

Document Information Form

Mine Number: C/007/033

File Name: Internal

To: DOGM

From:

Person Russ Porter

Company United States Department of the Interior

Date Sent: N/A

Explanation:

Reclamation and Enforcement
TEN-DAY NOTICE

cc:

File in:
C/007, 033, Internal

- Refer to:
- Confidential
 - Shelf
 - Expandable

Date _____ For additional information

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Reclamation and Enforcement
TEN-DAY NOTICE

Originating Office: OFFICE OF SURFACE MINING
505 MARQUETTE AVE. NW
ALBUQUERQUE, NM 87102
Telephone Number: 505-766-1486

Number: X-94-020-352-001 TV 4

Ten-Day Notice to the State of UTAH - DIVISION OF OIL, GAS AND MINING

You are notified that, as a result of FEDERAL INSPECTION (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: <u>ANDALEX RESOURCES, INC.</u> <small>(Or Operator if No Permit)</small>	County: <u>CARBON</u>	<input type="checkbox"/> Surface
Mailing Address: <u>P.O. BOX 902 PRICE, UTAH 84501</u>		<input type="checkbox"/> Underground
Permit Number: <u>ACT/007/033</u>	Mine Name: <u>WILDCAT LOADOUT</u>	<input checked="" type="checkbox"/> Other

NATURE OF VIOLATION AND LOCATION: FAILURE TO PROVIDE A MAP WHICH ACCURATELY SHOWS WATER CONVEYANCE STRUCTURES. PLATES 1 AND 2 OF THE WILDCAT LOADOUT PERMIT APPLICATION.

Section of State Law, Regulation or Permit R645-301-731.700
Condition believed to have been violated: AND 731.720

NATURE OF VIOLATION AND LOCATION: FAILURE TO MAINTAIN DIVERSIONS TO THE APPROVED DESIGN. ALL DISTURBED AREA DITCHES AT THE WILDCAT LOADOUT.

Section of State Law, Regulation or Permit R645-301-742.300
Condition believed to have been violated: AND 742.312

NATURE OF VIOLATION AND LOCATION: FAILURE TO PROTECT TOPSOIL FROM CONTAMINATION. TOPSOIL PILES WILDCAT LOADOUT.

File in:
 Confidential
 Shelf
 Expandable
Refer to Record No. 0022 Date _____
In CI 007, 033, Internal
For additional information _____

Section of S Condition be _____
Remarks or Recommendations: _____

Date of Notice: 3-14-94

Signature of Authorized Rep.: Russ Porter

Print Name and ID: Russ Porter 352

CERTIFIED RETURN RECEIPT #P 293 288 816

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Reclamation and Enforcement
TEN-DAY NOTICE

Originating Office: OFFICE OF SURFACE MINING

505 MARQUETTE AVE. NW

ALBUQUERQUE, NM 87102

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Permittee: ANDALEX RESOURCES, INC.
(Or Operator if No Permit)

County: CARBON

Surface

Mailing Address: P.O. BOX 902 PRICE, UTAH 84501

Underground

Permit Number: ACT/007/033

Mine Name: WILDCAT LOADOUT

Other

NATURE OF VIOLATION AND LOCATION: FAILURE TO PROVIDE A MAP WHICH ACCURATELY SHOWS WATER CONVEYANCE STRUCTURES. PLATES 1 AND 2 OF THE WILDCAT LOADOUT PERMIT APPLICATION.

Section of State Law, Regulation or Permit R645-301-731.700
Condition believed to have been violated: AND 731.720

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Section of State Law, Regulation or Permit R645-301-742.300
Condition believed to have been violated: AND 742.312

NATURE OF VIOLATION AND LOCATION: FAILURE TO PROTECT TOPSOIL FROM CONTAMINATION. TOPSOIL PILES B AND C AT THE WILDCAT LOADOUT.

Section of State Law, Regulation or Permit R645-301-234.220
Condition believed to have been violated:

Remarks or Recommendations:

Date of Notice: 3-14-94

Signature of Authorized Rep.: Russ Porter

Print Name and ID: Russ Porter 352

CERTIFIED RETURN RECEIPT #P 293 288 816

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Reclamation and Enforcement
TEN-DAY NOTICE
(Continuation Sheet)

Originating Office:
OFFICE OF SURFACE MINING
505 MARQUETTE AVE. NW
ALBUQUERQUE, NM 87102
Telephone Number: 505-766-1486

Number X-94 -020-352-001 TV 4

Ten-Day Notice to the State of UTAH - DIVISION OF OIL, GAS AND MINING

NATURE OF VIOLATION AND LOCATION: AFFECTING AREA OUTSIDE OF THE PERMIT BOUNDARY. THAT AREA COVERED WITH COAL FINES OUTSIDE THE PERMIT ALONG THE EASTERN BOUNDARY.

