

Nov Side
11903

SUNNYSIDE COAL COMPANY

INVOICE NO.	DATE	REFERENCE	GROSS AMOUNT	DISCOUNT	NET AMOUNT
N93-32-4-1 ACT/COY/007	09/17/93	091793	1,200.00		1,200.00
TOTALS			1,200.00		1,200.00

CHECK NO. 011903
 VENDOR 000475 DIV. OF OIL, GAS & MINING

SUNNYSIDE COAL COMPANY

Norwest Bank Boulder • National Association
 (303) 442-0351 • 1242 Pearl Street • Boulder, CO 80302

11903 ⁸²⁻²²/₁₀₇₀

AMOUNT
 *****1,200.00

CHECK NO. 011903 DATE 2/18/94
 ONE THOUSAND TWO HUNDRED AND 00/100 DOLLARS

PAY TO THE ORDER OF

DIV. OF OIL, GAS & MINING
 335 W. NORTH TEMPLE
 3 TRIAD CENTER, SUITE 350
 SALT LAKE CITY, UT
 84180-1203

[Signature]
 SUNNYSIDE
 ACCOUNTS PAYABLE ACCOUNT

⑈011903⑈ ⑆107000220⑆ 182 3500766⑈



VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name SUNNYSIDE COAL COMPANY

Mailing Address P.O. BOX 97 STATE HIGHWAY 123 SUNNYSIDE, UT. 84539

State Permit No. ACT/m/227

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., Utah Code Annotated (1953):

Notice of Violation No. N 93-36-4-1 dated Aug 4, 1993, 19 93.

Cessation Order No. C _____ dated _____, 19 _____.

Part 1 of 1 is vacated terminated because Failure to comply with permit conditions

(Permittee)
7930

Part _____ of _____ is vacated terminated because _____

Part _____ of _____ is vacated terminated because _____

Date of service/mailing _____

Time of service/mailing _____ a.m. p.m.

P.J. HESS
Permittee/Operator representative

ENVIRONMENTAL COORDINATOR
Title

Signature _____

JERRY SALKER
Division of Oil/Gas & Mining

Senior District Engineer
Title

Signature _____



UTAH
NATURAL RESOURCES
Oil, Gas & Mining

3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

John

MODIFICATION OF NOTICE OF VIOLATION / CESSATION ORDER

To the following Permittee or Operator:

Name Sunnyside Coal Company

Mailing Address P.O. Box 99, Sunnyside, Utah 84539

State Permit No. ACT/003/002

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., Utah Code Annotated (1953):

Notice of Violation No. N 93-32-4-1 dated August 19, 19 93.

Cessation Order No. C _____ dated _____, 19 _____.

Part 1 of 1 is modified as follows: is abated is extended to October 4, 1993

Reason for modification is per operator request dated September 3, 1993.

Part _____ of _____ is modified as follows: _____

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Date of service (mailing) 9/10/93 Time of service (mailing) 3:00 a.m. p.m.

Date of inspection 8/4/93

Permittee/Operator representative _____ Title _____

Signature _____

PAMELA GRUBBSH-LITTLE
Division of Oil, Gas & Mining

Permit Supervisor
Title

Signature _____

Sunnyside Coal Company

Operations • Highway 123 • P.O. Box 99 • Sunnyside, Utah 84539

September 3, 1993

Ms. Pamela Grubaugh-Littig
Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Dear Pam:

Re: Extension Request for Abatement Date of NOV N93-32-4-1
(Manshaft Water Lines)

Sunnyside Coal Company requests an extension of the abatement date of the above NOV from September 3, 1993, until October 4, 1993, to allow Division review and approval of the amendment submitted September 1. This will also allow time for implementation.

We appreciate your approval of the request. Please call if you have any questions.

