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UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

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

To the following Permittee or Operator:

Name Cyprus Plateau Mining / Western Coal Company

Mailing Address P.O. Drawer PMC, Price UT 84501

State Permit No. ACT/007/038

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

Notice of Violation No. N 94-39-6-1 dated November 23, 1994, 19    .

Cessation Order No. C                      dated                     , 19    .

Part 1 of 1 is  vacated  terminated because work was completed on  
November 28, 1994.

Part      of      is  vacated  terminated because                     

Part      of      is  vacated  terminated because                     

Date of ~~posting~~/mailing December 8, 1994

Time of ~~posting~~/mailing 12:00  a.m.  p.m.

Ben Grimes  
Permittee/Operator representative

Environmental Coordinator  
Title

Mailed from DOGM Price Office  
Signature

Stephen J. Demczak  
Division of Oil, Gas & Mining

Reclamation Specialist  
Title

*Stephen J. Demczak*  
Signature

COMPANY/MINE Cyprus Plateau Mining NOV/CO # 94-39-6-1  
PERMIT # Blackhawk Exp. Site 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.

\*\*Failure to install silt fences at creek crossing, as described in exploration plan. Could have added sediment to creek and harmed fish.

2. Has the event occurred? Yes XXX No         
If yes, describe it. If no, what would cause it to occur and how likely is it that it would happen?

\*\*Silt Fences were not installed by the Willow Creek water crossing as required.

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

<u>DISTURBED AREA</u>		<u>PERMIT AREA</u>	
Would:	Yes <u>XX</u> No <u>      </u>	Would:	Yes <u>XX</u> No <u>      </u>
Does:	Yes <u>      </u> No <u>      </u>	Does:	Yes <u>      </u> No <u>      </u>

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.

\*\*No damage has occurred but could have polluted creek if undetected. Letter written by State Water Rights as a concern to water pollution prior to violation at this crossing.

Potential damage off the disturbed area. Yes XXX No         
Potential damage off the permit area. Yes XXX 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.

() 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.

\*\*Operator was reminded by inspector to install silt fences at time of review of drilling amendment. State Water Rights also wrote letter about the same location concerned with sediment entering creek. (All prior to drilling activities.)

() 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.

\*\*Operator abated violation two days ahead of abatement time. The work that was required was to re-install silt fences at the creek which were laying on the ground at the time of violation. It took five days to do this.

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

\*\*Yes, silt fences were there prior to drilling. After core drilling was completed, the silt fences were not re-installed.

3. Was the submission of plans prior to physical activity required by this NOV? Yes      No XXX

12-9-94

DATE

  
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AUTHORIZED REPRESENTATIVE