0034

STATE OF UTAH
NATURAL RESOURCES
Division of Oil, Gas & Mining

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



# notice of violation

## NO. N 02-49-2-1

To the following Permittee or Operator:

Name West Ridge Resources, Inc.

Mine West Ridge ☐ Surface ☒ Underground ☐ Other

County Carbon State Utah Telephone (435) 564-4000

Mailing Address P.O. Box 1077, Price, Utah 84501

State Permit No. C/007/041

Ownership Category ☐ State ☐ Federal ☐ Fee ☒ Mixed

Date of inspection ① 11/15/2002 & / 11/19/2002 ②, 19 ____.

Time of inspection ① 9:30 / ② 9:30 ☒ a.m. ☐ p.m. to ① 11:00 / ② 10:30 ☒ 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 11/19/2002 Time of service/mailing 10:30 ☒ a.m. ☐ p.m.

Gary Gray
Permittee/Operator representative

Engineer/Resident Agent
Title

John C. Jewiz FOR GARY GRAY
Signature

Karl R. Housteeper
Division of Oil, Gas & Mining representative

Environmental Scientist III
Title

Karl R. Housteeper
Signature

#49
Identification Number

**SEE REVERSE SIDE**

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

DOGM/NOV-1

an equal opportunity employer

Rev. 5/92

## 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 Utah Admin. R. 645-400-350 et seq.)

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 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.

UTAH
NATURAL RESOURCES
Oil, Gas & Mining



# NOTICE OF VIOLATION NO. N 02-49-2-1

Violation No. 1 of 1

Nature of violation

Diverting mine water through disturbed culverts and diversions. Storing mine water in the sediment pond. Culverts, diversions and sediment pond are not designed for conveyance and/or storage of mine water. According to the approved MRP (Mining Reclamation Plan) these structures are only designed and approved to handle surface runoff from the approved disturbed area.

Provisions of act, regulations or permit violated

R645-301.200
R645-301.210
R645-301.300
R645-300.143
UCA 40-10-18(12)(iii)

Portion of operation to which notice applies

Disturbed culverts, diversions and sediment pond. UPDES outfalls 001 (sediment Pond) and 002 (mine water discharge).

Remedial action required (including any interim steps)

Route mine water to utilize and maintain compliance with the approved UPDES Permit, i.e. outfall 002 mine water discharge, and/or submit designs and a plan that allows the mine water to be handled and treated by other Facilities.

Abatement time (including interim steps)

December 19, 2002

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