

0003

PRO/043/001
#2

LAW OFFICES OF
LARSEN & WILKINS
500 KENNECOTT BUILDING
10 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84133
(801) 355-5775

RECEIVED
DEC 22 1987

DIVISION OF
OIL, GAS & MINING

December 21, 1987

Mineral Resource Development and Reclamation Program
State of Utah
Natural Resources
355 West North Temple,
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: Summit No. 1 (Blackhawk) Mine, PRO/043/001

Gentlemen:

Please be advised that the above-referenced mine formerly in the name of Summit Minerals Inc. has been purchased by Mr. Keith H. Bates. As such, we request that all further correspondence regarding the above be addressed as follows:

Mr. Keith H. Bates
940 Donner Way, No. 690
Salt Lake City, Utah 84108

We have become aware of a violation, No. N87-13-2-1 issued by Reclamation Engineer J. Randall Harden. Summit Minerals Inc., the prior owner, forwarded the notice for our handling. Please be advised that no mining operation will be performed until the matter noticed in the violation is resolved.

The notice of violation indicates an abatement time "on or before February 10, 1988." It may take longer than that for the new owner to take care of all of the paper work so that mining can commence. As such, we request additional time to resolve the violation. Under no circumstances, however, will the mining operations commence until the violation is resolved and all of the necessary steps are taken.

We would appreciate your consideration in this matter.

Very truly yours,


Lynn B. Larsen
LARSEN & WILKINS

LBL.231/Encl.

cc: J. Randall Harden, Reclamation Engineer
Keith H. Bates



STATE OF UTAH
 NATURAL RESOURCES
 Oil, Gas & Mining

Norman H. Bangerter, Governor
 Dee C. Hansen, Executive Director
 Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple - 3rd Floor - Suite 350 - Salt Lake City, UT 84180-1203 - 801-538-5340

RECEIVED
 DEC 22 1987

November 16, 1987

DIVISION OF
 OIL, GAS & MINING

CERTIFIED RETURN RECEIPT REQUESTED
 (P 402 459 424)

Mr. John Higgins
 Summit Minerals Inc.
 Bennett Leasing Company
 221 West 2100 South
 Salt Lake City, Utah 84115

Dear Mr. Higgins:

Re: Required Copies and Format of Plans, Applications for Permit Change (PAP Amendments, Revisions, NOV Abatement Plans, Coal Exploration), Summit Minerals, Inc., Summit #1 (Blackhawk) Mine, PRO/043/001, Folder #2, Summit County, Utah

On May 6, 1985, the Division formally notified all operators of active coal mines in the state of Utah of a new Division policy (copy attached). The policy discussed the importance of proper formatting and required number of copies for submission of applications for Permit Application Package (PAP) amendments, revisions, Notice of Violation abatement plans, and mining plan modifications. The policy was effective as of May 1, 1985. The intent of this letter is to reaffirm the Division's position regarding that policy and to show why the policy is important to properly implement the new State/Federal Cooperative Agreement.

The Cooperative Agreement, between the Division of Oil, Gas and Mining (DOG M) and the Office of Surface Mining, Reclamation and Enforcement (OSMRE), effective April 13, 1987, grants primacy to Utah for regulating and permitting coal mining and reclamation operations on federal and non-Indian lands within the state. Under the Cooperative Agreement, DOGM must provide certain state and federal regulatory agencies with complete copies of all applications for new permits and changes to existing permits. The lack of submission of the requisite numbers of copies has resulted in unnecessary delays in the permit process.

P 402 459 424

RECEIPT FOR CERTIFIED MAIL

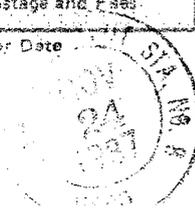
NO INSURANCE COVERAGE PROVIDED -
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to MR. John Higgins	
Summit Minerals Inc.	
Street or Post Office Box Bennett Leasing	
221 W. 2100 So.	
P.O., State and ZIP Code SALT LAKE CITY UT 84115	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return Receipt Showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

PROBLYS 1001 R

PS Form 3849, July 1983



11, July 1983 447-845

you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. Show to whom, date and address of delivery.

2. Restricted Delivery.

3. Article Addressed to:
Mr. John Higgins
Summit Minerals Inc.
Bennett Leasing
221 West 2100 South
Salt Lake City, UT 84115

4. Type of Service: Article Number

Registered Insured
 Certified COD **P 402 459 424**
 Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee
X

6. Signature - Agent
X

7. Date of Delivery

8. Addressee Address (ONLY if requested and fee paid)
SAME

DOMESTIC RETURN RECEIPT

FR 1043 1001 R

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS PENALTY \$300

SENDER INSTRUCTIONS
Print your name, address, and ZIP Code in the space below.
• Complete items 1, 2, 3, and 4 on the reverse.
• Attach to front of article if space permits, otherwise affix to back of article.
• Endorse article "Return Receipt Requested" adjacent to number.

