

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 91-35-6-1 dated November 18, 19 91.

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

Part 1 of 1 is modified as follows: The abatement is changed

~~from "address the requirement to"~~ The Division will
Reason for modification is accept the proposal to remove silt
fence, without placement of additional structure, to

Part _____ of _____ is modified as follows: satisfy the permit stipulation.

Abatement will be accomplished when the text and
Reason for modification is appropriate maps in the Mining and
Reclamation Plan are modified to read "The Division

Part _____ of _____ is modified as follows: "of silt fences". (Per letter to
E.M. Grick from Dianne R. Nielson dated
December 7, 1992).

Date of service (mailing) 5-21-93 Time of service (mailing) 11:00 a.m. p.m.

Date of inspection _____

E.M. Grick
Permittee/Operator representative

Title

Signature

LOWELL P. BRAXTON
Division of Oil, Gas & Mining

Associate Director, Mining
Title

Lowell P. Braxton
Signature



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)

May 20, 1993

CERTIFIED RETURN RECEIPT REQUESTED
No. P 540 713 949

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

Dear Mr. Gerick:

Re: Status of Notice of Violation, N91-35-6-1, January 20, 1993 Response to December 7, 1992 Division Letter, Western States Minerals, J.B. King Mine, ACT/015/002, Folder #2, Emery County, Utah

The Division staff has reviewed the additional information submitted by Western States Minerals Corporation (WSMC) required by the December 7, 1992, letter from the Division Director for the abatement of Notice of Violation (NOV) N91-35-6-1 and N91-32-6-1. This letter summarizes the findings of the technical staff regarding the information that was submitted and establishes the Division's position as to the adequacy of the response.

NOV N91-35-6-1

The December 7, 1992, letter stated that "Abatement of N91-35-6-1 will be accomplished when the text and appropriate maps in the Mining and Reclamation Plan are modified to show elimination of the silt fences."

Map JBK-1 was resubmitted with a revised date of January 5, 1993. The map indicated that the silt fences were eliminated but also deleted the green shading which identified the 3.8 acres of augmentative seeding done in October 1989. Additionally, the map was not recertified after these changes. The area of augmentative seeding must be delineated and the map certified prior to approval of Map JBK-1, Revision (1).

Therefore, this map may be accepted with the area of augmentative seeding accurately depicted on the map, and the map recertified. Per your discussion with



Page 2
Western States Minerals Corporation
J. B. King Mine
ACT/015/002
May 20, 1993

Lowell Braxton April 28, 1993, silt fences may be removed. However, it should be understood that the removal of the silt fences does not eliminate the need to control erosion by other means, nor that the configuration will meet future bond release criteria.

The following comments apply to modifications of the text of the permit to accommodate removal of the silt fences:

The text was changed pursuant to UMC 817.45 Hydrologic Balance: Sediment Control Measures to state that, "very little sediment has accumulated behind these silt fences." This statement is misleading and should be deleted due to the fact that the appearance of little sediment is due to the operator maintaining and cleaning out the accumulated sediment as requested during Division inspections and washing of the sediment downhill when they have not been maintained.

WSMC also revised the text to state that "after the silt fences are removed, the sediment will be spread out evenly." This statement should be changed to read that, "the sediment will be spread out unevenly."

WSMC has amended the text of UMC 817.106 Regrading and Stabilizing Rills and Gullies to allow onsite maintenance without restarting the bond clock. Pursuant to Utah Admin. R. 645-301-357.100 this inference must be removed from the amendment and the area in which gullies were repaired in 1992, must be delineated on Plate JBK-1 Revision (1) as augmentative.

WSMC has also amended the text regarding UMC 817.56 Post-Mining Rehabilitation and Sedimentation Ponds, Diversion, s Impoundments, and Treatment Facilities. Pursuant to R. 645-301-880.320, the sedimentation pond may not be allowed to fill in naturally. The text must be revised accordingly.

A proposal was made to allow the removal of topsoil material from the surface of the refuse pile by erosion and to allow the eventual exposure of coal refuse. This proposal does not meet the performance standards pursuant to R. 645-301-242, R. 645-301-553.250, R. 645-301-553.300, R. 645-301-731.300, and R. 645-301-745.113 and is therefore denied.

Page 3
Western States Minerals Corporation
J. B. King Mine
ACT/015/002
May 20, 1993

Conclusion

Violation N91-35-6-1 may be terminated upon the following: Map JBK-1, Revision (1) must be recertified and the area of augmentive seeding done in October 1989 redrafted on the map exactly where it was removed. Changes in the text suggested above, although not a specific condition of termination should be submitted along with the map. The attached modification of the NOV requires submission of the materials within 45 days following receipt of this letter.

Sincerely,



Lowell P. Braxton
Associate Director

vb

Enclosure

cc: P. Grubaugh-Littig
J. Helfrich

jbking

5-14-93



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

File

Norman H. Bangarter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

December 7, 1992

CERTIFIED RETURN RECEIPT REQUESTED
P 540 713 916

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

Dear Mr. Gerick:

Re: Western States Minerals Corporation, J. B. King Mine, NOV's
N91-35-6-1, N91-35-7-1, and N91-32-6-1, ACT/015/002,
Folder #5, Emery County, Utah

As we discussed at our August site meeting, the exchange of information and discussions of reclamation alternatives oriented towards abatement of these violations has been lengthy. This site review made me appreciate that although the facts of these violations are supportable, and abatement is required, a continued review of the options available to both Western States Minerals Corporation (WSMC) and the Division of Oil, Gas and Mining (DOG M) for abatement justified the extended review time. I have now reviewed the September 15, 1992, information submitted to abate these violations, and have discussed the applicability of this information with my staff. The following constitutes the agency's response for abatement of the individual NOV's.

