



0035

STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

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

February 2, 1984

Mr. Dee W. Jense, Manager  
Mining and Exploration  
Utah Power & Light Company  
1407 West North Temple Street  
Salt Lake City, Utah 84110

ACI/015/017  
#7

Dear Mr. Jense:

I have conducted a review of Notice of Violation N83-7-10-1, as you requested in your letter of January 30, 1984.

The circumstances set forth in your letter are certainly unique to this mine site and to this violation; however, they should be considered within the framework of the assessment and appeals procedures.

Utah's system of reviewing violations is set forth in the statute at UCA40-10-22; and, more specifically, the procedures for assessment conferences are set out in Rule UMC845. I view this situation as not requiring any action outside of the regular procedures of dealing with issued notices of violation.

Since the information which you provided in your letter may be valuable to the conference officer, I am copying your letter to Mr. Lorin Nielsen. In the meantime, I suggest that you expeditiously pursue your preferred course of action, in dealing with this violation, since the mandatory 90-day abatement period is at least 50 per cent lapsed.

Please let me know if I can be of any assistance to you in your further efforts.

Best regards,

Dianne R. Nielson  
Director

DRN/jb

cc: Lorin Nielsen, DNR  
Joe Helfrich, DOGM

cc. Ron Daniels

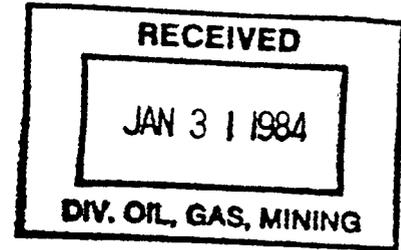
# UTAH POWER & LIGHT COMPANY

1407 WEST NORTH TEMPLE STREET

P. O. BOX 899

SALT LAKE CITY, UTAH 84110

January 30, 1984



Diane R. Nielson, Ph.D  
Director, Division of Oil Gas and Mining  
Utah Department of Natural Resources  
4241 State Office Building  
Salt Lake City, UT 84114

Re: Notice of Violation No. 83-7-10-1

Dear Dr. Nielson:

On December 20, 1983, NOV No. 83-7-10-1 was issued to this company's Des-Bee-Dove coal mine in Emery County, Utah. The NOV was for allegedly disposing of underground development waste at an unapproved site. The inspector, Ken Wyatt, apparently noticed a truck from the Des-Bee-Dove mine disposing of some rock and other waste at a location inside the company's Hunter power plant.

The NOV required that the company cease disposing of "underground development waste rock" at that site and that it submit plans for removal of the waste rock. The NOV was modified on January 12, 1984, to require that the company either submit plans to remove and properly dispose of the waste rock or to permit the location at the Hunter plant.

The material which Mr. Wyatt observed being disposed of on December 20, 1983, was taken to the plant inadvertently. It has been cleaned up and hauled to the Wilberg and Des-Bee-Dove underground development waste disposal site. The company has and will cease disposing of any such material at the Hunter plant or at any other unapproved site. Thus, we believe, that the violation has been properly abated.

However, in discussions with Mr. Wyatt and at a meeting with other members of your staff, it was determined that he includes within the scope of the NOV large quantities of other materials which are being stored at the Hunter plant. This material is not, however, underground development waste or, in fact, waste at all. It is a lower grade coal mixture which cannot be immediately burned at the Hunter plant but which has, nonetheless, substantial value to the company and upon which royalties have been paid to the federal government. At

Diane R. Nielson, Ph.D  
January 30, 1984  
Page Two

the present time, Utah Power & Light is allowing its employees to purchase and utilize such coal for their own use (a practice which has existed for several years). The company is also considering the construction of a coal washing facility at the Hunter plant. When and if that is completed, the company will be able to utilize all of the coal presently stored there. It recognizes that at that time, it will have to comply with any applicable regulations regarding the disposal of coal processing waste.

Although this coal is of lower grade and cannot be as readily utilized as that generally being mined at the Des-Bee-Dove mine, we feel that it is in the same category as run-of-the-mine coal and can be utilized as the company sees fit. There are a number of considerations which conflict with permitting any portion of the Hunter plant site as part of the coal mining permit area.

We would appreciate it if you would review this explanation as to why Utah Power & Light Company believes that the violation has been abated as soon as possible. If you disagree, please contact me so that we can expeditiously seek a hearing or whatever other means of relief may be available to the company.

Very truly yours,



Dee W. Jense  
Manager, Mining and Exploration

ros:4243

cc: Mr. Helfrich