STATE OF UTAH
NATURAL RESOURCES
OIL, GAS, & MINING
3 TRIAD CENTER, SUITE 350
SALT LAKE CITY, UTAH 84180-1203

(Name of Sender)

(No. and Street, Apt., Suite, P.O. Box or R.D. No.)

(City, State, and ZIP Code)

RETURN TO

STATE OF UTAH
NATURAL RESOURCES
OIL, GAS, & MINING
3 TRIAD CENTER, SUITE 350
SALT LAKE CITY, UTAH 84180-1203

POST OFFICE BOX 1001
SALT LAKE CITY, UTAH 84115
NOV 25 1983

U.S. MAIL

STATE OF UTAH
NATURAL RESOURCES
OIL, GAS, & MINING
3 TRIAD CENTER, SUITE 350
SALT LAKE CITY, UTAH 84180-1203

Page 2
Division Policy-New Applications
November 16, 1987

After November 30, 1987, the Division will not review any new submission (including new MRP's, NOV Abatement Plans, Amendments and Revisions to existing MRP's) until the required number of copies are received by this office in the proper format as discussed in the attached (1985) Division Policy.

Each operator is hereby required to provide a minimum of eight (8) copies of an initial application which proposes a change(s) in the mining and reclamation plan of a pending or approved Permit Application Package (PAP). Please reference the attached policy for a more detailed explanation of the permitting procedures and requirements.

We appreciate your continued cooperation and assistance in making this policy work. We believe this practice will ultimately result in expediting the review of applications and allow for more timely permitting decisions. As always, should questions arise, please contact us at your convenience.

Sincerely,



L. P. Braxton
Administrator
Mineral Resource Development
and Reclamation Program

DWH/djh
Attachment
cc: R. Hagen
P. Rutledge
G. Morris
L. Berggren
8946R/24-25

K. May
S. Linner
J. Whitehead
P.F.O.



STATE OF UTAH
 NATURAL RESOURCES
 Oil, Gas & Mining

Norman H. Bangarter, Governor
 Dee C. Hansen, Executive Director
 Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

May 6, 1985

CERTIFIED RETURN RECEIPT REQUESTED
 (Certified Number)

(Name, Title)
 (Company Name)
 (Address)
 (City, State Zip Code)

Dear (Name):

RE: Required Format for Submission of Revisions, Notice of Violation Abatement, Modifications

This letter is directed to all coal operators to inform them of a new Division policy which will be effective as of May 1, 1985. This policy will help shorten the time frame presently required for processing a permit application for an amendment, revision, or modification to the approved Mining and Reclamation Plan, Permit Application Package (PAP). It will also simplify filing and tracking procedures and aid the Division and operator in maintaining a complete, accurate and updated PAP on file. This policy will apply to the submission of abatement plans for a Notice of Violation (NOV) as well.

The Division will not process an application for a PAP or NOV abatement plan change until the required number of copies are received by this office in the proper format as discussed below.

- Initially, the operator must provide seven (7) complete copies of the application for proposed change (this includes NOV abatement plans) to the Division. Each application for a permit amendment, revision, or modification must be formatted in a manner which will allow direct insertion into the approved PAP.

** now 8 copies (10-15-87)*

2. If the abatement plan for a NOV is determined to constitute a change (amendment or revision) to the approved PAP, the following condition will apply. Upon Division approval of the abatement plan, the operator will be required to provide sufficient copies to allow direct insertion into the overall approved PAP (federal mine--14, state mine-7). This number of copies also applies to final Division approval for amendments, revisions and modifications to the approved PAP. The Division will forward copies of the initial, interim and final approved plans to the interacting state and federal agencies to solicit review comments and/or update their PAP's as necessary.
3. All submittals must be formatted to include proper indexing by page or figure number to permit direct insertion or replacement of new text, plates, and maps into the approved PAP on file with the Division. The operator must also indicate by page and figure number, those portions of the existing PAP which the new submittal will replace. The date of the proposed change or revision must be indicated on each of the replacement pages.
4. The Division recommends that the operator reorganize the necessary portion of the approved PAP (MRP) if it is not formatted in a condition which will allow direct insertion of new material as necessary. However, the operator is expected to meet the requirement of Part 3, above. If determined necessary, the Division will require the operator to reorganize the previously approved PAP during the Division's midpoint review of the five-year permit term.
5. All mining correspondence, applications, and submissions referencing the preceding information should be addressed to Mr. Lowell P. Braxton, Administrator, Mineral Resource Development and Reclamation Program. He will serve as the primary contact for assuring proper dissemination of mining related information to the appropriate technical staff reviewers.

