

# FABIAN & CLENDENIN

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

TWELFTH FLOOR  
215 SOUTH STATE STREET  
P.O. BOX 510210  
SALT LAKE CITY, UTAH 84151  
TELEPHONE (801) 531-8900  
FACSIMILE (801) 596-2814

OF COUNSEL  
PETER W. BILLINGS, SR.  
RALPH H. MILLER

NEVADA OFFICE  
2835 SOUTH JONES BLVD., SUITE 5  
LAS VEGAS, NEVADA 89102  
TELEPHONE (702) 367-4545  
FACSIMILE (702) 367-1227

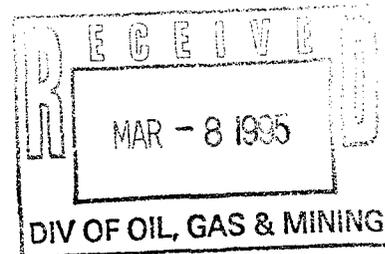
GEORGE D. MELLING, JR.  
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KEVIN N. ANDERSON †  
RANDY K. JOHNSON §

NORMAN J. YOUNKER  
MICHELE MITCHELL †  
JOHN E. S. ROBSON †  
DOUGLAS B. CANNON\*  
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BRUCE D. REEMSNYDER ‡  
BROCK R. BELNAP  
DOUGLAS R. BREWER  
JULIE FORTUNA  
JAMES F. WOOD

† ALSO IN NEVADA  
‡ ALSO IN WASHINGTON AND OREGON  
\* ALSO IN IDAHO  
§ ALSO IN CALIFORNIA  
± ALSO IN TEXAS

0002

March 7, 1995



Mr. Joe Helfrich  
Utah Division of Oil, Gas & Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203

RE: Termination of Notice of Violation No. N94-39-2-1, White Oak Mining  
& Construction Co., Inc.

*ACT/007/001#5  
NOV file  
Copy JB, Steve D. P...*

Dear Joe:

At the request of White Oak Mining & Construction Co., Inc. ("White Oak"), I have been asked to clarify your Notice of Termination in the above-entitled matter dated February 16, 1995. White Oak seeks to clarify that the name of the permittee or operator issued the NOV was Valley Camp of Utah, Inc. ("Valley Camp"). White Oak assumed responsibility to terminate the NOV when Permit No. ACT/007/001 was transferred from Valley Camp to White Oak.

White Oak also seeks to clarify that the NOV was terminated by letter dated September 7, 1994, which states that "information submitted on August 26, 1994, constituted adequate abatement of NOV N94-39-2-1." The "appeal of fact order" referenced in the termination notice was in actuality a "joint motion for dismissal based on stipulation of the parties" dated June 22, 1994.

We would appreciate correction of the notice of termination to reflect the above-stated matters.

Very truly yours,

A handwritten signature in black ink, appearing to be "Denise A. Dragoo".

Denise A. Dragoo

DAD:jmc:52226

cc: Steve Tanner  
Mark Wayment

F A X C O V E R S H E E T

cc JPB

PLZ

Jwe

orig min file

FABIAN & CLENDENIN,  
a Professional Corporation

*Joe Daron  
Steve Jms.*

FAX NUMBERS:

SENT FROM:

*yd*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(801) 596-2814 - 12TH FLOOR  
(801) 532-3370 - 13TH FLOOR  
(801) 531-1716 - 11TH FLOOR

Telephone: (801) 531-8900

Street Address:

Twelfth Floor  
215 South State Street  
Salt Lake City, UT 84111

Mailing Address:

P.O. Box 510210  
Salt Lake City, UT 84151

TO:

*Jan Brown  
James Carter*

DATE:

*7-19-94*

FAX NUMBER:

*359-3940*

TIME:

*5:15 PM*

FROM:

*Denise Dwyer*

*7-20-94*

TOTAL NUMBER OF PAGES, INCLUDING COVER

*3*

*10:00 a.m.*

COMMENTS:

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PLEASE CALL (801) 531-8900 AND ASK FOR:

*Barbara*

\*\*\*\*\*  
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US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL.  
THANK YOU.  
\*\*\*\*\*

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P.O. BOX 510210  
SALT LAKE CITY, UTAH 84151  
TELEPHONE (801) 531-8900  
FACSIMILE (801) 596-2814

OF COUNSEL  
PETER W. BILLINGS, SR.  
RALPH H. MILLER

NEVADA OFFICE  
2835 SOUTH JONES BLVD., SUITE 5  
LAS VEGAS, NEVADA 89102  
TELEPHONE (702) 367-4545  
FACSIMILE (702) 252-5014

†ALSO MEMBER NEVADA BAR

July 19, 1994

**FAX: (801) 359-3940**

James M. Carter  
Director  
UTAH DIVISION OF OIL, GAS & MINING  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203

RE: *White Oak Mining & Construction Co., Inc. -- Permit No.  
ACT/007/001; Extension of NOV N 94-39-2-1 and N 94-43-2-1.*

Dear Director Carter:

On behalf of White Oak Mining & Construction Co., Inc. ("White Oak"), we respectfully request an extension of the abatement time for the above-entitled NOV's for an additional thirty (30) day period. By letter dated June 28, 1994, we forwarded to you a letter to implement the stipulation between the Division and White Oak dated June 22, 1994 regarding NOV 94-39-2-1. In addition, to terminate NOV N 94-43-2-1, White Oak agreed to meet with the Division prior to June 30, 1994 regarding the placement of perimeter markers and signs for the disturbed area boundary and stream buffer zone. By telephone today you have notified me that the Division has decided not to meet with the operator on-site regarding this matter. Rather, you have suggested that the disturbed area boundary be relocated coincident with the buffer zone located 100 feet from the edge of Eccles Creek. It is further my understanding that the Division will send a letter to White Oak confirming the location of these boundaries and with request White Oak to submit a map showing these changes.

Due to the Division's cancellation of the mine site tour and decision to issue a letter in lieu of this tour, White Oak requests an additional thirty (30) days in which to respond to both NOV N 94-39-2-1 and N 94-43-2-1. This 30 day period would commence following receipt of the Division's decision letter in this matter.