Sincerely,



Gary E. Gray
Chief Engineer

GEG:th

Corporate Offices
The Registry
1113 Spruce Street
Boulder, CO 80302
303-938-1506
FAX: 303-938-5050

Operations
Highway 123
P.O. Box 99
Sunnyside, UT 84539
801-888-4421
FAX: 801-888-2581



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

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

NOU

September 17, 1993

CERTIFIED RETURN RECEIPT
P 074 977 041

Mr. Joe Fielder
Sunnyside Coal Company
P.O. Box 99
Sunnyside, Utah 84539

Re: Proposed Assessment for State Violation No. N93-32-4-1, Sunnyside Coal Company, Sunnyside Mine, ACT/007/007, Folder #5, Carbon County, Utah

Dear Mr. Fielder:

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under R645-401.

Enclosed is the proposed civil penalty assessment for the above-referenced violation. The violation was issued by Division Inspector, Henry Sauer on 24 August, 1993. Rule R645-401-600 et. sec. has been utilized to formulate the proposed penalty. By these rules, any written information which was submitted by you or your agent, within fifteen (15) days of receipt of the Notice of Violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

Under R645-401-700, there are two informal appeal options available to you:

1. If you wish to informally appeal the fact of this violation, you should file a written request for an Informal Conference within 30 days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty.
2. If you wish to review the proposed penalty assessment, you should file a written request for an Assessment Conference within 30 days of receipt of this



letter. If you are also requesting a review of the fact of violation, as noted in paragraph 1, the Assessment Conference will be scheduled immediately following that review.

If a timely request for review is not made, the fact of violation will stand, the proposed penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the proposed assessment. Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,



Joseph C. Helfrich
Assessment Officer

jbe
Enclosure
cc: Bernie Freeman, OSM

**WORKSHEET FOR ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING**

COMPANY/MINE Sunnyside Coal Company/Sunnyside Mine NOV #N93-32-4-1

PERMIT # ACT/007/007 VIOLATION 1 OF 1

ASSESSMENT DATE 09/15/93 ASSESSMENT OFFICER Joseph C. Helfrich

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 09/15/93 EFFECTIVE ONE YEAR TO DATE 09/15/92

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
<u>N92-32-11-1</u>	<u>12/22/92</u>	<u>1</u>
<u>N92-32-12-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-40-11-1</u>	<u>04/18/93</u>	<u>1</u>
<u>N92-40-12-2</u>	<u>04/18/93</u>	<u>2</u>
<u>N92-40-13-1</u>	<u>04/18/93</u>	<u>1</u>
<u>C92-32-1-1</u>	<u>04/16/93</u>	<u>5</u>
<u>N92-32-13-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-14-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-15-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-16-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-17-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-26-5-1</u>	<u>04/18/93</u>	<u>1</u>
<u>N93-32-1-2</u>	<u>06/22/93</u>	<u>2</u>
<u>N93-32-2-5:</u>		
<u>parts 1, 3 & 5</u>	<u>09/01/93</u>	<u>3</u>
<u>C93-32-1-1</u>	<u>07/26/93</u>	<u>5</u>

1 point for each past violation, up to one year;
5 points for each past violation in a CO, up to one year;
No pending notices shall be counted.

TOTAL HISTORY POINTS 27

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations Max 45 PTS

1. What is the event which the violated standard was designed to prevent?
Conducting activities without appropriate approvals.
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent? Occurred

... PROBABILITY	RANGE
... None	0
... Unlikely	1-9
... Likely	10-19
... Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS

The permittee altered the sequencing of the mine water discharge and subsequent discharge pipe as verified by letter dated 8/5/93.

3. What is the extent of actual or potential damage? RANGE 0 - 25*

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 0

PROVIDE AN EXPLANATION OF POINTS

No damage occurred as a result of the violation.

B. Hindrance Violations MAX 25 PTS

- 1. Is this a potential or actual hindrance to enforcement? _____
RANGE 0 - 25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS

TOTAL SERIOUSNESS POINTS (A or B) 20

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? **IF SO - NO NEGLIGENCE;**
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? **IF SO - NEGLIGENCE;**
 OR Was this violation the result of reckless, knowing, or intentional conduct? **IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.**

. . . No Negligence	0
. . . Negligence	1-15
. . . Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE Ordinary

ASSIGN NEGLIGENCE POINTS 8

PROVIDE AN EXPLANATION OF POINTS

Lack of diligence with respect to DOGM regulations. The permittee basically overlooked the need to obtain Division approval prior to conducting this type of activity.

