

## Sunnyside Cogeneration Associates

P.O. Box 10, East Carbon, Utah 84520 • (801) 888-4476 • Fax (801) 888-2538

November 17, 1995

Mr. Randy Harden  
Division of Oil, Gas and Mining  
3 Triad Center - Suite 350  
Salt Lake City, Utah 84180-1203

*NOV file*

RE: Permit No. ACT/007/035: Sunnyside Cogeneration Associates  
Permit Submittal for NOV 93-13-2-1

Dear Randy:

In accordance with the requirements of NOV 93-13-2-1, this permit submittal has been prepared to address the deficiencies listed in the DOGM TA dated October 4, 1995. SCA believes that this submittal should provide adequate information to justify termination of the above noted violation.

Please call me (801) 888-4476, if you have any questions regarding information in this submittal or other questions concerning the deficiencies listed in the TA.

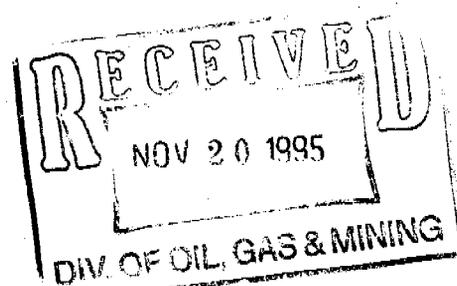
Sincerely,

Danny Mattingly  
General Manager

DM/l1s

Enclosure

c.c. Bob Evans, NRG  
Tom Smith, NRG  
Doug Burnham, B&W  
Walt Strotz, B&W  
Alane E. Boyd, EWP  
Brian Burnett, CNM  
Bill Malencik, DOGM



# APPLICATION FOR PERMIT CHANGE

Title of Change: **SUNNYSIDE COGENERATION ASSOCIATES**

Permit Number: **ACT/007/035**

Permit submittal to address the deficiencies listed in the DOGM TA dated October 4, 1995, in accordance with NOV 93-13-2-1.

Mine: **Sunnyside Cogen. Assoc.**

Permittee: **Sunnyside Cogen. Assoc.**

Description - include reason for change and timing required to implement: **Permit submittal to address the deficiencies listed in the DOGM TA dated October 4, 1995, in accordance with NOV 93-13-2-1.**

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	1. Change in the size of the Permit Area? _____ acres <input type="checkbox"/> increase <input type="checkbox"/> decrease.
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<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	5. Does permit change result from cancellation, reduction or increase of insurance or reclamation bond?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	6. Does permit change require or include public notice publication?
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<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	11. Does the permit change affect the surface landowner or change the post mining land use?
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**Attached 3 complete copies of proposed permit change as it would be incorporated into the Mining and Reclamation Plan.**

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all aspects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

*Alane E. Boyd* 11/17/95  
Signed - Name - Position - Date

Subscribed and sworn to before me this 17<sup>th</sup> day of November, 1995.

Notary Public



NOTARY PUBLIC  
**MARILYN YOUNG**  
1121 E. 3900 So. #C-300  
Salt Lake City, Utah 84119  
My Commission Expires  
March 8, 1997  
**STATE OF UTAH**

My Commission Expires: \_\_\_\_\_

Attest: STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

Received by Oil, Gas & Mining

RECEIVED

NOV 20 1995

MINING

ASSIGNED PERMIT CHANGE NUMBER

## Application for Permit Change Detailed Schedule of Changes to the Permit

Title of Change: **SUNNYSIDE COGENERATION ASSOCIATES**

Permit Number: **ACT/007/035**

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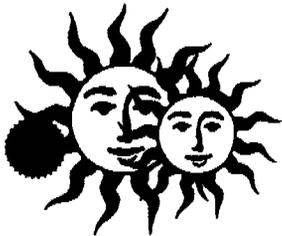
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			DESCRIPTION OF MAP, TEXT, OR MATERIALS TO BE CHANGED
<input type="checkbox"/> ADD	<input checked="" type="checkbox"/> REPLACE	<input type="checkbox"/> REMOVE	PERMIT TEXT - Chapter 2
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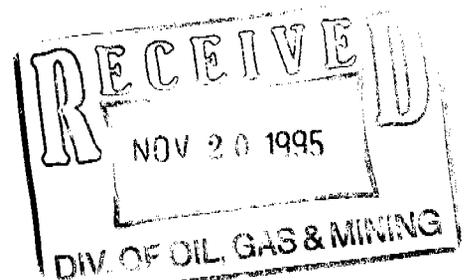
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*Alane E. Boyd* 11/17/95  
Signed - Name - Position - Date

Subscribed and sworn to before me this 17th day of November, 1995.  
*Marilyn Young*  
Notary Public



My Commission Expires: \_\_\_\_\_  
Attest: STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

Received by Oil, Gas & Mining

RECEIVED

NOV 20 1995

OIL, GAS & MINING

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Any other specific or special instructions required for insertion of this proposal into the Mining and Reclamation Plan?