LAW OFFICES OF  
**FABIAN & CLENDENIN**  
A PROFESSIONAL CORPORATION

James M. Carter

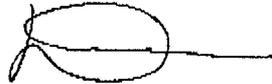
July 19, 1994

Page 2

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Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Denise A. Drago". The signature is written in a cursive style with a large, looped initial "D" and a horizontal line extending to the right.

Denise A. Drago

DAD:bh:38056

Enclosure

cc: Steve Tanner  
Thomas A. Mitchell, Esq.

SENT BY:

5-24-94 ; 4:36PM ; FABIAN & CLENDENIN

801 359 3940;# 1/ 3

FAX COVERSHEET

FABIAN & CLENDENIN,  
a Professional Corporation

FAX NUMBERS:

SENT FROM: XY (801) 596-2814 - 12TH FLOOR  
           (801) 532-3370 - 13TH FLOOR  
           (801) 531-1716 - 11TH FLOOR  
Telephone: (801) 531-8900

Street Address:  
Twelfth Floor  
215 South State Street  
Salt Lake City, UT 84111

Mailing Address:  
P.O. Box 510210  
Salt Lake City, UT 84151

*cc: JWC  
FAM  
SPB  
DL  
BR  
PZ  
JLB  
orig  
Jie  
RD  
5/24/94*

*Copy Joe ad  
Duron*

TO: James Bartter DATE: 5-24-94  
FAX NUMBER: 359-3940 TIME: \_\_\_\_\_  
FROM: Denise Drago  
TOTAL NUMBER OF PAGES, INCLUDING COVER 3  
COMMENTS: cc: Jan Brown & Dave Lauriski

IF YOU DO NOT RECEIVE ALL PAGES OR HAVE ANY PROBLEMS RECEIVING,  
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Julie McKenzie

\*\*\*\*\*  
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THANK YOU.  
\*\*\*\*\*

FIRM:113088A

## FABIAN & CLENDENIN

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FACSIMILE (801) 506-2814

OF COUNSEL  
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RALPH H. MILLER

NEVADA OFFICE  
2835 SOUTH PONES BLVD., SUITE 3  
LAS VEGAS, NEVADA 89102  
TELEPHONE (702) 367-4345  
FACSIMILE (702) 352-3014

VIA FACSIMILE

May 24, 1994

(801) 359-3940

James M. Carter, Director  
UTAH DIVISION OF OIL, GAS & MINING  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203

RE: Valley Camp of Utah, Inc., Belina Mine, NOV No. 94-39-2-1  
("NOV"); ACT/007/001, Folder #5, Carbon County, Utah

Dear Director Carter:

This letter confirms the understanding of White Oak Mining & Construction Company, Inc. ("White Oak"), operator of Permit No. ACT/007/001, regarding your letter of May 24, 1994 and the Amended Findings, Conclusions and Order of May 17, 1994 ("Amended Findings"). You have agreed that the temporary abatement measures set forth in Mr. Tanner's April 28, 1994 letter are acceptable to the Division and are incorporated into the Amended Findings. White Oak has taken abatement action consistent with the letter of April 28, 1994 as follows:

1. White Oak has installed straw bales on the south side of Eccles Canyon Creek above the riparian zone near Culvert C-21-48 to the junction of the channel change and adjacent berm constructed during said change.
2. On this same reach of haul road, snow will only be blown over the guardrail when it is fresh-fallen or lives may be in jeopardy. Routinely, the wind rowed snow in this area will be carried to the west side of the State Highway approach where it will be placed, with a row of straw bales between it and Eccles Creek.

---

CONTRIBUTING TO OUR CLIENTS' SUCCESS FOR 75 YEARS  
1919 - 1994

LAW OFFICES OF  
**FABIAN & CLENDENIN**  
A PROFESSIONAL CORPORATION

James M. Carter  
May 24, 1994  
Page 2

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3. From the Channel Change/Berm up to the mine, snow will be blown and/or plowed over the guardrail as it has been in the past.
4. Ditches, inlets and outlets will be maintained as in the past.

White Oak appreciates your acknowledgment that the above-stated abatement measures satisfy the NOV as amended by paragraphs 2 and 3 of the Amended Findings. White Oak needs further clarification regarding the additional mapping and documentation required by the Division to approve its snow removal activities as a plan amendment under paragraph 4 of the Amended Findings.

Finally, by petition dated March 4, 1994 and reinstated May 20, 1994, White Oak has requested a formal hearing before the Board of Oil, Gas & Mining ("Board") to review the fact of violation of the NOV. It is my understanding that this matter has been set for hearing before the Board on Wednesday, June 22, 1994. White Oak will submit an additional brief in support of its motion to vacate the NOV.

Thank you for clarifying the Amended Findings and granting White Oak the temporary relief which it has requested.

Very truly yours,



Denise A. Drago

DAD:jmc:34902

cc: Chairman David Lauriski (via facsimile)  
Jan Brown (via facsimile)  
Steve Tanner  
Mike Gipson  
Todd Kiscaden  
Scott Kiscaden  
John Kirkham, Esq.



State of Utah  
 DEPARTMENT OF NATURAL RESOURCES  
 DIVISION OF OIL, GAS AND MINING

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

355 West North Temple  
 3 Triad Center, Suite 350  
 Salt Lake City, Utah 84180-1203  
 801-538-5340

**TELEFAX ROUTING INSTRUCTIONS**

FAX NUMBER (801) 637-4102

DATE: 10-1-94

TO: Joe Helfrich

PHONE: 359-3940

FROM: Stephanie for Steve

TOTAL NUMBER OF PAGES TO FOLLOW THIS ROUTING SHEET: 3

ADDITIONAL MESSAGES:

NOV 94-39-2-1 Valley Camp Event Via Inspector's  
Statement

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL AS SOON AS POSSIBLE. OUR NUMBER IS (801) 637-5806. TO TELEFAX DOCUMENTS TO OUR OFFICE, CALL (801) 637-4102.

