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M E M O R A N D U M

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TO: The Board of Oil, Gas and Mining

FROM: Ron Daniels, Coordinator of Mined Land Development *Ran*

SUBJECT: Extension of Time for Compliance at the Utah Coal and Energy
Black Hawk Mine, Summit County, Utah - ACT/043/001

DATE: April 22, 1980

Mr. Philip Fishler, Counsel for Utah Coal and Energy called the Division and requested an extension of time for compliance with the Board's Order of January 23, 1980. Mr. Fishler indicated that the consultant who was to prepare the plan for the Blackhawk Mine was not in town, and apparently the draft plan or the final plan was with the consultant, Mr. Charles Shannon. In addition, Mr. Fishler indicated that he, as the counsel for Utah Coal and Energy, was having trouble in obtaining a surety in the amount prescribed by the Board's Order.

Mr. Fishler seeks a 15 day extension of time in which he will attempt to achieve compliance for both of these measures, the plan and the performance bond for reclamation. The Division is hesitant to extend these days for compliance due to Board having prescribed said dates in its Order of January 23, 1980.

The essence of the Board Order is as follows:

1. The Utah Coal and Energy Company was conducting mining operations in violation of the Board's Abatement Order of February 28, 1979, and the Utah Coal Mining and Reclamation Act and the Division's Cessation Order halting such activities on December 19, 1979 was correctly applied.

2. The Utah Coal and Energy Company is hereby fined \$750.00 which is due and payable by February 23, 1980.

3. The Utah Coal and Energy Company shall submit a mining and reclamation plan, a performance bond of \$15,000.00 and any other submissions necessary to meet application requirements under the interim regulatory program for surface coal mining by April 23, 1980.

4. In the event that Utah Coal and Energy fails to comply with the provisions of either paragraph 2 or 3 of this order, the Board will increase the Company's fine by \$4,250.00 to a total fine of \$5,000.00.

The Division recognizes the problems which Utah Coal and Energy faces in achieving compliance with this Board Order, however it is also cognizant of the company's lack of showing good faith for compliance in the past. The Company has experienced logistical problems in achieving compliance with this Order. The Division therefore recommends that a five working day extension of time be issued to Utah Coal and Energy for the submission of its application under the interim regulatory program so that the plan would be required to be submitted by April 30, 1980. The Division also recommends that an extension of time be granted so that the Company can submit a surety for reclamation performance by May 7, 1980.

RWD/sp