



NO. N 96-26-1-1

notice of violation

To the following Permittee or Operator:

Name Plateau Mining Corporation

Mine Starpoint  Surface  Underground  Other

County Carbon State Ut Telephone 801-637-2845

Mailing Address P.O. Drawers, PMC, Puce, UT 84501

State Permit No. Act 007/006

Ownership Category  State  Federal  Fee  Mixed

Date of inspection 6/21/96 & 6/24/96 - ie, Field Portion, 1996

Time of inspection 8:00  a.m.  p.m. to 2:00  a.m.  p.m.

Operator Name (other than Permittee) N/A

Mailing Address N/A

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/~~mailing~~ 6/24/96 Time of service/~~mailing~~ 9:30  a.m.  p.m.

John Pappas  
Permittee/Operator representative

Sr. Environmental Engineer  
Title

[Signature]  
Signature

Wm. J. Malencik  
Division of Oil, Gas & Mining representative

Rec. Spec  
Title

[Signature]  
Signature 6/24/96

26  
Identification Number

SEE REVERSE SIDE

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

### NOTICE OF VIOLATION NO. N 96-26-1-1

Violation No. 1 of 1

Nature of violation

- Failure to conduct refuse pile operations as approved and specified in the MRP and specific items noted herein.
- Failure to meet the Utah Coal Rules performance standards on items noted herein on the refuse pile

Provisions of act, regulations or permit violated

- Utah Code Title 40-Chapter 10, 40-10-17-(2)(m) Refuse Pile
- R645-300-142 § 143 (MRP Commitments)  
R645-536.200 Refuse placement/control manner, last two lifts exceeds 2:1 slope, S, N & E outslope.
- R645-301-745.221 Drainage Control - Top Of Pile/West Refuse Ditch

Portion of operation to which notice applies

Refuse Pile

(Division Performance Std. Code F 1 § 3)

Remedial action required (including any interim steps)

Meet performance standards/MRP commitments by regrading the top of the pile to effect proper drainage, clean refuse from refuse ditch and pull back refuse material on those slopes that exceed 2:1.

Abatement time (including interim steps)

June 28, 1996, 5pm.

COMPANY/MINE

*Plateau Mining Corp*  
*Starpaul Mine*  
*Act 001006*

NOV/CO #

*96-26-1-1*

PERMIT #

VIOLATION #

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.

- 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. *refuse pile performance standards as specified in the Utah Coal Rules relating to refuse placement and drainage.*

2. Has the event occurred? Yes  No

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

*Recent placement of refuse on the last two lifts on a segment of the pile exceeded 2:1 outslope and has a potential to curtail positive drainage*

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

DISTURBED AREA

PERMIT AREA

Would: Yes  No   
Does: Yes  No

Would: Yes  No   
Does: Yes  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.

Potential damage off the disturbed area. Yes  No

Potential damage off the permit area. Yes  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.

*With the transfer of some supervisory and equipment operators, new personnel on the refuse pile have had difficulties in the placement and shaping the refuse pile. Mr. Tom Hurst, surface manager, stated they had just become aware of the problem and had plans to initiate corrective action.*

( ) 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 DSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

*\* Personnel were transferred to the Willow Creek Mine.*

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.

Because of the prompt detection, the deadline date of June 28, 1996 was specified. If the problem would have evolved over a longer period of time, the magnitude of the work would have increased resulting in a longer authorized abatement time period.

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

3. Was the submission of plans prior to physical activity required by this NOV? Yes \_\_\_\_\_ No  If yes, explain.

6/25/96  
DATE

Jim J. Malanick  
AUTHORIZED REPRESENTATIVE