*CACIA - 943-4144/-  
 TOM WRIGHT -*

COMPANY/MINE Valley Camp - Belina NOV/CO # 94-39-2-1

PERMIT # ACT/007/001 VIOLATION # 1 OF 1

EVENT VIOLATIONS INSPECTOR'S STATEMENT

A. 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.

- gh* (XX) a. Activity outside the approved permit area.
- ( ) b. Injury to the public (public safety).
- gh* ( ) c. Damage to property.
- (XXX) *gh* Conducting activities without appropriate approval.
- (XXX) *gh* Environmental harm.
- (XXX) *gh* Water pollution.
- (XXX) *gh* Loss of reclamation/revegetation potential.
- (XXX) *gh* Reduced establishment of a permanent, diverse and effective vegetative cover.
- ( ) d. Other.

(*gh*) \*\*\*Snow, salt, and road sediment enter into Eccles creek which was an additive contribution of suspended solids.

2. Has the event occurred? Yes XXX No       
If yes, describe it. If no, what would cause it to occur and how likely is it that it would happen?

\*\*\*Snow was discharged over the guardrails and water samples were showing additional contributions of suspended solids. *HOW MUCH*

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

DISTURBED AREA

Would: Yes XXX No       
Does: Yes XXX No     

PERMIT AREA

Would: Yes      No       
Does: Yes XXX No     

4. Describe the duration and extent of the damage. How much damage may have occurred? How was the damage discovered by a DOGM inspector? What is the potential for future damage and whether or not damage extends off the disturbed area?

\*\*\*The maximum of 5 hours of melting per day for several weeks. Impact pollute culinary water source, fish spawning stream, and irrigation water.

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

COMPANY/MINE Valley Camp - Belina NOV/CO # 94-39-2-1

PERMIT # ACT/007/001 VIOLATION # 1 OF 1

EVENT VIOLATIONS INSPECTOR'S STATEMENT

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.

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

*(* \*\*\*Snow, salt, and road sediment enter into Eccles creek which was an additive contribution of suspended solids.

2. Has the event occurred? Yes XXX No       
If yes, describe it. If no, what would cause it to occur and how likely is it that it would happen?

\*\*\*Snow was discharged over the guardrails and water samples were taken showing additional contributions of suspended solids. *HOW MUCH*

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

DISTURBED AREA  
 Would: Yes XXX No       
 Does: Yes XXX No     

PERMIT AREA  
 Would: Yes XXX No       
 Does: Yes XXX No     

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.

\*\*\*The maximum of 5 hours of melting per day for several weeks. Impact pollute culinary water source, fish spawning stream, and irrigation water.

Potential damage to adjacent area: Yes XXX No       
 Potential damage to permit area: Yes      No

-2-

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.

(XXX) 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 outslope of the road was black snow. Thus, this would be an obvious indication of a potential environmental harm. The outslope is next to Eccles Creek.

(  ) 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.

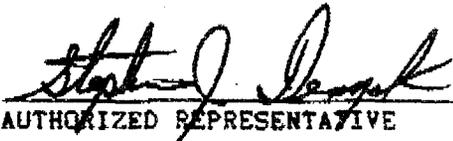
\*\*\*Parts A & C could have been abated prior to deadline but part B may need to be extended due to muddy conditions.

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

\*\*\*Parts A & C the operator has necessary resources. Part B the operator has not indicated how to perform clean-up.

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

April 21, 1994  
DATE

  
AUTHORIZED REPRESENTATIVE

MINE: ACT-007-001  
BELINA #1  
NOV N93-39-4-1

---

	Issued:	09/10/93		
Proposed Assessment:	11/08/03		\$	60.00
Initial Points	HIS:	1.00		
	POO:	5.00		
	EOD:	0.00		
	OTE:	0.00		
	NEG:	20.00		
	GF:	-20.00		
Total Initial Points:				6.00
Conference Request:	/ /			
Conference:	/ /			
Final Assessment:	12/08/93		\$	60.00
Final Points	HIS:	0.00		
	POO:	0.00		
	EOD:	0.00		
	OTE:	0.00		
	NEG:	0.00		
	GF:	0.00		
Total Final Points:				0.00
Settlement:	/ /		\$	0.00
Collection:	12/10/93		\$	60.00

MINE: ACT-007-001  
BELINA #1  
NOV N93-39-6-1 1/1

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	Issued:	09/29/93		
Proposed Assessment:	/ /		\$	1240.00
Initial Points	HIS:	1.00		
	POO:	0.00		
	EOD:	0.00		
	OTE:	25.00		
	NEG:	30.00		
	GF:	0.00		
Total Initial Points:				56.00
Conference Request:	/ /			
Conference:	/ /			
Final Assessment:	/ /		\$	0.00
Final Points	HIS:	0.00		
	POO:	0.00		
	EOD:	0.00		
	OTE:	0.00		
	NEG:	0.00		
	GF:	0.00		
Total Final Points:				0.00
Settlement:	/ /		\$	0.00
Collections:	/ /		\$	0.00

MINE: ACT-007-001  
BELINA #1  
NOV N93-39-9-2 1/2

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	Issued:	10/22/93		
Proposed Assessment:	11/19/93		\$	0.00
Initial Points	HIS:	1.00		
	POO:	0.00		
	EOD:	0.00		
	OTE:	12.00		
	NEG:	8.00		
	GF:	-20.00		
Total Initial Points:				1.00
Conference Request:	/	/		
Conference:	/	/		
Final Assessment:	/	/	\$	0.00
Final Points	HIS:	0.00		
	POO:	0.00		
	EOD:	0.00		
	OTE:	0.00		
	NEG:	0.00		
	GF:	0.00		
Total Final Points:				0.00
Settlement:	/	/	\$	0.00
Collection:	/	/	\$	0.00