**SUNNYSIDE COGENERATION ASSOCIATES**

ADMINISTRATIVE ACCOUNT

109 UNION STREET

PO BOX 45

MANCHESTER, VT 05254

EXPLANATION	AMOUNT

*NOV Sale*  
97-10/1243

830

AMOUNT ONE HUNDRED NINETY AND 00/100 DOLLARS

CHECK AMOUNT

DATE	TO THE ORDER OF	CHECK NUMBER
7/95	UTAH DIVISION OF OIL, GAS & MINING	830

\$ 190.00

NOV # N95-26-1-1  
ACT 7007/035

FIRST SECURITY BANK OF UTAH, N.A.  
SALT LAKE CITY, UTAH

*John A. Weisand*

⑈000830⑈ ⑆ 24000012⑆060 00096 90⑈



### VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Summit Side Environmental Associates

Mailing Address PO Box 10, West Carbon, UT 84520

State Permit No. Act 0091033

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., Utah Code Annotated (1953):

Notice of Violation No. N 95-26-1-1 dated 2/10, 19 95.

Cessation Order No. C N/A dated \_\_\_\_\_, 19 \_\_\_\_\_.

Part 1 of 1 is  vacated  terminated because Breaker work was removed and disposed of in accordance with the abatement plan. Breaker was removed from Road ADE.

Part \_\_\_\_\_ of \_\_\_\_\_ is  vacated  terminated because \_\_\_\_\_  
N/A

Part \_\_\_\_\_ of \_\_\_\_\_ is  vacated  terminated because \_\_\_\_\_  
N/A

Date of service/mailling 2/17/95

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

Jose G. Gutierrez  
Permittee/Operator representative

Plant Manager  
Title

[Signature]  
Signature

Wm J Malenick  
Division of Oil, Gas & Mining

Rec Spec  
Title

[Signature]  
Signature 2/17/95

#26

3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address. 2.  Restricted Delivery (Extra charge)

3. Article Addressed to:  
**DAVID PEARCE**  
**SUNNYSIDE COGENERATION ASSOC**  
**PO BOX 58087**  
**SALT LAKE CITY UT 84158-0087**

4. Article Number  
**P 074 976 180**

Type of Service:  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature - Address  
**X**

8. Addressee's Address (ONLY if requested and fee paid)

6. Signature - Agent  
*Margaret McQuinn*

7. Date of Delivery  
**MAR 21 1995**

UNITED STATES POSTAL SERVICE CITY, UT 84189 03/22/95 05:09  
OFFICIAL BUSINESS



**SENDER INSTRUCTIONS**  
Print your name, address and ZIP Code in the space below.  
• Complete items 1, 2, 3, and 4 on the reverse.  
• Attach to front of article if space permits, otherwise affix to back of article.  
• Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE USE, \$300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.  
**DIVISION OF OIL GAS AND MINING**  
**355 WEST NORTH TEMPLE**  
**3 TRIAD CENTER STE 350**  
**SALT LAKE CITY UT 84180**

07





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

Michael O. Leavitt  
Governor

Ted Stewart  
Executive Director

James W. Carter  
Division Director

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340  
801-359-3940 (Fax)  
801-538-5319 (TDD)

March 16, 1995

CERTIFIED RETURN RECEIPT  
P 074 976 180

David Pearce  
Sunnyside Cogeneration Associates  
P.O. Box 58087  
Salt Lake City, Utah 84158-0087

Re: Proposed Assessment for State Violation No. N95-26-1-1, Sunnyside  
Cogeneration Associates, Sunnyside R & S Mine, ACT/007/035, Folder #5,  
Carbon County, Utah

Dear Mr. Pearce:

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under R645-401.

