



act

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

N96-46-4-3, 2 of 3

To the following Permittee or Operator:

Name Cyprus-Plateau Mining Corporation / Willow Creek
Preparation Plant

Mailing Address P.O. Box PMC, Price, Utah 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 96-46-4-3, 2 of 3 dated 12/9, 19 96.

~~Cessation Order No. C~~ ~~dated~~ ~~19~~

Part 2 of 3 is vacated terminated because the permittee has placed
refuse and recontoured the pile to promote positive
drainage of the material toward the drainage
diversions.

~~Part~~ ~~of~~ ~~is~~ vacated terminated because The drainage requirements
for the pile, as ~~indicated~~ indicated in the MRP,
have been met.

Part of is vacated terminated because

Date of service/mailing 1/9/97 Time of service/mailing 9¹⁵ a.m. p.m.

Mike Kelley Permittee/Operator representative Wash Plant Foreman Title

Mailed/Faxed from PFO - DOGM
Signature

Peter Hess Division of Oil, Gas & Mining Reclamation Specialist III Title

Peter Hess
Signature



gd

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

N 96-46-4-3, 3 of 3

To the following Permittee or Operator:

Name Cyprus - Plateau Mining Corp. / Willow Creek Preparation Plant

Mailing Address P.O. Box PMC, Price, Utah 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 96-46-4-3, 3 of 3 dated 12/9, 1996.

~~Cessation Order No. C _____ dated _____, 19__~~

Part 3 of 3 is vacated terminated because the permittee has
reinstalled ditch CGD-7 according to specification
along the SW to NE side outslope of the

~~Part _____ of _____ is vacated terminated because School House Canyon refuse~~
pile.

Part _____ of _____ is vacated terminated because _____

Date of service/ mailing 1/9/97 Time of service/ mailing 9¹⁵ a.m. p.m.

Mike Kelley Permittee/Operator representative Wash Plant Foreman Title

Mailed / Faxed from PFO-DOG M
Signature

Peter Hess Division of Oil, Gas & Mining Reclamation Specialist III Title

Peter Hess
Signature



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

To the following Permittee or Operator:

Name Cyprus - Plateau Mining Corp., Willow Creek Preparation Plant
Mailing Address P.O. Box PMC, Price, Utah 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 96-46-4-3, 1 of 3 dated 12/9, 19 96.

~~Cessation Order No. C~~ dated ~~19~~.

Part 1 of 3 is vacated terminated because designs for all ditches referenced in modification written on 12/11/96 have been found in MRP, Table 3.4-21 on page 3.4-73

Part ____ of ____ is vacated terminated because _____

Part ____ of ____ is vacated terminated because _____

Date of service/ mailing 12/12/96

Time of service/ mailing 2¹⁷ a.m. p.m.

Mr. Ben Grimes
Permittee/Operator representative
Mailed from PFO DOGM
Signature

Senior Project Engineer
Title

Peter Hess
Division of Oil, Gas & Mining
Felix Sun
Signature

Rec Spec III
Title

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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:

BEN GRIMES
 CYPRUS PLATEAU MINING
 PO BOX PMC
 PRICE UTAH 84501

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

Z 382 122 640

4b. Service Type

Registered Insured

Certified COD

Express Mail Return Receipt for Merchandise

7. Date of Delivery

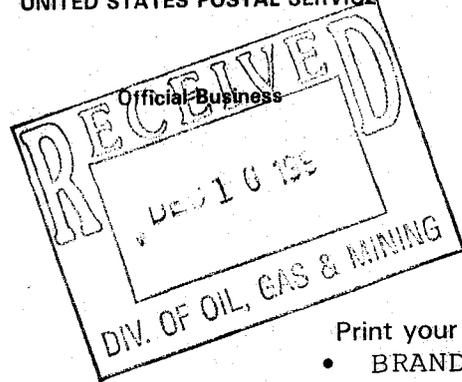
12-12-96

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

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



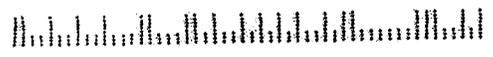
PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300



Print your name, address and ZIP Code here

- BRANDI BUTCHER

DIVISION OF OIL GAS AND MINING
 1594 West North Temple, Suite 1210
 P.O. Box 145801





MODIFICATION OF NOTICE OF VIOLATION / ~~CESSATION ORDER~~

To the following Permittee or Operator:

Name Cyprus-Plateau Mining Corporation
Mailing Address P.O. Box PMC, Price, Utah 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 96-46-4-3 dated 12/9, 19 96.

~~Cessation Order No. C _____ dated _____, 19 _____.~~

Part 1 of 3 is modified as follows: Remedial Action required: - "Submit complete, adequate drainage diversion designs with Reason for modification is cross sections for "current operations" of the School House Canyon refuse area for the

Part _____ of _____ is modified as follows: following designated ditches; 1) CGD-6 (upper), 2) CGD-6 (Lower), 3) CGD-7 (upper), Reason for modification is 4) CGD-7 (lower), 5) CGD-19 and 6) CGD-5.