MINE: ACT-007-001  
BELINA #1  
NOV N93-39-9-2 2/2

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	Issued:	10/22/93		
Proposed Assessment:	11/19/93		\$	0.00
Initial Points	HIS:	1.00		
	POO:	20.00		
	EOD:	0.00		
	OTE:	0.00		
	NEG:	8.00		
	GF:	-20.00		
Total Initial Points:				9.00
Conference Request:	/	/		
Conference:	/	/		
Final Assessment:	/	/	\$	0.00
Final Points	HIS:	0.00		
	POO:	0.00		
	EOD:	0.00		
	OTE:	0.00		
	NEG:	0.00		
	GF:	0.00		
Total Final Points:				0.00
Settlement:	/	/	\$	0.00
Collection:	/	/	\$	0.00

MINE: ACT-007-001  
BELINA #1  
CO C93-39-2-1

	Issued:	11/28/93	
Proposed Assessment:	11/22/93		\$ 8250.00
Initial Points	HIS:	0.00	
	POO:	0.00	
	EOD:	0.00	
	OTE:	0.00	
	NEG:	0.00	
	GF:	0.00	
Total Initial Points:			0.00
Conference Request:	/ /		
Conference:	/ /		
Final Assessment:	/ /		\$ 0.00
Final Points	HIS:	0.00	
	POO:	0.00	
	EOD:	0.00	
	OTE:	0.00	
	NEG:	0.00	
	GF:	0.00	
Total Final Points:			0.00
Settlement:	/ /		\$ 0.00
Collection:	/ /		\$ 0.00

MINE: ACT-007-001  
BELINA #1  
NOV N93-39-7-1

Issued: 10/08/93  
Proposed Assessment: 11/19/93 \$ 1040.00

Initial Points HIS: 1.00  
POO: 20.00  
EOD: 0.00  
OTE: 0.00  
NEG: 30.00  
GF: 0.00  
Total Initial Points: 51.00

Conference Request: / /  
Conference: / /  
Final Assessment: / / \$ 0.00

Final Points HIS: 0.00  
POO: 0.00  
EOD: 0.00  
OTE: 0.00  
NEG: 0.00  
GF: 0.00  
Total Final Points: 0.00

Settlement: / / \$ 0.00  
Collection: / / \$ 0.00

MINE: ACT-007-001  
BELINA #1  
NOV N94-39-1-1

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	Issued:	02/20/94	
Proposed Assessment:	04/05/94		\$ 260.00
Initial Points	HIS:	4.00	
	POD:	9.00	
	EOD:	0.00	
	OTE:	0.00	
	NEG:	20.00	
	GF:	-10.00	
Total Initial Points:			23.00
Conference Request:	/ /		
Conference:	/ /		
Final Assessment:	05/04/94		\$ 260.00
Final Points	HIS:	0.00	
	POD:	0.00	
	EOD:	0.00	
	OTE:	0.00	
	NEG:	0.00	
	GF:	0.00	
Total Final Points:			0.00
Settlement:	/ /		\$ 0.00
Collection:	05/04/94		\$ 260.00

MINE: ACT-007-001  
BELINA #1  
NOV N94-39-2-1

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	Issued:	04/12/94		
Proposed Assessment:	/ /		\$	0.00
Initial Points	HIS:	0.00		
	POD:	0.00		
	EOD:	0.00		
	OTE:	0.00		
	NEG:	0.00		
	GF:	0.00		
Total Initial Points:				0.00
Conference Request:	/ /			
Conference:	/ /			
Final Assessment:	/ /		\$	0.00
Final Points	HIS:	0.00		
	POD:	0.00		
	EOD:	0.00		
	OTE:	0.00		
	NEG:	0.00		
	GF:	0.00		
Total Final Points:				0.00
Settlement:	/ /		\$	0.00
Collection:	/ /		\$	0.00

MINE: ACT-007-001  
BELINA #1  
NOV N94-43-1-1

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	Issued:	05/13/94		
Proposed Assessment:	/ /		\$	0.00
Initial Points	HIS:	0.00		
	POO:	0.00		
	EOD:	0.00		
	OTE:	0.00		
	NEG:	0.00		
	GF:	0.00		
Total Initial Points:				0.00
Conference Request:	/ /			
Conference:	/ /			
Final Assessment:	/ /		\$	0.00
Final Points	HIS:	0.00		
	POO:	0.00		
	EOD:	0.00		
	OTE:	0.00		
	NEG:	0.00		
	GF:	0.00		
Total Final Points:				0.00
Settlement:	/ /		\$	0.00
Collection:	/ /		\$	0.00

## REGULATIONS ON HYDROLOGY

Precipitation Event means a quantity of water resulting from drizzle, rain, snow, sleet, or hail in a limited period of time. It may be expressed in terms of recurrence interval. As used in the R645 Rule, precipitation event also includes that quantity of water emanating from snow cover as snowmelt in a limited period of time.

### UTAH CODE ANNOTATED

~~40-10-17~~ 40-10-17 (j) Minimize the disturbances to the prevailing hydrological balance at the mine site and in associated offsite areas and to the quality and quantity of water in surface and groundwater systems both during and after surface coal mining operations and during reclamation by:

40-10-17 (i) Avoiding acid or other toxic mine drainage by such measures as, but not limited to:

40-10-17 'p4(A) Preventing or removing water from contact with toxic-producing deposits;

40-10-17 'p4(B) Treating drainage to reduce toxic content which adversely affects downstream water upon being released to water courses;

40-10-17 'p4(C) Casing, sealing, or otherwise managing boreholes, shafts, and wells and keep acid or other toxic drainage from entering ground and surface waters.

~~40-10-17~~ 40-10-17 (ii)(A) Conducting surface coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area, but in no event shall contributions be in excess of requirements set by applicable state or federal law;

40-10-18 (i) Avoiding acid or other toxic mine drainage by such measures as, but not limited to:

40-10-18 'p4(A) Preventing or removing water from contact with toxic-producing deposits;

40-10-18 'p4(B) Treating drainage to reduce toxic content which adversely affects downstream water upon being released to water courses;

40-10-18 'p4(C) Casing, sealing, or otherwise managing boreholes, shafts, and wells to keep acid or other toxic drainage from entering ground and surface waters.

