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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

June 9, 1986

FEDERAL EXPRESS

Mr. Robert H. Hagen, Director
Albuquerque Field Office
Office of Surface Mining
219 Central Avenue, NW
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

RE: Ten-Day Notice No. X-86-2-116-3, Utah Power & Light Company,
Wilberg Mine, ACT/015/019, File #7, Emery County, Utah.

This letter is in response to Ten-Day Notice (TDN) X-86-2-116-3. The TDN was issued for "failure to conduct sampling and analysis of completed Waste Rock Disposal Cells prior to topsoil replacement as required in approved Permit ACT/015/019; Appendix VII, page 11A".

Phil Ralphs conducted a partial inspection on June 3, 1986 and confirmed that the operator had not conformed to the commitments in the approved permit for the Wilberg Mine. Notice of Violation N86-10-1-1 was subsequently issued (copy attached).

Please contact me if you should have any further concerns on this matter.

Best regards,

A handwritten signature in cursive script, appearing to read "Dianne".

Dianne R. Nielson
Director

PR/djh
Copy: Phil Ralphs
0800R-18



NO. N 86-10-1-1

notice of violation

To the following Permittee or Operator:

Name Utah Power & Light
 Mine Wilberg Surface Underground Other
 County Emery State Utah Telephone 687-9821
 Mailing Address P.O. Box 310, Huntington, UT 84528
 State Permit No. ACT/015/019
 Ownership Category State Federal Fee Mixed
 Date of inspection June 3, 1986, 19____
 Time of inspection 8:15 a.m. p.m. to _____ a.m. p.m.
 Operator Name (other than Permittee) Utah Power & Light
 Mailing Address P.O. Box 310, Huntington, UT 84528

Under authority of the Utah Coal Mining and Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas & Mining has conducted an inspection of above mine on above date and has found violation(s) of the act, regulations or required permit condition(s) listed in attachment(s). This notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that **cessation of mining is** **is not** expressly or in practical effect required by this notice. For this purpose, "mining" means extracting coal from the earth or a waste pile, and transporting it within or from the mine site.

This notice shall remain in effect until it expires as provided on reverse side of this form, or is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas & Mining. Time for abatement may be extended by authorized representative for good cause, if a request is made within a reasonable time before the end of abatement period.

Date of service/mailling June 3, 1986

Time of service/mailling 8:45 a.m. p.m.

Val Payne
Permittee/Operator representative

Environmental Engineer
Title

Val Payne
Signature

Philip M Ralphs
Division of Oil, Gas & Mining representative

Field Specialist
Title

Philip M Ralphs
Signature

#10
Identification Number

SEE REVERSE SIDE

WHITE-DOG M YELLOW-OS M PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE

1001



NOTICE OF VIOLATION NO. N 86-10-1-1

Violation No. 1 of 1

Nature of violation

Failure to conduct sampling and analysis of completed waste rock disposal cells prior to replacement of excavated material (topsoil), as required by approved permit.

Provisions of act, regulations or permit violated

- Approved Permit ACT/015/019; Appendix VII, p. 11-~~A~~
- UMC 771.19

Portion of operation to which notice applies

- Coal Refuse and Waste Rock Disposal Cells.

Remedial action required (including any interim steps)

- A) Take samples of refuse/waste rock material of completed cells at one foot increments to a depth of three feet, in the refuse/waste material, and have samples analyzed for pH and Sodium absorption ratio
- B) Conduct future sampling of as yet completed cells prior to replacement of excavated material, as specified in approved plan.

Abatement time (including interim steps)

- A) June 20, 1986 for completion of sampling, and supplying the Division with results of analysis once completed.
- B) No abatement time applies.

Mine file Kan m, J. Helbrich, J. Whitehead, LRA

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Reclamation and Enforcement
TEN-DAY NOTICE

Originating Office: USDI/OSM
Albuquerque Field Office
29 Central Ave., N.W.
Albuquerque, NM 87102
Telephone Number (505) 766-1486

Number: X-86 - 2 - 116 - 3 TV 1

Ten-Day Notice to the State of UTAH

You are notified that, as a result of A FEDERAL INSPECTION (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: <u>Utah Power & Light Co.</u> <small>(Or Operator if No Permit)</small>	County: <u>Emery</u>	<input type="checkbox"/> Surface
Mailing Address: <u>P.O. Box 899, Salt Lake City, Utah 84110</u>		<input checked="" type="checkbox"/> Underground
Permit Number: <u>ACT/015/019</u>	Mine Name: <u>WILBERG</u>	<input type="checkbox"/> Other _____

NATURE OF VIOLATION AND LOCATION: Failure to conduct sampling and analysis of completed waste rock disposal cells prior to topsoil replacement as required by approved

Permit ACT/015/019. Section of State Law, Regulation or Permit ACT/015/019
Condition believed to have been violated: Appendix VII; pg. 11-A

NATURE OF VIOLATION AND LOCATION: _____
Section of State Law, Regulation or Permit
Condition believed to have been violated: _____

NATURE OF VIOLATION AND LOCATION: _____
Section of State Law, Regulation or Permit
Condition believed to have been violated: _____

Remarks or Recommendations: _____

Date of Notice: 5-22-86
Sent certified letter #
P 201 228 990 on 5/22/86
Signature of Authorized Rep.: Henry P Austin
Print Name and ID: HENRY P. AUSTIN # 116