N91-35-6-1

This NOV was issued for:

"Failure to comply with the terms and conditions of the permit. Failure to completely address and satisfy the requirements of permit stipulation R614-301-742.113 (TM) in a timely manner."

The portion of the operation to which the notice applies:

Page 2
E. M. Gerick
December 7, 1992

"All reclaimed surfaces with erosion problems."

Remedial action:

"Address the requirements of the stipulation in a complete and adequate manner that is in compliance with the regulations and acceptable to the Division."

The referenced stipulation reads:

"Within 60 days of permit approval, the applicant must submit a plan to provide long term solutions for phasing out silt fences and incorporating more permanent erosion control structures in their place. The plan must identify the structures that will be used and how they will be designed and implemented. The material must be submitted for insertion into the PAP."

Assessment of WSMC's Response

Page three of the September 15, 1992, submittal discussed N91-35-6-1. Dr. Bamberg's recommendations on page 3 provide language oriented to abatement of N91-35-6-1:

Allow vegetation and soils to continue to mature,

Prevent any man-made re-disturbance of the soil,

Remove silt fencing and other sediment control structures to allow the site to adjust to natural erosion rates given the configuration of the site.

The Division's evaluation of the site at the time the stipulation was written was that the silt fences were not performing the erosion control function anticipated in the Mining and Reclamation Plan, hence the permit stipulation and subsequent notice of violation.

Conclusion

The Division will accept the proposal to remove silt fences, without placement of additional structures, to satisfy the permit stipulation. Abatement of N91-35-6-1 will be accomplished when the text and appropriate maps in the Mining and Reclamation Plan are modified to show elimination of the silt fences. These permit changes must be submitted within 45 days of receipt of this letter.

Page 3
E. M. Gerick
December 7, 1992

In accepting silt fence removal as appropriate abatement of N91-35-6-1, the Division is not making a finding that the site is erosionally stable. The Division is not representing that, in the event of future erosion in the permit area, measures beyond those contemplated by Dr. Bamberg, will not be required. Nor is the Division representing that the present site configuration will meet future bond release criteria with respect to erosion.

If WSMC believes site stability can be enhanced by additional seeding and shrub planting at the time of silt fence removal, you are encouraged to discuss methodology and documentation with DOGM staff.

It is essential that the permit (Reclamation Plan) accurately reflect what is occurring on the ground. Any changes in the plan must be approved by the Division before implementation. Site maintenance in accordance with performance standards, rules, and the permit is an ongoing responsibility.

N91-35-7-1

This NOV was issued for:

"Failure to minimize erosion to the extent possible, and failure to minimize erosion off of the refuse pile."

Portion of the operation to which the notice applies:

"The reclaimed surface of the refuse pile and the slope south and east of the refuse pile."

Remedial action:

"Provide a complete and adequate plan to the Division outlining methods to minimize erosion on the areas referenced above."

Assessment of WSMC's Response

The September 15, 1992, submittal addresses abatement of N91-35-7-1 on pages 1-3. Although somewhat complicated by combining the abatement of N91-35-6-1 and N91-35-7-1 in one discussion, it is clear in WSMC's response that erosion control of the coal refuse pile carries considerably more baggage in the eyes of DOGM and WSMC than the issuing language and remedial action would imply. In the simplest sense, in issuing the violation, DOGM asked WSMC to demonstrate that, given observable erosion at the locations, it had controlled or prevented erosion

to the extent possible (R645-301-742.113).

WSMC's response did not enumerate additional steps that could enhance erosion control (as requested), but instead concentrated on discussions indicating that performance standards cited at R645-301-752 through 752.250 had not been violated. In responding to the NOV, WSMC provided a considerable amount of information suggesting many of the requisite sediment control performance standards are being satisfied.

Conclusion

The information provided by WSMC basically documents how the approved plan is performing. Since N91-35-7-1 asked for a plan "outlining methods to minimize erosion to the areas referenced" and did not allege performance standard violations beyond minimization of erosion, WSMC's response will be considered satisfactory for abatement purposes.

In making the finding that N91-35-7-1 is abated based on the September 15 submission, the Division is not representing that the present site configuration is acceptable for post-mining land use and bond release purposes or that compliance with the sediment control performance standards cited at R645-301-752 has been established with respect to future inspections.

The discussion of minimization of erosion may have a bearing on adequacy of cover material over the coal refuse pile. R645-301-553.252 establishes a minimum of four feet of cover over refuse materials. This regulation grants the Division authority to allow less than four feet of cover when a demonstration of soil stability and revegetation success can be made. WSMC's submittal included an analysis of the acid neutralization/acid generation potential for selected sample locations using the Nevada Meteoritic Water Mobility Test (NMWMT) procedure. While the data from this procedure are encouraging, if WSMC proposes to rely on the NMWMT procedure to substantiate compliance with water quality performance standards, it should ensure that samples collected and analyzed are representative of the site in a 3-dimensional sense. I would encourage you to discuss representative sampling with my staff. The Reclamation Plan should also be amended to reflect changes in the site or the criteria for evaluation of the site. It is essential that WSMC be able to demonstrate through monitoring, analyses, or other means that any erosion that occurs on-site will not adversely impact water quality off-site and on-site, with respect to the post-mining land use.