Section of State Law, Regulation or Permit
Condition believed to have been violated: R645-300-141

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit
Condition believed to have been violated:

Remarks or Recommendations:

CERTIFIED RETURN RECEIPT #P 293 288 816

Date of Notice: 3-14-94

Signature of Authorized Rep: Russ Porter
Print Name and ID: RUSSE PORTER 352

APR 8 1994



U. S. DEPT. OF THE INTERIOR

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Mine-Site Evaluation Inspection Report



RECEIVED

MAR 18 1994

DIV. OF OIL, GAS & MINING

<p>1. Permittee/Person ANDALEX RESOURCES, INC.</p> <p>2. Address P.O. BOX 902</p> <p>3. City PRICE</p> <p>4. State UT</p> <p>5. Zip Code 84501</p> <p>6. Phone Number SAME</p> <p>7. Operator if Different than Permittee SAME</p> <p>8. Mine Name WILDCAT LOADOUT</p>	<p>9. Permit Number ACT/007/033</p> <p>10. Type a. Permit <input type="checkbox"/> b. RA <input type="checkbox"/> PP S</p> <p>11. Inspection Date 03/09/94 <small>MM - DD - YY</small></p> <p>12. Inspection Type C</p> <p>13. Joint Inspection Y <small>Y/N</small></p> <p>14. Permit Status A</p> <p>15. Site Status AP</p> <p>16. Facility Type ACDEF</p> <p>17. OSM Office # 020</p> <p>18. RSI # 157</p> <p>19. Land Code F</p> <p>20. M.S.H.A. ID # 42-01864</p> <p>21. State Code 49</p> <p>22. County Code 007</p> <p>23. AVS Permittee Entity ID Number 123355</p> <p>23b. State Office </p>
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24. Performance Standard Categories

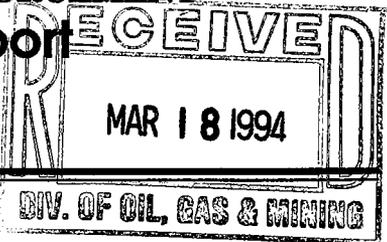
Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere

- | | | |
|---|--|---|
| <p>A. Administrative</p> <ol style="list-style-type: none"> 1. <u>2</u> Mining within Valid Permit 2. <u>5</u> Mining within Bonded Area 3. <u>1</u> Terms & Conditions of Permit 4. <u>1</u> Liability Insurance 5. <u>1</u> Ownership and Control 6. <u>3</u> Temporary Cessation <p>B. Hydrologic Balance</p> <ol style="list-style-type: none"> 1. <u>2</u> Drainage Control 2. <u>1</u> Inspections & Certifications 3. <u>1</u> Siltation Structures 4. <u>1</u> Discharge Structures 5. <u>5</u> Diversions 6. <u>1</u> Effluent Limits 7. <u>3</u> Ground Water Monitoring 8. <u>1</u> Surface Water Monitoring 9. <u>3</u> Drainage -- Acid-Toxic Materials 10. <u>1</u> Impoundments 11. <u>3</u> Stream Buffer Zones <p>C. Topsoil & Subsoil</p> <ol style="list-style-type: none"> 1. <u>1</u> Removal 2. <u>3</u> Substitute Materials 3. <u>2</u> Storage and Protection 4. <u>4</u> Redistribution | <p>D. Backfilling & Grading</p> <ol style="list-style-type: none"> 1. <u>3</u> Exposed Openings 2. <u>4</u> Contemporaneous Reclamation 3. <u>4</u> Approximate Original Contour 4. <u>4</u> Highwall Elimination 5. <u>3</u> Steep Slopes (includes downslope) 6. <u>3</u> Handling of Acid & Toxic Materials 7. <u>1</u> Stabilization (rills and gullies) <p>E. Excess Spoil Disposal</p> <ol style="list-style-type: none"> 1. <u>3</u> Placement 2. <u>3</u> Drainage Control 3. <u>3</u> Surface Stabilization 4. <u>3</u> Inspections & Certifications <p>F. Coal Mine Waste (Refuse Piles/Impoundments)</p> <ol style="list-style-type: none"> 1. <u>1</u> Drainage Control 2. <u>1</u> Surface Stabilization 3. <u>1</u> Placement 4. <u>1</u> Inspections and Certifications 5. <u>3</u> Impounding Structures <p>G. Use of Explosives</p> <ol style="list-style-type: none"> 1. <u>3</u> Blaster Certification 2. <u>3</u> Distance Prohibitions 3. <u>3</u> Blast Survey/Schedule 4. <u>3</u> Warnings & Records 5. <u>3</u> Control of Adverse Effects | <p>H. <u>3</u> Subsidence Control Plan</p> <p>I. Roads</p> <ol style="list-style-type: none"> 1. <u>1</u> Road Construction 2. <u>1</u> Certification 3. <u>5</u> Drainage 4. <u>1</u> Surfacing and Maintenance 5. <u>4</u> Reclamation <p>J. Signs & Markers</p> <ol style="list-style-type: none"> 1. <u>1</u> Signs 2. <u>1</u> Markers <p>K. <u>1</u> Distance Prohibitions</p> <p>L. Revegetation</p> <ol style="list-style-type: none"> 1. <u>4</u> Vegetative Cover 2. <u>4</u> Timing <p>M. <u>1</u> Postmining Land Use</p> <p>N. Other</p> <p>_____ 1) <u>2</u> MAPS AND PLANS</p> <p>_____ 2) _____</p> <p>_____ 3) _____</p> |
|---|--|---|

