

Nov Sale

PAYMENT FOR VIOLATION N94-39-6-1

↓ CAREFULLY DETACH BEFORE CASHING ↓

PITTSBURGH NATIONAL BANK
JEANNETTE, PA

ACCOUNTS PAYABLE CHECK

CYPRUS PLATEAU CORP

60-162/433 No. 01918634

DATE 03/17/95 CHECK NO. 01918634

PAY THREE HUNDRED FORTY AND 00/100 DOLLARS

NET AMOUNT ▶ *****340.00

774 2 01918634
UT UTAH
DEPT OF NAT RES DIV OF OIL GAS
& MINING 355 WEST N TEMPLE
3 TRIAD CENTER STE 350
SALT LAKE CITY UT 84180-1203

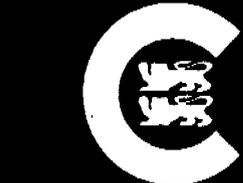
TO THE
ORDER OF:

John A. King
VOID AFTER 180 DAYS

⑈01918634⑈ ⑆043301627⑆ ⑆0073967⑈

| INVOICE NUMBER | PURCHASE ORDER | INVOICE DATE | AMOUNT | DISCOUNT | NET AMOUNT |
|--|----------------|--------------|--------|----------|------------|
| 94-39-6-1 | | 03-02-95 | 340.00 | .00 | 340.00 |
| <p>ACT/004/038 PAYMENT FOR VIOLATION N94-39-6-1 MAILED 3/21/95</p> | | | | | |
| TOTALS | | | 340.00 | .00 | 340.00 |

RECEIVED
MAR 23 1995
DIV OF OIL, GAS & MINING



DIRECT INQUIRIES TO:



CYPRUS PLATEAU MINING CORP-PRICE UT 84501
00-774-405616 CYPRUS PLATEAU CORP

301-637-2875
01918634

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE, \$300

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.

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

DIVISION OF OIL GAS AND MINING

355 W NORTH TEMPLE

TRIAD 3 CERENTER STR 350

SALT LAKE CITY UT 84180



BB DOGM ACT/007/038 N94-39-b-1 FLD7D

| | |
|--|---|
| <p>SENDER: Complete items 1 and 2 when additional services are desired, and complete items 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.</p> <p>1. <input type="checkbox"/> Show to whom delivered, date, and addressee's address. (Extra charge) 2. <input type="checkbox"/> Restricted Delivery (Extra charge)</p> | |
| <p>3. Article Addressed to:</p> <p>BEN GRIMES CYPRUS PLATEAU MINING PO DRAWER PMC PRICE UT 84501</p> | <p>4. Article Number P074 976 170</p> <p>Type of Service:</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise</p> <p>Always obtain signature of addressee or agent and DATE DELIVERED.</p> |
| <p>5. Signature - Address X </p> | <p>8. Addressee's Address (ONLY if requested and fee paid)</p> |
| <p>6. Signature - Agent X </p> | |
| <p>7. Date of Delivery 3-9-95</p> | |



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 2, 1995

CERTIFIED RETURN RECEIPT
P 074 976 170

Ben Grimes Engineer
Cyprus Plateau Mining
P. O. Drawer PMC
Price, Utah 84501

Re: Proposed Assessment for State Violation No. N94-39-6-1, Cyprus Plateau, Blackhawk Exp Mine, ACT/007/038, Folder #5, Carbon County, Utah

Dear Mr. Grimes:

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, Steve Demczak on November 23, 1994. 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.
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

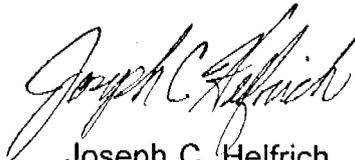


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ACT/007/038
March 2, 1995

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: Bernie Freeman, OSM

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

COMPANY/MINE Cyprus Plateau Mining/Blackhawk site

NOV # N94-39-6-1

PERMIT # ACT/007/038

VIOLATION 1 OF 1

ASSESSMENT DATE 2/22/95

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 2/22/95

EFFECTIVE ONE YEAR TO DATE 2/22/94

PREVIOUS VIOLATIONS

EFFECTIVE DATE

POINTS

0

0

0

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 0

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?
Water Pollution.

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

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

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS

Silt fences were not installed by the Willow Creek crossing as required. Resulting in offsite deposition of sediment.

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

Minimal damage did occur as a result of violation. Damage would extend off of disturbed as well as permit area.

