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April 18, 1980

#5777391

REGISTERED - RETURN RECEIPT REQUESTED

Mr. Alex Poulos
Emery Mining Company
P.O. Box 310
Huntington, Utah 84528

RE: Wilberg Mine
ACT/015/018B

Dear Mr. Poulos:

This letter is to site violation of the Division's Interim Period Enforcement Regulations observed by Joseph C. Helfrich of the Division and Larry Damrau and Marianne Adams of the Office of Surface Mining, during the 1980 inspection of the Wilberg Mine. Minimum requirements for the alleviation of the sited violations are included. However, these are meant as minimum requirements and for the most part they are by no means the only alternative available.

Violation #1, MC 717.11 - Copy of the mining and reclamation plan was not available at or near the mine site.

Violation #2, MC 715.15(a) - Failure to dispose of spoil in an area approved by the regulatory authority.

Violation #3, MC 717.17(a) - Failure to pass runoff from the disturbed area through a sediment pond.

Violation #4, MC 717.17(c) - Failure to maintain diversions.

Emery Mining Company is hereby directed to abate the above-sited violations within the specified time period from receipt of this letter. At a minimum, abatement should consist of the following:

Mr. Alex Poulos
April 18, 1980
Page Two

Violation #1 - Have copies of the Mining and Reclamation Plan available at or near the site. Abatement time is 30 days.

Violation #2 - 1. Submit proposed plans for disposal of excess rock and earth materials to the State Regulatory Authority and to the Office of Surface Mining. 2. Implement approved plans immediately. 3. Plans are not submitted within the time required for abatement, remove deposited material within the time said below.

Time for abatement: 1. Submit plans within 30 days. 2. Implement approved plans immediately. 3. Remove material within 60 days, no later than June 9, 1980.

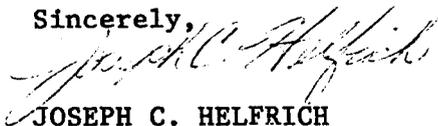
Violation #3 - Submit plans to the Office of Surface Mining and to the State within the time required. Implement plans as soon as approved. Time for abatement is 30 days.

Violation #4 - Remove restrictions blocking or partially blocking ditches and culverts. Time for abatement is 30 days.

If the violations are not abated in the specified time, the matter will be referred to the Attorney General for commencement of administrative proceedings before the Board of Oil, Gas and Mining. However, if the Wilberg Mine feels with good cause that these items are not violations or that alternative methods can satisfy the abatement requirements, representatives from the Wilberg Mine may meet with the Division concerning the matter and/or apply for a hearing before the Board. This action should be taken prior to the directed abatement deadline.

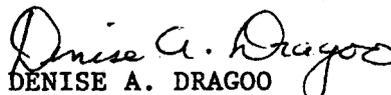
The April 9, 1980 inspection and subsequent notice of violations were under the rules and regulations of the Interim Regulatory Program. The Division, at this time, advises that all coal mines must comply with the Permanent Regulatory Program standards and have new approved permits within 8 months of Office of Surface Mining approval of the State Program.

Sincerely,



JOSEPH C. HELFRICH
RECLAMATION OFFICER

AND



DENISE A. DRAGOO
SPECIAL ASSISTANT ATTORNEY GENERAL

JCH/DAD:te

cc: Murray Smith, O.S.M.
Carl Gurr, U.P.&L.
Larry Guyman, Emery Mining Co.
Dick Jones, Emery Mining Co.