

COMPANY/MINE Valley Camp of Utah, Inc. NOV/CO # 93-39-7-1PERMIT # ACT/007/001 VIOLATION # 1 OF 1EVENT VIOLATIONS INSPECTOR'S STATEMENTA. SERIOUSNESS

1. What harmful event was this regulation designed to prevent? Refer to the DOGM reference list of events below and remember that the event is not the same as the violation. Check and explain each event.

- () a. Activity outside the approved permit area.
 () b. Injury to the public (public safety).
 () c. Damage to property.
 (X) d. Conducting activities without appropriate approvals.
 () e. Environmental harm.
 () f. Water pollution.
 () g. Loss of reclamation/revegetation potential.
 () h. Reduced establishment of a permanent, diverse and effective vegetative cover.
 () i. Other.

♦ Valley Camp let White Oak mine coal on their permitted area.

2. Has the event occurred? Yes X No

If yes, describe it. If no, what would cause it to occur and how likely is it that it would happen?

♦ White Oak has not been granted a permit transfer from the Division and is mining on Valley Camp's permit area.

3. Would and/or does damage extend off the disturbed and/or permit area?

DISTURBED AREA

Would: Yes No X
 Does: Yes No X

PERMIT AREA

Would: Yes No X
 Does: Yes No X

4. Describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not damage would extend off the disturbed and/or permit area.

♦ White Oak does not have a permit; therefore, does not comply with regulations.

Potential damage off the disturbed area. Yes X No
 Potential damage off the permit area. Yes X No

B. DEGREE OF FAULT (Only one question applies to each violation; check one and discuss.

() No Negligence

If you think this violation was not the fault of the operator (due to vandalism or an act of God), explain. Remember the permittee is considered responsible for actions of all persons working on the mine site.

() Ordinary Negligence

If you think this violation was the result of not knowing about DOGM regulations, indifference to DOGM regulations or the lack of diligence or reasonable care. Explain.

(X) Recklessness

If the actual or potential environmental harm or harm to the public should have been evident to an operator, describe the situation and what if anything, the operator did to correct it prior to being cited.

◆ The potential of environmental harm exists since a permit for White Oak does not exist.

() Knowing and Willful Conduct

Was the operator in violation of a specific permit condition? Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation? Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

◆ Should be pending on permit transfer quickness to be approved.

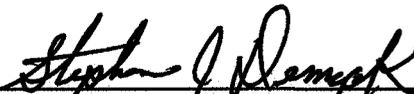
2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

◆ Yes, documentation for permit transfer and shut down the White Oak operation.

3. Was the submission of plans prior to physical activity required by this NOV? Yes X No

◆ Approved mine permit.

October 13, 1993
DATE



AUTHORIZED REPRESENTATIVE