Page 5
E. M. Gerick
December 7, 1992

In support of the NMWMT procedure, a discussion of its comparability with other analytical techniques used for acid/toxic determination and its value as a measure of site conditions is necessary.

DOGM will be evaluating the J. B. King site in 1993, using an Erosion Condition Classification System developed by BLM and modified by OSM. We anticipate annual evaluations of the site using this technique to establish trends in site stability. We will make these results available to WSMC, and invite you to participate in discussions and field studies.

I believe continued coordination of results of vegetation surveys will enhance our ability to evaluate the appropriateness of cover to the post mining land use and bond release criteria. With respect to the vegetation survey, please include a concurrent survey of the reference area, so that comparisons can be made and vegetation success demonstrated.

N91-32-6-1

This NOV was written for:

"Failure to comply with the terms and conditions of the approved permit. Failure to implement and control the Main Feeder Ditch and the Feeder Ditch in accordance with the Design criteria specificized in the permit."

The portion of the operation to which the notice applies:

"The Main Feeder Ditch and the Feeder Ditch (Maps No. 4050-5-14B)."

Remedial Action:

"Construct the feeder ditch and the feeder ditch in accordance with the approved permit."

Assessment of WSMC's Response

The response dated September 15, 1992, proposed replacement of section 817.44 of the permit to allow natural erosion to seek the most stable location and configuration for the subject ditches. The justification proposed is that the sinuous channels (the feeder Ditch and the Main Feeder Ditch) in the approved permit differ from straight channels existing in adjacent undisturbed drainage basins, and conformance to the presently approved design represents an uphill fight against natural

geomorphic processes.

The argument that geomorphic stability under arid land erosion conditions is evolutionary may have merit to the extent that previous attempts to engineer a solution to the problem have not proven successful. To fully apply this concept, under the authority provided at R645-301-743.314, the portions of the plan discussing final reclamation configuration and design would need to be amended to show:

1. The current configuration, in plan and cross-section, of the feeder ditch and main feeder ditch;
2. An evolutionary "design sequence" beginning with the constructed configuration in the approved plan, through the present configuration, to an ultimate configuration more compatible with the prevalent geomorphology. Included with additional text would be a series of maps and channel sections (cross sectional and longitudinal) depicting anticipated evolutionary stages ultimately resulting in geomorphic stability;
3. A discussion of how the proposed amendment to the Reclamation Plan will ensure compliance with applicable laws, rules, and performance standards, including prevention to the extent possible additional contributions of suspended solids to stream flow outside the permit area; and
4. How these changes will approximate the characteristics of the original, premining channels.

Conclusion

N91-32-6-1 cannot be abated based on the information submitted in the September 15, 1992, package. In allowing submission of additional data directed towards abatement, the Division is not making a finding of their adequacy in advance of submission. The Division will consider the adequacy of any additional data for abatement of this violation, if submitted within 45 days of receipt of this letter.

Summary

Information to abate violation N91-35-6-1 is enumerated in that section of this letter. Additional information is required to abate violation N91-32-6-1. The nature of that information is described in that section of this letter. In both cases, the

Page 7
E. M. Gerick
December 7, 1992

information is to be submitted to the Division within 45 days of receipt of this letter. Violation N91-35-7-1 is determined to be abated.

Thank you for your ongoing effort to address these concerns. If you have questions or want to discuss items, please contact Lowell or me.

Best regards,



Dianne R. Nielson
Director

vb
cc: L. Braxton
P. Grubaugh-Littig
jbkg1192

NOV #N91-35-6-1

Nov #N91-35-6-1 was issued to Western States Mineral Corporation (WSMC) on November 18, 1991 for "Failure to comply with the terms and condition of the permit. Failure to completely address and satisfy the requirements of Stipulation R614-301-742.113 (TM) in a timely manner".

Provision of the Act violated: R614-300-143, "The permittee will comply with the terms and conditions of the permit, all applicable performance standards, and the requirements of the State Program."

Stipulation R614-301-742.113 (TM) stated:

"Within 60 days of permit approval, (i.e. permit renewed on August 13, 1990 the applicant must submit a plan to provide long term solutions for phasing out silt fences and incorporate more permanent erosion control structures in their place. The plan must identify the structures that will be used and how they will be designed and implemented.

This material must be submitted for insertion into the PAP."

Chronology preceding issuance of NOV #N91-35-6-1:

August 13, 1990	J.B. King permit renewed with Stipulation R614-301-742.113 (TM).
October 12, 1990	Extension to November 12, 1990 granted
November 12, 1990	WSMC submitted plans to install sediment basins with check dam overflow.
December 14, 1990	Division notified WSMC that the installation proposed (equipment use) may restart bond clock.
December 20, 1990	Letter from Frank Filas (WSMC) states disagreement with Division letter of December 14, 1990.
January 25, 1991	Meeting with Frank Filas (WSMC) to discuss restarting bond clock and normal husbandry practices.

