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STATE OF UTAH
NATURAL RESOURCES & ENERGY
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

September 9, 1982

744103

REGISTERED RETURN RECEIPT REQUESTED

Mr. Wendell Owen
Co-op Mining Company
P.O. Box 1245
Huntington, UT 84528

ACT/015/021
ACT/015/025 ✓
#7

RE: Compliance Status at
Trail Canyon and Bear Creek Canyon
Mining Operations

Dear Mr. Owen:

I'd like to take the opportunity to discuss with you the compliance status at both the Trail Canyon and the Bear Creek Canyon Mining Operations.

Trail Canyon

As of late, the Office of Surface Mining has conducted a preliminary review of our coal regulatory program pursuant to their oversight policy. Preliminary findings indicate that in a one year period from June 1981 through June 1982, a total of ten (10) violations and one (1) cessation order were issued at the Trail Canyon Operation. Sediment control violations were cited on four (4) separate inspections. Our statute, (Utah Code Annotated, 1953), refers to this situation in general terms as a pattern of violations under section 40-10-22(d), which reads as follows:

"When on the basis of an inspection, the Division determines that a pattern of violations of any requirements of this chapter or any permanent conditions required by this chapter exist, or has existed, and if the Division also finds that these violations are caused by the unwarranted failure of the permittee to comply within the requirements of this chapter or any permit conditions or that these violations are willfully caused by the permittee, the Board shall be requested to issue an order to the permittee to show cause as to why the permit should not be suspended or revoked and shall provide opportunity for a public hearing. If a conference is requested, the Division shall inform all interested parties of the time and place of the hearing. Upon the permittees failure to show cause why the permit should not be suspended or revoked, the Board shall immediately suspend or revoke the permit."

In reviewing the language in the aforementioned section of our statute, I do not feel that a formal order to show cause before our Board is required in this situation. However, I would like to extend an open invitation to you and members of your company to meet with myself and members of both our technical, inspection and enforcement staffs, to informally discuss the compliance at your Trail Canyon Operation. I feel that a meeting of this nature would provide the mechanism for ensuring environmental compliance without having to issue Notices of Violation.

Board/Charles R. Henderson, Chairman • John L. Bell • E. Steele McIntyre • Edward T. Beck
Robert R. Norman • Margaret R. Eno • Herm Olsen

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Bear Creek Canyon

As I understand, the recent development of the Bear Creek Canyon Mine has been of great importance to Co-op Mining Company. It is our intention to work with you as expeditiously as possible in terms of permitting and compliance so as not to deter the economic projects of this operation. In terms of inspection and permitting, several situations have been brought to my attention.

Permitting

To date, the technical staff has been unsuccessful in finding permitting information in either, an interim, or permanent mining and reclamation plan relevant to the following situations.

1. The uppermost storage pad area. This area is not mentioned in your interim plan and it needs to be permitted in terms of hydrology, soils, stability, and bonding.
2. The surface disturbance inside the main gate along the main access and haul road. Inspection reports indicate that a token amount of topsoil has been salvaged however, the Division has no documentation of permitting of this area or soil sampling to indicate chemical and physical properties and volumes of suitable media to be salvaged. This area also needs to be addressed in terms of runoff control and bonding.
3. The new road development. The Division has no documentation to demonstrate permitting of this activity.
4. Culinary development of a spring located within the Bear Creek Canyon permit area.
5. Stipulation number six (6), issued March 12, 1980, which reads as follows: "The mine site is to be inspected by the Division when surface construction is completed for compliance with the permit. If violations are found, compliance shall be completed prior to the mining of coal."

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In summary, it is imperative that item number five (5) be given immediate consideration by Co-op Mining Company. This can be accomplished by submitting to the Division a modification of the existing interim mining and reclamation plan, at a minimum the modification should include detailed plans of all of the above mentioned areas addressing the general requirements and performance standards of Utah's Permanent Regulatory Coal Program. Your cooperation in this matter will be greatly appreciated.

Sincerely,



CLEON B. FEIGHT
DIRECTOR

CBF/tck

P 324 744 103

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PS Form 3800, Apr. 1976

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Beth S Owen

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