

EVENT VIOLATIONS INSPECTORS STATEMENT

Company/Mine Mountain Coal Co. Gordon Creek 278
Permit # ACT/007/016

NOV/CO # 94-45-1-1
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.

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

PRECIPITATION EVENT MAY CAUSE SEDIMENT TO LEAVE THE SITE. 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

NA

- Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation - THE OPERATORS PLAN did NOT ADDRESS SEDIMENT CONTROL IN THIS AREA. THE OPERATOR CONSIDERED THE AREA RECLAIMED.

- () 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

NA

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

Explanation

NA

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

Explanation

No

- () 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

No

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.
NA - NOV NOT YET TERMINATED

2. Explain whether or not the operator had the necessary resources onsite to achieve compliance.
NO - NO EMPLOYEES ON SITE; ALL WORK DONE BY CONTRACT

3. Was the submission of plans prior to physical activity required by this NOV/CO? Yes No If yes, explain.
FOR THE FINAL ABATEMENT PLANS ARE REQUIRED TO ADDRESS SEDIMENT CONTROL. INSTALLATION OF CONTROLS CAN ONLY BE DONE AFTER APPROVAL. INTERIM MEASURES ARE REQUIRED AND DO NOT REQUIRE SUBMISSION OF PLANS

Scott Milovich
Authorized Representative

[Signature]
Signature

9/25/94
Date



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)

October 5, 1994

Paige B. Beville, Manager
Environmental, Health and Safety
ARCO Coal Company
555 17th Street, Room 2170
Denver, Colorado 80202

Re: Initial Review Response - Accepted, Step 2 Abatement for Violation #N94-45-1-1, Mountain Coal Company, Gordon Creek #2, #7, and #8, ACT/007/016-94E, Folder #3, Carbon County, Utah

Dear Ms. Beville:

The Division received on September 30, 1994, the proposed amendment, Abatement for Violation #94-45-1-1, and has determined the application complete. This amendment has been assigned the permit change number, ACT/007/016-94E.

We anticipate completion of this review by October 22, 1994, at which time you will be notified of the amendment status.

If you have any questions or concerns, please call me.

Sincerely,

A handwritten signature in cursive script, reading "Pamela Grubaugh-Littig".

Pamela Grubaugh-Littig
Permit Supervisor

cc: Daron Haddock
Scott Milovich
007016.94E





MOUNTAIN COAL COMPANY
 WEST ELK MINE
 P.O. BOX 591
 SOMERSET, COLORADO 81434

PAGE 1 OF 1
 MARCH 29, 1995

Nov Side

00000000002892

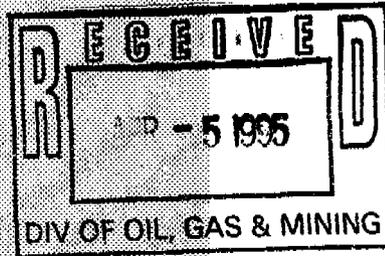
UTAH DIVISION OF OIL, GAS,
 3 TRIAD CENTER, SUITE 350
 355 WEST NO. TEMPLE
 SALT LAKE CITY UT 84180

CHECK NUMBER: 278286

AMOUNT PAID: \$130.00

VENDOR NO: 001808

| P.O. NUMBER | INVOICE NUMBER | INVOICE DATE | GROSS AMOUNT | DISCOUNT AMOUNT | NET AMOUNT |
|-------------|----------------------------------|--------------|--------------|-----------------|------------|
| FX | N94-45-1-1 <i>ACT/007/016</i> | 03/14/95 | \$130.00 | \$0.00 | \$130.00 |



PLEASE DETACH BEFORE DEPOSITING CHECK

MOUNTAIN COAL COMPANY

West Elk Mine
 P.O. Box 591
 Somerset, Colorado 81434

CHECK NUMBER

278286

73-426
839

MARCH 29, 1995

0994693

PAY TO THE ORDER OF: UTAH DIVISION OF OIL, GAS,

*** VOID AFTER 90 DAYS ***

EXACTLY *****130 DOLLARS AND 00 CENTS *****130.00

The First National Bank of Chicago-0710
 Chicago, Illinois
 Payable Through Republic Bank
 Shelbyville, Kentucky