February - June 1991	Personnel turnover at WSMC, Division delayed action regarding stipulation response to allow new personnel reasonable amount of time to respond.
June 14, 1991	Division issued letter requiring approval of stipulation by July 15, 1991.
July 19, 1991	WSMC responded, but response demonstrated a misunderstanding of stipulation requirements.
August 15, 1991	In good faith , the Division clarified stipulation and extended time for submittal of an acceptable response to September 16, 1991.
September 10, 1991	Division grants extension until September 30, 1991.
September 30, 1991	WSMC response was that a "schedule" would be submitted on November 16, 1991.
October 9, 1991	Division letter states that stipulation response must be made " as soon as possible ".
October 17, 1991	Site visit with WSMC and Division. WSMC agrees to November 1, 1991 deadline.
November 7, 1991	Complete inspection conducted.
November 18, 1991	NOV #N91-35-6-1 issued.
November 19, 1991 setback.	Division letter sent regarding bond clock

Janean

BEFORE THE DIVISION OF OIL GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

---ooOoo---

IN THE MATTER OF THE APPEAL	:	FINDINGS, CONCLUSIONS
OF FACT OF VIOLATION OF	:	AND ORDER
N91-35-6-1, N91-35-7-1, AND	:	
N91-32-6-1, WESTERN STATES	:	
MINERALS CORPORATION, J. B.	:	
KING MINE, EMERY COUNTY,	:	INFORMAL HEARING
UTAH, ACT/015/002	:	CAUSE NO. ACT/015/002

---ooOoo---

On February 11, 1992, the Division of Oil, Gas and Mining ("Division") held an informal hearing concerning the fact of violation for the above-referenced Notices of Violation ("NOV"). The following individuals attended:

- Presiding: Dianne R. Nielson, Director
Division of Oil, Gas and Mining
- Petitioner: Denise Dragoo, Esq.
Fabian and Clendenin
Counsel for Western States
Minerals Corporation
- E. M. (Buzz) Gerick
Vice President of Operations
Western States Minerals Corporation
- Dwight J. Crossland
J. B. King Minesite Representative
Western States Minerals Corporation
- Samuel Bamberg, Ph.D.
Reclamation Specialist
Consultant for Western States
Minerals Corporation
- Division: Lowell Braxton
Associate Director for Mining
- Pamela Grubaugh-Littig
Permit Supervisor

Susan White
Reclamation Biologist
Issuing Inspector (N91-35-6-1
and N91-35-7-1)

Henry Sauer
Reclamation Soils Specialist
Issuing Inspector (N91-32-6-1)

Tom Munson
Reclamation Hydrologist

Bill Malencik
Reclamation Specialist

Paul Baker
Reclamation Biologist

Jess Kelley
Reclamation Engineer

Board:

Joe Helfrich
Assessment Officer
Penalty Assessment

The Findings, Conclusions, and Order in this matter are based on information provided during this informal hearing and information in the files of the Division.

FINDINGS OF FACT

1. Notice of this hearing was properly given.
2. An assessment conference to review proposed assessments was not scheduled in conjunction with this informal hearing, because the abatements were not completed.
3. When the J. B. King Mine permit was renewed on August 13, 1990, one of the stipulations to the permit was R614-301-742.113(TM), which required:

Within 60 days of permit approval, the applicant must submit a plan to provide long term solutions for phasing out silt fences and incorporating more permanent erosion control structures in their place. The plan must identify the structures that will be used and how they will be designed and implemented. This material must be submitted for insertion into the PAP.

4. The date for submission of the plan, per stipulation R614-301-742.113(TM), was extended numerous times, with the most recent extension to November 1, 1991. The plan was not submitted by the November 1, 1991, deadline. No plan had been submitted at the time of the complete inspection on November 7, 1991.

5. Following the inspection by Susan White on November 7, 1991, NOV N91-35-6-1 was written and mailed on November 18, 1991. N91-35-6-1 was written for failure to comply with the terms and conditions of the permit, and failure to completely address and satisfy the requirements of stipulation R645-301-742.113 (TM) in a timely manner, and in accordance with Utah Admin. R645(614)-300-143.

6. Reports of inspections of the J. B. King Mine, conducted on September 10, 1991, and October 3, 1991, and copied to the operator, indicate that erosion which required maintenance was occurring on the site. During the October 17, 1991, technical site visit by Division staff and the operator, the operator was informed that erosion on the site must be repaired by the time of the next inspection or it would constitute a violation.

7. During the complete inspection by Susan White on November 7, 1991, the operator was conducting repairs on site. However, the inspector determined that the work was insufficient to

repair the previously referenced erosion damage, and the erosion damage was not repaired by the time the inspector left the site at the conclusion of the inspection.

8. Following the complete inspection on November 7, 1991, NOV N91-35-7-1 was written and mailed on November 19, 1991. N91-35-7-1 was written for failure to minimize erosion to the extent possible and failure to minimize erosion off the refuse pile, in accordance with Utah Admin. R645(614)-301-742.113.

9. Based on an inspection by Henry Sauer on December 12, 1991, NOV N91-32-6-1 was issued and mailed on December 19, 1991. N91-32-6-1 was written for failure to comply with the terms and conditions of the approved permit and failure to implement and construct the main feeder ditch and the feeder ditch in accordance with the design criteria specified in the permit, in accordance with Utah Admin. R645(614)-300-143.

