



NO. N 94-41-5-6

notice of violation

To the following Permittee or Operator:

Name U. S. FUEL COMPANY

Mine HIAWATHA COMPLEX  Surface  Underground  Other

County CARBON State UTAH Telephone (801) 637-1071

Mailing Address P.O. BOX 887, PRICE, UTAH 84501

State Permit No. ACT/007/011

Ownership Category  State  Federal  Fee  Mixed

Date of inspection SEPTEMBER 13-14, 1994

Time of inspection 10:20 & 10:00  a.m.  p.m. to 5:30 & 6:00  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 074 978 444**

Date of service/mailling 9/20/94

Time of service/mailling 3:30  a.m.  p.m.

MICHAEL WATSON  
Permittee/Operator representative

PRESIDENT  
Title

Signature

PAUL B. BAKER  
Division of Oil, Gas & Mining representative

RECLAMATION BIOLOGIST  
Title

Signature

#41  
Identification Number

**SEE REVERSE SIDE**

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



C2

**NOTICE OF VIOLATION NO. N 94-41-5-6**

Violation No. 1 of 6

Nature of violation

**Failure to follow the approved plan to use substitute topsoil; failure to demonstrate the suitability of substitute topsoil.**

Provisions of act, regulations or permit violated

**R645-301-233; R645-301-232.200; R645-301-240;  
R645-301-250; R645-300-142; R645-300-143**

Portion of operation to which notice applies

**Soil borrow area "F"**

Remedial action required (including any interim steps)

- 1) Cease excavating and applying soil from below four feet in borrow area "F".**
- 2) Characterize the nature of soil exposed in borrow area "F" according to the parameter list on page 23 of Chapter 2 of the Mining and Reclamation Plan.**

Abatement time (including interim steps)

- 1) Immediately**
- 2) October 14, 1994; 3:00 p.m.**



A3

**NOTICE OF VIOLATION NO. N 94-41-5-6**

Violation No. 2 of 6

Nature of violation

**Failure to adhere to conditions of the permit.**

Provisions of act, regulations or permit violated

**R645-300-143**

Portion of operation to which notice applies

**Submittal of copies of alternative topsoil borrow area plan for other agencies and with corrected page numbers.**

Remedial action required (including any interim steps)

**Submit copies of alternative topsoil borrow area plan with corrected page numbers for other agencies.**

Abatement time (including interim steps)

**September 29, 1994; 3:00 p.m.**



BS

**NOTICE OF VIOLATION NO. N 94-41-5-6**

Violation No. 3 of 6

Nature of violation

**Failure to design, construct, and maintain a diversion to be stable and minimize erosion to the extent possible.**

Provisions of act, regulations or permit violated

**R645-301-742.100; R645-301-742.300; R645-301-732.300**

Portion of operation to which notice applies

**Diversion DD10 northwest of Slurry Pond 1.**

Remedial action required (including any interim steps)

- 1) Submit designs for diversion DD10**
- 2) Implement the designs after they have been approved.**

Abatement time (including interim steps)

- 1) October 7, 1994; 3:00 p.m.**
- 2) October 28, 1994; 3:00 p.m.**



BZ

**NOTICE OF VIOLATION NO. N 94-41-5-6**

Violation No. 4 of 6

Nature of violation

**Failure to certify the design and construction of impoundments. Failure to conduct quarterly impoundment inspections.**

Provisions of act, regulations or permit violated

**R645-301-512.240; R645-301-743; R645-301-514.300; R645-301-744;  
R645-301-742.220; R645-301-733; R645-301-533**

Portion of operation to which notice applies

**Seven catch basins shown on Exhibit V-9 of the Mining and Reclamation Plan.**

Remedial action required (including any interim steps)

- 1) Have the design and construction of the catch basins certified by a registered professional engineer in accordance with the R645 regulations. Redesign any impoundments not meeting design criteria.**
- 2) Reconstruct impoundments as necessary.**
- 3) Begin regular impoundment inspections.**

Abatement time (including interim steps)

- 1) October 14, 1994; 3:00 p.m.**
- 2) November 14, 1994; 3:00 p.m.**
- 3) Immediately**



N

**NOTICE OF VIOLATION NO. N 94-41-5-6**

Violation No. 5 of 6

Nature of violation

**Failure to place and store non-coal mine waste in a controlled manner in a designated portion of the permit area, in accordance with the approved Mining and Reclamation Plan.**

Provisions of act, regulations or permit violated

**R645-301-528.330; R645-301-747; R645-301-542.740; R645-301-560**

Portion of operation to which notice applies

**King 4 and 5 and King 6 Mine surface facilities areas in the South and Middle Forks of Miller Creek.**

Remedial action required (including any interim steps)

**Place and store non-coal mine waste in a controlled manner in a designated portion of the permit area; or, dispose of non-coal mine wastes in an approved designated portion of the permit area or a State-approved solid waste disposal area.**

Abatement time (including interim steps)

**October 21, 1994; 3:00 p.m.**



B10

**NOTICE OF VIOLATION NO. N 94-41-5-6**

Violation No. 6 of 6

Nature of violation

**Failure to provide adequate slope protection on impoundment embankments to stabilize the embankment and protect it against surface erosion.**

Provisions of act, regulations or permit violated

**R645-301-533.300; R645-301-533.400; R645-301-732; R645-301-742**

Portion of operation to which notice applies

**Inlets to ponds D0004 and D0007**

Remedial action required (including any interim steps)

- 1) Submit designs to adequately protect the inlets to ponds D0004 and D0007.**
- 2) Implement the designs following approval.**

Abatement time (including interim steps)

- 1) October 7, 1994; 3:00 p.m.**
- 2) November 4, 1994; 3:00 p.m.**