The Beaver Creek Coal Company representative offered to arrange prompt removal of the snow to avoid a violation. I took advantage by requiring extraordinary action for immediate and complete abatement of the problem well before it could cause any environmental harm. [Refer to NAOC #1 of 1, (83-2-1-1) issued at 4:30 P.M., February 17, 1983]. Loadout operations were suspended (to reduce traffic) on March 18, 1983 in order to remove the snow by 2:00 P.M. The followup inspection determined that all of the snow had been retrieved from both areas and adequate sediment control provided at the new disposal sites. The snow disposal problem had been abated as required before any environmental harm could occur so a Notice of Violation was not issued.

Mr. Robert Hagen  
ACT/015/004  
March 22, 1983  
Page Two

It is not State policy to provide opportunity for abatement of violations before they are issued. In this case, it was my decision that the potential for any environmental harm could be alleviated quicker without a notice (where the inspector is required to specify a "reasonable" abatement action for minor problems). I believe that OSM's determination of a new policy regarding this type of situation will provide much needed assistance to the "judgement calls" that inspectors continually make in trying to be responsible yet reasonable enforcement agents with an emphasis on environmental protection.

Sincerely,



SANDY PRUITT  
FIELD SPECIALIST

SP/lm

cc: Jim Shirazi, DOGM  
Ron Daniels, DOGM  
Joe Helfrich, DOGM