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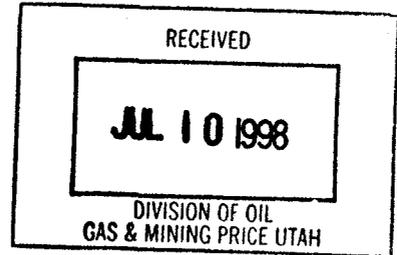
White Oak Mining and Construction
Scofield Route
Helper, Utah 84526

4.3

July 10, 1998

Mr. Steven Demzack
Utah Division of Oil, Gas and Mining
451 East 400 North
Price, Utah 84501

ACT/057/020
#7



Subject: Notice of Violation N98-39-2-1

[Handwritten signature]

Dear Steve,

The nature of the violation deals with the failure to submit 4th quarter water monitoring data.

White Oak's surface water samples were collected on October 28, 1997, and submitted to Chemtech Ford Laboratories on October 29, 1997. Field parameters collected during the October 28 sampling, were submitted to UDOGM in January of 1998. Groundwater sites were inaccessible during the October sampling.

As you are aware, upon a request by White Oak in December for the lab data for the October samples they were informed that the results were being held. The reason they were being held was due to the refusal of White Oak to pay for some data which was run incorrectly and processed late, which required White Oak to be fined and to resample for submittal to another laboratory. Needless to say this was an irritation to White Oak. Chemtech will only release the data for the 4th quarter (October) if all invoices are paid (see copy of the enclosed letter). Multiple conversations have occurred between myself and Chemtech (Ron Fuller, Rex Henderson and Accounts Receivable personnel).

As you are also aware Rex Henderson (owner of Chemtech) called Joe Helfrich and reported that White Oak had not payed their bills and could the Division be of assistance in the payment of outstanding invoices and could he retract previously submitted data. Rich White of EarthFax Engineering, Inc., David Hansen of Hansen, Allen and Luce and Steve McNeil of the Division of Water Quality were also contacted concerning the payment of outstanding White Oak invoices. Why should a company be required first of all to pay for poor work, secondly put up with the dragging of their name through the mud, and thirdly be fined when they refuse to put up with this type of treatment. White Oak should have been contacted directly, however Chemtech's business practices are not the concern of this letter. This information is submitted only for clarification of the reason for the withholding of data.

The analysis performed on the 4th quarter data has been paid for, however Chemtech refuses to release the data (see attached letter and check).

White Oak offered to resample once they learned that the data was going to be held for an undetermined period of time (telephone conversations with Joe Helfrich, Ken Wyatt and

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Steve Demczak, December 12-17, 1998; January 5 - 12, 1998; and March 16 - 17, 1998). Through conversations with all parties it was determined that White Oak would try to obtain the data from Chemtech rather than resample.

Canyon Fuel's Skyline Mine collected water samples (21-2, 21-5, 21-15, and 21-39 UDOGM Water, Data Base) on Eccles Creek above and below the White Oak Mine Facilities on October 9 - 12, 1997. Although we realize this does not satisfy our requirement for submittal of data, at least it verifies that no impact was being made to Eccles Creek by either mine during the Fall 1997 sampling of Eccles Creek.

In addition the data for the majority of the White Oak/Valley Camp Mines sampling locations has been collected since 1977. The average number of samples taken at each location being 4 for each year (see attached UDOGM Water Data Base information) making the total for each site being approximately 100 samples per site. The relevance to this issue is that the collected data seems to show a desire of White Oak to fulfill the requirements of it's permit obligations. This incident is an exception to their previous record for submittal of data. We request that this violation therefore be abated.

White Oak requested that the water monitoring sites be checked in December of 1997. Therefore, the access to the surface water and groundwater sites were checked on December 29, 1997, the site descriptions are attached.

To satisfy the requirement for 4th Quarter water monitoring data we submit the information gathered on December 29, 1997 to supplement the field parameters submitted for the October 1997 sampling.

Sincerely,



Vicky S. Bailey
Permitting Coordinator

Attachments

CC: Mary Ann Wright w/o attachments
Joe Helfrich w/o attachments
Lowell Braxton w/o attachments

APPLICATION FOR PERMIT PROCESSING

<input checked="" type="checkbox"/> Permit Change	<input type="checkbox"/> New Permit	<input type="checkbox"/> Renewal	<input type="checkbox"/> Transfer	<input type="checkbox"/> Exploration	<input type="checkbox"/> Bond Release	Permit Number: ACT/007/001
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Title of Proposal: <u>4TH QUARTER WATER DATA, 1997</u>	Mine: WHITE OAK
Permittee: WHITE OAK MINING	

Description, include reason for application and timing required to implement:

Instructions: If you answer yes to any of the first 8 questions (gray), submit the application to the Salt Lake Office. Otherwise, you may submit it to your reclamation specialist.

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	1. Change in the size of the Permit Area? _____ acres Disturbed Area? _____ acres <input type="checkbox"/> increase <input type="checkbox"/> decrease.
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	2. Is the application submitted as a result of a Division Order? DO # _____
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	3. Does application include operations outside a previously identified Cumulative Hydrologic Impact Area?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	4. Does application include operations in hydrologic basins other than as currently approved?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	5. Does application result from cancellation, reduction or increase of insurance or reclamation bond?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	6. Does the application require or include public notice/publication?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	7. Does the application require or include ownership, control, right-of-entry, or compliance information?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	9. Is the application submitted as a result of a Violation? NOV # <u>98-39-2-1</u>
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	10. Is the application submitted as a result of other laws or regulations or policies? Explain: _____
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	11. Does the application affect the surface landowner or change the post mining land use?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2?)
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	13. Does the application require or include collection and reporting of any baseline information?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	15. Does application require or include soil removal, storage or placement?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	16. Does the application require or include vegetation monitoring, removal or revegetation activities?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	17. Does the application require or include construction, modification, or removal of surface facilities?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	18. Does the application require or include water monitoring, sediment or drainage control measures?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	19. Does the application require or include certified designs, maps, or calculations?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	20. Does the application require or include subsidence control or monitoring?
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	21. Have reclamation costs for bonding been provided for?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	22. Does application involve a perennial stream, a stream buffer zone or discharges to a stream?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	23. Does the application affect permits issued by other agencies or permits issued to other entities?

Attach 7 complete copies of the application.

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Wendy L. Jacobson
 Signed - Name - Position - Date of the State of Utah
 7/10/98
 WEINDE L. JACOBSON
 NOTARY PUBLIC - STATE of UTAH
 821 CASTLE GATE CIRCLE
 HELPER, UT 84526
 COMM. EXP 9-8-2001

Subscribed and sworn to before me this 10 day of July, 19 98

Wendy L. Jacobson
 Notary Public
 Utah
 19 2001
 Carbon

My Commission Expires: _____
 Attest: STATE OF _____
 COUNTY OF _____

RECEIVED
 Received by Oil, Gas & Mining

JUL 10 1998

DIVISION OF OIL
 GAS & MINING PRICE UTAH

ASSIGNED TRACKING NUMBER
98B

