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gch

UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name

Western States Minerals Corporation

Mailing Address

250 South Rock Blvd, Suite 130 Reno NV 89502

State Permit No.

ACT/015/002

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

Notice of Violation No. N

91-32-6-1

dated

Dec. 19

, 19 *91*

Cessation Order No. C

dated

, 19

Part 1 of 1 is modified as follows:

per pursuant to Erosion Control Plan submitted March 16, 1992 is

Reason for modification is

under review and will require an extension of the abatement

Part of is modified as follows:

date until April 30, 1992

Reason for modification is

Administrative Delay

Part of is modified as follows:

Date of service/ mailing

3/30/92

Time of service/ mailing

3:00

a.m. p.m.

Date of Inspection

December 12, 1991

Permittee/Operator representative

Title

Signature

PAMELA GEMBROUGH-LITTLE
Division of Oil, Gas & Mining

Permit Supervisor
Title

Signature



UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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Copy Penny *pgk*
gd

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Western States Minerals
Mailing Address 250 South Rock Blvd, Suite 130 Reno, NV 89502
State Permit No. ACT/015/002 (J.B. King Mine)

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

Notice of Violation No. N 91-32-6-1 dated Dec. 19, 19 91.

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

Part 1 of 1 is modified as follows: The remedial action

required for this abatement will be
modified to be " submission of a complete
Reason for modification is and adequate plan for design and

Part _____ of _____ is modified as follows: Construction of the

feeder ditch and the main feeder
Reason for modification is ditch to meet the requirements
of UCA 40-10-1 et seq and Utah Administrative

Part _____ of _____ is modified as follows: Code R645-100-1 et seq.

Cover Findings, Conclusions, and "Order" issued
by Director Pierre R. Nielson 3/10/92.

Date of service/ mailing March 13, 1992 Time of service/ mailing 3:00 a.m. p.m.

Date of inspection 12/12/91

Arwight Crossland
Permittee/Operator representative

Title

Signature

PARASLA GRUBBUGH-LITTLE
Division of Oil, Gas & Mining

Permit Supervisor
Title

Chela Grubbugh Little
Signature



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Oil, Gas & Mining

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gk pgl

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name J. B. KING MINE / WESTERN STATES MINERALS
Mailing Address 84 GLEN CARRAN CIRCLE, SPARKS NV. 89431
State Permit No. ACT/015/002

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

Notice of Violation No. N 91-32-6-1 dated 12/19, 19 91.

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

Part 1 of 1 is modified as follows: ABATEMENT TIME: NO LATER THAN 5:00 P.M. MARCH 16, 1992

Reason for modification is AGREEMENTS MADE IN THE ASSESSMENT CONFERENCE HELD ON FEBRUARY 11, 1992

Part _____ of _____ is modified as follows: _____

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Date of service/mailling 2/18/92

Time of service/mailling 3:00 a.m. p.m.

Date of inspection 12/16/91

DWIGHT CROSSLAND
Permittee/Operator representative

Title

Signature

HENRY SAUER
Division of Oil, Gas & Mining

Senior Reclamation file specialist #32
Title

Henry Sauer
Signature



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John Page

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Western States Minerals Inc. (J.B. King)

Mailing Address Suite 130, 250 S Rock Blvd., Reno, Nevada 89502

State Permit No. ACT/015/002

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

Notice of Violation No. N 91-32-6-1 dated 12/19, 19 91.

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

Part 1 of 1 is modified as follows: abatement deadline is extended to May 15, 1992

Reason for modification is administrative delay.

Part ____ of ____ is modified as follows: _____

Reason for modification is _____

Part ____ of ____ is modified as follows: _____

Date of service/mailling 4/29/92 Time of service/mailling 3:00 a.m. p.m.

Date of inspection 12/16/91

Dwight Crossland
Permittee/Operator representative

Title

Signature

Susan M. White
Division of Oil, Gas & Mining

Reclamation Biologist
Title

Susan M. White
Signature

7100



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Opd pgl

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name WESTERN STATES MINERALS INC (JB KING)

Mailing Address SUITE 130, 250 S ROCK BLVD, RENO NV 89502

State Permit No. ACT/015/002

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

Notice of Violation No. N 91-32-6-1 dated 12/19, 19 91.