⑥ 40-10-18 (ii) conducting surface coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area (but in no event shall these contributions be in excess of requirements set by applicable state or federal law), and avoiding channel deepening or enlargement in operations requiring the discharge of water from mines.

⑥ 40-10-18 (k) To the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of these resources where practicable.

COAL MINE PERMIT

⑥ R645-300-142. The permittee will conduct all coal mining and reclamation operations only as described in the approved application, except to the extent that the Division otherwise directs in the permit.

⑥ R645-300-143. The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.

HYDROLOGY ROAD DESIGN

*Stamp 2  
APR 12 1971*  
⑥ R645-301-742.312.3 Prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow outside the permit area; and

HYDROLOGY ROAD WATER QUALITY

R645-301-752.210 Control or prevent erosion, siltation and the air pollution attendant to erosion by vegetating or otherwise stabilizing all exposed surfaces in accordance with current, prudent engineering practices;

⑥ R645-301-752.220 Control or prevent additional contributions of suspended solids to stream flow or runoff outside the permit area;

R645-301-752.230 Neither cause nor contribute to, directly or indirectly, the violation of effluent standards given under R645-301-751;

⑥ R645-301-752.240 Minimize the diminution to or degradation of the quality or quantity of surface- and ground-water systems; and

PAGE 700-88 & 89 OF 100

Roads located within the Mine Permit Area have been in place for a number of years, and no new roads are contemplated at this time. All existing roads are constructed with side slopes to facilitate surface drainage. In the future, should any new roads be required, UDOGM will be notified, and all roads will be constructed in such a manner so as to provide for proper drainage. Road drainage will be accomplished by 1) sloping the road surface towards the inner embankment and 2) constructing an accompanying drainage ditch paralleling the roadway when required to prevent excessive erosion, or to prevent spillage into another runoff drainage basin. After collecting surface runoff, the drainage ditch system diverts surface runoff to a downstream channel or sedimentation pond. When runoff is derived from undisturbed surface areas, the road drainage system redirects surface flows to natural channels. When runoff is derived from disturbed surface areas, the runoff is diverted through a sedimentation pond.

All roads have been constructed on the most stable available surfaces and no stream fords are used throughout the Mine Permit Area. Runoff calculations for culverts located beneath roadways are based upon the 10-year, 6-hour runoff event according to the SCS runoff prediction methodology presented earlier in this permit. Some concrete drop boxes and grated inlets have been installed at selected road culverts to aid in the protection against culvert plugging from runoff debris. For the most part, these grated inlets are located at undisturbed area bypass culverts, at the inlet of major culverts lying at the base of mine highwalls, and along the Belina Haul Road connecting Eccles Canyon with the Belina Mines.

Roadside or mine yard culverts identified as having grated inlets at the time of this submittal include C-23-24, C-24-24, C-26-24, C-26A-24, C-32-36, and C-33-24. Other undisturbed area bypass culverts for which grated inlets have been installed include C-4-42, C-14-42, and C-40-42. The locations of these grated inlets are shown on Maps 731.720a thru 731.720d. Small culverts found within the disturbed Mine Permit Area are generally not provided because should a failure occur, all runoff would be recollected within a downstream culvert and or ditch section, and carried to the appropriate sedimentation pond for water quality control. Repairs to, or replacements of damaged culverts will be completed by the applicant as required for efficient mine operation, and for the protection of the hydrological balance.

ECCLES CREEK - Meets Utah Water Pollution Control Committee standards for surface water located within the headwater of the Price River.

PAGE 700-23 OF 100

Class 1A: Indicates waters which are protected for domestic use with prior treatment by treatment processes as required by the Utah Department of Health.

Class 3A: Indicates water that is protected for cold water species of game fish and other cold water aquatic life, including the necessary aquatic organisms in their food chain.

Class 4: Water is protected for agricultural uses including irrigation of crops and stockwatering.

OPERATIONAL EFFECTS

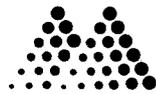
PAGE 700-38 of 100

Compacted surface conditions promote the collection and transfer of materials to downstream locations more readily than those naturally occurring. Oil and grease produced by mining equipment as well as road dirt and salt are transported quickly to surface diversions which in turn carry the material in concentrated channels to sedimentation ponds located at the downstream ends of disturbed areas. This concentration is different than that which may occur under natural conditions where wind blown dirt may become trapped within vegetative soil cover complexes, surface depressions, or cracking. Under natural conditions, little to no oil & grease and road salt would be present. In order to identify potential impacts to the surface system, the water quality program, seasonal water quality statistics are collected and analyzed as discussed in the following paragraphs.

ROAD DRAINAGE

PAGE 700-60 OF 100

Measures to be taken to protect the inlet end of ditch relief culverts within the permit area include riprap and drop box inlets. Flows applicable to runoff control ditches are generally small and inlet protection is not required to protect against erosion. However, in some areas inlet drop boxes have been installed to aid in the collection and redirection of runoff water. Drop box inlets located in conjunction with runoff ditches and culverts are found along the concrete ditch sections of the coal haul road between Eccles Canyon and the Belina mines, and at the inlet to culvert C-33-24.



