



0013

STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

File  
INA/043/001

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

March 23, 1983

Mr. Jean Vickers  
1800 South West Temple, Suite 401  
Salt Lake City, Utah 84115

Dear Mr. Vickers:

Pursuant to our phone conversation of March 17, 1983 I have prepared the following chronological sequence of events for your perusal.

DATE:

October 17, 1977

TRANSACTION:

Memo to file.

COMMENTS:

Documentation of phone conversation between Mr. Clem Cafarelli and Brian Buck, Engineering Geologist for the Division of Oil, Gas and Mining (DOG M), in regards to the subpoena to appear before the Board of Oil, Gas and Mining (Board) pursuant to nonpermitted mining activity. Thirteen acres of unpermitted surface disturbance observed.

DATE:

November 29, 1978

TRANSACTION:

Order to Show Cause to Clem Cafarelli for failing to comply with the rules and regulations of the Board. In particular, that said company had failed to comply with Section 48-13 of said Act and with rules M-3 and MC Part 700 et seq., of the Acts implementing regulations.

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COMMENTS:

This resulted in a Board Order giving direction to Mr. Cafarelli to come into compliance with Section 48-13 of the Act and Rule M-3 and MC Part 700 et seq., of the Acts implementing regulations by submitting a Mining and Reclamation Plan to DOGM within 60 days of the Order.

DATE:

November 29, 1978

TRANSACTION:

Letter from Don Crane, Office of Surface Mining (OSM) to Mr. Cafarelli.

COMMENTS:

Mr. Cararelli was advised that he had not reported any tonnages mined, paid any reclamation fees due nor produced any books or records as required by 30 CFR Part 837.12, 837.15 and 837.16 and Public Law 95-87. He was given 30 days to come into compliance with these requirements.

DATE:

December 1, 1978

TRANSACTION:

Letter from Murray Smith to Mr. Harold Soderquist.

COMMENTS:

Verification of joint federal and state inspection resulting in violations specifically dealing with noncompliance at the Blackhawk Mine.

DATE:

December 29, 1978

TRANSACTION:

Mr. Cafarelli to DOGM.

COMMENTS:

Submittal of the Mining and Reclamation Plan (MRP) and required in the previously noted Board Order.

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DATE:

February 1, 1979

TRANSACTION:

Board Order addressing the deficiencies in Utah Coal and Energy's (UC&E) Blackhawk MRP.

DATE:

February 28, 1979

TRANSACTION:

Order to Show Cause.

COMMENTS:

The resulting Board Order determined that there would be an immediate abatement order halting mining activities at the Blackhawk Mine, Summit County, Utah, until UC&E obtained an approved Notice of Intent to Mine in accordance with requirements of the Utah Mining and Reclamation Act, Title 8, Chapter 40 of the Utah Code Annotated, as amended, and implementing regulations and specifically posted a surety for reclamation in the amount of \$15,000.

DATE:

December 19, 1979

TRANSACTION:

Order to Show Cause.

COMMENTS:

As a result of the inspection conducted at the mining operation and finding mining activities at the said mine in violation of the Board's abatement order of February 28, 1979.

DATE:

December 20, 1979

TRANSACTION:

Registered letter to Mr. Clem Cafarelli from Denise A. Dragoo, Special Assistant Attorney General, representing DOGM.

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COMMENTS:

Board and Division Order requiring immediate cessation of all mining activities and to appear on January 23, 1980 at the January Board Hearings.

DATE:

January 23, 1980

TRANSACTION:

Order to Show Cause.

COMMENTS:

UC&E is fined \$750.00 which is due and payable by February 23, 1980. The UC&E shall submit a MRP performance bond at \$15,000 and any other submissions necessary to meet application requirements under the interim regulatory program for surface mining by April 23, 1980. Should the operator fail to meet the Board's compliance schedule, the fine will be reinstated to \$5,000 as originally assessed.

DATE:

March 21, 1980

TRANSACTION:

Letter to Ms. Denise Dragoo from a Mr. Phillip R. Fishler, Esq., representing UC&E.

COMMENTS:

The necessity for an extension to comply with the January 23, 1980 Board Order as Mr. Fishler's client was awaiting the formal written order.

DATE:

March 25, 1980

TRANSACTION:

Registered letter to Mr. Clem Cafarelli from Ronald W. Daniels of DOGM.

COMMENTS:

Mr. Cafarelli is advised of the deficiencies of his mine plan and that the Blackhawk Mine is not in compliance with the Board Order of January 1980 and will not be until all four points listed in that letter were fulfilled and approved by the Division.

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DATE:

April 14, 1980

TRANSACTION:

A letter to Ron Daniels from Mr. Cafarelli.

COMMENTS:

This is a request for approval of temporary measure to abate degradation of minesite surface, specifically slope failure resulting in partial blockage of existing portals.

DATE:

April 22, 1980

TRANSACTION:

Memorandum to the Board from Ronald W. Daniels.

COMMENTS:

Extension of time for compliance at the UC&E Blackhawk Mine. Specifically, the Board Order of January 23, 1980. Mr. Daniels requested a five-day working extension for the time issued to UC&E for the submission of its application under the interim regulatory program requiring said compliance by April 30, 1980 and an additional extension to May 7, 1980 so that the company can submit a surety for reclamation performance.

DATE:

July 17, 1980

TRANSACTION:

Registered letter to Mr. Cafarelli from James W. Smith, Jr.

COMMENTS:

This is a response to UC&E request for emergency stabilization measures at the Blackhawk Mine. The letter reinforces the commitment for UC&E to come into compliance with the Board Order of January 23, 1980 and furthermore that emergency stabilization measures cannot be addressed until a complete application is submitted to the Division.

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DATE:

September 2, 1980

TRANSACTION:

Escrow Agreement between Mr. Clem Cafarelli and the Board is authorized and existing by virtue of the laws of the State of Utah as a party of the second part, hereinafter called the Board.

COMMENTS:

Mr. Cafarelli agrees to deposit an initial sum of \$500 to Utah Bank & Trust Company and a minimum of \$1,000 per month thereafter until said amount reaches a total sum of \$15,000. Under the requirements of the Escrow Agreement, specifically #5, Mr. Cafarelli breached his contract. As a result, the State of Utah, Department of Natural Resources and Energy recouped the initial deposit of \$500. This was done on September 3, 1980.

DATE:

March 10, 1981

TRANSACTION:

Registered letter to Mr. Cafarelli from James W. Smith, Jr.

COMMENTS:

Subject is implementation of three diversion ditches at UC&E's Blackhawk Mine pursuant to the emergency stabilization plans submitted to the Division.

DATE:

April 6, 1981

TRANSACTION:

Registered letter to Mr. Clem Cafarelli from Sandy Pruitt, Reclamation Officer.

COMMENTS:

The operator was cited for a violation of the Utah Mining Code for operating without a permit and failure to operate in accordance with an approved plan and this pertained to lack of permits for the construction activity associated with the existing sediment pond.

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DATE:

May 4, 1981

TRANSACTION:

Certified letter to Mr. Cafarelli from Ron Daniels.

COMMENTS:

Civil penalty assessment for the violation which amounted to \$480.

DATE:

July 13, 1981

TRANSACTION:

The violation was terminated at that point in time.

COMMENTS:

To date there has been no verification that NOV #81-2-2-1 has been paid.

If you have any questions, please give me a call. Best of luck with your financial prospects with Utah Coal and Energy Company.

Sincerely,

JOSEPH C. HELFRICH  
FIELD SUPERVISOR

JCH/btb

cc: J. Smith, DOGM  
S. Pruitt, DOGM