Enclosed is the proposed civil penalty assessment for the above-referenced violation. The violation was issued by Division Inspector, Bill Malencik on February 15, 1995. Rule R645-401-600 et. sec. has been utilized to formulate the proposed penalty. By these rules, any written information which was submitted by you or your agent, within fifteen (15) days of receipt of the Notice of Violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

Under R645-401-700, there are two informal appeal options available to you:

1. If you wish to informally appeal the fact of this violation, you should file a written request for an Informal Conference within 30 days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty.

Page 2  
N95-26-1-1  
ACT/007/035  
March 16, 1995

2. If you wish to review the proposed penalty assessment, you should file a written request for an Assessment Conference within 30 days of receipt of this letter. If you are also requesting a review of the fact of violation, as noted in paragraph 1, the Assessment Conference will be scheduled immediately following that review.

**If a timely request for review is not made, the fact of violation will stand, the proposed penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the proposed assessment. Please remit payment to the Division, mail c/o Vicki Bailey.**

Sincerely,



Joseph C. Helfrich  
Assessment Officer

blb  
Enclosure  
cc: Donna Griffin, OSM

WORKSHEET FOR ASSESSMENT OF PENALTIES  
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Sunnyside Cogen Assoc/Sunnyside R & S

NOV #N95-26-1-1

PERMIT # ACT/007/035

VIOLATION 1 OF 1

ASSESSMENT DATE 3/14/95

ASSESSMENT OFFICER Joseph C. Helfrich

I. HISTORY MAX 25 PTS

- A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 3/14/95

EFFECTIVE ONE YEAR TO DATE 3/14/94

PREVIOUS VIOLATIONS

EFFECTIVE DATE

POINTS

N94-26-2-1

9/11/94

1

1 point for each past violation, up to one year;  
5 points for each past violation in a CO, up to one year;  
No pending notices shall be counted.

TOTAL HISTORY POINTS 1

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? A

A. Event Violations Max 45 PTS

1. What is the event which the violated standard was designed to prevent?  
Conducting activities without appropriate approvals and deposition of waste rock not in accordance with approved plan.

- 2. What is the probability of the occurrence of the event which a violated standard was designed to prevent? yes

.... PROBABILITY	RANGE
.... None	0
.... Unlikely	1-9
.... Likely	10-19
.... Occurred	20

**ASSIGN PROBABILITY OF OCCURRENCE POINTS** 20

**PROVIDE AN EXPLANATION OF POINTS**

The approved plan requires broken rock to be placed in the spoil approved area with defined standards ie: controlled manner, compacted, non-combustible etc. A small amount of breaker rock had been placed on the haul road.

- 3. What is the extent of actual or potential damage? RANGE 0 - 25\*

\*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

**ASSIGN DAMAGE POINTS** 0

**PROVIDE AN EXPLANATION OF POINTS**

No damage occurred as a result of the violation.

**B. Hindrance Violations MAX 25 PTS**

- 1. Is this a potential or actual hindrance to enforcement?      RANGE 0 - 25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

**ASSIGN HINDRANCE POINTS** 0

**PROVIDE AN EXPLANATION OF POINTS**

**TOTAL SERIOUSNESS POINTS (A or B)** 21

**III. NEGLIGENCE MAX 30 PTS**

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? **IF SO - NO NEGLIGENCE;**  
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? **IF SO - NEGLIGENCE;**  
 OR Was this violation the result of reckless, knowing, or intentional conduct? **IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.**

.... No Negligence	0
.... Negligence	1-15
.... Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE Ordinary negligence

**ASSIGN NEGLIGENCE POINTS** 8

**PROVIDE AN EXPLANATION OF POINTS**

EWP environmental personnel were not at the mine. On Sunday February 12, 1995 an employee of savage industries inc, independently and without inquiry placed the breaker rock material to improve road conditions.

**IV. GOOD FAITH MAX 20 PTS. (EITHER A or B) (Does not apply to violations requiring no abatement measures.)**

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?  
 .... **IF SO - EASY ABATEMENT**  
 Easy Abatement Situation
  - .... **Immediate Compliance -11 to -20\***  
 (Immediately following the issuance of the NOV)
  - .... **Rapid Compliance -1 to -10\***  
 (Permittee used diligence to abate the violation)
  - .... **Normal Compliance 0**  
 (Operator complied within the abatement period required)  
 (Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

\* Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance?

