

0010



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

Mine file

August 5, 1991

CERTIFIED RETURN RECEIPT REQUESTED
No. 540 713 848

Mr. W. Hord Tipton
Deputy Director
Office of Surface Mining
Department of the Interior
1951 Constitution Avenue, N.W.
Washington, D.C. 20240

Hord
Dear Mr. Tipton:

Re: Ten-Day Notice 91-02-370-004-TV1, Des-Bee-Dove, ACT/015/017,
Folder #5, PacifiCorp Electric Operations, Emery County,
Utah

The above-referenced TDN was issued for "failure to control or prevent erosion, the section of the haul road through the Mancos shale layer below the belt line runoff control." In discussions held during the inspection resulting in the TDN, OSM's inspector was fully appraised of remedial action proposed by the Division to address the situation in the field. The Division inspector was given the impression during and subsequent to the inspection that OSM's inspector was in concurrence with these actions. This impression of support by OSM dictated the nature of the Division's July 17 TDN response.

However, subsequent to receipt of the AFO's July 26 letter indicating that the agreed upon steps to resolve the erosion problem were inappropriate without issuance of a violation, the Division issued NOV 91-20-2-1, for "failure to prevent or control erosion...." R614-301-752.210. Therefore, it is the Division's position that it responded appropriately during the inspection and in the issuance of the NOV. The TDN should be vacated.

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Mr. W. Hord Tipton
August 5, 1991

I hope issuance of this violation can satisfactorily resolve this Ten-Day Notice.

Best regards,



Dianne R. Nielson
Director

vb
cc: R. Hagen, AFO
L. Braxton
P. Grubaugh-Littig
J. Helfrich
Price Field Office
ACT.015.017.TDN

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STATE OF UTAH

NATURAL RESOURCES
OIL, GAS, & MINING

3 TRIAD CENTER, SUITE 350
SALT LAKE CITY, UTAH 84180-1203

P 540 713 848

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PS Form 3811, Apr 1980

PS Form 3800, Jun 1988

W. HORD TIPTON DPTY DIR	
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P.O., State and ZIP Code WASHINGTON DC 20240	
Postage	\$ 2.75
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Restricted Delivery Fee	
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TOTAL Postage and Fees	\$ 5.75
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DOGM VB ACT/015/017 TDN 91-02-370-004

DOGM VB ACT/015/017 TDN 91-02-370-004

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1. Show to whom delivered (date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to: W HORD TIPTON DPTY DIR

OFFICE OF SURFACE MINING

DEPT OF THE INTERIOR

1951 CONSTITUTION AVE NW

WASHINGTON DC 20240

4. Article Number
P 540 713 848

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8/16/91

PS Form 3811, Apr 1980

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