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

Part 1 of 1 is modified as follows: ABATEMENT DEADLINE IS EXTENDED TO JUNE 30, 1992.

Reason for modification is OPERATOR REQUEST.

(see approval letter dated May 22, 1992 from LRB); request letter dated May 11, 1992

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Date of service/mailling 5/22/92

Time of service/mailling 3:00 a.m. p.m.

Date of inspection 12/16/91

DWIGHT CROSSLAND

Permittee/Operator representative

Title

Signature

SUSAN M. WHITE

Division of Oil, Gas & Mining

RECLAMATION BIOLOGIST

Title

Susan M. White
Signature



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John P. King

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name WESTERN STATES MINERALS INC (J.B. KING)

Mailing Address SUITE 130, 250 S ROCK BLVD, RENO NV 89502

State Permit No. ACT/015/002

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

Notice of Violation No. N 91-32-6-1 dated 12/19, 19 91.

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

Part 1 of 1 is modified as follows: ABATEMENT DEADLINE IS EXTENDED TO JUNE 15, 1992.

Reason for modification is ADMINISTRATIVE DELAY *(Meeting held 5/6/92 with Dianne Nielson)*

Part ____ of ____ is modified as follows: _____

Reason for modification is _____

Part ____ of ____ is modified as follows: _____

Date of service/ mailing 5/12/92 Time of service/ mailing 3:00 a.m. p.m.

Date of inspection 12/16/91

DWIGHT CROSSLAND
Permittee/Operator representative

Title

Signature

SUSAN M. WHITE
Division of Oil, Gas & Mining

RECLAMATION BIOLOGIST
Title

Susan M. White
Signature

cc Henry Dauer



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Jdb

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name J. B. King Mine

Mailing Address 250 South Rock Boulevard, Suite 310, Reno NV 89502

State Permit No. ACT/015/002

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

Notice of Violation No. N 91-32-6-1 dated December 19, 1991

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

Part 1 of 1 is modified as follows: Abatement date is

extended to September 15, 1992 for

Reason for modification is submission of abatement plan

and October 15, 1992 for final abatement.

Part _____ of _____ is modified as follows: (See letter to Mr. Dwight

Crossland from Mr. Dianne Nielson

Reason for modification is dated August 19, 1992)

Part _____ of _____ is modified as follows: _____

Date of service/ mailing 8/24/92

Time of service (mailing) 3:00 a.m. p.m.

Date of inspection _____

Dwight Crossland
Permittee/Operator representative

Title

Signature _____

DAMELA GAMBROUGH-LITTLE
Division of Oil, Gas & Mining

Permit Supervisor #20
Title

DAMELA GAMBROUGH-LITTLE
Signature

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

DOGM/MVC-1

Copy Henry

an equal opportunity employer

Rev. 12/86 001059



gd

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name J. B. King Mine
Mailing Address 250 South Rock Boulevard, Suite 130
Reno, NV. 89502
State Permit No. ACT/06/002

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

Notice of Violation No. N 91-32-6-1 dated December 19, 1991.

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

Part 1 of 1 is modified as follows: Abatement is extended
to January 24, 1993 per letter dated
Reason for modification is December 7, 1992 from
Dr. Dianne R. Nielson.

Part _____ of _____ is modified as follows: _____

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Date of service/ mailing 12/14/92

Time of service/ mailing 3:00 a.m. p.m.

Date of inspection 12-19-91

Mr. E. M. Serice
Permittee/Operator representative

Vice President of
Title Operations

Signature

Lowell P. Braxton
Division of Oil, Gas & Mining

Acting Mining
Title

Lowell P. Braxton
Signature



Page 4

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Western States Minerals Corporation
Mailing Address 250 South Rock Blvd, Suite 130 Reno, NV
State Permit No. ACT/012/002 89502

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

Notice of Violation No. N ~~91-35-7-1-1~~ ^{NGR-35-6-1-1} 722M dated November 18, 1991 19 91
91-32-6-1 dated December 15, 1991

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

Part 1 of 1 is modified as follows: abatement is extended
for all three above-noted violations

Reason for modification is to May 28, 1993 (per letter
to E.M. Jerick dated January 26, 1993

Part _____ of _____ is modified as follows: from Lowell Braxton,
Acting Director).