<p>25. Inspection Frequency</p> <p>a. Date of Last State Complete Inspection 10/27/93</p> <p>Frequency for previous 4 Calendar Qtrs.</p> <p>b. Number of required complete inspections 4 Number of complete inspections conducted 3</p> <p>c. Number of required partial inspections 8 Number of partial inspections conducted 9</p>	<p>26. Inspection Hours</p> <p>a. Permit Review 4.0</p> <p>b. Inspection Time 9.0</p> <p>c. Travel Time 16.0</p> <p>d. Report Writing 8.0</p>	<p>27. Bonded Acres</p> <p>a. Total bonded 60.0</p> <p>b. Phase I released 0.0</p> <p>c. Phase II released 0.0</p> <p>d. Phase III released 0.0</p>	<p>28. Acres</p> <p>a. Permitted 100.0</p> <p>b. Disturbed (Estimated) 60.0</p>
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U. S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Mine-Site Evaluation Inspection Report



Permit Number ACT/007/033

Inspection Date 03/09/94

29. Identified Violation Data.

For inspection types C (Complete Random Sample) and SC or SP (Complete or Partial In-depth Review), list all violations present during the current Federal inspection and all violations, cited or uncited, identified in the last State complete inspection report. For any other inspection type, including Federal program inspections, list only violations observed during the current inspection or subject of current Federal follow-up actions.

B Per. Std. Category	C Abated (Y/N)	D State Action	E Reason if Uncited	F Cause	G Seriousness		H Impact	I OSM Action	J OSM Action Number	K Optional	
					PEO	Impact					
A. Specific State Law/Regulations Violated: <u>R645-300-141</u> Description: <u>DISTURBANCE OUTSIDE OF PERMIT</u>											
1	<input type="checkbox"/> A1	<input type="checkbox"/> N	<input type="checkbox"/> 2	<input type="checkbox"/>	<input type="checkbox"/> 4	<input type="checkbox"/> 3	<input type="checkbox"/> 5	<input type="checkbox"/> 2	<input type="checkbox"/> X94-020-352-001	<input type="checkbox"/> V# 04	<input type="checkbox"/>
A. Specific State Law/Regulations Violated: <u>R645-301-742.312</u> Description: <u>FAILURE TO MAINTAIN DIVERSIONS</u>											
2	<input type="checkbox"/> B2	<input type="checkbox"/> N	<input type="checkbox"/> 4	<input type="checkbox"/>	<input type="checkbox"/> 4	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> X94-020-352-001	<input type="checkbox"/> V# 02	<input type="checkbox"/>
A. Specific State Law/Regulations Violated: <u>R645-301-234.220</u> Description: <u>FAILURE TO PROTECT TOPSOIL FROM CONTAMINAT</u>											
3	<input type="checkbox"/> C3	<input type="checkbox"/> N	<input type="checkbox"/> 2	<input type="checkbox"/>	<input type="checkbox"/> 4	<input type="checkbox"/> 3	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> X94-020-352-001	<input type="checkbox"/> V# 03	<input type="checkbox"/>
A. Specific State Law/Regulations Violated: <u>R645-301-731.720</u> Description: <u>MAPS AND PLANS</u>											
4	<input type="checkbox"/> N1	<input type="checkbox"/> N	<input type="checkbox"/> 2	<input type="checkbox"/>	<input type="checkbox"/> 4	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> X94-020-352-001	<input type="checkbox"/> V# 01	<input type="checkbox"/>
A. Specific State Law/Regulations Violated: _____ Description: _____											
5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> V#	<input type="checkbox"/>
A. Specific State Law/Regulations Violated: _____ Description: _____											
6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> V#	<input type="checkbox"/>
A. Specific State Law/Regulations Violated: _____ Description: _____											
7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> V#	<input type="checkbox"/>

