

GENWAL COAL COMPANY

*file folder #5
ad 015/032*

September 10, 1990
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Mr. Joe Helfrich
 Division of Oil, Gas, & Mining
 3 Triad Center, Suite 350
 355 West North Temple
 Salt Lake City, UT 84280-1203

DIVISION OF
 OIL, GAS & MINING

RE: Genwal Coal Company
 Pre-Assessment of NOV's
 #N90-18-1-1, #N90-17-3-2, and
 #N90-17-4-2

Dear Mr. Helfrich:

This letter is in reference to our telephone conversation of September 6, 1990, in regards to Genwal's request to contest the facts and amounts associated with the above mentioned NOV's.

In our conversation you stated an assessment of the dollar amount and/or severity had not yet been determined for these violations. You also suggested it may be beneficial to our cause to briefly list some of Genwal's view points on these individual violations.

NOV #N 90-18-1-1:

This violation issued by Dave Darby is in the surface area which is in questionable jurisdiction between the Forest Service and the Division.

As you aware, we have had various construction projects under way at the mine site this summer, and the limited space at the load-out and the small storage area has been a great obstacle. The equipment referenced in this NOV was a duster box and blade which had been removed from our snow plow to position a water tank onto the truck. In all the confusion they were removed and placed away from the added construction for a period of less than one week.

In lieu of issuing a NOV Genwal felt if we had been directed to move this equipment (which we did) we would have done so without delay. We then exhibited to Dave the page within the permit which referenced to this small area exemption; therefore, the only issue was the equipment that had been placed there inadvertently.

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NOV #N 90-17-3-2 (Page 2 of 3): (buffer zone)

#1. The buffer zone sign had been broken off only that morning by the cement crew that were moving forms from one area to another. The sign had not been noticed because the accident did not occur until after lunch. The sign was repaired as soon as possible that afternoon after Mr. Kunzler brought it to our attention.

#2. The materials and debris specified were five empty plastic buckets the same cement construction crew had used to sit on under some pine trees to eat their lunch. (Wrappers from their lunch were also found.) There were also three empty rock dust bags which were also promptly removed.

*no mention
of construction
materials*

We have repositioned our trash bin creating a situation to prevent mine trash from being spilled or blown into buffer zones. We made an express effort to address the construction crews concerning the importance of our small storage areas and insisting on their utmost assistance in keeping their materials limited to conform with our present storage conditions, and of maintaining the buffer zones.

NOV. #N 90-17-3-2 (Page 3 of 3): (substation & Retaining Wall)

#1. The as-built plans were promptly delivered and stamped by a physical engineer. Three copies of the same were hand delivered to the Division August 31.

#2. Because of the various construction projects underway at the mine site, we felt it would be in everyone's best interest to have the surface facilities map created after these major projects were completed to give an accurate account of what we have at our mine site. A letter was written and hand delivered to the Division August 31, 1990, defining our intent. An extension was issued until the contractor could generate the map from the aerial photographs.

#3. It was our understanding Utah Power & Light had the proper permits from their survey previously conducted for the power line into the Crandall Canyon Mine which were issued through the U.S. Forest Service. UP&L representatives were not present at the mine site during the inspection, but were confronted in regards to the same the following day. They indicated that had followed their permit on all pole placement and would; therefore, reclaim any and all disturbances created by this.

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NOV #N 90-17-4-2 (Page 2 of 3) : (Dimensions)

#1. Even though this portion of the mine area has been affected by construction, any and all drainage follows the same path from the mine portal area down the access road to the culvert at the bottom of the hill. The outside of this road is graded to the inside so runoff will be channeled to the ditch inside.

The various construction project prohibits us from having a person keep these drainages open and cleaned properly on a day to day basis. This issue, along with the others contained within this NOV, will be reestablished to a greater degree when all construction is completed this season.

NOV #N 90-17-4-2 (Page 3 of 3): (culvert sizing)

#1. This is an area in which we are trying to complete construction. With our modest budget we are limited in what we can accomplish in one period, with our present priority being the substation high wall and supporting structure. The next area to be completed is a cement pad and support walls for the trash bin. The cement pad has not been poured to date; however, the area is gravel filled, and this is directly contiguous to the high wall area. As stated previously, all drainages will be reestablished when construction is finalized this season.

*discussion
not applicable
to NOV
referenced.*

This letter is not intended as a replacement for the informal conference we have requested, nor is it inclusive in and of itself. It is provided to inform you of Genwal's position on the issues contained in the NOV's, and sent in reference to our telephone conversation of September 6, to aid with the assessment values.

We will be waiting to hear from you as to when we can get together to discuss these issues. Should you have any questions or need additional information, please feel free to contact me at 687-9813.

Sincerely,

GENWAL COAL COMPANY



Randal J Ralphs
Surface Foreman