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Date of service/ mailing 2/8/93 Time of service/ mailing 3:00 a.m. p.m.

Date of inspection _____

E.M. Jerick
Permittee/Operator representative

Vice President of Operations
Title

Signature _____

Lowell Braxton
Division of Oil, Gas & Mining

Assoc. Director Mining
Title

James J. Braxton
Signature



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CORRECTED

pag

(Supersedes modification mailed 2/8/93)

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Western States Minerals Corporation
Mailing Address 250 South Rock Blvd, Suite 130, Reno NV 89502
State Permit No. ACT/015/002

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

Notice of Violation No. N N91-35-6-1 dated November 18, 1991, 19 91
N91-32-6-1 dated December 17, 1991, 19 91

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

Part 1 of 1 is modified as follows: abatement is extended
for ~~the~~ the two above-noted violation

Reason for modification is: to May 28, 1993 (per letter to
E. M. Gerick dated January 26, 1993 from

Part _____ of _____ is modified as follows: Lowell Braxton, Acting
Director)

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Date of service (mailing) 3-12-93 Time of service (mailing) 11:30 a.m. p.m.

Date of inspection _____

E. M. GERICK
Permittee/Operator representative

VICE PRESIDENT OF OPERATIONS
Title

Signature _____

LOWELL BRAXTON
Division of Oil, Gas & Mining

ACTING DIRECTOR
Title

Signature Lowell P Braxton
3-12-93



gfd

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Western States Minerals Corporation

Mailing Address 250 South Rock Road, Suite 130, Reno, NV 89502

State Permit No. ACT/015/002

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

Notice of Violation No. N 91-32-6-1 dated December 19, 1991.

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

Part 1 of 1 is modified as follows: to extend abatement

& this violation to July 30, 1993, effective
Reason for modification is May 28, 1993. Reason - Administrative
Delay based on meeting held in the field 6-21-93

Part _____ of _____ is modified as follows: _____

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Date of service (mailing) 7-6-93 Time of service (mailing) 3:00 a.m. p.m.

Date of inspection _____

Permittee/Operator representative _____

Title _____

Lowell P. Braxton
Signature

Associate Director
Title

LOWELL P. BRAXTON
Division of Oil, Gas & Mining

Lowell P. Braxton
Signature



Gch

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Western States Minerals Corporation
Mailing Address 250 South Rock Blvd, Suite 130, Reno NV 89502
State Permit No. ACT/015/002

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

Notice of Violation No. N 91-32-67 dated December 19, 1991.

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

Part 1 of 1 is modified as follows: abatement is extended

to February 18, 1994 per operator request
Reason for modification is and approval by Lowell P. Braxton, see attached.

Part _____ of _____ is modified as follows: _____

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Date of service/ mailing 1/18/94 Time of service/ mailing 3:00 a.m. p.m.

Date of inspection _____

E. M. GERICK
Permittee/Operator representative

V. P. O.
Title

Signature
Amela Embaugh Fittig
Division of Oil, Gas & Mining
Amela Embaugh Fittig
Signature

Permit Supervisor
Title

Certified Mail
#P 143 960 979



January 11, 1994

Ms. Pamela Grubaugh-Littig
 Permit Supervisor
 Utah Division of Oil, Gas and Mining
 355 West North Temple
 3 Triad Center, Suite 350
 Salt Lake City, Utah 84180-1203

(1) No interim abatement has been required by DOB
 (2) Operator's request for more field data prior to development of requisite is contemplated at 645-400-327. Operator's basis for additional data was established in 12-30-93 mtg w/ DOB and is supported by its participants in the meeting

L/S
1-12-94

Re: J.B. King Mine, ACT/015/002, Emery Co., Ut

Dear Ms. Grubaugh-Littig:

Thank you for meeting with us on December 30, 1993 regarding reclamation work to be performed at the J.B. King site. We feel that the meeting was very productive; and we appreciate the guidance and support expressed by you, Tom, and Lowell.