* now
8
for State
Mines
10-15-87

Page 3
Format for Submissions
May 6, 1965

The Division appreciates your assistance and cooperation in making this a workable policy. Should questions arise, please feel free to contact us at your convenience.

Best regards,

Dianne R. Nielson
Director

DWH/btb

cc: Allen Klein
Walt Swain
Robert Hagen
Barbara Roberts
Ron Daniels
Lorin Nielsen
Mining Technical Staff
Inspection and Enforcement Staff

0036R



RECORDED
DEC 22 1987

DIVISION OF
OIL, GAS & MINING

NOTICE OF VIOLATION NO. N87-13-2-1

Violation No. 1 of 1

Nature of violation

FAILURE TO POST RECLAMATION BOND IN THE AMOUNT OF \$229,000.00,
AND, SUBMIT PROOF OF ADEQUATE LIABILITY INSURANCE IN ACCORDANCE
WITH STATE DECISION PACKAGE, DATED JULY 9, 1987, THEREBY,
PREVENTING THE DIVISION FROM ISSUANCE OF THE
STIPULATED RECLAMATION PERMIT.

Provisions of act, regulations or permit violated

UMC 771.19 COMPLIANCE WITH PERMITS - ALL PERSONS SHALL
CONDUCT SURFACE COAL MINING AND RECLAMATION ACTIVITIES UNDER
PERMITS ISSUED TO THE SUBCHAPTER A REGULATORY PROGRAM AND
SHALL COMPLY WITH THE TERMS AND CONDITIONS OF THE PERMIT AND
THE REQUIREMENTS OF THE ACT, THE CHARTER, AND THE REGULATORY PROGRAM.

Portion of operation to which notice applies

THE OPERATION IN ITS ENTIRETY.

Remedial action required (including any interim steps)

SUBMIT BOND IN THE AMOUNT OF \$229,000.00, AND,
SUBMIT PROOF OF ADEQUATE LIABILITY INSURANCE, AND,
COMPLY WITH THE PROVISIONS AND STIPULATIONS OF
THE STATE DECISION PACKAGE, DATED JULY 9, 1987

Abatement time (including interim steps)

ON OR BEFORE FEBRUARY 10, 1988.



NO. N87-13-2-1

notice of violation

To the following Permittee or Operator

Name SUMMIT MINERALS, INC.

Mine SUMMIT No. 1 COAL MINE Surface Underground Other

County SUMMIT State UTAH Telephone (801) 436-1861

Mailing Address 221 WEST 2100 SOUTH, SALT LAKE CITY, UTAH 84115

State Permit No. PRO/043/001

Ownership Category State Federal Fee Mixed

Date of inspection NOVEMBER 24, 1987, 19

Time of inspection FROM DOGM OFFICE a.m. p.m. to a.m. p.m.

Operator Name (other than Permittee) SAME AS ABOVE

Mailing Address SAME AS ABOVE

Under authority of the Utah Coal Mining and Reclamation Act, Section 40-10-1 et seq., Utah Code Annotated, 1953, the undersigned authorized representative of the Division of Oil, Gas & Mining has conducted an inspection of above mine on above date and has found violation(s) of the act, regulations or required permit condition(s) listed in attachment(s). This notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that **cessation of mining is** **is not** expressly or in practical effect required by this notice. For this purpose, "mining" means extracting coal from the earth or a waste pile, and transporting it within or from the mine site.

This notice shall remain in effect until it expires as provided on reverse side of this form, or is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas & Mining. Time for abatement may be extended by authorized representative for good cause, if a request is made within a reasonable time before the end of abatement period.

Date of service/mailling 11/24/87

Time of service/mailling 3:00 a.m. p.m.

JOHN HIGGINS
Permittee/Operator representative

PRESIDENT
Title

(MAILED FROM DOGM OFFICE)
Signature

POOI 771 207

J. RANDALL HARDEN
Division of Oil, Gas & Mining representative

RECLAMATION ENGINEER
Title

J. Randall Harden
Signature

#13
Identification Number

SEE REVERSE SIDE

WHITE-DOGM YELLOW-OSM PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE

1902