## Mountain States Analytical

The Quality Solution

Oil Gas & Mining State of Utah  
3 Triad Center  
Salt Lake City, Ut 84180-1203

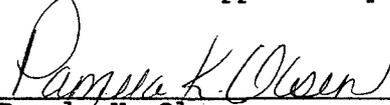
Attn: Mr. Scott Milovich  
Project: Valley Camp Haul Road (Main)

Sample ID: Tag# UT-0680 Field #001  
Matrix: Waste Water

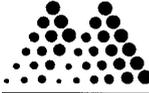
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MSAI Group: 4101  
Date Reported: 03/28/94  
Discard Date: 04/27/94  
Date Submitted: 03/18/94  
Date Sampled: 03/17/94  
Collected by: SM  
Purchase Order: 2964  
Project No.:

Test	Analysis	Results as Received	Units	Limit of Quantitation
0200	pH Method: EPA 150.1	8.01	Std. Units	0.01
0206	Solids, Total Suspended (TSS) Method: EPA 160.2	254	mg/l	4
0212	Solids, Total Dissolved Method: EPA 160.1	280	mg/l	10
0280A	Conductivity, SW-846 Method Method: SW-846 9050	381	umhos/cm	1

Respectfully Submitted,  
Reviewed and Approved by:

  
Pamela K. Olsen  
Project Manager





## Mountain States Analytical

The Quality Solution

Oil Gas & Mining State of Utah  
3 Triad Center  
Salt Lake City, Ut 84180-1203

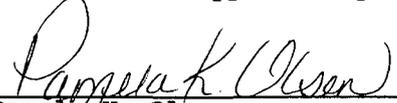
Attn: Mr. Scott Milovich  
Project: Valley Camp Haul Road (Main)

Sample ID: Tag# UT-0679  
Matrix: Waste Water

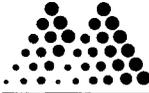
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MSAI Group: 4101  
Date Reported: 03/28/94  
Discard Date: 04/27/94  
Date Submitted: 03/18/94  
Date Sampled: 03/17/94  
Collected by: SM  
Purchase Order: 2964  
Project No.:

Test	Analysis	Results as Received	Units	Limit of Quantitation
0200	pH Method: EPA 150.1	9.13	Std. Units	0.01
0206	Solids, Total Suspended (TSS) Method: EPA 160.2	27,700	mg/l	4
0212	Solids, Total Dissolved Method: EPA 160.1	1,780	mg/l	10
0280A	Conductivity, SW-846 Method Method: SW-846 9050	432	umhos/cm	1

Respectfully Submitted,  
Reviewed and Approved by:

  
Pamela K. Olsen  
Project Manager





## Mountain States Analytical

The Quality Solution

Oil Gas & Mining State of Utah  
3 Triad Center  
Salt Lake City, Ut 84180-1203

Attn: Mr. Scott Milovich  
Project: Valley Camp Haul Road (Main)

Sample ID: Tag# UT-0692 Field #002  
Matrix: Waste Water

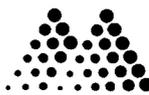
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Date Reported: 03/28/94  
Discard Date: 04/27/94  
Date Submitted: 03/18/94  
Date Sampled: 03/17/94  
Collected by: SM  
Purchase Order: 2964  
Project No.:

Test	Analysis	Results as Received	Units	Limit of Quantitation
0200	pH Method: EPA 150.1	9.17	Std. Units	0.01
0206	Solids, Total Suspended (TSS) Method: EPA 160.2	13,000	mg/l	4
0212	Solids, Total Dissolved Method: EPA 160.1	1,940	mg/l	10
0280A	Conductivity, SW-846 Method Method: SW-846 9050	589	umhos/cm	1

Respectfully Submitted,  
Reviewed and Approved by:

Pamela K. Olsen  
Project Manager





## Mountain States Analytical

The Quality Solution

Oil Gas & Mining State of Utah  
3 Triad Center  
Salt Lake City, Ut 84180-1203

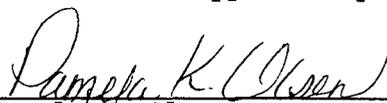
Attn: Mr. Scott Milovich  
Project: Valley Camp Haul Road (Main)

Sample ID: Tag# UT-0681 Field #004  
Matrix: Waste Water

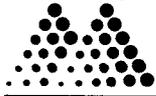
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MSAI Group: 4101  
Date Reported: 03/28/94  
Discard Date: 04/27/94  
Date Submitted: 03/18/94  
Date Sampled: 03/17/94  
Collected by: SM  
Purchase Order: 2964  
Project No.:

Test	Analysis	Results as Received	Units	Limit of Quantitation
0200	pH Method: EPA 150.1	8.52	Std. Units	0.01
0206	Solids, Total Suspended (TSS) Method: EPA 160.2	67	mg/l	4
0212	Solids, Total Dissolved Method: EPA 160.1	940	mg/l	10
0280A	Conductivity, SW-846 Method Method: SW-846 9050	1,390	umhos/cm	1

Respectfully Submitted,  
Reviewed and Approved by:

  
Pamela K. Olsen  
Project Manager





## Mountain States Analytical

The Quality Solution

Oil Gas & Mining State of Utah  
3 Triad Center  
Salt Lake City, Ut 84180-1203

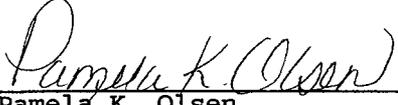
Attn: Mr. Scott Milovich  
Project: Valley Camp Haul Road (Main)

Sample ID: Tag# UT-0691 Field #005  
Matrix: Waste Water

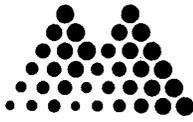
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MSAI Group: 4101  
Date Reported: 03/28/94  
Discard Date: 04/27/94  
Date Submitted: 03/18/94  
Date Sampled: 03/17/94  
Collected by: SM  
Purchase Order: 2964  
Project No.:

Test	Analysis	Results as Received	Units	Limit of Quantitation
0200	pH Method: EPA 150.1	8.52	Std. Units	0.01
0206	Solids, Total Suspended (TSS) Method: EPA 160.2	70	mg/l	4
0212	Solids, Total Dissolved Method: EPA 160.1	910	mg/l	10
0280A	Conductivity, SW-846 Method Method: SW-846 9050	1,370	umhos/cm	1

Respectfully Submitted,  
Reviewed and Approved by:

  
Pamela K. Olsen  
Project Manager





# Mountain States Analytical

No. 2374

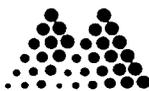
## Sample Chain of Custody

Client Name: Utah Division of Oil & Gas M.O.# 2964  
 Phone #: 538-5320 Fax #:  
 Project Name/ #: Valley Camp Haul Road (main)  
 Sampler: Scott Milevich

