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STATE OF UTAH
NATURAL RESOURCES
Division of Oil, Gas & Mining

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

NO. N 97-47-2-3

notice of violation

To the following Permittee or Operator:

Name Mountain Coal Company

Mine Gordon Creek #2, #7, & #8 Surface Underground Other

County Carbon State UT Telephone (303) 293-7913

Mailing Address 555 17th Street Room 2170 Denver, CO 80202

State Permit No. ACT/007/016

Ownership Category State Federal Fee Mixed

Date of inspection September 25, 1997, 19

Time of inspection 11:00 a.m. p.m. to 4:30 a.m. p.m.

Operator Name (other than Permittee) Dan Guy

Mailing Address 214 East 1st North 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 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

P 074 977 268

Date of service/ mailing October 1, 1997

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

Paige B. Beville

Permittee/Operator representative

Manager

Title

Mailed From Salt Lake Office

Signature

Dave Darby

Division of Oil, Gas & Mining representative

Senior Reclamation Specialist

Title

Dave Darby
Signature

47

Identification Number

SEE REVERSE SIDE

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



NOTICE OF VIOLATION NO. N 97-47-2-3

Violation No. 1 of 3

Nature of violation

Failure ^{to} design locate, constructed and maintained diversion channels.

Provisions of act, regulations or permit violated

~~R645-301-742.312-312.1~~

Portion of operation to which notice applies

Right Fork Channel

Channel SD-4

Channel SD-5

Channel SD-6

Remedial action required (including any interim steps)

Reconstruct channels to ensure stability, remove displaced riprap, replace filter bed, reline channels with graded angular riprap having a D-50 of 6" or larger.

Abatement time (including interim steps)

Begin reconstruction immediately. Submit asbuilt designs within 7 days of construction.

B1



NOTICE OF VIOLATION NO. N 97-47-2-3

Violation No. 3 of 3

Nature of violation

~~Design, construct, and maintain sediment control measures to minimize erosion.~~

FAILURE TO

Design, construct, and maintain sediment control measures to minimize erosion.

Provisions of act, regulations or permit violated

R645-301-742.113

Portion of operation to which notice applies

- 1- Gully on #2 mine pad below cut slope.**
- 2- Part of the ripped slope on #2 mine pad east of Channel SD-4**
- 3- Slope on south side of main channel reach 4 on Plate 3-7A**
- 4- Deep rill on #7 mine pad.**

Remedial action required (including any interim steps)

- 1- Gully should be developed into a diversion that empties into channel SD-4. Submit design plans prior to construction.**
- 2- Rip slope parallel to contour or use backhoe to gouge & disrupt flow.**
- 3- Stabilize area and cover with soils, matting, and vegetate.**
- 4- Develop diversion for runoff, direct flow to channel SD-1.**

Abatement time (including interim steps)

- 1- Submit design plans by October 12, 1997.**
- 2- Begin reconstruction immediately.**
- 3- Begin reconstruction immediately, revegetate according to plan.**
- 4- Submit design plans by October 12, 1997**

PS Form 3800, June 1985 DOGM ACT/007/016 N-97-47-2-3 10/1/97

1. Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. **RETURN TO:** Space for the return address. Failure to do this will prevent this mail from being returned to you. The insurance fee will provide you the name of the person delivered to and the address. For additional services, the following services are available. Consult postmaster for complete details. **2. Restricted Delivery:** (Exam charge) **3. Return Receipt:** (Exam charge) **4. Article Number:** P 074 977 268

3. Article Addressed to:

PAIGE BEVILLE
ARCO COAL CO
555 17 ST RM 2170
DENVER CO 80202

4. Article Number: P 074 977 268

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 [Signature]

7. Date of Delivery

10/31/97

PS Form 3800, June 1985 U.S. D.O.P.O. 1985-217-568 DOMESTIC RETURN RECEIPT

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.

RETURN TO

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

DIVISION OF OIL GAS & MINING
1594 W NORTH TEMPLE STE 1210
BOX 145801
SALT LAKE CITY UT 84114-5801



PENALTY FOR PRIVATE USE, \$300

PS Form 3800, June 1985 DOGM ACT/007/016 N097-47-2-3 10/1/97

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

Sent to: PAIGE BEVILLE
Street and No: ARCO COAL CO
P.O., State and ZIP Code: 555 17TH ST RM 2170 DENVER CO 80202

Postage: \$

Certified Fee: \$

Special Delivery Fee: \$

Restricted Delivery Fee: \$

Return Receipt to whom: [Signature]

Return Receipt showing Date and Address of Delivery: OCT 1 1997

TOTAL Postage and Fee: \$ 2.77

Postmark Date: SPS - 84199

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. (See extra charge)

If you do not want this receipt postmarked, stick the gummed strip 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, with 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. 1985-217-132