

NO. N 98-41-2-1

notice of violation

To the following Permittee or Operator:

Name Nevada Electric Investment Company

Mine Wellington Preparation Plant Surface Underground Other

County Carbon State Utah Telephone _____

Mailing Address 6226 West Sahara Las Vegas, NV 89151

State Permit No. ACT/007/012

Ownership Category State Federal Fee Mixed

Date of inspection February 25, 1998, 19____

Time of inspection 11:00 a.m. p.m. to 1:30 a.m. p.m.

Operator Name (other than Permittee) Earthco

Mailing Address 1179 East Main Street #104 Price, UT 84501

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 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.

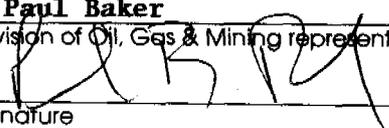
This notice shall remain in effect until it expires as provided on reverse side of this form, or is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas & Mining. Time for abatement may be extended by authorized representative for good cause, if a request is made within a reasonable time before the end of abatement period.

Date of service/ mailing MARCH 11, 1998 Time of service/ mailing 8:00 a.m. p.m.

Steve Traweek
 Permittee/Operator representative

Resident Agent
 Title

Mailed From SLC Office
 Signature

Paul Baker
 Division of Oil, Gas & Mining representative

 Signature

Reclamation Biologist
 Title
41
 Identification Number

SEE REVERSE SIDE
 WHITE-DOG M YELLOW-OPERATOR PINK-OSM GOLDENROD-NOV FILE

PSC- B5 CC: Patrick Collins
Richard Hinckley

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: STEVE TRAWEEK EARTHCO 1179 E MAIN ST #104 PRICE UT 84501	4. Article Number Z 230 747 314 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature - Address X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X <i>Kelly C Kirkwood</i>	
7. Date of Delivery	

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

SALE OFFICE CITY UT 84114-5801
 BOX 145801
 1454 W NORTH TEMPLE STE 1210
 OIL GAS & MINING
 OF
 DIVISION

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

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.

PENALTY FOR PRIVATE USE, \$300



UNITED STATES POSTAL SERVICE OFFICIAL BUSINESS



NOTICE OF VIOLATION NO. N_ 98-41-2-1

Violation No. 1 of 1

Nature of violation

Failure to locate and construct diversions according to designs in the operation and reclamation plan; Failure to construct diversions to be stable; Failure to conduct operations only as described in the approved operation and reclamation plan.

Provisions of act, regulations or permit violated

R645-301-742.300

R645-301-752

R645-300-142

Portion of operation to which notice applies

Culverts and ditches in the new modular preparation plant area. Also, waste water and other materials from the operations flowing in operational diversions.

Remedial action required (including any interim steps)

- 1) Submit designs showing how water used in plant operations will be handled.
- 2) Implement these designs following approval.
- 3) Construct diversions in the modular preparation plant area according to designs in the operation and reclamation plan.

Abatement time (including interim steps)

- 1) April 10, 1998
- 2) May 8, 1998
- 3) May 8, 1998