Sample Identification	Date Collected	Time Collected	Grab	Composite	Soil	Water	Other	Total of Containers	Analysis Required										Remarks	Temp. of Samples Upon Receipt			
									TDS	TSS	PH	Conductivity										Rush?	
Tag# <u>ut-0680</u> Field# <u>001</u>	<u>3/17/94</u>	<u>12:44</u>				X			✓	✓	✓	✓											
Tag# <u>ut-0679</u>	<u>3/17/94</u>	<u>11:15</u>				X			✓	✓	✓	✓											
Tag# <u>ut-0692</u> Field# <u>002</u>	<u>3/17/94</u>	<u>11:15</u>				X			✓	✓	✓	✓											
Tag# <u>ut-0691</u> Field# <u>005</u>	<u>3/17/94</u>	<u>13:06</u>				X			✓	✓	✓	✓											
Tag# <u>ut-0681</u> Field# <u>004</u>	<u>3/17/94</u>	<u>12:56</u>				X			✓	✓	✓	✓											

Name of Shipper	Airbill No.	Date	Time	Sample relinquished by:	Date	Time	Sample received by:	Date	Time
				<u>[Signature]</u>	<u>3-18-94</u>	<u>1600</u>	<u>Pamela Olsen</u>	<u>3-18-94</u>	<u>1600</u>
Received By (Lab)	Date	Time	Seals Intact?						
Turnaround Time Requested (please circle): <u>Normal</u> Rush									
(Rush TAT is subject to MSAI approval and surcharge)									
Report Results By: (Date) _____									
Rush results requested by (please circle): Phone Fax									
Report Results to: <u>Scott Milevich</u> <u>UDOGM</u>				Type of Disposal:			Authorized for Disposal by:		
				Date/Time of Disposal:			Disposed of by:		

Invoice No. 203000  
 Invoice Date 03/29/94  
 Page: 1 of 1



## Mountain States Analytical

The Quality Solution

Mr. Scott Milovich  
 Oil Gas & Mining State of Utah  
 3 Triad Center

Salt Lake City, Ut 84180-1203

Project Name: Valley Camp Haul Road (Main)  
 Project Number:  
 Purchase Order: 2964  
 Samples Received: 03/18/94  
 Date Reported: 03/29/94  
 Turnaround Time: 11 days  
 Reported To: Mr. Scott Milovich

Analyses Performed  
 See Analysis Reference Table Below

MSAI Group Number: 4101

Sample I.D.	Date Sampled	Analyses	List	Rush	Discount	Extended
			Price	Charges		Price
17110 Tag# UT-0680 Field #001	03/17/94	0200 0206 0212 0280A	47.00		4.70	42.30
17111 Tag# UT-0679	03/17/94	0200 0206 0212 0280A	47.00		4.70	42.30
17112 Tag# UT-0692 Field #002	03/17/94	0200 0206 0212 0280A	47.00		4.70	42.30
17113 Tag# UT-0691 Field #005	03/17/94	0200 0206 0212 0280A	47.00		4.70	42.30
17114 Tag# UT-0681 Field #004	03/17/94	0200 0206 0212 0280A	47.00		4.70	42.30

Total Price \$ 211.50

Analysis Reference Table

Analysis No.	Analysis Name	Matrix	Method	# of Tests	Unit				Extended Price
					List Price	Rush Charges	Discount Amount	Net Price	
0200	pH	WW	EPA 150.1	5	7.00		0.70	6.30	31.50
0206	Solids, Total Suspended (TSS)	WW	EPA 160.2	5	14.00		1.40	12.60	63.00
0212	Solids, Total Dissolved	WW	EPA 160.1	5	15.00		1.50	13.50	67.50
0280A	Conductivity, SW-846 Method	WA	SW-846 9050	5	11.00		1.10	9.90	49.50

Total Price \$ 211.50

Pricing Summary

Extended List Price \$ 235.00  
 Total Rush Charges \$ 0.00  
 Total Discount \$( 23.50)

TOTAL AMOUNT DUE \$ 211.50



DRAFT

NOTICE OF VIOLATION NO. N \_\_\_\_\_

TO: S. DEMCZEK  
S. HELFRICH

Violation No. \_\_\_\_\_ of \_\_\_\_\_

Nature of violation

\* FAILURE TO MINIMIZE DISTURBANCES TO THE PREVAILING HYDROLOGIC BALANCE.

FAILURE TO CONVEY ROAD DRAINAGE ONLY AS DESCRIBED IN THE APPROVED MINING

+ RECLAMATION PLAN. (DEPOSITION OF ROAD DRAINAGE OVER THE OUTSLOPE OF THE HAUL ROAD PRIOR TO CONVEYANCE THROUGH THE APPROVED ROAD DRAINAGE DESIGN SYSTEM.)

Provisions of act, regulations or permit violated

UTAH CODE ANNOT. 1953 CT SEC. SECTION 40-10-18(L), (K)

R645-300-142, 143

R645-301-752.220

R645-301-752.240

Portion of operation to which notice applies

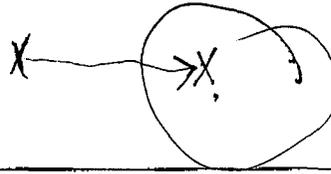
THE OUTSLOPE OF THE PERMITTEE'S HAUL ROAD WHICH DRAINS TO AND INTO  
ECCLES CREEK.

Remedial action required (including any interim steps)

- A) CEASE THE DEPOSITION OF MATERIAL, (INCLUDING BUT NOT LIMITED TO SNOW, SALT SEDIMENT AND SUSPENDED SOLIDS) ONTO THE OUTSLOPE OF THE HAUL ROAD.
- B) REMOVE DEPOSITED MATERIAL FROM THE OUTSLOPE OF THE HAUL ROAD.
- X C) INSTALL INTERIM SEDIMENT CONTROL ALONG THAT PORTION OF ECCLES CREEK AFFECTED BY THE DEPOSITION OF WATER ON THE OUTSLOPE OF THE HAUL ROAD.
  - A) IMMEDIATELY
  - B) NO LATER THAN 5 PM TUESDAY, MARCH 10TH 1994.
  - C) " " " 5 PM FRIDAY APRIL 15TH 1994.