Part _____ of _____ is modified as follows: _____

Date of service/ mailing 12/11/96 Time of service/ mailing 11 a.m. p.m.

Date of inspection 12/9/96

Ben Grimes
Permittee/Operator representative

Senior Project Engineer
Title

Mailed from DOGM - PFO
Signature

Peter Hess
Division of Oil, Gas & Mining
Peter Hess
Signature

Rec Spec III
Title



MODIFICATION OF
NOTICE OF VIOLATION ~~CESSATION ORDER~~

To the following Permittee or Operator:

Name Cyprus-Plateau Mining Corporation

Mailing Address P.O. Box PMC, Price, Utah 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 96-46-4-3, 3 of 3 dated 12/9, 19 96.

~~Cessation Order No. C~~ ~~dated~~ ~~19~~

Part 3 of 3 is modified as follows: Adequate design for ditch CGD-7 exists in MRP, appendix 3.4 J, "Current and" Peak

Reason for modification is Flow designs. Implement said design for CGD-7 (upper) according to specification

Part of is modified as follows: within seven (7) days of completion of the topsoil recovery project in School

Reason for modification is: House Canyon.

 Adequate design exists, but is difficult to understand in its present context.

Date of service/mailling 12/13/96 Time of service/mailling 3 a.m. p.m.

Date of inspection 12/9/96

Ben Grimes
Permittee/Operator representative

Senior Project Engineer
Title

Mailed from PFO-DOG M
Signature

Peter Hess
Division of Oil, Gas & Mining

Rec Spec III
Title

Peter Hess
Signature



Calc

NO. N 96-46-4-3

notice of violation

To the following Permittee or Operator:

Name Cyprus-Plateau Mining Corporation
 Mine Willow Creek Preparation Plant 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 12/9/96, 19____
 Time of inspection 8:30 a.m. p.m. to 10:00 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.

Z 382 122 640
 Date of service/mailling 12/9/96

Time of service/mailling 2:30 a.m. p.m.

Bew Grimes
 Permittee/Operator representative

Senior Project Engineer
 Title

Mailed from PFO - DOGM
 Signature

Peter Hess
 Division of Oil, Gas & Mining representative

Reclamation Specialist III
 Title

Peter Hess
 Signature

#46
 Identification Number

SEE REVERSE SIDE

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



NOTICE OF VIOLATION NO. N 96-46-4-3

Violation No. 1 of 3

Nature of violation

"Failure to design diversions"
"Failure to provide designs and/or cross sections for current operations for the 100 year 6 Hr. storm event for the School House Canyon coal preparation waste rock site".

Provisions of act, regulations or permit violated

R 645 - 301 - 512.140
R 645 - 301 - 722.200

Portion of operation to which notice applies

The School House Canyon coal preparation waste rock site located within the Willow Creek preparation plant disturbed area.

Remedial action required (including any interim steps)

1) Submit complete and adequate drainage diversion designs and/or cross sections for the 100yr. 6Hr. storm event for current operations of the School House Canyon coal preparation waste rock site".

Abatement time (including interim steps)

1) 30 days from 12/9/96, or 1/8/97.



NOTICE OF VIOLATION NO. N96-46-4-3

Violation No. 2 of 3

Nature of violation

- 1) "Failure to construct a coal preparation waste rock site as designed."
- 2) "Failure to construct a coal preparation waste rock site so as not to impede drainage or impound water."

Provisions of act, regulations or permit violated

- 1) R 645-301-746,200
- 2) R 645-301-513,400 (30 CFR 77.215 (e))
- 3) R 645-301-536,900

Portion of operation to which notice applies

The School House Canyon coal preparation waste rock site.

Remedial action required (including any interim steps)

1) Recontour the refuse pile so that the drainage requirements as indicated by the text of the current approved mining and reclamation plan are achieved, i.e. positive drainage off of the pile.

Abatement time (including interim steps)

1) 30 days from 12/9/96, or 1/8/97.



NOTICE OF VIOLATION NO. N96-46-4-3

Violation No. 3 of 3

Nature of violation

- 1) "Failure to maintain diversions"
- 2) "Failure to maintain a 100 yr. 6 hr. storm event diversion during current operations along the SW to NE side outslope of the School House Canyon coal preparation waste rock site."

Provisions of act, regulations or permit violated

- 1) R 645-301-742.312
- 2) R 645-301-513.400 (CFR 77.215(e))
- 3) R 645-301-536.900

Portion of operation to which notice applies

- 1) The SW to NE side outslope of the School House Canyon coal preparation waste rock site. Ditch is known as CGD-7.