[Signature]

AUTHORIZED SIGNATURE

TRACE NUMBER: 00000000002892

⑈ 278286 ⑈ ⑆ 083904262⑆ 0994693⑈



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)

March 14, 1995

CERTIFIED RETURN RECEIPT REQUESTED
P 074 976 177

Paige B. Beville, Manager
Mountain Coal Company
555 Seventeenth Street Room 2170
Denver, Colorado 80202

Re: Finalized Assessment for State Violation #N94-45-1-1, Mountain Coal Company, Gordon Creek #2, #7 & #8 Mine, ACT/007/016, Folder #5, Carbon County, Utah

Dear Ms. Beville:

The civil penalty for the above-referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must escrow the assessed civil penalty with the Division within a maximum of thirty (30) days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division, mail c/o Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

Ronald W. Daniels
Assessment Conference Officer

blb

Enclosure

cc: Donna Griffin, OSM, AFO



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

COMPANY/MINE Mountain Coal Co/Gordon Creek #2, #7 & #8NOV #N94-45-1-1

PERMIT # ACT/007/016

VIOLATION 1 of 1

Assessment Date 3/9/95

Assessment Officer Ronald W. Daniels

Nature of Violation:

Failure to provide sediment control for the drainage form disturbed area.

Date of Termination: Pending, but de facto 12/13/94

| | | <u>Proposed Assessment</u> | <u>Final Assessment</u> |
|-----|-------------------------------|--------------------------------|-----------------------------|
| (1) | History/Previous Violations | <u>0</u> | <u>0</u> |
| (2) | Seriousness | | |
| | (a) Probability of Occurrence | <u>15</u> | <u>10</u> |
| | Extent of Damage | <u>—</u> | <u>—</u> |
| | (b) Hindrance to Enforcement | <u>0</u> | <u>0</u> |
| (3) | Negligence | <u>8</u> | <u>3</u> |
| (4) | Good Faith | <u>-0</u> | <u>-0</u> |
| | Total Points | <u>23</u> | <u>13</u> |
| | TOTAL ASSESSED FINE | | \$ <u>130.00</u> |

NARRATIVE:

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

Seriousness, probability of occurrence, is reduced to reflect that the event, while it is still likely to occur, is less likely than judged previously. The operator cited sediment loading analysis information which confirmed that no damage occurred.

Negligence is maintained in the "ordinary" category, but points are reduced to reflect that the violation area was at a location where it had been reclaimed, at the operators option, maintained as part of the permit area, but still was his responsibility.

blb

NOV file



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)

February 14, 1995

CERTIFIED RETURN RECEIPT REQUESTED
No. P 074 977 551

Paige B. Beville, Manager
Environmental Health & Safety
ARCO Coal Company
555 Seventeenth Street
Denver, Colorado 80202

Re: Assessment Conference for State Violation N94-45-1-1, Mountain
Coal Company, Gordon Creek #2, #7, & #8 Mines, ACT/007/016, Folder #5,
Carbon County, Utah

Dear Ms. Beville:

In accordance with a written request from you dated November 9, 1994, please be advised that the Assessment Conference on state violation N94-45-1-1, Gordon Creek #2, #7, & #8 Mines has been established for Wednesday, March 8, 1995, beginning at 10:00 a.m.

Pertinent, written material you wish reviewed before the conference can be forwarded to me at the address listed above.

The conference will be held via conference call.

Sincerely,

Ronald W. Daniels
Coordinator of Minerals Research

vb
cc: S. Anderson
L. Braxton
J. Helfrich
PFO

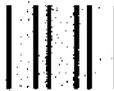


UNITED STATES POSTAL SERVICE

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.



PENALTY FOR PRIVATE USE, \$300

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

STATE OF UTAH
 NATURAL RESOURCES
 OIL, GAS, & MINING
 3 TRIAD CENTER, SUITE 350
 SALT LAKE CITY, UTAH 84180-1203

RETURN TO

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. 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
 PAIGE B BEVILLE MGR
 ENV HEALTH & SAFETY
 MOUNTAIN COAL CO
 ARCO
 555 17TH ST RM 2170
 DENVER CO 80202

4. Article Number
 P. 074 978 460

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address
 X [Signature]

6. Signature - Agent
 X

7. Date of Delivery
 11/2/94

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Mar. 1988 U.S.D.P.O. 1988-212-335 DOMESTIC RETURN RECEIPT
mbm dogm act/007/016 NOV N94-45-1-1

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

- If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (an extra charge).
- If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
- If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article RETURN RECEIPT REQUESTED adjacent to the number.
- If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse RESTRICTED DELIVERY on the front of the article.
- Print fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
- Save this receipt and present it if you make inquiry.

