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Orig: Blazon Mine file (#5)
cc ~~H. Sandbeck~~ ← done LAB
S. Linner

[redacted]

HOLME ROBERTS & OWEN

ATTORNEYS AT LAW

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ENGLEWOOD, COLORADO 80111

SUITE 400
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BOULDER, COLORADO 80302

WILLIAM B. PRINCE

September 20, 1988

RECEIVED
SEP 21 1988
DIVISION OF
OIL, GAS & MINING

Lowell P. Braxton
Administrator
Mineral Resource Development
and Reclamation Program
State of Utah Natural Resources,
Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180

Re: Notice of Violation No. 88-27-4-1, September 9, 1988

Dear Lowell:

On September 9, 1988, Harold G. Sandbeck conducted an inspection of North American Equities' ("NAE") Blazon No. 1 Mine located near Clear Creek, Carbon County, Utah. Pursuant to that inspection, Mr. Sandbeck issued a Notice of Violation No. 88-27-4-1 alleging NAE's failure to maintain sediment control structures. A copy of the NOV is attached.

As you know, NAE is actively conducting reclamation of the Blazon No. 1 site. Minchey Digging has been awarded the reclamation contract and Earthfax Engineering is the engineering firm in charge of the reclamation project. Karl Housekeeper is Earthfax' on-site engineer. Contractor mobilization and preliminary on-site preparation work was initiated on Friday, September 2 and actual earth-moving activities, together with surveying of the site, was begun the following week. For the first two full weeks of the reclamation project, I understand that UDOGM representatives were on site at least four times to monitor the work.

NAE desires to make two comments with respect to the NOV. First, NAE understood from the UDOGM and has so instructed its contractor that construction of the sediment

pond constitutes a critical aspect of the reclamation work and is required by the UDOGM to be completed first. Consistent with this understanding, reclamation work at the project has been focused almost entirely upon completion of the sediment pond and ancillary facilities. The primary access road which is the subject of the NOV does not discharge into the sedimentation pond and has not been viewed as a facility requiring priority treatment. Reclamation of the road, if any, is treated in the plan under the established timetable.

Secondly, NAE has been informed on various occasions by ACZ, INC., and therefore has entertained the belief that, the major access road referenced in the NOV was not subject to the same sediment control procedures as was the mining site. ACZ contends that the access road enjoys a form of exemption from those regulations. A copy of the coal mining and reclamation permanent program regulations obtained by this office to review the cited provisions from the NOV indicate that Section UMC 817.95 cited in the NOV was in fact suspended.

Notwithstanding the factors suggesting that the road was not to be treated in a fashion similar to the balance of the site, NAE's contractor has expeditiously undertaken the necessary actions required to remediate the NOV. It is my understanding that those actions were undertaken shortly after Mr. Sandbeck's visit.

NAE has demonstrated what I believe to be an exceptionally good faith effort to meet both the requirements and timetable of the UDOGM to undertake and complete the reclamation of the mine. NAE's contractors and engineers believe that they have established a very good rapport with the UDOGM. I feel that the project is proceeding in a timely manner. If violations did exist on the site, NAE suggests that they resulted from a misunderstanding concerning priorities and timing of the reclamation work and that under such circumstances should not constitute a basis for a fine to NAE.

Very truly yours,

William B. Prince

jcw
cc: Alan W. Smith (NAE)

UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

notice of violation

NO. N 88-27-4-1

To the following Permittee or Operator:

Name North American Equities (NAE)

Mine Blazon No. 1 Mine ☐ Surface ☒ Underground ☐ Other

County Carbon State Utah Telephone (801) 521-5800

Mailing Address Holme Roberts & Owen, 50 S. Main Street, SLC, UT 84114

State Permit No. INA/007/021

Ownership Category ☒ State ☐ Federal ☐ Fee ☐ Mixed

Date of inspection September 9, 1988, 19 88

Time of inspection 1:30 ☐ a.m. ☒ p.m. to 4:00 ☐ a.m. ☒ p.m.

Operator Name (other than Permittee) William B. Prince, Atty.

Mailing Address See Above

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.

Date of service/~~mailing~~ September 9, 1988 Time of service/~~mailing~~ 3:30 ☐ a.m. ☒ p.m.

William B. Prince
Permittee/Operator representative

Attorney
Title

Karl R. Houskeeper (FOR NAE)
Signature

Harold G. Sandbeck
Division of Oil, Gas & Mining representative

Reclamation Inspector
Title

Harold G. Sandbeck
Signature

#27
Identification Number

SEE REVERSE SIDE

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

DOGM/NOV-1

an equal opportunity employer

11/85

2708

UTAH
NATURAL RESOURCES
Oil, Gas & Mining

NOTICE OF VIOLATION NO. N88-27-4-1

Violation No. 1 of 1

Nature of violation

Failure to maintain sediment control structures.

Provisions of act, regulations or permit violated

UMC 817.45

Portion of operation to which notice applies

Ditch along access road. Berms encompassing the stream channel. Silt fences entire site.

Remedial action required (including any interim steps)

Maintain sediment control structures and/or install controls in accordance with the approved plan. Repair any erosion damage. Clean out and redefine diversions.

Abatement time (including interim steps)

September 26, 1988 at 5:00 p.m.

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

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