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CITIZENS COAL COUNCIL*Restoring Justice to the Coal Fields*

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September 7, 1994

Sent by FAX on September 7, 1994 to 505/766-2609

Mr. Thomas Ehmett, Director
Office of Surface Mining
505 Marquette Ave. NW
Suite 1200
Albuquerque, NM 87102

Citizen's Report of Violation

Dear Mr. Ehmett:

The Citizens Coal Council requests that OSM inspect without advance notice the coal preparation plant connected with PacifiCorp's coal mining operations at the Wilberg mine in Utah.

We ask for this inspection because PacifiCorp started building its coal preparation plant in 1990 and has used it since 1991 without ever getting a mining and reclamation permit and without posting a reclamation bond. The Council has looked at OSM's permit files at the Western Support Center in Denver and found no permit or permit application for this coal preparation plant, although the plant it replaced was permitted. The Act (Sec. 506(a) requires all surface coal mining operations to get a permit and includes coal processing and preparation plants in the definition of surface coal mining operations (Sec. 701(28)(a)).

The files also show that OSM Albuquerque inspected the plant in the spring of 1991 and found that the plant was not permitted. OSM did not take enforcement action on this blatant violation. For the past 3 1/2 years, the field office has wasted well over \$10,000 dollars of our taxpayer money having futile meetings, talks, and paper exchanges with James Carter, director of the Utah Division of Oil, Gas & Mining Division, in hopes that he could be persuaded to do his duty and enforce the state law.

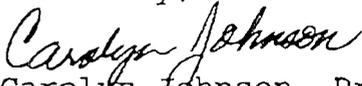
This is wrong. The law required then and requires now that OSM take **immediate** action on this violation, which is causing imminent harm of significant environmental damage; OSM is required to issue a cessation order and to get PacifiCorp to abate the violation immediately. The federal law was passed because some state officials were too weak to make coal companies like PacifiCorp obey the law.

Each OSM inspector is required to immediately order a cessation of surface coal mining and reclamation operations if s/he finds any condition or practice which is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources (Sec. 521(a)(2)). Further, OSM's rules state: "Surface coal mining operations conducted by any person without a valid surface coal mining permit constitute a condition or practice which causes or can reasonably be expected to cause significant imminent environmental harm to land, air or water resources." (30 CFR 843.11(a)(2)).

The Council is a federation of grass roots groups and our members live in the coal fields in 17 states (including Utah) and the Navajo Nation. Our goals are to restore law and order to the coal fields, protect water and secure environmental justice for coal field citizens.

The Council waives its right to confidentiality and requests the right to accompany the OSM inspector. Please contact Ms. Johnson at the address and telephone number listed above for the Council's Washington office before noon on September 9 or at the Denver office after September 11.

Sincerely,



Carolyn Johnson, Program Coordinator

c.c. James Carter, DOGM Director (Fax: 801/359-3940)