



NO. N 95-39-1-2

To the following Permittee or Operator:

Name White Oak Mining and Construction Company, Inc.

Mine White Oak Leadout Surface Underground Other

County Carbon State Utah Telephone 801-637-9200

Mailing Address P.O. Box 60, Scofield Route, Helper, Utah 84526

State Permit No. ACT/007/001

Ownership Category State Federal Fee Mixed

Date of inspection February 8, 1995, 19

Time of inspection 8:30 a.m. p.m. to 10:30 a.m. p.m.

Operator Name (other than Permittee) _____

Mailing Address _____

notice of violation

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.

CERTIFIED MAIL ** Z 954 438 030***

Date of service/ mailing February 10, 1995

Time of service/ mailing 12:00 a.m. p.m.

Steve Tanner
Permittee/Operator representative

Environmental Coordinator
Title

Signature
Stephen J. Demczak

Reclamation Specialist

Division of Oil, Gas & Mining representative

Title

Signature
Stephen J. Demczak

#39
Identification Number

SEE REVERSE SIDE

WHITE-DOG M YELLOW-OPERATOR PINK-OSM GOLDENROD-NOV FILE



NOTICE OF VIOLATION NO. N 95-39-1-2

Violation No. 1 of 2

Nature of violation

Failure to place and store non-coal waste in a controlled manner in a
designated portion of the permit area.

Provisions of act, regulations or permit violated

R645-508-528.331

Portion of operation to which notice applies

- a) Truck shop (s-5) at loadout (oil cans in front and back of building).
- b) Trash at the end of D-18A (wood).
- c) Sub-soil pile (brattice).

Remedial action required (including any interim steps)

Remove non-coal waste and store properly.

Abatement time (including interim steps)

February 15, 1995.



NOTICE OF VIOLATION NO. N 95-39-1-2

Violation No. 2 of 2

Nature of violation

Failure to maintain D7-B and having snow from pad area in D18-A and equipment within D18-A.

Provisions of act, regulations or permit violated

R645-301-742.300

Portion of operation to which notice applies

D7-E

D18-A

Remedial action required (including any interim steps)

Clean D7-B and D18-A as designed in MRF.

Abatement time (including interim steps)

February 16, 1995.

JA

COMPANY/MINE WHITE OAK MINING & CONT.
NOV/CO # 95-39-1-2

PERMIT # ACT\007\001 VIOLATION # 1 OF 2

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.

- a. Activity outside the approved permit area.
- b. Injury to the public (public safety).
- c. Damage to property.
- 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.

Non-coal waste was found throughtout the property (oil cans, trash, brattice, wood).

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?

The non-coal waste is not being properly stored as required by R645 regulation.

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

DISTURBED AREA

PERMIT AREA

Would: Yes No x
Does: Yes No x

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.

No damage has yet taken place but the materials are being improperly stored. Damage to the disturbed area is possible if oil cans were to leak.

Potential damage off the disturbed area. Yes x No

Potential damage off the permit area. Yes No x

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.

White Oak Mining has previously received violations of non-coal waste materials improperly stored. In my judgement a lack of reasonable care and training of personnel are the cause of this violation.

() 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.

() 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.

No good faith points should be given because this has occurred previously. The company has apparently failed to train personnel on this matter or is indifferent to it. Abatement is 20 min. max.

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

Yes, one person of average physical condition.

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

2/10/95

DATE



AUTHORIZED REPRESENTATIVE