

John



NO. N 96-46-2-1

notice of violation

To the following Permittee or Operator:

Name United States Fuel Company

Mine King 4/5/6 Mines Surface Underground Other

County Carbon State Utah Telephone (801) 637-2252

Mailing Address P.O. Box 887

State Permit No. ACT/007/011

Ownership Category State Federal Fee Mixed

Date of inspection 8/5/96, 19__

Time of inspection 8:00 a.m. p.m. to 11:00 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.

Date of service/ mailing 8/5/96 Time of service/ mailing 9:40 a.m. p.m.

Michael P. Watson, P.E. President

Permittee/Operator representative Title

K.C. Jones

Signature

Peter Hess

Division of Oil, Gas & Mining representative

Peter Hess

Signature

Reclamation Specialist III

Title

#46

Identification Number

SEE REVERSE SIDE

WHITE-DOGGM YELLOW-OPERATOR PINK-OSM GOLDENROD-NOV FILE



NOTICE OF VIOLATION NO. N 96-46-2-1

Violation No. 1 of 1

Nature of violation

- 1) "Failure to meet the terms and conditions of the approved permit", i.e. removal of machinery within 1st year after cessation of operations.
- 2) "Failure to properly place and store noncoal mine waste (abandoned mining machinery) in a controlled manner in a designated portion of the permit area."

Provisions of act, regulations or permit violated

- 1) R 645-301-560, Performance Standards
- 2) R 645-301-528.330, Noncoal Mine Waste

Portion of operation to which notice applies

- 1) Middle Fork, King 4 + 5 Mine Yard, Truck loadout area
- 2) South Fork, King 6 Mine Yard
- 3) Heavy Equipment Yard in Processing Plant Area

Remedial action required (including any interim steps)

- 1) Remove, place, and store all abandoned mining machinery at the 3 aforementioned sites in a controlled manner in a designated portion of the permit area, or:
- 2) remove same from the permit area for final disposal by whatever means as agreed to by the permittee and the DOGMP.

Abatement time (including interim steps)

The permittee has thirty⁽³⁰⁾ days from date of issue of N 96-46-2-1 to accomplish either remedial action.

COMPANY/MINE United States Fuel Company

NOV/CG # N96-4b-2-1

PERMIT # ACT/007/011

VIOLATION # 1 OF 1

HINDRANCE TO ENFORCEMENT VIOLATIONS INSPECTORS STATEMENT

A. HINDRANCE TO ENFORCEMENT (Answer for hindrance violations only such as violations concerning recordkeeping, monitoring, plans and certification.)

1. Describe how violation of this regulation actually ___ or potentially ___ (check one) hindered enforcement by DOGM and/or the public and explain the circumstances.

B. DEGREE OF FAULT (Only one question applies to each violation, check and discuss.)

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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.

(X)

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.

I do not feel the permittee is responsible in carrying out the requirements of the ACT/007/011 ~~in~~ a mining and reclamation plan in a timely manner.

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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.

COMPANY/MINE United States Fuel Company

NOV/CO # N 96 -46 -2-1

PERMIT # ACT/007/011

VIOLATION # 1 OF 1

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.

I was accompanied by Mr. Gary Gray, American Fuel Corp. representative, on several previous inspections. Mr. Gray was informed about the equipment and junk. I do not know if he told Mr. Watson about this item.

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. ~~The violation~~ violation has not been achieved as of 8/6/96. Abatement due by September 4, 1996 at 09:40.

2 Explain whether or not the operator had the necessary resources on site to achieve compliance. The operator needed to either procure additional resources to remove the scrap (or mining equipment) from the site, or negotiate a scrapping contract with a vendor.

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

DATE 8/6/96

[Signature]
AUTHORIZED REPRESENTATIVE