- | | | | |
|---|--|--|--|
| <p>D. State Action</p> <ol style="list-style-type: none"> 1) Existed on LSCI, Cited 2) Existed on LSCI, Not Cited 3) Cited Prior to LSCI, Abatement Pending 4) Occurred Since LSCI 5) N/A Federal Program 6) N/A Permit Defect | <p>E. State's Reason for not Citing Violation</p> <ol style="list-style-type: none"> 1) Not a Violation 2) Precluded by State Policy 3) Not Included under State Program 4) Warning Given in Lieu of a Citation 5) Violation Not Recognized 6) Practice Allowed under Approved Permit 7) Too Minor to Cite 8) Working with Operator to Correct 9) Other _____ | <p>F. Cause</p> <ol style="list-style-type: none"> 1) Permit Defect 2) Unusual Weather Conditions 3) Unofficial Waiver 4) Operator Negligence 5) Other _____ | <p>G. Probability of Event Occurrence</p> <ol style="list-style-type: none"> 1) None or Unlikely 2) Likely 3) Occurred |
| <p>H. Impact</p> <p><u>Damage Remains Within the Permit Area</u></p> <ol style="list-style-type: none"> 1) None or Minor 2) Moderate 3) Considerable <p><u>Damage Extends Beyond the Permit Area</u></p> <ol style="list-style-type: none"> 4) None or Minor 5) Moderate 6) Considerable <p><u>Obstruction to Enforcement</u></p> <ol style="list-style-type: none"> 7) None or Minor 8) Moderate 9) Considerable | <p>I. OSM Action This Inspection</p> <ol style="list-style-type: none"> 1) Deferred to State Action 2) TDN Issued 3) NOV Issued 4) FTA-CO Issued 5) IH-CO Issued (Imminent Environmental Harm) 6) ID-CO Issued (Imminent Danger to Public) 7) Previously Cited by RA, Abatement Pending 8) Abated during or before OSM Inspection 9) Follow-up of Federal Action | | |

30. Signature

 Inspector's Signature

RUSSELL PORTER
 Inspector's Printed Name

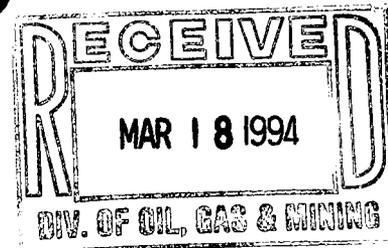
Dated: 03/14/94 352

Reviewing Official:

Review Date: 3-14-94

Page 2 of 6
Revised July 1, 1993

INSPECTION REPORT



Date of Inspection: March 8-9, 1994

Mine: Wildcat Loadout

Permit Number: ACT/007/033

Company: Andalex Resources, Inc.
P.O. Box 902
Price, Utah 84501

Individuals Present During the Inspection:

Mike Glasson, Andalex
Jesse Kelly, DOGM
Russ Porter, OSMRE

This was a random sample, complete, oversight inspection. The weather during the inspection was sunny with strong winds and dry ground conditions.

RECORDS REVIEW

PERMIT: The current permit was issued on May 5, 1989 and expires on May 5, 1994. There is currently 100 acres permitted with approximately 60 acres disturbed. The area bonded is also 60 acres.

INSURANCE: The liability insurance, policy number 3710-25-94, is current until July 1, 1994. The policy contains \$2,000,000.00 for general aggregate coverage and meets the minimum standards for coverage as required by the regulations.

BOND: Surety bond #400776222, in the amount of \$813,795.00, held by Continental Casualty Company has been posted to cover reclamation at the site. The bond document list both the Division of Oil, Gas and Mining (DOGM) and the Office of Surface Mining (OSM) as co-payees.

OWNERSHIP AND CONTROL: The ownership and control information in the permit was updated with a January 20, 1994 submittal showing the current officers and/or directors of Andalex.

DISCHARGE PERMIT: The UPDES permit, number UTG040000, was issued on June 29, 1993 and expires on April 30, 1998. The permit allows for 6 discharge points from the mine.

Monitoring records indicate that no discharges have occurred during the past year.

AIR QUALITY PERMIT: An Air Quality Approval Order was issued by the Utah Division of Environmental Health on 01/03/87.

WATER MONITORING: The water monitoring at the mine consist of 4 surface water sites. There is no ground water monitoring being conducted. The monitoring reports for the surface water sites indicated no samples were collected during the past year.

