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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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September 6, 1996

Boyd Rhodes, Plant Manager
Savage Industries, Inc.
P.O. Box 587
Wellington, Utah 84542

RE: Notice of Violation 96-26-3-1, Savage Industries, Inc., Savage Coal Terminal, ACT/007/022, Folder #5, Carbon County, Utah

Dear Mr. Rhodes:

I am writing you about a recent disturbance of an undisturbed area by a third party, which by legal description lies within your DOGM permitted undisturbed area.

Under your mining reclamation permit, it is understood that undisturbed areas would not be disturbed without prior approval of DOGM. In the event such undisturbed areas are disturbed, as a result of your action, it follows you are in violation of the Utah Coal Rules and have bonding, reclamation, and other obligations and responsibilities.

Besides this, upper most is the matter of reclaiming the disturbed area and who is responsible should the permitted undisturbed be disturbed by a permittee, a third party with qualified rights from the permittee, or a third party without rights from the permittee.

I have some questions about writing this NOV based on the actions by a third party. On the other hand, if this is not a violation based on actions of a third party, it follows you cannot be held accountable for disturbance and, therefore you cannot be held accountable for the reclamation of the area within your permit disturbed by a third party.

Sincerely,

Wm. J. Malencik
Reclamation Specialist

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cc: Joe Helfrich, DOGM, SLC
Dan Guy, Blackhawk Engineering, Price