UTAH NATURAL RESOURCES  
Oil Gas & Mining



**NOTICE OF VIOLATION NO. N 94-39-2-1**

Violation No. 1 of 1

Nature of violation

Failure to minimize disturbances to the prevailing hydrological balance. <sup>AT THE</sup> ~~to~~

~~undisturbed areas caused by associated coal mining activities.~~

~~MINE SITE AND IN ASSOCIATED OFF-SITE AREAS.~~

FAILURE TO

~~COMPLY WITH ROAD DRAINAGE AS DESCRIBED IN THE APPROVED MINING & RECLAMATION PLAN. (DEPOSITION OF ROAD DRAINAGE OVER THE OUTSLOPE OF THE HAUL ROAD PRIOR TO COMPLETION OF PROVISIONS OF ACT, REGULATIONS OR PERMIT VIOLATED THROUGH THE APPROVED ROAD DRAINAGE DESIGN SYSTEM.)~~

Utah Code Annotated ~~40-10-17 (J)~~, 40-10-18 (ii), 40-10-18 (K)

R645-300-142, R645-301-752.220, R645-301-752.240

143

Portion of operation to which notice applies

The road outslope of the coal haulage road which runoff would enter directly into Eccles Creek.

PERMITTEES ~~PERMIT~~ ~~RESTRICT TO~~ ~~DRAINAGE~~ ~~AND~~ ~~TO AND~~  
THE OUTSLOPE OF THE COAL HAUL ROAD WHICH DRAINS <sup>AND INTO</sup> TO ECCLES CREEK.

Remedial action required (including any interim steps)

a) ~~Stop the over-throw of material from the haul road, which would enter Eccles Creek.~~

\* b) Submit mitigation plans to clean material from outslope of road.

c) ~~Submit snow removal plans.~~

d) Clean outslope of road within 30 days after mitigation plans have been approved by the Division.

REMOVE MATERIAL FROM OUTSLOPE OF ROAD

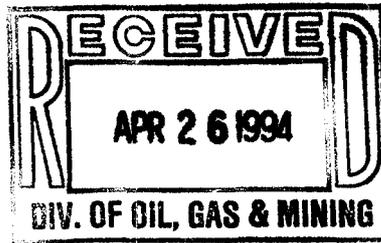
Abatement time (including interim steps)

a) ~~Stop the over-throw of material.~~ <sup>REMOVE DEPOSITION</sup> Immediately

b) Submit mitigation plan by May 5, 1994 @ 12:00 p.m.

c) ~~Submit snow removal plans by May 5, 1994 @ 12:00 p.m.~~

d) Clean outslopes of road within 30 days after mitigation plans have been approved by the Division.

**MEMORANDUM**

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**DATE:** April 26, 1994  
**TO:** Mr. Jim Carter - Director, Division of Oil, Gas & Mining  
**FROM:** David E. Hansen, for White Oak Mining Company  
**PROJECT:** Violation #94-39-2-1  
**PROJECT NO.:** 125.01.100

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Page 1 of 2

Jim:

We have collected and present herein copies of the photographs which were taken at White Oak by a member of our staff on April 12, 1994. During our site reconnaissance our staff member was joined by Mr. Steve Tanner of White Oak Mining. The photographs reference a short portion of Eccles Creek immediately downstream of Culvert C-21-48 (within 500 to 800 feet) which is located as shown on Map R645-301-731.720b. In our meeting yesterday we indicated that we would make these photos available for your review. A comment regarding each photo follows:

<u>Photo #</u>	<u>Comment</u>
1	This photo shows the road chip accumulations at the UDOT culvert exit at mile marker 14. Mile marker 14 is located downstream of the coal haul road and the gas pump house. A reference is best shown visually on Photo #6. It is important to note that in spite of conveyance flow path, the materials will enter Eccles Creek. Ditches and culverts will only speed and concentrate the entry process.
2	Alternate view of previous photo. Note the sediment entering the stream at the Mile Post 14 Culvert which is typical of UDOT installations within this area.
3	Same as #2.
4	Upstream view of Mile Marker 14 Culvert and road chip depositions.
5	Downstream view of Mile Marker 14 Culvert outlet.
6	Looking upstream at Mile Marker 14 Culvert. Note the continued growth of vegetation at roadside and relative lack of impact in spite of the presence of UDOT road chips. An item which was not brought up in our meeting which perhaps should be is that the presence of the rock chips is likely reducing local hillside erosion by providing slope armoring. The effectiveness of similar armoring is abundantly evident in and around the J.B. King mine. Tom Munson can discuss the value of armoring with you should you desire.
7	UDOT Culvert outlet and road chip debris near the Oil Gas pump shack.
8	Expanded view of UDOT Culvert and road chip debris near Oil Gas pump shack.

**MEMORANDUM**

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**DATE:** April 26, 1994 Page 2 of 2  
**TO:** Mr. Jim Carter - Director, Division of Oil, Gas & Mining  
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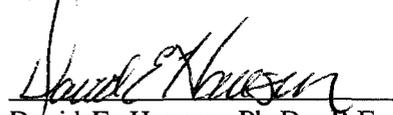
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- 9 Typical accumulations of UDOT road chip deposits at roadside deposited through plowing and blowing operations.
- 10 North facing slope at haul road turnoff. This is the approximate site of the sampling which initiated the violation. The area is well maintained and shows no relative visual detrimental impacts.
- 11 Typical UDOT road chip debris found along south facing slope adjacent to haul road turnout.
- 12 Undisturbed view of a typical snow bank located near Mile Post 14.

We hope that the submission of these photos and the above accompanying clarification statements will aid you in your determination regarding the referenced violation. We thank you for your comments yesterday regarding reasonableness and feasibility and look forward to working with you in the future.

HANSEN, ALLEN & LUCE, INC.

By:



David E. Hansen, Ph.D., P.E.  
Principal

cc: Steve Tanner - White Oak Mining Company

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