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

PROVIDE AN EXPLANATION OF POINTS

TOTAL SERIOUSNESS POINTS (A or B) 20

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.

| | |
|-------------------------------------|--------------|
| <u>No Negligence</u> | <u>0</u> |
| <u>Negligence</u> | <u>1-15</u> |
| <u>Greater Degree of Fault</u> | <u>16-30</u> |

STATE DEGREE OF NEGLIGENCE Ordinary Negligence.

ASSIGN NEGLIGENCE POINTS 15

PROVIDE AN EXPLANATION OF POINTS

The Operator was reminded by the Inspector to install silt fences at the time of review of the drilling amendment. State water Rights also wrote a letter reflecting similar concerns in the same location with regard to sediments entering Willow Creek.

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

| | |
|--|---------------------------|
| <u>Immediate Compliance</u> | <u>-11 to -20*</u> |
| <u>Immediately following the issuance of the NOV)</u> | |
| <u>Rapid Compliance</u> | <u>-1 to -10*</u> |
| <u>(Permittee used diligence to abate the violation)</u> | |
| <u>Normal Compliance</u> | <u>0</u> |
| <u>(Operator complied within the abatement period required)</u> | |

(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 -8

PROVIDE AN EXPLANATION OF POINTS

Diligence was exercised in abating the violation.

V. ASSESSMENT SUMMARY FOR

| | | |
|-------------|---------------------------------|------------------|
| <u>I.</u> | <u>TOTAL HISTORY POINTS</u> | <u>0</u> |
| <u>II.</u> | <u>TOTAL SERIOUSNESS POINTS</u> | <u>20</u> |
| <u>III.</u> | <u>TOTAL NEGLIGENCE POINTS</u> | <u>15</u> |
| <u>IV.</u> | <u>TOTAL GOOD FAITH POINTS</u> | <u>-8</u> |
| | <u>TOTAL ASSESSED POINTS</u> | <u>27</u> |
| | <u>TOTAL ASSESSED FINE</u> | <u>\$ 340.00</u> |



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 FMC, 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 ~~service~~/mailing December 8, 1994 Time of ~~service~~/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

Signature

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.

(XXX) 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



AUTHORIZED REPRESENTATIVE

UNITED STATES POSTAL SERVICE



Official Business

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

Print your name, address and ZIP Code here

Mary Beth Mortensen

STATE OF UTAH
NATURAL RESOURCES
OIL, GAS & MINING
TRIAD CENTER, SUITE 350
SALT LAKE CITY, UTAH 84143-1203

is your RETURN ADDRESS completed on the reverse side

SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3 and 4.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 Blackhawk Site Exploration
 Cyprus Western Coal Company
 P.O. Box PMC
 Price, Utah 84501

4a. Article Number
 P 734 906 869

4b. Service Type
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery
 11-28-94 CW

5. Signature (Addressee)
Mary Beth Mortensen

6. Signature (Agent)
[Signature]

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

Thank you for using Return Receipt Service

NO. N 94-39-6-1

To the following Permittee or Operator:

Name Cyprus Plateau Mining Corporation/Western Coal Company

Mine Blackhawk Exp. Site Surface Underground Other

County Carbon State Utah Telephone (801) 637-2875

Mailing Address P.O. Box PMC, Price Utah 84501

State Permit No. ACT/007/038

Ownership Category State Federal Fee Mixed

Date of inspection November 15, 1994, 19

Time of inspection 10:00 a.m. p.m. to 11:00 a.m. p.m.

Operator Name (other than Permittee) _____

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~~/mailing November 23, 1994

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

Ben Grimes

Environmental Coordinator

Permittee/Operator representative

Title

Mailed from PFO

Signature

Stephen J. Demczak

Reclamation Specialist

Division of Oil, Gas & Mining representative

Title

Signature *Stephen J. Demczak*

#39

Identification Number

SEE REVERSE SIDE

WHITE-DOGM YELLOW-OPERATOR PINK-OSM GOLDENROD-NOV FILE

notice of violation



NOTICE OF VIOLATION NO. N 94-39-6-1

Violation No. 1 of 1

Nature of violation

Failure to maintain silt fences as required in the exploration permit on drawing 2-00-110 (Map 1).

Provisions of act, regulations or permit violated

Exploration permit requirement on drawing 2-00-110 (Map #1) dated August 26, 1994.

Portion of operation to which notice applies

Crossing at the Willow Creek to access the rock tunnels.

Remedial action required (including any interim steps)

Install silt fences at stream crossing at Willow Creek.

Abatement time (including interim steps)

November 30, 1994.