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UTAH NATURAL RESOURCES
Oil, Gas & Mining

3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name PACIFICORP

Mailing Address P.O. Box 1005, Huntington, Utah 84528

State Permit No. ACT/015/018

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-7-1-3 dated September 16, 19 93.

Cessation Order No. C _____ dated _____, 19 ____.

Part 3 of 3 is modified as follows: abatement is modified to include submittal of a disturbed area map. This map must be approved by the Division by December 29, 1993, (see letter dated December 16, 1993 attached). Extension to December 29, 1993 per operator request and administrative delay.

~~Reason for modification is~~

~~Part ____ of ____ is modified as follows:~~

~~Reason for modification is~~

Part ____ of ____ is modified as follows: _____

Date of service/mailing 12/20/93 Time of service/mailing 3:00 ☐ a.m. ☒ p.m.

Date of inspection _____

Permittee/Operator representative _____ Title _____

Signature _____

PAMELA GRUBAUGH-LITTIG
Division of Oil, Gas & Mining

Pamela Grubaugh-Littig
Signature

Pamela Grubaugh Supervisor
Title

WHITE—DOGM YELLOW—OSM PINK—PERMITTEE/OPERATOR GOLDENROD—NOV FILE

DOGM/MVC-1 CC: Ken Wyatt an equal opportunity employer Rev. 12/86 001059

One Utah Center
201 South Main, Suite 2100
Salt Lake City, Utah 84140-0021
(801) 220-2000

PACIFICORP
POWER SUPPLY

December 13, 1993

Ms. Pamela Grubaugh-Littig
Permit Supervisor
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

RE: REQUEST FOR ADDITIONAL EXTENSION ON NOTICE OF VIOLATION N93-7-1-3, 3 OF 3, PACIFICORP, DEER CREEK MINE, ACT/015/018, EMERY COUNTY, UTAH

Dear Ms. Grubaugh-Littig:

PacifiCorp respectfully requests an additional extension in the Abatement Time for the above referenced NOV. PacifiCorp responded in accordance with an extension previously granted by the Division. However, it appears that Division review of the submission may take the matter beyond the 90 day limit.

Thank you for your consideration in this matter. Please call me if you have questions.

Sincerely,

Val Payne

Val Payne
Sr. Environmental Engineer

cc: Morgan Moon
John Christensen
Blake Webster

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

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)

December 16, 1993

Mr. Val Payne
Senior Environmental Engineer
PacifiCorp
P.O. Box 1005
Huntington, Utah 84528

Re: Abatement of Violation N93-7-1-3 for Lower Terrace, Pacificorp, Deer Creek Mine, ACT/015/018-93J, Folder #5, Emery County, Utah

Dear Mr. Payne:

Violation #N93-7-1-3 was issued on September 14, 1993. Part 3 of 3 was issued for "failure to conduct coal mining activities only as described in the approved mining and reclamation plan" and applied to the "terrace diversion above the office/bathhouse and the ROM conveyor bench". The remedial action was to 1) Cease all unpermitted activities outside of the approved disturbed area as defined by the perimeter markers on the south side of the office/bathhouse until permitted, 2) Obtain a valid permit for this area or perform reclamation of said terrace in accordance with the R645 rules."

A meeting was held at the Division on October 20, 1993 to clarify the issue of the violation and the violation was modified to an abatement date of October 29, 1993. On October 29, 1993 a request for an extension was received because "The review resulted in identification of maps, drawings, and text pages that will need to be revised for submittal. Additionally, it has been determined that additional information is needed to prepare an adequate amendment. The terrace area must be surveyed to develop adequate and effective operation and reclamation plans regarding hydrology and vegetation". An extension until December 3, 1993 was granted for abatement of the violation.

On December 3, 1993, an amendment to the plan (submittal of revised text and maps) was received, of which this is the deficiency response. Plate 3-9, Surface Yard Map, does not show the terrace area as having been included in the disturbed area. In fact, neither Plate 3-9 nor any other map in the approved permit

adequately delineates the disturbed area boundaries for this mine site. In accordance with R645-301-521.141, the "disturbed area" must be clearly delineated on a map similar to Plate 3-9 at a scale of 1" = 100' or 1" = 50' for inclusion in the PAP and this will constitute the abatement for the violation.

The amendment also included the proposed use of an upper terrace as a reference area for the lower terrace. This must be denied until at such time as the Division has inspected the terrace and the permittee made a demonstration that the vegetation is adequate to control erosion. This vegetation erosion control demonstration can be conducted at any time of the year when the surface is devoid of snow.

As this amendment was received December 3, 1993 and has been under review since that date, thirteen days of administrative delay are granted, i.e. until December 29, 1993. By that date, the "disturbed area" map must be "approved" by the Division. Therefore, it is incumbent for the permittee to submit this map as soon as possible.

If you have any questions, please call me.

Sincerely,

Pamela Grubaugh-Littig
Permit Supervisor

pgl
Enclosure
cc/enc: JHelfrich
LBraxton