.... **IF SO - DIFFICULT ABATEMENT**

Difficult Abatement Situation

.... **Rapid Compliance -11 to -20\***

.... (Permittee used diligence to abate the violation)

.... **Normal Compliance -1 to -10\***

.... (Operator complied within the abatement period required)

.... **Extended Compliance 0**

(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

(Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? \_\_\_\_ **ASSIGN GOOD FAITH POINTS** \_\_\_\_ -10

PROVIDE AN EXPLANATION OF POINTS

The abatement was designated as February 22, 1995 at 5:00 pm the cleanup was completed in accordance with the NOV abatement requirements of February 16, 1995 via phone call from Mr. Komasa at 2:00 pm. A field check was completed on February 17, 1995 at 1:00 am and the violation was terminated as it complied with the abatement requirements.

V. ASSESSMENT SUMMARY FOR \_\_\_\_\_

I.	TOTAL HISTORY POINTS	<u>1</u>
II.	TOTAL SERIOUSNESS POINTS	<u>20</u>
III.	TOTAL NEGLIGENCE POINTS	<u>8</u>
IV.	TOTAL GOOD FAITH POINTS	<u>-10</u>
	TOTAL ASSESSED POINTS	<u>19</u>
	TOTAL ASSESSED FINE	<u>\$ 190.00</u>

NO. N 95-26-1-1

To the following Permittee or Operator:

Name Sunnyside Corporation Associates  
 Mine Sunnyside Refractory Slurry  Surface  Underground  Other  
 County Carboon State UT Telephone 81 530- 1428  
 Mailing Address Kennecott Bldg, Suite 500, 10 E. South Temple, Salt Lake City, UT  
 State Permit No. Act 6671035  
 Ownership Category  State  Federal  Fee  Mixed  
 Date of inspection February 14, 1995 - 9 a.m. - 3 p.m., 19\_\_\_\_  
 Time of inspection Feb 15 09, 1995 a.m.  p.m. to 11:30 a.m.  a.m.  p.m.  
 Operator Name (other than Permittee) Same As Above  
 Mailing Address \_\_\_\_\_

notice of violation

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 February 15, 1995 Time of service/mailling 11  a.m.  p.m.  
Jose G. Gutierrez Plant manager  
 Permittee/Operator representative Title  
[Signature]  
 Signature  
Wm. J. Malenick Rec. Spec.  
 Division of Oil, Gas & Mining representative Title  
[Signature] 26  
 Signature Identification Number  
2/15/95.

SEE REVERSE SIDE

WHITE-DOG M YELLOW-OS M PINK-PERMITTEE/OPERATOR GOLDENROD-NOV. FILE

**IMPORTANT — READ CAREFULLY**

**1. PENALTIES.**

a. **Proposed assessment.** The Board of Oil, Gas & Mining assesses fines based upon a proposed assessment recommended by an assessment officer. You may submit written information pertaining to violation(s) covered by this order within 15 days of the date this notice or order is served on you or your agent. Information will be used by the assessment officer in determining facts surrounding the violation(s) and amount of penalty. A representative of the Division of Oil, Gas & Mining will serve the proposed assessment on you or your agent within 30 days of issuance of notice or order.

b. **Assessment.** The penalty will be finalized unless you or your agent file a written request within 15 days of receipt of proposed assessment for an informal hearing before the assessment officer.

For each violation included in this notice, a penalty of up to \$5,000 may be assessed for each separate day the violation continues.

If you fail to abate any violations within the time set for abatement or for meeting any interim step, you will be assessed a minimum penalty of \$750 for each day of continuing violation beyond the time set for abatement. You will be issued a Cessation Order requiring you to cease surface coal mining operations or the portion of the operations relevant to the violation.

**2. INFORMAL PUBLIC HEARING.**

An informal public hearing may be held at or near the mine site if this notice requires cessation of mining, expressly or in practical effect. On the reverse of this page, the authorized representative has made a finding as to whether or not this notice

requires cessation of mining. Please review this finding and inform the authorized representative if you disagree with it. (See ~~UMC/SMC 843.45(a)~~.)

If this notice requires cessation of mining, it will expire within 30 days from date you are notified unless an informal public hearing is held or waived or the condition, practice or violation is abated within the 30-day period. You will be notified of date, time and location of hearing.

**3. FORMAL REVIEW AND TEMPORARY RELIEF.**

You may apply for review of this notice or assessment before the Board of Oil, Gas & Mining by submitting an application for hearing within 30 days of receipt of notice or assessment by you or your agent. Apply to:

Secretary  
Board of Oil, Gas & Mining  
3 Triad Center, Suite 350  
Salt Lake City, UT 84180-1203

If applying for a formal board hearing, you may submit with your petition for review a request for temporary relief from this notice. Procedures for obtaining a formal board hearing are contained in the board's Rules of Practice and Procedure and in ~~UMC 845.19~~ of the board's regulations.