IV. GOOD FAITH MAX 20 PTS. (EITHER A or B) (Does not apply to violations requiring no abatement measures.)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?

... **IF SO - EASY ABATEMENT**

Easy Abatement Situation

... **Immediate Compliance -11 to -20***

... Immediately following the issuance of the NOV)

... **Rapid Compliance -1 to -10***

... (Permittee used diligence to abate the violation)

... **Normal Compliance 0**

(Operator complied within the abatement period required)

(Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

* Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance?

... **IF SO - DIFFICULT ABATEMENT**

Difficult Abatement Situation

... **Rapid Compliance -11 to -20***

... (Permittee used diligence to abate the violation)

... **Normal Compliance -1 to -10***

... (Operator complied within the abatement period required)

... **Extended Compliance 0**

(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

(Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? _____ ASSIGN GOOD FAITH POINTS -0

PROVIDE AN EXPLANATION OF POINTS

To be evaluated upon termination of the violation.

V. ASSESSMENT SUMMARY FOR N93-32-4-1

I.	TOTAL HISTORY POINTS	<u>27</u>
II.	TOTAL SERIOUSNESS POINTS	<u>20</u>
III.	TOTAL NEGLIGENCE POINTS	<u>8</u>
IV.	TOTAL GOOD FAITH POINTS	<u>- 0</u>
	TOTAL ASSESSED POINTS	<u>56</u>
	TOTAL ASSESSED FINE	<u>\$ 1200</u>

jbe

P 074 978 611

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

NOT FOR INTERNATIONAL MAIL

(See Reverse)

DOGM MBM ACT/007/007 NOV N93-32-4-1

JOE^{to} FIELDER

GENERAL MANAGER

Street and No.

SUNNYSIDE COAL COMPANY

P O BOX 99

P.O., State and ZIP Code

SUNNYSIDE UT 84539

Postage

\$ 29

Certified Fee

100

Special Delivery Fee

Restricted Delivery Fee

Return Receipt showing to whom and Date Delivered

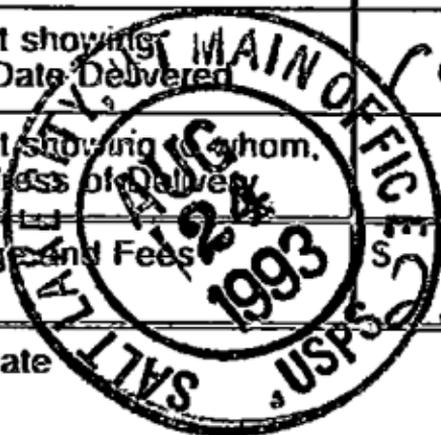
100

Return Receipt showing to whom, Date, and Address of Delivery

TOTAL Postage and Fees

\$ 229

Postmark or Date



PS Form 3800, June 1985

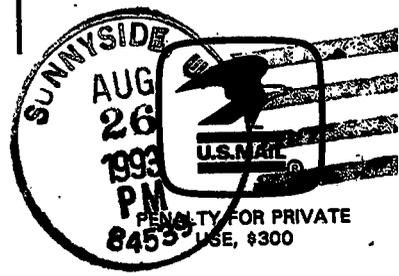
SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to: JOE FIELDER GENERAL MANAGER SUNNYSIDE COAL COMPANY P O BOX 99 SUNNYSIDE UT 84539	4. Article Number p 074 978 611 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature - Address X <i>[Signature]</i> 6. Signature - Agent X 7. Date of Delivery AUG 26 1993 <i>[Signature]</i>	8. Addressee's Address (ONLY if requested and fee paid)

UNITED STATES POSTAL SERVICE
 OFFICIAL BUSINESS

SENDER INSTRUCTIONS
 Print your name, address and ZIP Code in the space below.
 • Complete items 1, 2, 3, and 4 on the reverse.
 • Attach to front of article if space permits, otherwise affix to back of article.
 • Endorse article "Return Receipt Requested" adjacent to number.



RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

STATE OF UTAH
 NATURAL RESOURCES
 OIL, GAS, & MINES
 3 TRIAD CENTER, SUITE 300
 SALT LAKE CITY, UTAH 84143



gh

NO. N93-32-4-1

notice of violation

To the following Permittee or Operator:

Name SUNNYSIDE COAL COMPANY

Mine SUNNYSIDE Surface Underground Other

County CARBON State UT Telephone 888-4421

Mailing Address P.O. Box 99, STATE Highway 123, SUNNYSIDE, UT 84539

State Permit No. ACT/007/007

Ownership Category State Federal Fee Mixed

Date of inspection August 4, 1993

Time of inspection a.m. p.m. to a.m. p.m.

Operator Name (other than Permittee) _____

Mailing Address _____

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 RETURN RECEIPT:
P 074 978 611

Date of service/mailing 8-24-93

Time of service/mailing 3:00 a.m. p.m.

PETER HESS
Permittee/Operator representative

ENVIRONMENTAL COORDINATOR
title

Signature _____

HENRY SAUER
Division of Oil, Gas & Mining representative

SENIOR RECLAMATION SOILS SPECIALIST
title

[Signature]
Signature

#32
Identification Number

SEE REVERSE SIDE
WHITE-DOGMI YELLOW-OSM PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE



NOTICE OF VIOLATION NO. N 93-32-4-1

A3

Violation No. 1 of 1

Nature of violation

FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THE APPROVED PERMIT. FAILURE TO CONDUCT ALL COAL MINING AND RECLAMATION OPERATIONS AS DESCRIBED IN THE APPROVED PERMIT

Provisions of act, regulations or permit violated

RB45-300-142.

RB45-300-143.

Portion of operation to which notice applies

THE EMERGENCY MINE WATER DISCHARGE ^{PIPE} WHICH DISCHARGES INTO THE TWIN SHAFT MINE WATER POND (OUTFALL001).

Remedial action required (including any interim steps)

OBTAIN DIVISION APPROVAL FOR THE DESIGN, INSTALLATION AND ~~DECOMMISSIONING~~ DECOMMISSIONING OF THE MINE WATER DISCHARGE PIPE.

Abatement time (including interim steps)

NO LATER THAN 5:00 P.M. SEPTEMBER 3, 1993.



NO. N93-52-4-1

notice of violation

To the following Permittee or Operator:

Name SUNNYSIDE COAL COMPANY

Mine Sunnyside Surface Underground Other

County CARLEW State UT Telephone 801-443-1

Mailing Address P.O. Box 11, 1100 W. 1100 S. SUNNYSIDE, UT 84539

State Permit No. ACT/10/107

Ownership Category State Federal Fee Mixed

Date of Inspection August 6, 9, 10 and 11, 1993, 19

Time of Inspection a.m. p.m. to a.m. p.m.

Operator Name (other than Permittee) _____

Mailing Address _____

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 RETURN RECEIPT:
P 074 978 611

Date of service/mailing 8-24-93 Time of service/mailing 3:00 a.m. p.m.

PETER HEES Permittee/Operator representative ENVIRONMENTAL COORDINATOR title

Signature _____

HENRY SAUER Division of Oil, Gas & Mining representative SENIOR RECLAMATION SITE SPECIALIST title

Signature _____ Identification Number 732

SEE REVERSE SIDE

WHITE-DOGMI YELLOW-OSM PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE



NOTICE OF VIOLATION NO. N93-32-4.1

Violation No. 1 of 1

Nature of violation

FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THE APPROVED PERMIT. FAILURE TO CONDUCT ALL COAL MINING AND RECLAMATION OPERATIONS AS DESCRIBED IN THE APPROVED PERMIT

Provisions of act, regulations or permit violated

RC45-300-142
RC45-300-143

Portion of operation to which notice applies

THE EMERGENCY MINE WATER DISCHARGE ^{PIPE} WHICH DISCHARGES INTO THE TWIN SHAFT MINE WATER POND (OUTFALL)

Remedial action required (Including any interim steps)

OBTAIN DIVISION APPROVAL FOR THE DESIGN, INSTALLATION AND ~~REMOVAL~~ DECOMMISSIONING OF THE MINE WATER DISCHARGE PIPE.