Remedial action required (including any interim steps)

- 1) Upon DOGM approval of 100 yr. 6 hr. storm diversion design referred to under remedial action required (See N96-46-4-3, 1 of 3) implement said design according to specification.

Abatement time (including interim steps)

- 1) The diversion shall be implemented within 14 days of DOGM approval.

Cyprus - Plateau Mining Corp.

COMPANY/MINE

Willow Creek
Reep Plant

NOV/CO # N96-46-4-3

PERMIT #

ACT/007/038

VIOLATION #

OF

3

Failure to Design Diversion

HINDRANCE TO ENFORCEMENT VIOLATIONS INSPECTORS STATEMENT

A. HINDRANCE TO ENFORCEMENT (Answer for hindrance violations only such as violations concerning recordkeeping, monitoring, plans and certification.)

1. Describe how violation of this regulation actually X or potentially ____ (check one) hindered enforcement by DOGM and/or the public and explain the circumstances.

The MRP discusses 100yr. 6hr. storm drainage diversions utilized during "current operation" of the pile. The designs in the MRP are for "final operation of the pile". Ben Grimes called A.M. of 12/12/96 indicating "final operation" designs are also "current operation" designs.

B. DEGREE OF FAULT (Only one question applies to each violation, check and discuss.)

()

No Negligence

↳ Clear as mud - hence hinderance.

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.

(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.

A lot of the MRP was inherited from a previous permittee. The current permittee is just finding out about the problems with this permit.

()

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.

Cyprus - Plateau
COMPANY/MINE Willow Creek Prep Plant NOV/CO # 96-46-4-3

PERMIT # ACT/007/038 VIOLATION # 1 OF 3

() 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.

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 permittee has already contacted the consultant, EarthFax Engineering, to begin remedying numerous problems with the MRP. I consider this an exceptional effort.

- 2 Explain whether or not the operator had the necessary resources on site to achieve compliance. *Must contract out.*

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

Def Designs for "Final Operation"; must be made clear that these are the same for "current operation."

12/12/96
DATE

Peter Luss
AUTHORIZED REPRESENTATIVE

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.

c. Damage to Property - refuse pile specifications are written to prevent pile failure - a failure from a pile of this magnitude could cause extensive damage, i.e. wipe out railroad tracks, refuse in Price River, etc.

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. This pile was not being constructed according to specification as designated in the mining and reclamation plan. Drainage profiles were non-existent. The potential for a pile failure increases with retained moisture.

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

DISTURBED AREA

Would: Yes No
 Does: Yes No

PERMIT AREA

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.

It is impossible to say how much ^{damage} would occur. That is proportionate to the magnitude of failure. This pile contains millions of yards of refuse.

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.

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.

An MSHA inspector had previously mentioned a problem with the drainage profile to the permittee approximately one week earlier. Nothing appeared to have been done during the one week to attempt to correct this problem.

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.

→ Additional piles of refuse continued to be placed in the interim.

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 is pending as of 12/11/96.

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

The permittee's representative is always complaining about the lack of resources on site.

It seems resources always become available after a violation is written.

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

12/11/96

DATE

Peter Less #46

AUTHORIZED REPRESENTATIVE

COMPANY/MINE Cyprus Plateau Mining Corp. NOV/CO # N96-46-4-3

PERMIT # ACT/007/038 VIOLATION # 3 OF 3
Failure to maintain diversions

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.

Diversions are critical in controlling/assisting in proper drainage of the refuse pile. Poor refuse drainage is an important issue regarding refuse pile failure. Failure of this pile could kill numerous employees and flow to Price River.

2. Has the event occurred? Yes _____ No X *to Price River.*

If yes, describe it. If no, what would cause it to occur and how likely is it that it would happen.

Poor refuse drainage could cause the refuse pile to fail. Ditches are not installed to promote proper drainage of the pile.

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

DISTURBED AREA

PERMIT AREA

Would: Yes X No _____
Does: Yes _____ No X

Would: Yes X No _____
Does: Yes _____ No X

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.

I believe that a refuse pile, this size, could flow to the Price River, destroying the D+RGW track and much of the preparation plant facilities.

Potential damage off the disturbed area. Yes X No _____
Potential damage off the permit area. Yes X No _____

Also could slow the Price River + water pollution.

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.

(X) 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.

It appears that the permittee may have not been aware of what the requirements for the pile were. However, the pile is being P.E. certified at least 4 times a year. I would think a P.E. would want adequate drainage on a refuse pile before he placed

() 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 QSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

→ his certification on it.

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.

Abatement is still pending as of 12/12/96.

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

The operator is at present, subcontracting much of the compliance work out. However, I think the permittee should get an area in compliance before he start utilizing it in the coal preparation process.

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

The are no designs for the 100yr. 6hr. storm diversions for the "current operation" phase of the refuse pile in the mining and reclamation plan.

12/12/96
DATE

Peter Hess
AUTHORIZED REPRESENTATIVE