



NO. C 2000-46-1-1

cessation order

To the following Permittee or Operator:

Name West Ridge Resources, Inc.

Mine West Ridge Mine Surface Underground Other

County Carbon State Utah Telephone (435) 636-5558

Mailing Address P.O. Box 902, Price, Utah 84501

State Permit No. ACT/007/041

Ownership Category State Federal Fee Mixed

Date of inspection 2/6/2000, 19

Time of inspection 7¹⁵ a.m. p.m. to 7⁴⁰ a.m. p.m.

Operator Name (other than Permittee) _____

Mailing Address _____

Under authority of the Utah Coal Mining & 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 that a Cessation Order must be issued with respect to each of the conditions, practices or violations listed in the attachment(s). This order constitutes a separate Cessation Order for each condition, practice or violation listed.

In accordance with Section 40-10-22, *Utah Code Annotated*, you are ordered to **cease immediately** the operations described in the attachment(s) and to perform the affirmative obligations described in the attachment(s) within the designated time for abatement. Reclamation operations not directly the subject of this order shall continue while this order is in effect. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that this order does does not require cessation of mining expressly or in practical effect. For this purpose, "mining" means extracting coal from the earth or a waste pile, and transporting it within or from the mine site.

This order 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 Division of Oil, Gas & Mining.

Certified Return Receipt # 382 1291497

Date of service/mailling 2/7/2000 Time of service/mailling 12³⁰ a.m. p.m.

Mike Glasson
Permittee/Operator representative

Mailed/Faxed from PFO
Signature

Senior Geologist
Title

Peter Hess
Division of Oil Gas & Mining representative

Peter Hess
Signature

Reclamation Specialist III
Title

#46
Identification Number

SEE REVERSE SIDE
WHITE-DOG M YELLOW-OPERATOR PINK-OSM GOLDENROD-NOV FILE



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

SM 160 ACT/DO7041 C00-46-1-1
PS Form 3800, March 1993

Send to Mike Glasson West Ridge Resources Inc	
Street and No. PO Box 902	
P.O. State and ZIP Code Price UT 84501	
Postage	\$.33
Certified Fee	1.45
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.20
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	EAGLE STAR PRICES 1.98
Postmark or Date	FEB 07 2000

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 finding and inform you disagree with et seq.)

If this notice requires you to cease operations or the condition, permit within the 30-day date, time and location

3. FORMAL REVIEW.

You may apply for a formal hearing 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 Utah Admin. R. 645-401-800 et seq.

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 **Utah Code Annotated** Section 40-10-20, 21, 22 and 23, Utah Admin. R. 645-400-300 et seq. and R. 645-401 et seq. or contact the Division of Oil, Gas & Mining at (801) 538-5340.



CESSATION ORDER NO. C 2000-46-1-1

Violation No. 1 of 1

Nature of condition, practice or violation

- 1) Barring access to 1.2 miles of Carbon Co. public road
- 2) Failure to comply with the terms and conditions of the approved permit, applicable performance standards, and requirements of the State program.
- 3) Conducting mining activities outside of the approved Mine permit area.

Provisions of act, regulations or permit violated

- 1) 2) R 645-300-142 and 143, R 645-301-560
R 645-300-121.150
- 3) R 645-300-141

Check appropriate box

- Condition, practice or violation is creating an imminent danger to health or safety of the public.
- Permittee/Operator is ~~has been~~ conducting mining activities without a permit.
- Condition, practice or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources.
- Permittee or Operator has failed to abate Violation(s) No. _____ included in Notice of Violation No. N. _____ within time for abatement originally fixed or subsequently extended.

Operation(s) to be ceased immediately

The permittee will cease closing the security gate 1.2 miles SW of the Mine's disturbed area perimeter. The gate bars public access to the portion of the County road. This action contradicts the permittee's approved mining and reclamation plan.

Affirmative obligation(s) and abatement time (if applicable)

- 1) Cease using Gate immediately.

Performance Standard: A-3,

EVENT VIOLATIONS INSPECTORS STATEMENT

Company/Mine West Ridge Resources, Inc.
Permit # ACT 1007/0041

NOVTCO # 2000-46-1-1
Violation # 1 of 1

A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of events below and remember that the event is NOT the same as the violation. Mark 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, diverse and effective vegetative cover.
- i. No event occurred as a result of the violation.
- j. Other.

Explanation:

2. Has the event occurred? Yes No

Yes: Describe it. The permittee barred public access to 1/4 miles of Carbon Co. public road.
 No: What would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: The permittee installed a security gate to keep unauthorized personnel from the Mine site. Some vandalism has occurred at the site. The gate was built .2 miles outside the Mine's disturbed area perimeter. The road from the Mine loadout coal truck loading loop to Highway

3. Did any damage occur as a result of the violation?

- No.
- Yes: 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 it would extend off the disturbed and/or permit area.

Explanation:

Cont'd. → 123 is a Carbon County class "B" public road. Hence, the permittee barred access to ≈ 2,000 feet of County road.

B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss.)

- () Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation:

- Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: *The permittee was made aware as far back as November '99 that the gate standards were outside the permit area and that use of the gate was contradictory to the approved MRP. They were also told using the gate prior to proper approvals would generate a CO.*

- () If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation:

- () Was the operator in violation of a specific permit condition?

Explanation:

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

Explanation:

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.

Rapid compliance is achievable; the permittee must open and keep open the gate at all times until the road is properly permitted.

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

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

Peter Hess
Authorized Representative

Peter H. Hess
Signature

2/7/2000
Date 2:30 PM

Additional Information:

- 1) No environmental damage occurred.
- 2) The permittee has apparently ignored the guidance offered by the UDNR/OGM to avoid a compliance issue.