CERTIFICATIONS:

Impoundments-The annual certification for all impounding structures was completed on 09/22/93. The certification indicated that all structures were in acceptable condition.

Refuse Pile-This structure was inspected and certified on 12/15/93. The report indicated that the pile needed to have refuse material spread and compacted.

IMPOUNDMENT INSPECTIONS: The quarterly impoundment inspections for the first quarter were completed on 01/12/94.

FIELD REVIEW

SIGNS AND MARKERS:

Mine Identification: Signs were posted at the entrances to the facility with the required information.

Perimeter Markers: These markers are steel T-post with orange paint. A finger of the permit on the east side has not be delineated with markers. This needs to be done.

Topsoil Markers: No marker was present on topsoil storage pile E. The company representative stated that new signs had been ordered and received and would be put up. This task should be completed prior to the next state inspection.

DRAINAGE CONTROL: The drawings identified as plates 1 and 2 of the permit application are not accurate. Some ditches are shown in a location which is different to the actual location. Downdrains are also shown in the wrong location. Culvert C-26 is shown as 18 inches in diameter when it is actually 12

inches. A Ten-Day Notice (TDN) is being issued to address the inaccuracies in the drawings.

There were 3 ditches that were found in a nonfunctional condition. These were ditches UD8, D-13 and D-9. These were repaired prior to the end of the inspection.

Although the remaining ditches at the site were functional it was found that the disturbed area ditches were not maintained to the design specifications as shown in Table IV-13 (the 09/28/92 version of this table is mislabeled as undisturbed ditches). Some portion of all the disturbed ditches if not the entire ditch was smaller than the size indicated in the table. Ditches D-17 and D18 were actually berms instead of ditches. A TDN is being issued for failure to maintain ditches to the design specifications.

There are several areas at the facility which have straw bales placed as sediment control. Some of these bales are beginning to deteriorate and need to be replaced.

IMPOUNDMENTS: Most of the impoundments at the facility were found to have little if any water in the structures. The impoundments were found to be in generally good condition. There were two items noted during the inspection. The spillway on the lower cell of the permanent impoundment is located to discharge uphill into a ditch along side a road. Since the impoundment has been designed to contain the 100 year, 6 hour storm event this spillway is not really needed. The as-built drawing for pond C does not show the 4 inch inlet pipe coming from the reclaim tunnel.

SURFACE WATER MONITORING SITE: These sites do not have any automated or other type of samplers or measuring devices. The locations are located by a metal stake.

HAUL\ACCESS ROADS: The roads were in generally good condition, however dust was a problem during the inspection. The roads and the yard areas around the facility are treated with magnesium chloride for dust suppressant. This treatment is not planned for another 1 to 2 months. I would suggest that the treatment be done now or the company start to water the roads and yard areas on a regular basis.

TOPSOIL: The topsoil at the site has been removed and is in storage. No topsoil placement will be done until the facility ends operation. The topsoil storage piles which are on the east side of the facility, piles B and C in particular, and down wind from the operations have been contaminated with wind blown coal fines. Topsoil pile C has the worst contamination with coal fines up to 3 inches deep on its west side. A TDN is being issued for failure to protect topsoil

from contamination.

COAL REFUSE: The material on the refuse pile needs to be spread and compacted. The plans require 24 inch lifts for placement of material on the pile. In its current state it appears the amount of refuse dumped on the pile cannot be placed in 24 inch lifts unless the base of the pile is increased. The company should insure the current material is properly placed before additional material is added to the pile.

OTHER: Coal fines from the facility have blown off the permit along the east boundary. Sprinklers are installed at the facility but are seldom used because of the need to truck water to the site and the affect the wetting of the coal has on its BTU value. DOGM has identified the coal fines as a problem in past inspections and I allowed time for the State to provide any information that would indicate the problem is being addressed. I have received nothing from DOGM as of the date of this report. The company did inform me that a vacuum truck will be brought to the site and will be used to pick up the loose coal fines along the drift fence and road east of the radial stacker. There will be an attempt to vacuum the fines from the topsoil stockpiles but neither the company nor myself think that this will work since this material is compacted and the vegetation will also hamper the effort. Since the coal fines are a result of the permitted operation and their placement outside of the permitted area constitutes an impact or affect to that unpermitted area, a TDN is being issued to address this impact outside of the permitted area.

The company and DOGM were made aware of the potential for addressing the above non-compliances in a Ten-Day Notice during the time of the inspection.

MSEIR: Those items in block 24 marked with a "2" have been discussed above. Those items in block 24 marked with a "3" were not applicable for the purposes of this inspection.