10. Correspondence and inspection reports in Division files document an extensive history of problems associated with the construction, maintenance and reconstruction of the feeder ditch and main feeder ditch, beginning with the construction of the diversions in 1985, through reconstruction in 1988-89, and up to the present. The documents reflect on-going problems, principally insufficient riprap, improper placement (key-in and armoring) of riprap, necessity to replace or increase riprap, and damage to ditches during high intensity storms, which have been continually addressed by the Division and the operator.

11. The inspection report of the December 7, 1991, inspection verified that the feeder ditch and the main feeder ditch were not in compliance with the approved plan at the time of that inspection. Drawings and notes from Henry Sauer's February 3, 1992, site visit, while not documenting the site condition during the December inspection, do verify that the feeder ditch and main feeder ditch were out of compliance during the February site visit. Henry Sauer has stated that the ditches looked the same in February as they did in December.

12. During the informal conference, Dwight Crossland stated that Western States Minerals Corporation recognized the problems with erosion and high maintenance on the site and was concerned that the reclamation plan for the ditches and the refuse pile needed to be revised. The Division and Western States Minerals Corporation agreed that Western States would submit a revised plan to the Division by March 16, 1992, to address these reclamation problems.

13. The abatement dates for the NOVs were extended to March 16, 1992, to accommodate the informal hearing process.

CONCLUSIONS OF LAW

1. NOVs N91-35-6-1, N91-35-7-1, and N91-32-6-1 specifically address three distinct violations: 1) failure of the operator to comply with permit stipulation R614-301-742.113(TM), which would require the submission of plans for phasing out silt fences and establishing permanent erosion control structures (N91-

35-6-1), 2) failure of the operator to minimize erosion on the surface of the refuse pile (N91-35-7-1), and 3) failure of the operator to ensure that the feeder ditch and the main feeder ditch were constructed, reconstructed, implemented, maintained or otherwise operated in accordance with the approved plan. While the abatement of the N91-35-6-1 may include actions which would also be appropriate for abatement of N91-35-7-1, the violations cited in the three NOVs do not duplicate each other and the abatements required in the three NOVs are not contradictory with each other.

2. The operator contends that the storm event which damaged the feeder ditch and the main feeder ditch exceeded the design criteria for the ditches. The Division has no information to substantiate that statement, and the operator has provided no substantiating data.

3. The Division is not precluded from issuing NOV N91-32-6-1 due to Utah Code Ann. § 40-8-9(2) under Utah Code Ann. § 40-10-4. Inspection reports and correspondence in the files of the Division indicated that the construction and maintenance of the feeder ditch and the main feeder ditch have received continuous and ongoing attention since their original construction as part of the reclamation plan.

4. Because the Division and operator have agreed to the submission of the March 16, 1992, plan regarding erosion on the refuse pile and the ditches, it would be contradictory to require the operator at this time to abate N91-32-6-1 by constructing the feeder ditch and the main feeder ditch in accordance with the

approved permit. N91-32-6-1 should be modified to provide an abatement consistent with the plan proposal and review agreed upon by the Division and the operator.

ORDER

NOW THEREFORE, it is ordered that:

1. NOVs N91-35-6-1 and N91-35-7-1 are upheld.
2. NOV N91-32-6-1 is upheld with modification of the required abatement. The remedial action required for abatement will be the submission of a complete and adequate plan for design and construction of the feeder ditch and the main feeder ditch to meet the requirements of Utah Code Ann. § 40-10-1 et seq. and Utah Admin. R645(614)-100-1 et seq.
3. The Petitioner may appeal to the Board of Oil, Gas and Mining the informal determination of fact of violation by filing said appeal within 30 days of the date of this Order, in accordance with statutory and regulatory requirements.

SO DETERMINED AND ORDERED this 10th day of March, 1992.


Dianne R. Nielson, Director
Division of Oil, Gas and Mining
State of Utah

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing FINDINGS, CONCLUSIONS AND ORDER for Cause No. ACT/015/002 to be mailed by certified mail, postage prepaid, the 10th day of March, 1992 to:

Denise Dragoo, Esq.
Fabian and Clendenin
215 South State Street
Salt Lake City, Utah 84111

E. M. Gerick
Vice President of Operations
Western States Minerals Corporation
4975 Van Gordon Street
Wheat Ridge, Colorado 80033

Dwight J. Crossland
Western States Minerals Corporation
4975 Van Gordon Street
Wheat Ridge, Colorado 80033

Kim A. Kubota

COMPANY/MINE J.B. King
PERMIT # ACT/015/002

NOV/CO. # 91-35-6-1
VIOLATION # 1 of 1

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR 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 OR potentially (check one) hindered enforcement by DOGM and/or the public and explain the circumstances.

The permit was renewed Aug. 13, 1990, the operator was given 60 days to respond to stipulations. Response was determined inadequate. At a site meeting on Oct. 17, 1991 the operator was given until Nov. 1, 1991 to submit response to Division. No response was submitted.

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 that the permittee is considered responsible for the 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 result of lack of reasonable care, explain.

more to knowing and willful

The operator was given numerous extensions and oversight of deadlines as the Division tried to work with him.

Recklessness:

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.

NOV/CO # _____
VIOLATION # _____ of _____

(X) Knowing and Willful Conduct

Was the operator in violation of a specific permit condition? Did the operator receive prior warning of non-compliance 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.

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

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

DATE _____

AUTHORIZED REPRESENTATIVE _____



gpk

VACATION/TERMINATION 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 91-35-6-1 dated November 15, 1991.

