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

Michael O. Leavitt  
Governor  
Ted Stewart  
Executive Director  
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Salt Lake City, Utah 84180-1203  
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July 22, 1994

TO: File

FROM: Pamela Grubaugh-Littig, Permit Supervisor 

RE: Compliance Review for Section 510 (c) Findings, Deer Creek Mine, PacifiCorp, ACT/015/018-94A, Folder #3 and #5, Emery County, Utah

As of the writing of this memo, there is a conditional issue for the Deer Creek Mine permit, pursuant to C94-020-190-1 in the Applicant Violator System. This conditional issue modifies a previous finding made on July 14, 1994, in which the AVS OSMRE system recommended "issue", see attached.

The Deer Creek Mine permit has been conditioned, "When the appeal of outstanding federal violation X93-020-190-05, 1 of 1 is resolved, PacifiCorp must notify the Division immediately of the decision".

DATE: 22 JUL 94

APPLICANT VIOLATOR SYSTEM  
APPLICATION EVALUATION REPORT

TIME: 14:59:26

STATE: UT

APPNO: ACT015018

SEQNO: 1

PAGE: 1

APPLICANT'S ENTITY ID: 118429

APPLICANT'S NAME : PACIFICORP ELECTRIC OPERATIONS

SYSTEM RECOMMENDATION IS BASED ON ENTITY OFT

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* SYSTEM RECOMMENDATION           : COND ISSUE           *
* PREVIOUS SYSTEM RECOMMENDATION: COND ISSUE(940722)      *
* OSMRE RECOMMENDATION           :      ISSUE(940718)      *
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F2/PROCEED F3/QUIT F4/MAIN F6/REPORT F9/VIEW VIOL F10/VIEW OFT

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13:02



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July 14, 1994

TO: File

FROM: Pamela Grubaugh-Littig, Permit Supervisor 

RE: Compliance Review for Section 510(c) Findings, Deer Creek Mine, PacifiCorp, ACT/015/018-94A, Folder #3 and # 5, Emery County, Utah

As of the writing of this letter, there are no NOV's or CO's which are not corrected or in the process of being corrected. Therefore, it is recommended that this permitting action be approved.

PacifiCorp does not have a demonstrated pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

A:\510(C)

DATE: 14 JUL 94

APPLICANT VIOLATOR SYSTEM  
APPLICATION EVALUATION REPORT

TIME: 11:55:27

STATE: UT

APPNO: ACT015018

SEQNO: 1

PAGE: 1

APPLICANT'S ENTITY ID: 118429

APPLICANT'S NAME : PACIFICORP ELECTRIC OPERATIONS

SYSTEM RECOMMENDATION IS BASED ON ENTITY OFT

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*
* SYSTEM RECOMMENDATION           :          DENY          *
* PREVIOUS SYSTEM RECOMMENDATION:          DENY(940713)      *
* OSMRE RECOMMENDATION            :          ISSUE(940713)   *
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\*\* INVALID FUNCTION KEY - PLEASE TRY AGAIN \*\*

F2/PROCEED F3/QUIT F4/MAIN F6/REPORT F9/VIEW VIOL F10/VIEW OFT

10:54

- c. not on any lands subject to the prohibitions or limitation of 30 CFR 761.11 {a} (national parks, etc), 761.11{f} (public buildings, etc.) and 761.11 {g} (cemeteries);
  - d. within 100 feet of a public road (R645-300-133.220); and
  - e. not within 300 feet of any occupied dwelling (R645-300-133.220).
5. The operation would not affect the continued existence of any threatened or endangered species or result in the destruction or adverse modification of their critical habitats as determined under the Endangered Species Act of 1973 (16 USC 1531 et seq.) See concurrence letter from United States Fish and Wildlife, dated July 6, 1994 and Division of Wildlife Resources, dated July 5, 1994. (R645-300-133.500)
6. The Division's issuance of a permit is in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800). See letter from State Historic Preservation Office, dated April 6, 1994. (R645-300-133.600)
7. The applicant has the legal right to enter and complete mining activities in the IBC through a federal coal lease issued by the Bureau of Land Management (See attached Lease UTU-47977, assignment effective July 1, 1986 and Lease SL-050862, assignment effective July 1, 1986 and Lease U-06039, assignment effective December 13, 1979). (R645-300-133.300)
8. A 510 (c) report has been run on the Applicant Violator System (AVS), which shows that: prior violations of applicable laws and regulations have been corrected; neither PacifiCorp or any affiliated company, are delinquent in payment of fees for the Abandoned Mine Reclamation Fund; and the applicant does not control and has not controlled mining operations with demonstrated pattern of wilful violations of the Act of such nature, duration, and with such resulting irreparable damager to the damage to the environment as to indicate an intent not to comply with the provisions of the Act (see memo to file dated July 14, 1994. A 510 (c) report was subsequently run on July 22, 1994, see memo to file dated July 22, 1994). (R645-300-133.730)
9. Underground mining operations to be performed under the permit will not be inconsistent with other operations anticipated to be performed in areas adjacent to the proposed permit area.