P 074 978 460

RECEIPT FOR CERTIFIED MAIL
INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

MBM DOGM ACT/007/016 NOV N94-45-1-1

| | |
|---|---------|
| PAIGE B BEVILLE MGR | |
| ENV HEALTH & SAFETY | |
| ARCO | |
| 555 17TH ST RM 2170 | |
| DENVER CO 80202 | |
| Postage | \$ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt showing to whom and Date Delivered | |
| Return Receipt showing to whom, Date, and Address of Delivery | |
| TOTAL Postage and Fees | \$ 2.29 |
| Postmark or Date | |

PS Form 3800, June 1985



MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name MOUNTAIN COAL CO (CLEAR CREEK 2,718)

Mailing Address ARCO COAL CO 555 17th ST. FORT COLE, CO 80202

State Permit No. INA/007/016

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

Notice of Violation No. N N-94-451-1 dated 8/25, 19 94.

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

Part 1 of 1 is modified as follows: ABATEMENT STEPS 2 & 3 EXTENDED
TO NOVEMBER 30.

Reason for modification is TO ALLOW ADDITIONAL TIME FOR THE PERMITTEE
AND THE OPERATOR TO PROPERLY RESOLVE THE ISSUE.

Part _____ of _____ is modified as follows: _____

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

CERTIFIED RETURN RECEIPT

P 074 978 460

Date of ~~service~~ mailing 10/20/94

Time of ~~service~~ mailing 10:00 a.m. p.m.

Date of inspection 8/23 + 8/24

Permittee/Operator representative _____

Title _____

Signature _____

Signature _____

Division of Oil, Gas & Mining

Title Reclamation Specialist

Signature _____



BLACKHAWK ENGINEERING, CO.

Rt. 1, Box 146-H5 - Helper, Utah 84526 - Telephone (801) 637-2422

October 24, 1994

Mr. Darron R. Haddock
Permit Supervisor
Utah Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Attn: Scott Milovich

Re: Request for Extension
Abatement of N.O.V. #94-45-1-1
Mountain Coal Co.
Gordon Creek No. 2/7/8 Mines
INA/007/016-94E; #3
Carbon County, Utah

Dear Mr. Haddock:

Mountain Coal Co. is herein requesting an extension for abatement of Step 3 of the above referenced NOV to November 30, 1994. The reason for the request is two-fold:

- (1) To allow for additional discussion and testing, as necessary, to further verify that the reclaimed portion of the site is meeting standards for a Small Area Exemption; and,
- (2) To work with the Division to provide and implement designs that will not only meet the requirements of the NOV, but that will also be compatible with the proposed permanent reclamation plan currently under review.

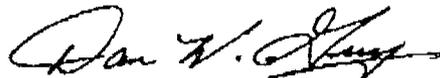
Temporary controls have been installed at the site to prevent any sediment from leaving the disturbed and reclaimed area. With the controls and the vegetation, the site would certainly meet B.T.C.A. standards at this time; however, the question remains as to whether or not this is a permanently reclaimed site. Additional time is required for a more complete record search to resolve this question.

Mountain Coal Co. has recently expended in excess of \$2500.00 to provide temporary controls on this site, in spite of the fact that the Sed-Cad analysis and vegetation study indicated no sediment problem. While some additional work may be necessary, we would like to have the opportunity to evaluate the items in your denial letter before adding to the abatement cost by adding further controls that may not be required. In the meantime, the drainage from the site is adequately treated.

It is our hope this extension will be granted. As always, Mountain Coal Co. is willing to work with the Division to maximize environmental protection as required by the regulations.

If you have any questions, or need any further information, please let me know.