Abatement time (Including interim steps)

NO LATER THAN 5:00 P.M. SEPTEMBER 3, 1993.

Henry - you were out 8/18 with Mitch & Herz. 8/16 8/11 Joe - Nov? Yes I've spoken to Henry as well. 92 Q. you can write the

Sunnyside Coal Company

Operations • Highway 123 • P.O. Box 99 • Sunnyside, Utah 84539

August 5, 1993

RECEIVED Nov 9
That inspection
DIVISION OF *Glenn*
OIL GAS & MINING *write*
FA

Ms. Pamela Grubaugh-Littig
Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Dear Pam:

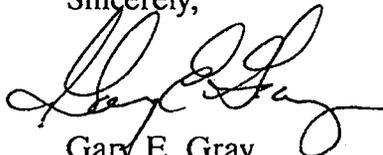
On Monday, August 2, Sunnyside Coal installed, on an emergency basis, 500 feet of 4-inch diameter pipe across an existing disturbed surface area to the Twin Shaft Mine Water Pond (001). The underground culinary water pumping system at the Manshaft has been reactivated due to the loss of efficiency of the main pump which pumps out Twinshaft to 001 Pond. This loss of efficiency had caused the Manshaft Dips area to flood out.

By activating the above culinary water pump, the volume of water (approximately 75 to 100 gpm) to the main pump was diverted and pumped out of the mine separately. This water is of culinary quality. Only changes in regulations required the city to stop using this water. The mine personnel discharged this water into the ditch leading to the Manshaft Sediment Pond (006). Since this water is supposed to go to 001 Pond, we installed this additional pipe.

We are preparing a permit amendment to have this system shown on the facilities map and a description of the operations. This should be submitted to you by the end of next week.

I have been meaning to call you to discuss this, but other things have pushed it to the back of my mind. For this, I am sorry for the delay.

Sincerely,



Gary E. Gray
Chief Engineer

also... FAX to you! Bill Malenick

For amendment not / on bill...

Corporate Offices
The Registry
1113 Spruce Street
Boulder, CO 80302
303-938-1506
FAX: 303-938-5050

Operations
Highway 123
P.O. Box 99
Sunnyside, UT 84539
801-888-4421
FAX: 801-888-2581

EVENT VIOLATIONS INSPECTORS STATEMENT

Company/Mine Sunnyside Coal Company
Permit # ACT/087/087 Sunnyside Mine

NOV/CO # N93-32-4-1
Violation # 1 of 1

A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of events below and remember that the event is not the same as the violation. Circle 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, diverse and effective vegetative cover.
- i. No event occurred as a result of the violation.
- j. Other.

2. Has the event occurred? Yes No

___ Yes: Describe it.

Division received letter 8/9/93 (letter dated 8/5/93) of unauthorized activity that occurred on 8/2/93.

___ No: What would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

3. Did any damage occur as a result of the violation?

No

___ Yes: 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 it would extend off the disturbed and/or permit area.

B. DEGREE OF FAULT (Check the statements which apply to the violation and discuss.)

- () Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation

- () Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain. *The letter explained that there was an immediate situation and we chose to do the work then notify the Division (see letter dated 8/9/93).*

Explanation

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

Explanation

- () Was the operator in violation of a specific permit condition?

Explanation

- () Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation?

Explanation

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

Explanation

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.

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/CO? Yes No If yes, explain.

The permittee notified the Division of Air activity and should be awarded "good faith" in doing so.

AMERICA CRUISE SHIP - LITTON
Authorized Representative

Paula DeBaptista Ellis
Signature

9/14/93
Date