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

Part 1 of 1 is vacated terminated because the corrected map (IBK-1) was submitted August 25, 1993, termination effective that date.

Part _____ of _____ is vacated terminated because _____

Part _____ of _____ is vacated terminated because _____

Date of service (mailing) 8/27/93

Time of service (mailing) 10:00 a.m. p.m.

Permittee/Operator representative

Title

[Signature]
Signature

LOWELL P. BRAXTON
Division of Oil, Gas & Mining

Associate Director, Mining
Title

[Signature]
Signature



UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

Jag *Ch*

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 91-35-6-1 dated November 15, 19 91.

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

Part 1 of 1 is modified as follows: submittal of corrected and recertified map is extended to August 6, 1993.

Reason for modification is (submittal received July 8, 1993 needed minor corrections) plus removal of

Part _____ of _____ is modified as follows: information relative to "naturally come to equilibrium" from (map^{JBK-1}).

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

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

Date of inspection _____

BUZZ GERICK
Permittee/Operator representative

Title

Signature

LOWELL P. BRAXTON
Division of Oil, Gas & Mining

Associate Director, Mining
Title

James P. Brugh
Signature



UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

gh

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Western State 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 91-35-6-1 dated November 18, 19 91.

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

Part 1 of 1 is modified as follows: The submittal of corrected information and field surveyed maps is

Reason for modification is extended to August 6, 1993 relative to the requirements for a statement outlined

Part _____ of _____ is modified as follows: in the December 7, 1992 letter to Buzz Serich from Dianne K. Nielson.

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

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

Date of inspection 11/9/91

Permittee/Operator representative _____

Title _____

Signature _____

LOWELL P. BRAXTON
Division of Oil, Gas & Mining

ASSOCIATE DIRECTOR, MINING
Title

Lowell P. Braxton
Signature



UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

gah

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 137, 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 91-35-6-1 dated November 18, 19 91.

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

Part 1 of 1 is modified as follows: The abatement date is extended to July 6, 1993 - per letter

Reason for modification is to E.M. Senick Ironworks
Beaverton, dated May 20, 1993.

Part ____ of ____ is modified as follows: _____

Reason for modification is _____

Part ____ of ____ is modified as follows: _____

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

Date of inspection _____

Permittee/Operator representative _____ Title _____

Signature JAMELA CRUBAUGH-LITTLE Permit Supervisor
 Division of Oil, Gas & Mining Title

Signature Amela P. ...



UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

CORRECTED

pg 1 of 1

(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 19, 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
3-10-93



Page

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 91-35-6-1 dated November 18, 1991 19 91
~~91-35-7-1~~ December 19, 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. Gerick dated January 26, 1993.

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

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Date of service/mailling 2/8/93

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

Date of inspection _____

E.M. Gerick
Permittee/Operator representative

Vice President of Operations
Title

Signature _____

Lowell Buxton
Division of Oil, Gas & Mining

Assoc. Director Mining
Title

James A. Buxton
Signature



UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

Jck

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Western States Minerals Corporation
 Mailing Address 250 South Rock Boulevard, 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 91-35-6-1 } November 18, 1991
91-35-7-1 }
 dated December 19, 19 91
 Cessation Order No. C _____ dated _____, 19 _____

Part 1 of 1 is modified as follows: an additional 90-day abatement period is granted beginning

Reason for modification is September 29, 1992 (see letter to Dwight Crossland from Powell Braxton

Part _____ of _____ is modified as follows: dated September 24, 1992).
This extended abatement applies to all

Reason for modification is three violations.

Part _____ of _____ is modified as follows: _____

Date of service (mailing) 9/28/92 Time of service (mailing) 3:00 a.m. p.m.

Date of inspection _____

Permittee/Operator representative _____ Title _____

Signature PAMELA GERBAUGH-LITTLE Title Permit Supervisor
Division of Oil, Gas & Mining

Pamela Embrey Fittig
 Signature



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangarter

Governor

Dee C. Hansen

Executive Director

Dianne R. Nielson, Ph.D.

Division Director

355 West North Temple

3 Triad Center, Suite 350

Salt Lake City, Utah 84180-1203

801-538-5340

September 24, 1992

Dwight Crossland
Western States Minerals Corp.
Suite 130
250 South Rock Boulevard
Reno, Nevada 89502

Dwight

Dear Mr. Crossland:

Re: **Extensions of Abatement Beyond 90 Days, Notice of Violations N91-35-6-1, N91-35-7-1, and N91-32-6-1, ACT/015/002, J. B. King Mine, Western States Minerals Corp., Emery County, Utah**

By letter dated August 19, 1992, the Division approved an extension in abatement beyond 90 days for the above-cited NOV's. Times for abatement as established in that letter were:

1. Submit plans for abatement by September 15, 1992.
2. Abate the violations by October 15, 1992.

The October 15 date is beyond the 90-day increment allowed at R645-400-328.5, since the 90-day period started July 1, and will end September 28, 1992.

On September 15, the Western States Minerals Corp. (WSMC) complied with Step 1, above, by submitting information relative to the abatement of the violations.

When the Division issued the violations, the abatement contemplated by the Division involved on-the-ground mechanical activities. The response submitted on September 15 proposes modification of the MRP to accommodate existing field configurations, rather than changes to field conditions. It should be noted that delay of abatement would not result in off-site degradation, and that deterioration of conditions on site (if any) would be minimal, and no interim abatement steps have been required by the Division.

