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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5289
801-359-3940 (Fax)
801-538-5319 (TDD)

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

August 5, 1996

Stephen Brown
1708 Millbrook Road
Salt Lake City, Utah 84106

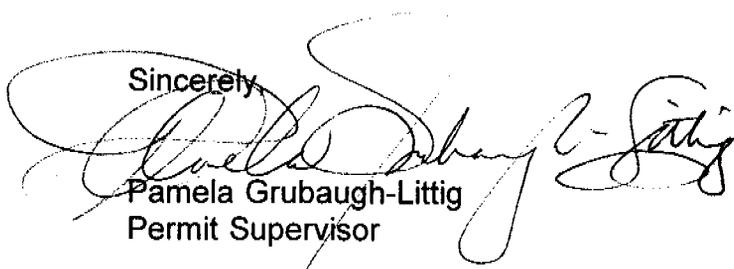
Re: Concern at Convulsion Canyon Mine, Southern Utah Fuel Company,
Convulsion Canyon Mine, ACT/041/002, Folder #2, Sevier County, Utah

Dear Mr. Brown:

Pursuant to our telephone conversation today, I am enclosing a copy of the regulations in the Utah Coal Regulatory Program (R645-400-200) relative to citizen complaints/concerns.

If you have any questions, please call me or Pete Hess (801-637-2120 ext. 5622.)

Sincerely,


Pamela Grubaugh-Littig
Permit Supervisor

Enclosure

cc: Joe Helfrich
Pete Hess

- 142.100. As otherwise provided by federal law; and
- 142.200. For information not required to be made available under R645-203, R645-300-124 or R645-400-144.
143. The Division will ensure compliance with R645-400-142 by either:
- 143.100. Making copies of all records, reports, inspection materials, and other subject information available for public inspection at a federal, Utah or local government office in the county where the mining is occurring or proposed to occur; or
- 143.200. At the Division's option and expense, providing copies of subject information promptly by mail at the request of any resident of the area where the mining is occurring or is proposed to occur. Provided, that the Division will maintain for public inspection, at a federal, Utah or local government office in the county where the mining is occurring or proposed to occur, a description of the information available for mailing and the procedure for obtaining such information.
144. In order to protect preparation for hearings and enforcement proceedings, the Director of the Office and the Division may enter into agreements regarding procedures for the special handling of investigative and enforcement reports and other such materials.
150. **Public Participation.** The State Program provides for public participation in the enforcement of the State Program in R645-400-200, R645-400-300, R645-401, and the Board's Procedural Rules.
160. **Compliance Conference.**
161. Compliance conferences between a permittee and an authorized representative of the Division are provided for and described in R645-400-162 through R645-400-165.
162. A permittee may request an on-site compliance conference with an authorized representative of the Division to review the compliance status of any condition or practice proposed at any coal exploration or coal mining and reclamation operation. Any such conference will not constitute an inspection within the meaning of UCA 40-10-22 and R645-400-130, or any applicable permit or exploration approval.
163. The Division may accept or refuse any request to conduct a compliance conference under R645-400-162.
164. The authorized representative at any compliance conference will review such proposed conditions and practices in order to advise whether any such condition or practice may become a violation of any requirement of the Act, the approved State Program or any applicable permit or exploration approval.
165. Neither the holding of a compliance conference under this section nor any opinion given by the authorized representative at such a conference will affect:
- 165.100. Any rights or obligations of the Division or of the permittee with respect to any inspection, notice of violation or cessation order, whether prior or subsequent to such compliance conference; or
- 165.200. The validity of any notice of violation or cessation order issued with respect to any condition or practice reviewed at the compliance conference.
- R645-400-200. Information Related to Inspections.**
- 210. Requests for Inspections.**
211. A citizen may request a Division inspection under UCA 40-10-22 by furnishing to the Division a signed, written statement (or an oral report followed by a signed, written statement) giving the Division reason to believe that a violation of the State Program or any applicable permit or exploration approval has occurred, and including a phone number and address where the citizen can be contacted.
212. The identity of any person supplying information to the Division relating to a possible violation or imminent danger or harm will remain confidential with the Division if requested by that person, unless that person elects to accompany the inspector on the inspection, or unless disclosure is required under Utah or federal law.
213. If a Division inspection is conducted as a result of information provided to the Division by a citizen as described in R645-400-211, the citizen will be notified as far in advance as practicable when the inspection is to occur and will be allowed to accompany the authorized representative of the Division during the inspection. Such person has a right of entry to, upon, and through the coal exploration or coal mining and reclamation operation about which he or she provided information, but only if he or she is in the presence of and is under control, direction and supervision of the authorized representative while on the mine property. Such right of entry does not include a right to enter buildings without consent of the person in control of the building or without a search warrant. All citizens so visiting mine sites are required to comply with applicable MSHA safety standards.
214. Within 10 days of the Division inspection or, if there is no inspection within 15 days of receipt of the citizen's written statement, the Division will send the citizen the following:
- 214.100. If an inspection was made, a description of the enforcement action taken, which may consist of copies of the Division inspection report and all notices of violation and cessation orders issued as a result of the inspection or an explanation of why no enforcement action was taken;
- 214.200. If no Division inspection was conducted, an explanation of the reason why; and
- 214.300. An explanation of the citizen's right, if any, to informal review of the action or inaction of the Division under R645-400-240.
215. The Division will give copies of all materials in R645-400-214 within the time limits specified in that Rule to the person alleged to be in violation, except that the name of the citizen will be removed unless disclosure of the citizen's identity is permitted under R645-400-212.
- 220. Right of Entry.**
221. Each authorized representative of the Division conducting an inspection under R645-400 through R645-401:
- 221.100. Will have a right of entry to, upon, and through any coal exploration or coal mining and reclamation operation