STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

August 2, 1985

TO: Barbara W. Roberts (Attention: Steve Tumblin), Assistant Attorney General, Attorney General's Office

THRU: Dianne R. Nielson, Director

FROM: John J. Whitehead, Permit Supervisor/Reclamation Hydrologist

RE: Fact Memo on Notice of Violation N83-5-1-1, Utah Power & Light Company, Wilberg/Cottonwood Mine, ACT/015/019, #7, Emery County, Utah

Pursuant to our meeting of July 23, 1985, this memo will provide you with the sequence of events, supported with letters and memos on the above noted violation.

DATE	ITEM
1/6/83	Field inspection at Cottonwood site by John Whitehead, Division of Oil, Gas and Mining (DOGM), accompanied by Office of Surface Mining (OSM) inspectors and Company representative (copies of DOGM and OSM reports attached).
1/10/83	Violation issued based on field inspection of 1/6/83 (see attached letter and copy of NOV).
1/10/83	Inspector's Statement written; provides some insight on the facts of the event (copy attached).
1/24/83	Letter from Larry Guymon, Emery Mining Corporation (EMC), requesting NOV N83-5-1-1 be transferred to Natomas Trail Mountain Coal Company's Trail Mountain Mine (copy attached).
2/23/83	Letter from John Whitehead, DOGM, to Larry Guymon, EMC, responding to his 1/24/83 letter (copy attached).

4/14/83	Letter from Allen Childs of Natomas Trail Mountain Coal Company regarding his perspective on NOV N83-5-1-1 (copy attached).
4/20/83	Letter from Joe Helfrich, DOGM, responding to Allen Childs letter of 4/14/83 (copy attached).

As the issuing inspector, it is quite apparent that the facts of the violation are clear and can be substantiated by the inspection reports from OSM and myself and or my testimony, if needed.

The question at hand appears to me to be a matter of law. Who is the responsible party for activities conducted on a permit area?

If I can be of any further assistance, please feel free to contact me.

btb
cc: Ron Daniels
Joe Helfrich
9291R-8 & 9