On September 16, a meeting was held involving the review team and Division management. This discussion noted that the proposed abatement would require review of materials not previously reviewed by members of the team before approval or denial of the abatement steps. A tentative date of

Page 2
Dwight Crossland
September 24, 1992

October 23 was selected to review team findings with Division management. This date is beyond the 90-day increment allowed at R645-400-328.5, the terms of the August 19 letter, notwithstanding.

Circumstances which may qualify an operation for an abatement of more than 90 days are contemplated at R645-400-327. In the case of the subject NOVs, the operator has been granted abatement beyond 90 days by the above-cited August 19 letter. As is contemplated at R645-327.100, the operator has submitted abatement measures to the Division, and is unable to achieve abatement because approval of designs and plans has not been granted by the Division. Since abatement will not be achieved by September 28, procedure enumerated at R645-400-328.5 would normally dictate the operator request another extension in abatement. In this case, this is a redundant step since the Division is cognizant of your inability to abate, pending prior Division approval of proposed measures.

This memo establishes that no additional correspondence from the WSMC is required to extend abatement beyond September 28, 1992. The Division grants the WSMC an additional 90-day abatement period beginning September 29, 1992, for the Notice of Violations that are the subject of this memo.

After meeting on or about October 23, the Division will notify you of its position on the September 15 submittal.

Sincerely,



Lowell P. Braxton
Associate Director, Mining

vb
cc: E. M. (Buzz) Gerick, WSMC
P. Grubaugh-Littig
J. Helfrich
jbkabtmt



Jch

MODIFICATION OF NOTICE OF VIOLATION / CESSATION ORDER

To the following Permittee or Operator:

Name J. B. King Mine
Mailing Address 250 Smith Rock Boulevard, Suite 310 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 91-35-6-1 dated November 18, 1991.

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

Part 1 of 1 is modified as follows: ~~Plan to~~ Abatement
date to abate this violation has been

Reason for modification is extended to September 15, 1992
for submittal of ^{abatement} plans and October 15, 1992

Part _____ of _____ is modified as follows: for final abatement.

Reason for modification is (see letter to Mr. Dwight Crossland from
Dr. Dianne Nelson 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
PAMELA GRUBBA-GH-LITTLE Permit Supervisor # 20
Division of Oil, Gas & Mining Title

Signature
Pamela Grubba-Gh-Little



page

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 N91-35-6-1 dated 11/18, 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 LPB, Reno, NV. Also doled May 14, 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 11/7/91

DWIGHT CROSSLAND

Permittee/Operator representative

Title

Signature

SUSAN M. WHITE

Division of Oil, Gas & Mining

RECLAMATION BIOLOGIST

Title

Susan M. White
Signature



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 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 91-35-6-1 dated 11/18, 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/mailling 5/12/92 Time of service/mailling 3:00 a.m. p.m.

Date of inspection 11/7/91

DWIGHT CROSSLAND

Permittee/Operator representative

Title

Signature

SUSAN M. WHITE

RECLAMATION BIOLOGIST

Division of Oil, Gas & Mining

Title

Signature



UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

pg 2

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 91-35-6-1 dated 11/18, 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/ mailing 4/29/92 Time of service/ mailing 3:00 a.m. p.m.

Date of inspection 11/7/91

Dwight Crossland
Permittee/Operator representative

Title

Signature

Susan M. White
Division of Oil, Gas & Mining

Reclamation Biologist
Title

Susan M. White
Signature



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. AC 1015/002

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

Notice of Violation No. N 91-35-6-1 dated November 18, 1991

Cessation Order No. C _____ dated _____, 19 ____

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

until April 30, 1992 for review of the

Reason for modification is: Best Control Plan submitted

March 16, 1992

Part _____ of _____ is modified as follows: Reason: Administrative

Delay

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

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

Date of inspection November 7, 1991

Permittee/Operator representative _____

Title _____

Signature _____

LANCE W. GRUBBART
Division of Oil, Gas & Mining

Plant Supervisor
Title

Signature _____



gdt

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 91-35-6-1 dated November 18, 1991

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

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

until April 30, 1992 for review of the
Reason for modification is Provision Control Plan submitted
March 16, 1992

Part _____ of _____ is modified as follows: Reason: Administrative
Delay

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Date of service/mailling 3/30/92

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

Date of inspection November 7, 1991

Permittee/Operator representative _____

Title _____

Signature _____

Plant Supervisor
Title _____

PAMELA GRUBBACH-LITTLE
Division of Oil, Gas & Mining
Pamela Grubbach Little
Signature



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

January 17, 1992

CERTIFIED RETURN RECEIPT REQUESTED
No. P 540 713 876

Dwight Crossland
Western States Minerals Corporation
Suite 130
250 South Rock Boulevard
Reno, Nevada 89502

Dear Mr. Crossland:

Re: Informal Hearing for State Violations, N91-35-6-1, N91-35-7-1, and N91-32-6-1, ACT/015/002, J. B. King Mine, Emery County, Utah

In accordance with your request dated December 16, 1991, please be advised that the Informal Hearing on state violations N91-35-6-1, N91-35-7-1, and N91-32-6-1, J. B. King Mine, has been established for Tuesday, February 11, 1992, beginning at 9:00 a.m.