**4. EFFECT ON PERMIT.**

The permit may be suspended or revoked if it is determined that a pattern of violations of the act, regulations or permit conditions exists, and that the violations were caused by an unwarranted or willful failure to comply.

For further information, consult Section 40-10-20, 21, 22 and 23, *Utah Code Annotated*, ~~UMC/SMC Parts 843, 845, 900~~ or contact the Division of Oil, Gas & Mining at (801) 538-5340.

R645-400-350 et seq

R645-401-800 et seq

R645-400-300 et seq  
R645-401 et seq

### NOTICE OF VIOLATION NO. N 95-26-1-1

Violation No. 1 of 1

Nature of violation

Failure to conduct all coal mining and reclamation operations only as described in the approved Application and terms and conditions of the permit including performance standards.

Broken rock material was placed on two haul road areas:  
(1) Curve on road E and (2) Curve where road A & E intersect.

Provisions of act, regulations or permit violated

R645-300-142 & 143  
R645-301-528, 300 & 310

Portion of operation to which notice applies

Haul road A & E as noted above.

Remedial action required (including any interim steps)

Remove broken rock material from roads A & E noted above  
Place material in the permitted spoil pile in accordance with permit requirements.

Abatement time (including interim steps)

February 22, 1995 - 5pm

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.  
 Waste rock disposition not in accordance with the approved plan. Approved plan requires broken rock to be placed in the spoil approved area with defined standards re. controlled manner, compacted, non-combustibles, etc. Small amount of broken rock was placed on haul road.

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.

Waste rock material placed on our road curve A & E to ameliorate adverse road conditions

See sketch page 2

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.

Plant manager Mr. Gutwicz informed the undersigned that the rock material was placed on the road Sunday, Feb. 12, 1995. There is no proof of damage to the environment since all drainage from roads A & E report to pasture pond, further, pasture pond did not contain runoff and no pond discharge took place.

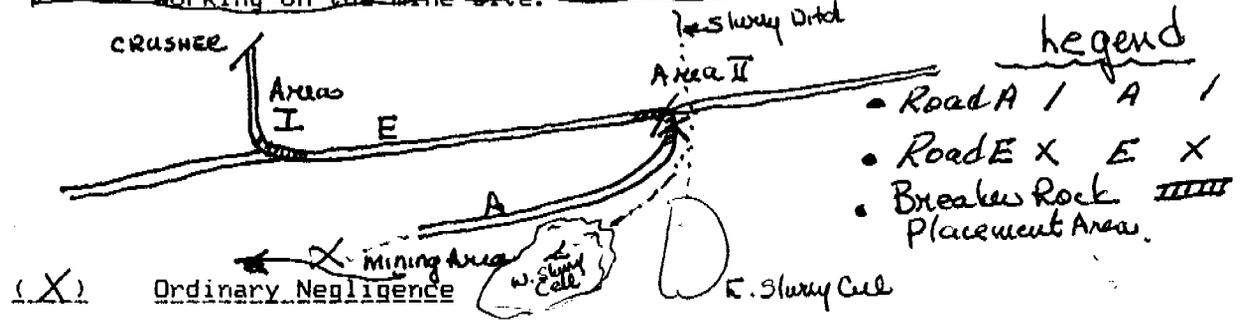
Potential damage off the disturbed area. Yes  No

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.

SKETCH



(X) 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.

SWP environmental personnel were not at the mine. On Sunday 2/12/95, an employee of Savage Industries Inc. independently and without inquiry placed the breaker rock material to improve road conditions. Because of several interrelated problems on mining, plant failure, environmental matters and other issues, the Savage employee in charge, Jerry Carter, was fired by Savage Industries.  
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.

Placement of Breaker Rock

Area	Depth of Breaker Rock	Curve length	Width.
I	2"-5" max depth.	170'	10'
II	3"	110'	12'

( ) 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 DSM 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 abatement date was designated as 2/22/95, 5p.m

The cleanup was completed in accordance with the NOV abatement requirements on 2/16/95, phone call Mr. Conner - 2pm.

A field check was completed on 2/17/95, 11am, and the violation was terminated because it complied with abatement requirements.

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

Yes.

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

12/17/95

DATE



AUTHORIZED REPRESENTATIVE