

0017

DOGM/NOV-1

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS & MINING

1588 West North Temple
Salt Lake City, Utah 84116
Telephone: (801) 533-5771

#1

NOTICE OF VIOLATION NO. N 85-8-6-1

From the STATE OF UTAH
To the Following Permittee or Operator:

NAME Beverly Creek Coal Company
 MINE Garden Creek #2, 7 SURFACE UNDERGROUND OTHER
 CATEGORY OF OWNERSHIP: STATE FEDERAL FEE MIXED
 OSM MINE NO. _____ STATE PERMIT NO. Ad/007/016 MSHA I.D. NO. _____
 COUNTY AND STATE Carbon, Utah TELEPHONE _____
 MAILING ADDRESS: PO Box 1378 Pines, Utah 84501
 DATE OF INSPECTION April 9, 1985
 TIME OF INSPECTION: FROM 9:00 a.m. to _____ a.m.
 _____ p.m. to _____ p.m.
 NAME OF OPERATOR (if other than permittee) _____
 MAILING ADDRESS: _____

Under the authority of the Utah Coal Mining and Reclamation Act of 1979 (Sec. 40-10-1 et seq., Utah Code Annotated, 1953), the undersigned authorized representative of the Director and the Division of Oil, Gas & Mining has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the 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 minesite.

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

Date of Service 4/12/85 Thomas W Wright
SIGNATURE OF AUTHORIZED REPRESENTATIVE

Time of Service 3/0 a.m. p.m. Thomas W Wright #8
NAME AND I. D. NO.

Person Served with Notice Dan Guy Compliance Engineer by phone conversation
PRINT NAME AND TITLE

Signature Sent by certified mail

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE



STATE OF UTAH

Notice of Violation No. N 85-8-6-1

Violation No. 1 of 1

Nature of the Violation

failure to prevent to the extent possible additional contributions of sediment to streamflow or to runoff outside the permit area

Provision(s) of the Regulations, Act, or Permit Violated

UMC 817,45 (i)

UMC 817,18 (2)

UMC 817,43 (c)

Portion of the Operation to which Notice Applies

3 Gabions in drainage ditch on access road to #7 portals along
batline

Remedial Action Required (including interim steps, if any)

Clean sediment from structures and culvert inlets

Time for Abatement (including time for interim steps, if any)

2 weeks or no later than April 25, 1985