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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

*file*

January 14, 1993

Lee Edmondson  
Properties Division  
CalMat Company  
1801 East University Drive  
Phoenix, Arizona 85304

Dear Lee:

Re: Notice of Violations, N91-26-8-2, Hidden Valley Mine,  
ACT/015/007, Folder #5, Emery County, Utah.

It is my understanding that our counsel have discussed the remaining issues surrounding the terminated NOV's which are still subject to appeal in front of the Utah Supreme Court. You have raised with me in the past a concern regarding the resetting of the bond clock on those areas which have yet to be seeded. With regard to your commitment and your schedule for the remediation of the NOV's, which was accepted by the Division for purposes of termination of those NOV's, I must stress that the resetting of a bond clock is a separate issue.

It is legal counsel's position that those actions which trigger the bond clock on areas where the actions occur, are not and cannot be made part of any decision of the Division concerning the termination of the NOV's.

Your plan, as approved, requires implementation of the action committed to. It requires the action to be implemented by the dates set forth, unless extended programmatically. The Division anticipates and relies upon your implementation of the action committed to.

It is important that you realize that failure to implement the approved plan, which is the basis for terminating the NOV's, will result in a Failure to Abate Cessation Order. Only a programmatic basis, such as inability due to weather and an approved extension can relieve the Division from its obligation to take this action.

Page 2  
Lee Edmondson  
January 14, 1993

I have been informed by my counsel that your counsel is aware that the areas that would be subject to the bond clock resetting are to be segregated from the rest of the permit area for that purpose. This is consistent with the Division's position and the regulations. I believe you can appreciate that this will not result in a great hardship, because the area subject to the new bond clock will be of limited size, and success will be measured upon what you do now. At the time final bond release for all other areas occurs, the Division will examine the entire area to determine stability. If stability exists and revegetation has been accomplished for the entire area, the entire area will be reviewed, such that the greatest area qualifying for bond release will be released.

It is important that you realize that the issue of the bond clock is irrelevant to the need to take the action committed to in the termination of these NOV's. If the slopes have not been seeded and are not stable, the final bond release will not occur, regardless of whether the bond clock was restarted. I must stress that it is in Hidden Valley's interest to stabilize these slopes and to limit its liability by doing the most effective job it can do in the first instance. Underlying all of this is the issue of slope stability. The failure to revegetate is separate and apart from that goal, except to the extent that it is required by your plan, the law, and to the extent your revegetation efforts support the goal of slope stability.

Please feel free to contact me concerning any questions you may have regarding these matters.

Sincerely,



Lowell P. Braxton  
Acting Director

lsj  
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