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

Hidden Valley
Act 1015/007

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)

January 11, 1995

Lee Edmonson
CalMat Company-HVCC Properties Division
1801 East University Drive
Phoenix, Arizona 85034

RE: Availability of Records

Dear Mr. Edmonson:

I am writing you about two compliance matters relating to records.

The purpose of this letter is to explore what is an acceptable solution concerning two items cited below. The two applicable Utah Coal Rules are as follows:

- (1) Availability of Records - R645-400-140 and
- (2) Public Notice of Proposed Mining - R645-301-525.300

Item #1 Availability of Records - R645-400-140

As related to availability of records to the public, R645-400-142, -100, 200 & 143-100, 200, there are several interpretations on what responsibilities rest with the permittee and what rest with the Division. Nevertheless, at this point in time, I am looking for a simple acceptable solution. Colorado, I am informed has met the compliance test.

In Colorado, the following was concluded:

- (a) Operator must maintain a copy of the MRP at the local government office in the county where the mine is located⁴,

⁴Do not confuse this record requirement with application and publication requirements as cited in R645-300-121.130.

- (b) As related to other records specified in the regulations, ie., "all records, reports, inspection material, and other subject information," Colorado permittee sent a letter to local government records repository pointing out such records are available for public review at the mine and at the Division of Minerals and Geology (DMG), State of Colorado, and
- (c) Requested the local government repository where MRP is on file to include the aforementioned letter in the MRP.
- (d) Attached is a copy of the Colorado letter that includes other details. You may elect to follow this procedure or some other.

Item #2 Public Notice of Proposed Mining - R645-301-525.300

As related to R645-301-525.300, public notice of proposed mining, the permittee is responsible to have such records at the mine site. The notice to owners and occupants of the surface estate must be issued at least six months prior to mining.

This item has undergone recent compliance tests in Colorado. What was concluded included the following:

- (a) The permittee is responsible to have such notices on file for inspections.
- (b) In the event such notices have been lost, make an inquiry of the surface owner and send him a letter requesting a copy of the misplaced records or prepare a reiterated renote.
- (c) Include BLM and USFS when they are owners of the surface estate. You can rationalize that both were involved in the review of the MRP; therefore, this stone has been turned by their involvement. Nevertheless, Colorado permittee did not prevail with this argument.

Page 3
Edmonson
Availability of Records
January 11, 1995

In conclusion, these are routine boiler plate items that have an easy pro-active solution. Should you have any problems with complying with the items cited herein, please contact me. If you do not contact me, I will assume you are taking action on these matters, or you are in compliance. In the February inspection, the matter of records compliance will be reviewed.

Your usual response and prompt attention would be appreciated.

Sincerely,


Wm. J. Malencik
Reclamation Specialist

sd
Enclosure (1)
cc: J. Helfrich
L. Braxton

Mountain Coal Company
West Elk Mine
Post Office Box 591
Somerset, Colorado 81434
Telephone 303 929-5015
Fax 303 929-5595

Post-It™ Fax Note	7671	Date	1-11	of	1
To	BILL MALENCIK	From	KATHY WELT		
Co./Dept.	DOGIM	Co.	MCC		
Phone	801 637-5806	Phone	929 2266		
Fax #	637-8603	Fax #	929 5050		



October 04, 1994

Ms. Joanne Williams
Gunnison County Planning Department
Gunnison County Courthouse
200 E. Virginia Avenue
Gunnison, CO 81230

Re: Availability of Records for Public Review

Dear Joanne,

Should anyone have questions regarding Mountain Coal Company's (MCC) permit document (No. C-80-007) or revision applications or wish to review inspection reports or other public information regarding the West Elk Mine which cannot be conveniently located in your public files, please refer them to me at the above address and telephone number. Public information regarding this mine is also available at the Colorado Division of Minerals and Geology offices located at 1313 Sherman Street, Room 215, Denver, CO 80203, (303)866-3567.

Please place this letter in the front of Volume 1 of MCC's permit document for future reference.

Sincerely,

Kathleen G. Welt,
Environmental Supervisor

cc: Henry Barbe
Christine Johnston, CDMG
Phil Schmidt