In order to respond in accordance with the guidelines discussed during our December 30 meeting, additional field data will need to be developed. The time required to develop this data and incorporate it into an appropriate response will take longer than the time currently allowed by the Division (January 17, 1994). Therefore, we respectfully request approximately an additional 30 days, until February 18, in which to respond.

The response proposed to be submitted on February 18 will contain plans to address the reconstruction of the main and feeder channels at the site, as well as other modifications to specifically address concerns expressed in NOV's N93-32-6-1, N93-25-3-1 and N93-25-5-1. When these plans are approved by the Division, the on-site implementation will proceed as quickly as practicable.

Again, we appreciate your help and consideration in this matter.

Very Sincerely,

E.M. (Buzz) Gerick
 V.P. Operations

cc: Barry J. Barnum, HAL, Inc.
 Sam Bamberg, Bamberg Assoc.
 J.B. King file
 Larry Berg



UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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MODIFICATION OF NOTICE OF VIOLATION / CESSATION ORDER

To the following Permittee or Operator:

Name Western States Minerals Corporation

Mailing Address 250 S. ROCK BLVD., SUITE 130, RENO, NV 89502

State Permit No. ACT/015/002

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

Notice of Violation No. N 91-32-6-1 dated December 19, 19 91.

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

Part 1 of 1 is modified as follows: Abatement Deadline: No later than 5:00 P.M. August 20, 1994

Reason for modification is as per operator requests dated May 17, 1994.

Part _____ of _____ is modified as follows: _____

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Date of service/ mailing 6/1/94 ~~XXXXXX~~

Time of service/ mailing 3:00 a.m. p.m.

Date of inspection December 19, 1991

E.M. (RUZZ) Gerich
Permittee/Operator representative

V.P. Operations
Title

Signature

HENRY SAUER
Division of Oil, Gas & Mining

Senior Reclamation Soils Specialist
Title

Signature



gpk

VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name WESTERN STATES MINERAL CORPORATION

Mailing Address 250 SOUTH ROCK BLVD, SUITE 130, RENO

State Permit No. ACT/015/002 NV. 89502

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

Notice of Violation No. N 91-32-6-1 dated DEC. 19, 19 91.

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

Part ____ of ____ is vacated terminated because The operator has constructed the Main Feeder Ditch and the Feeder Ditch in accordance with their

Part ____ of ____ is vacated terminated because approved ^{updated} permit (see Permit Amendment Act/015/002-94C)
(per field visit of 1/10/95) Field work was completed 12/22/94 (per attached letter.)

Part ____ of ____ is vacated terminated because _____

CERTIFIED MAIL 074 976 100

Date of service/ mailing 2/7/95 Time of service/ mailing 3:30 a.m. p.m.

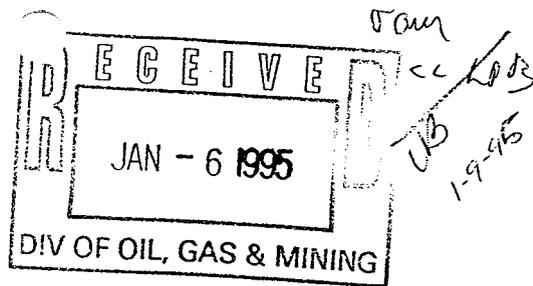
E.M. GERICK Permittee/Operator representative Title

MAILED FROM DOGM OFFICES Signature

HENRY SAUER Division of Oil, Gas & Mining Title REC. SPEC.

Tom Munson for Signature Henry Sauer





Certified Mail
Return Receipt Requested

January 2, 1995

Mr. Lowell Braxton, Associate Director-Mining
State of Utah
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Copy [unclear] [unclear]
cc'd to copy
[unclear]
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#2 c#15

Re: J.B. King Mine, ACT/015/002, Folder #2, Emery County, Utah -Progress Report - Field Abatement of NOV's #91-32-6-1 & #93-25-3-1 was completed on December 22, 1994.

