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**Joe Helfrich - N10046**

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**From:** "Shaver, Dave" <dshaver@coalsource.com>  
**To:** "Joe Helfrich" <joehelfrich@utah.gov>  
**Date:** 11/13/2009 10:40 AM  
**Subject:** N10046  
**CC:** "Karl Houskeeper" <KARLHOUSKEEPER@utah.gov>

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Joe....Crandall citation 10046 was received on 10/29/09. Early the following week I scheduled with JBR to take the required UPDES sample, while Scamp pumped the water out of the pond. I started the requisition process at the same time to have the pond cleaned out, which involved getting equipment rates from three different contractors. Because the cleaning is expected to cost more than \$20,000, the requisition then had to be forwarded on to the corporate office for approval. Meanwhile, Scamp proceeded to lease out a long-reach track hoe, and also began modifying the tailgate of the rock truck so that it could be used to transport the material up and out of the pond without spillage. We received the PO approval on Nov 12, and Scamp was then authorized to mobilize the equipment on site. The nuisance water into the pond will be redirected on Monday (Nov 16) and the pond pumped out one final time prior to cleaning, while equipment is being moved to the site. Cleaning is scheduled to begin on Tuesday, Nov 17, and will continue uninterrupted until completed. We have made every effort to show good faith in our attempt to abate this violation, especially given the constraints of UPDES sampling and monitoring requirements, bid preparation, corporate approval, equipment acquisition and modification, and mobilization. In light of this demonstrated good faith I request that the Division re-evaluate the good-faith component of the proposed violation assessment which was sent to us on November 9, hardly one week after violation was issued. Thank you

Dave Shaver