Respectfully,



Dan W. Guy,
for Paige B. Beville

cc: Paige Beville, MCC
Scot Anderson, Arco
File



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)

October 12, 1994

CERTIFIED RETURN RECEIPT
P 074 976 427

Paige B. Beville, Manager
Mountain Coal Company
ARCO Coal Company
555 17th Street
Denver, Colorado 80202

Dear Ms. Beville:

Re: Proposed Assessment for State Violation No. N94-45-1-1, Mountain Coal Company, Gordon Creek #2, #7, & #8 Mines, ACT/007/016, Folder #5, Carbon County, Utah

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, Scott Milovich on September 26, 1994. 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 Mountain Coal Company/Gordon Creek #2, #7 & #8 Mines
NOV #N94-45-1-1

PERMIT # ACT/007/016

VIOLATION 1 OF 1

ASSESSMENT DATE 10/6/94

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 10/6/94

EFFECTIVE ONE YEAR TO DATE 10/6/93

| PREVIOUS VIOLATIONS | EFFECTIVE DATE | POINTS |
|---------------------|----------------|--------|
| _____ | _____ | _____ |

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 0

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?
Offsite Sediment Deposition

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent? Likely

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

ASSIGN PROBABILITY OF OCCURRENCE POINTS 15

PROVIDE AN EXPLANATION OF POINTS

A precipitation event would likely cause sediment loading.

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) 15

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 providing adequate sediment controls on reclaimed areas.

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 N94-45-1-1

| | | |
|------|--------------------------|------------------|
| I. | TOTAL HISTORY POINTS | <u>0</u> |
| II. | TOTAL SERIOUSNESS POINTS | <u>15</u> |
| III. | TOTAL NEGLIGENCE POINTS | <u>8</u> |
| IV. | TOTAL GOOD FAITH POINTS | <u>-0</u> |
| | TOTAL ASSESSED POINTS | <u>23</u> |
| | TOTAL ASSESSED FINE | <u>\$ 260.00</u> |

jbe



UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name MOUNTAIN COAL CO.

Mailing Address P.O. BOX 591 SOMERSET, COLORADO 81434

State Permit No. ACT/007/016

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

Notice of Violation No. N 94-45-1-1 dated 8/25, 19 94

Cessation Order No. C _____ dated _____, 19 _____

Part 1 of 1 is modified as follows: INTERIM ABATEMENT STEP #2
EXTENDED TO 10/3/94

Reason for modification is ADDITIONAL TIME REQUIRED BY OPERATOR
TO COMPLETE SUBMITTAL

Part _____ of _____ is modified as follows: _____

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

CERTIFIED RETURN RECEIPT

P 074 978 449

Date of ~~service~~/mailing 9/26/94

Time of ~~service~~/mailing 3:30 a.m. p.m.

Date of inspection 8/23-8/24 / 94

PAIGE B BEVILLE

MANAGER

Permittee/Operator representative

Title

Signature

Scott Milovich
Division of Oil, Gas & Mining

RECLAMATION SPECIALIST
Title

[Signature]
Signature

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.



PENALTY FOR PRIVATE USE, \$300.

RETURN TO

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

STATE OF UTAH
 NATURAL RESOURCES
 OIL, GAS, & MINING
 3 TRIAD CENTER, SUITE 350
 SALT LAKE CITY, UTAH 84180-1203



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. 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
 PAIGE B BEVILLE MGR
 ENVIRONMENTAL HEALTH & SAFETY
 ARCO
 555 17TH ST RM 2170
 DENVER CO 80202

4. Article Number
 P 074 978 449

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Address
 X

6. Signature - Agent
 X

7. Date of Delivery
 9/28/94

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Mar. 1988 U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT
 MBM DOGM ACT/007/016 N94-45-1-1

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (See front)

- If you want this receipt postmarked, stick the gummed strip to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (an extra charge)
- If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
- If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article RETURN RECEIPT REQUESTED adjacent to the number.
- If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse RESTRICTED DELIVERY on the front of the article.
- Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
- Save this receipt and present it if you make inquiry.