Dear Lowell:

As you are probably aware, field abatement of NOV's #91-32-6-1 & #93-25-3-1 began November 21, 1994 and was completed December 22, 1994. In addition, a *Permit Amendment* to the J.B. King Reclamation Plan was mailed to your office on November 28, 1994, care of, Ms. Pamela Grubaugh-Littig.

However, to date I have not had any written response as to the completeness or acceptability of that submittal. Once our surveyor has completed transcribing his notes and drafting the results of those surveys, I'll send you as-built drawings of the completed fieldwork. Hopefully, I'll have these to you by the end of January or sooner.

An invoice for the work completed on the Test Plot will be submitted to your office sometime around mid-January, once I have a thorough accounting of all costs associated with the project. I am planning a site visit to the project on January 10, 1995, to review all completed work, and would like to invite you and any of your staff to join me.

Please let me know if you need any additional information to terminate NOV's #91-32-6-1 & #93-25-3-1.

Sincerely,

E.M. (Buzz) Gerick
Vice President, Operations

CC: D. Haddock, DOGM
J. Helfrich, DOGM



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)

October 3, 1994

E. M. Gerick, Vice President of Operations
Western States Minerals Corporation
250 South Rock Boulevard, Suite 130
Reno, Nevada 89502

Re: Finalization of Reclamation Plan Review, Western States Minerals Corporation, J. B. King Mine, ACT/015/002, Folder #3, Emery County, Utah

Dear Mr. Gerick:

The Division has completed a review of your revised reclamation plans for the J. B. King Mine site. Your plans are considered adequate to allow the proposed construction to proceed with the following conditions.

1. That the sides of the refuse pile be covered with a minimum of 4 feet of suitable cover material.
2. That an effective measure be implemented to control erosion of the refuse pile slopes.
3. That analysis of the excavated channel material as well as the sewage sludge be provided in order to determine their suitability for use as cover material.
4. Upon decommissioning, the old channel areas must be softened to blend in with the existing surroundings and provide areas beneficial to plant growth. Disturbance to existing vegetation should be avoided.
5. Construction of the main channel must, at a minimum, meet the criteria of a 100 year-6 hour storm. Excavation must be evaluated in the field to insure that coal or other detrimental materials, unearthed during construction, are adequately handled and that channel slopes will remain stable per the criteria outlined in the approved PAP.
6. Within 30 days, your NOV abatement and accepted reclamation plans must be formatted for insertion to the overall J.B. King Reclamation Plan in order to bring it up to date. Eight (8) copies will need to be submitted.

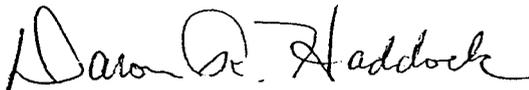
We encourage you to proceed with the construction activities as quickly as possible.

Page 2
ACT/015/002
September 30, 1994

While your plans are adequate to allow construction at the site to proceed, there are still a number of problems with your proposed methods to determine a revegetation and erosional standard for the minesite. As discussed on the phone, the Division is willing to facilitate a meeting between our technical staffs to work out an acceptable solution to this problem. It is agreed that at the conclusion of this meeting, criteria for evaluating revegetation and erosion at the J. B. King minesite will be established. A facilitator may be utilized if necessary. It is also understood that if an acceptable method cannot be agreed upon, Western States Minerals Corporation may request a hearing before the Board pursuant to R645-300-200. The meeting should be scheduled within the next 30 days. Please call to make arrangements.

We appreciate your help during the permitting process. Please call if you have any questions.

