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file folder #2
RECEIVED
MAY 29 1990Denver Technological Center
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Adam S. Affleck

DIVISION OF
OIL, GAS & MINING

May 29, 1990

Doc 10071021
*#5*HAND DELIVEREDMr. Lowell Braxton
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
Salt Lake City, Utah 84101Re: Request for Extension of Abatement Period for
NOV 90-27-5-1

Dear Mr. Braxton:

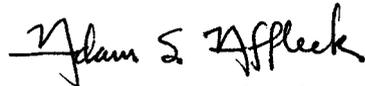
On May 21, 1990, North American Equities, Ltd. ("NAE") received NOV #90-27-5-1 indicating violations for failure to maintain sediment control structures. The NOV indicated five items which were in need of repair at the Blazon #1 Mine Site (see attached copy of NOV). The abatement period for remedial action for these violations was set for May 29, 1990, at 5:00 p.m. NAE hired a private contractor, and, on May 25, 1990, the contractor traveled to the site and performed repair and maintenance for the items listed in the NOV. Because of the short time period and scheduling conflicts, NAE was unable to arrange for a Division representative to be on-site when the work was performed. Accordingly, since NAE was desirous to comply as soon as possible and before the scheduled abatement period, work was done according to the descriptions on the NOV without further direction from the Division.

Mr. Harold Sandbeck from the Division inspected the completed repair and maintenance work on May 29, 1990. Mr. Sandbeck called and informed me that the repair and maintenance work was not sufficient to abate the NOV. Basically, Mr. Sandbeck indicated that the private contractor had entirely missed repairing certain items and had not repaired others properly. The omissions and inadequate repair were in large part due to lack of specific descriptions and ambiguities in the NOV. NAE understands that it may be

impractical for the Division to list every item in detail, however, it is impractical and expensive for NAE to attempt to abate violations from NOV descriptions such as those submitted in this instance. Accordingly, NAE, as a practical matter, is unable to comply with the remedial action requirements unless a Division representative is present to specifically explain items listed for repair and maintenance.

For these reasons, NAE requests an extension period of thirty (30) days so that it may schedule its repair and maintenance work so that a Division representative may be available to supervise at the mine site. It appears that such scheduling is the only way to ensure proper abatement absent a detailed statement on the NOV. NAE represents that it will attempt to schedule further repair and maintenance work as soon as possible, but requests a thirty (30) day extension in light of yet unforeseen scheduling conflicts.

Sincerely,



Adam S. Affleck

Enclosure(s)
bb



NOTICE OF VIOLATION NO. N 90-27-5-1

Violation No. 1 of 1

Nature of violation
Failure to maintain sediment control structures.

Provisions of act, regulations or permit violated
R614-301-742, 100 through R614-301-742.113

- Portion of operation to which notice applies
- * Straw bales at the inlet of the middle access road cross culvert.
 - * A section of silt fence approximately 20 yards in length NE of the water well.
 - * A section of silt fence approximately 30 feet in length east of the water well.
 - * A section of silt fence approximately 20 feet in length at the southern end of the mine site.
 - * A section of silt fence approximately 4 feet in length in Snyder Canyon on north bank.

Remedial action required (including any interim steps)
Repair the above mentioned sediment control structures.

Abatement time (including interim steps)
May 29, 1990 at 5:00 pm



NO. N 90-27-5-1

notice of violation

To the following Permittee or Operator:

Name North American Equities, LTD

Mine Blazer #1 Mine Surface Underground Other

County Carbon State Utah Telephone 801-521-5800

Mailing Address Holme Roberts + Owen, 50 S. Main Street, SLG, VT 84114

State Permit No. INA/007/021

Ownership Category State Federal Fee Mixed

Date of inspection May 14, 19 90

Time of inspection 4:00 a.m. p.m. to 5:30 a.m. p.m.

Operator Name (other than Permittee) William B. Prince

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.

Effective on May 14, 1990

Date of service/ mailing May 17, 1990 Time of service/ mailing 2:00 a.m. p.m.

William B. Prince
Permittee/Operator representative

A Horney
Title

Signature
Harold G. Sandbech
Division of Oil, Gas & Mining representative

Reclamation Spec.
Title

Signature
Harold G. Sandbech

#27
Identification Number

SEE REVERSE SIDE

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