



NO. N 96-26-3-1

notice of violation

To the following Permittee or Operator:

Name Savage Industries, Inc.

Mine Savage Coal Terminal Surface Underground Other

County Carbon State Ut. Telephone 637-5664

Mailing Address P.O. Box 587, Wellington, Ut. 84542

State Permit No. Act 0071022

Ownership Category State Federal Fee Mixed

Date of inspection September 4, 1996, 19

Time of inspection 8:30 a.m. p.m. to 11:30 a.m. p.m.

Operator Name (other than Permittee) Same As Above

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.

Date of service/mailling September 6, 1996

Time of service/mailling 11:30 a.m. p.m.

BOYD RHODES
Permittee/Operator representative

GENERAL MANAGER
Title

Van H. King for Boyd Rhodes
Signature

Wm. J Malencik
Division of Oil, Gas & Mining representative

Reclamation Specialist
Title

Wm J Malencik
Signature
9/6/96

26
Identification Number

SEE REVERSE SIDE

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



NOTICE OF VIOLATION NO. N96-26-3-1

Violation No. 1 of 1

Nature of violation

- Failure to obtain DOGM approval before disturbing an undisturbed area lying within the approved DOGM permitted area.
- The disturbed area involved in the instant NOV is approximately 400' x 20'.

Provisions of act, regulations or permit violated

R645-300-142, 143, & 145

Reference - See definition "Affected Area" R645-100

Portion of operation to which notice applies

Undisturbed portion of the permitted area, lying in the westerly portion of the undisturbed DOGM permitted area

Remedial action required (including any interim steps)

- (1) Reclaim the disturbed area returned in this violation per MEP.
- (2) Reestablish the undisturbed drainage.
- (3) Take followup action to update MEP by amendment to include the aforementioned disturbed area in your preparation plant documents, including drainage modifications, final reclamation plans and other matters as appropriate.

Abatement time (including interim steps)

- (1) and (3) November 8, 1996, 5pm ^{1:00M} _{4:00M}
- (2) ~~September 12, 1996~~ September 12, 1996 _{4:00M}

Performance Code: "N"

COMPANY/MINE Savage Industries Inc. Savage Coal Terminal
 PERMIT # Act 007/022

NOV/CO # 96-26-31
 VIOLATION # 1 OF 1

EVENT VIOLATIONS INSPECTOR'S STATEMENT

A. SERIOUSNESS

1. What harmful event was this regulation designed to prevent? Refer to the DOGM reference list of events below and remember that the event is not the same as the violation. Check 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 of a permanent, diverse and effective vegetative cover.
- i. Other. *allowing third party to disturb our permitted undisturbed area with prior Division approval*

2. Has the event occurred? Yes No

If yes, describe it. If no, what would cause it to occur and how likely is it that it would happen.

Energy went. constructed an underground phone line to Co-Vol building. The construction took place within Savage's permitted undisturbed area

3. Would and/or does damage extend off the disturbed and/or permit area?

DISTURBED AREA

PERMIT AREA

Would: Yes No
 Does: Yes No

Would: Yes No
 Does: Yes No

4. 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 damage would extend off the disturbed and/or permit area. *The matter of damage concerns blading off and/or removal of vegetation on an an undisturbed area about 400 feetⁱⁿ length and 20 feet in width*

Potential damage off the disturbed area. Yes No

Potential damage off the permit area. Yes No

B. DEGREE OF FAULT (Only one question applies to each violation; check one and discuss.)

() No Negligence

If you think this violation was not the fault of the operator (due to vandalism or an act of God), explain. Remember the permittee is considered responsible for actions of all persons working on the mine site.

(✓) Ordinary Negligence

If you think this violation was the result of not knowing about DOGM regulations, indifference to DOGM regulations or the lack of diligence or reasonable care. Explain.

This violation concerns a third party disturbance of an undisturbed Savage permitted area that is Designated and marked undisturbed roads being signed with appropriate distal markers. The MRE has documentation of a right of way grant to Mtn State Telephone, but no details relative to what the easement provided as guidelines

() Recklessness

If the actual or potential environmental harm or harm to the public should have been evident to an operator, describe the situation and what if anything, the operator did to correct it prior to being cited.

() Knowing and Willful Conduct

Was the operator in violation of a specific permit condition? Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation? Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

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.

The understated dimensions has been reestablished.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

3. Was the submission of plans prior to physical activity required by this NOV? Yes _____ No If yes, explain.

Reclamation of the area per guidelines in the MRP.

9/12/96

DATE

Jim J. Malinick

AUTHORIZED REPRESENTATIVE