Sincerely,



Daron R. Haddock
Permit Supervisor

cc: L. Braxton
P. Grubaugh-Littig
T. Munson
H. Sauer
S. White
BUZZLETT.JBK



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)

November 2, 1994

E. M. Gerick
Vice President of Operations
Western States Minerals Corporation
250 South Rock Boulevard, Suite 130
Reno, Nevada 89502

Re: Second Request for Time Extension on Notice of Violations N91-32-6-1, N93-25-3-1 and N93-25-5-1, Western States Minerals Corp., J. B. King Mine, ACT/015/002, Folder #3, Emery County, Utah

Bury
Dear Mr. Gerick:

The Division has reconsidered your request for extending the abatement periods on Notice of Violations ("NOV") N91-32-6-1, N93-25-3-1 and N93-25-5-1. This last NOV has been terminated and the Division is sending notice of this action under separate cover. While we understand your concerns about having adequate and mutually agreeable plans in place for abatement of N91-32-6-1 and N93-25-3-1, we do not feel that further delays are acceptable or that extending the time will provide any clearer picture of what needs to be accomplished on the ground. Our October 3, 1994, letter authorized you to proceed with field work. You have indicated that it is unclear which of the numerous past proposals is the one that the Division has authorized. For the sake of clarification, the Division hereby authorizes you to follow and use your February 1994, Appendix to Permit plus the modifications and supplemental information provided through October 26, 1994, with the following corrections:

- 1) The proposed "toe ditch" should not be constructed.
- 2) That during the construction of the main channel and feeder ditch, WSMC provide for the least amount of lateral disturbance while yet providing for the passage of the required design storm. This can be achieved through the use of side slopes greater than 2h:1v. However, any areas of the channel excavation where the side slopes appear unstable in the field will be laid back to a maximum of 2h:1v to achieve a minimum flow design cross-section. The decision to construct greater than 2h:1v side slopes will be determined based on visual observation during construction and verified through "as-builts" after construction.
- 3) That vegetative standards will remain as specified in the currently approved plan.

Page 2
E. M. Gerick
ACT/015/002
November 2, 1994

- 4) That an average of four feet of cover be maintained on the side slopes of the refuse pile.

The Division feels that you now have final approved plans for NOV abatement. Granted, they may not be readily insertable into your overall reclamation plan, but we feel they are acceptable for construction purposes and getting them incorporated can be accomplished later. Particularly since "as-built" designs will be required.

Again, we want to stress the importance of getting the NOVs abated.

We encourage you to proceed with the abatement of the NOVs as expeditiously as possible. In order to accommodate the tight time frame which you now have, we will consent to extend the abatement period to November 30, 1994. The Division will review the mining and reclamation plan in early December 1994, to determine if the updates to the MRP required for NOV abatement have been submitted. A field inspection will also be conducted in early December to determine your compliance with the abatement requirements.

Please call if you have any questions.

Sincerely,



Lowell P. Braxton
Associate Director, Mining

vb
cc: D. Haddock
J. Helfrich
H. Sauer
T. Munson
PROCEED.JBK



UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Western States Minerals Corporation
Mailing Address 250 South Rock Blvd, Suite 130, Reno NV 89502
State Permit No. ACT/015/002

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

Notice of Violation No. N 91-22-6-1 dated December 19, 1991

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

Part 1 of 1 is modified as follows: The Division will consider the

submission of additional data under the authority of
Reason for modification is R645-301-742.314 (incorrectly noted in 12/7/92
letter) that discusses final reclamation configuration

Part _____ of _____ is modified as follows: and design in addition.

to the already modified abatement in the
Reason for modification is Order dated March 10, 1992 from Drianna
R. Nielson which is "abatement will be the

Part _____ of _____ is modified as follows: submission of a complete and
adequate plan for design and construction of the feed
data to meet the (requirements) of UCA 40-10-1 et seq and UAC R645-160-1 et
seq.

Date of service/ mailing _____ Time of service/ mailing _____ a.m. p.m.

Date of inspection _____

E.M. Gerich
Permittee/Operator representative

Title

Signature
LOWELL P. BRAXTON
~~PAMELA SPANGLER~~
Division of Oil, Gas & Mining

Acting Director
Title

Signature
WHITE - DOGM YELLOW - OSM PINK - PERMITTEE/OPERATOR GOLDENROD - NOV FILE
DOGM/MVC-1