U.S.G.P.O. 1988-217-132

MBM DOGM ACT/007/016 N94-45-1-1

P 074 978 449

RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

| | |
|--|----------------------------------|
| PAIGE B BEVILLE MGR | |
| ENV HEALTH & SAFETY | |
| ARCO | |
| 555 17TH ST RM 2170 | |
| DENVER CO 80202 | |
| Postage | \$ 2.97 |
| Certified Fee | () |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt showing to whom and Date Delivered | |
| Return Receipt showing Date, and Address of Receiver | |
| TOTAL Postage and Fees | |
| Postmark or Date | SALT LAKE CITY UT SEP 28 1994 |

PS Form 3800, June 1985

NO. N 94-45-1-1

notice of violation

To the following Permittee or Operator:

Name MOUNTAIN COAL CO.

Mine FOON CREEK 2740 Surface Underground Other

County CARBON State Utah Telephone (303) 429-6015

Mailing Address P.O. Box 111 Somerset Colorado 81459

State Permit No. Act 22, 0100

Ownership Category State Federal Fee Mixed

Date of inspection 8/23/94 19 94

Time of inspection 9:00 a.m. p.m. to 5:00 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 074 976 136

Date of service/ mailing 8/25/94 Time of service/ mailing 5:00 a.m. p.m.

Permittee/Operator representative _____

Signature [Signature]

Division of Oil, Gas & Mining representative _____

Signature [Signature]

Title _____

Reclamation Specialist

Title _____

45

Identification Number _____

SEE REVERSE SIDE

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



NOTICE OF VIOLATION NO. N 94-451.1

Violation No. 1 of 1

Nature of violation

FAILURE TO PROVIDE SEDIMENT CONTROL FOR
DRAINAGE FROM A DISTURBED AREA.

Provisions of act, regulations or permit violated

RC45-301-740

RC45-301-752

Portion of operation to which notice applies

OLD ENH TERTIAL ROAD & PAD AREA, OUTSLOPE OF
ROAD & PAD AREA

Remedial action required (including any interim steps)

1. PROVIDE INTERIM SEDIMENT CONTROL.
2. SUBMIT DESIGNS FOR SEDIMENT CONTROL FOR THE AFFECTED AREA
OR DEMONSTRATE THAT IT MEETS EFFLUENT LIMITATIONS
WITHOUT USING BTCA.
3. IMPLEMENT APPROVED DESIGNS.

Abatement time (including interim steps)

1. TEN DAYS FROM DATE OF SERVICE (4/7)
2. THIRTY DAYS FROM DATE OF SERVICE (4/26)
3. THIRTY DAYS FROM APPROVAL (4/26)

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.



PENALTY FOR PRIVATE USE, \$300

RETURN TO →

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

STATE OF UTAH
 NATURAL RESOURCES
 OIL, GAS, & MINING
 3 TRIAD CENTER, SUITE 350
 SALT LAKE CITY, UTAH 84180-1203

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:
 Mountain Coal Co.
 Kathleen G Welt
 PO Box 591
 Somerset CO 81434

4. Article Number
 P 074 976 136

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address
 X Ammie McLouth

6. Signature - Agent
 X Ammie McLouth

7. Date of Delivery

8. Addressee's address (ONLY if requested on reverse)

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-866 DOMESTIC RETURN RECEIPT

SM DOGM ACT/007/016 N94-45-1-1

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
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4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse RESTRICTED DELIVERY on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry. * U.S.G.P.O. 1983-217-132

P 074 976 136

RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

| | | | | | | | | | |
|--|-------------------|--|--|--|--|--|--|--|--|
| Sent to | Mnt Coal Co. | | | | | | | | |
| Street | Kathleen G Welt | | | | | | | | |
| P.O. | PO Box 591 | | | | | | | | |
| | Somerset CO 81434 | | | | | | | | |
| Postage | \$ 2.9 | | | | | | | | |
| Certified Fee | 1.00 | | | | | | | | |
| Special Delivery Fee | | | | | | | | | |
| Restricted Delivery Fee | | | | | | | | | |
| Return Receipt showing to whom and Date Delivered | | | | | | | | | |
| Return Receipt showing to whom, Date and Address of Delivery | | | | | | | | | |
| TOTAL Postage and Fees | \$ 3.90 | | | | | | | | |
| Postmark or Date | AUG 8 1994 | | | | | | | | |

PS Form 3800, June 1985