Pertinent, written material you wish reviewed before the conference can be forwarded to me at the address listed above.

The conference will held in the office of the Division of Oil, Gas and Mining.

Best regards,

Dianne R. Nielson
Director

vb

cc: B. Freeman, OSM
J. Helfrich
DOGM Price Office
Public Notice Board



mk

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Western States Minerals Inc.

Mailing Address Suite 130, 250 South Park Blvd., Reno, NV

State Permit No. AOT/015/002

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

Notice of Violation No. N 91-35-010-01 dated 11/18, 1991.

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

Part 1 of 1 is modified as follows: apatement deadline extended to
March 16, 1992 for interim plan and April 16, 1992 for

Reason for modification is final plan

Part _____ of _____ is modified as follows: _____

Reason for modification is Administrative delay

Part _____ of _____ is modified as follows: _____

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

Date of inspection _____

Dwight Crossland
Permittee/Operator representative

Title

Signature

Susan M. White
Division of Oil, Gas & Mining

Rec. Biologist
Title

Susan M. White
Signature



John Page

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Western States Minerals Inc.

Mailing Address Suite 130, 250 South Rock Blvd., Reno, NV

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 91-35-016-01 dated 11/18, 19 91.

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

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

March 16, 1992 for interim plan and April 16, 1992 for

Reason for modification is final plan

Part _____ of _____ is modified as follows: _____

Reason for modification is Administrative delay

Part _____ of _____ is modified as follows: _____

Date of service/mailling 2/14/92

Time of service/mailling 10:00 a.m. p.m.

Date of inspection _____

Dwight Crossland
Permittee/Operator representative

Title

Signature

Susan M. White
Division of Oil, Gas & Mining

Rec. Biologist
Title

Susan M. White
Signature



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 Suite 130, 250 North Rock Blvd, Reno NV 89502

State Permit No. AC 1015/002

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

Notice of Violation No. N 91-35-6-1 dated November 18, 1991.

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

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

extended to 15 February 1992 as per

Reason for modification is operator request.

Part _____ of _____ is modified as follows: _____

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Date of service/mailling 11/12 Time of service/mailling 3:00 a.m. p.m.

Date of inspection _____

A. Wright Crossland
Permittee/Operator representative

Env. Engineer
Title

Signature

PRONE VA GENBAC 11-11-91
Division of Oil, Gas & Mining

Permit Supervisor
Title

Kathleen Lombard-Litty
Signature



MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Woods Star Minerals Inc.

Mailing Address 8414 W. GREEN CIRCLE PARKS BL.

State Permit No. 12100102

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

Notice of Violation No. N 91-35-26-01 dated 11/18, 19 01

Cessation Order No. C _____ dated _____, 19 _____

Part 1 of 1 is modified as follows: REPEALMENT INTENDING RETURN TO 12100102 AS PER AGENCY REQUEST.

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Date of service/mailling 01/06/02 Time of service/mailling 12:00 a.m. p.m.

Date of inspection _____

Dennis [Signature]
Permittee/Operator representative

Title

Signature

[Signature]
Division of Oil, Gas & Mining

[Signature]
Title

Signature



MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Western States Minerals Inc.

Mailing Address 84 Glen Carran Circle Sparks, Ne.

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 91-35-06-01 dated 11/18, 19 91.

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

Part 1 of 1 is modified as follows: ABATEMENT DEADLINE EXTENDED TO
01/15/92 AS PER OPERATOR REQUEST.

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Date of service (mailing) 01/06/92

Time of service (mailing) 10:00 a.m. p.m.

Date of inspection _____

Dwight Crossland
Permittee/Operator representative

Title

Signature

Susan M. White
Division of Oil, Gas & Mining

Ec. Biologist
Title

Joseph C. Hylrich
Signature



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

December 3, 1991

CERTIFIED RETURN RECEIPT
P 074 979 163

Mr. Dwight Crossland
Western States Minerals
84 Glen Carran Circle
Sparks, Nevada 89431

Dear Mr. Crossland:

Re: Proposed Assessment for State Violation No. N91-35-6-1, Western States Minerals, J.B. King Mine, ACT/015/002, Folder #5, Emery County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under R614-401.

Enclosed is the proposed civil penalty assessment for the above-referenced violation. The violation was issued by Division Inspector, Susan M. White on November 18, 1991. Rule R614-401-600 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 R614-401-700, 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 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

jbe
Enclosure

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.

1. Show to whom delivered, date, and addressee's address. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to: DWIGHT CROSSLAND WESTERN STATES MINERALS 84 GLEN CARRAN CIRCLE SPARKS NV 89431	4. Article Number P 074 979 163
Type of Service: <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	
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature - Address X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X <i>Wendy Dahl</i>	
7. Date of Delivery 12/6/91	

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
 OFFICIAL BUSINESS

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.

STATE OF UTAH
 NATURAL RESOURCES
 OIL, GAS, & MINING
 STRIAD CENTER SUITE 350
 SALT LAKE CITY, UTAH 84180-1203

PENALTY FOR PRIVATE USE \$300

580 P 074 979 163

DWIGHT CROSSLAND
 WESTERN STATES MINERALS
 84 GLEN CARRAN CIRCLE
 SPARKS NV 89431

29
 100
 100
 252



PS Form 3800, J...

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

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

COMPANY/MINE Western States Minerals/J.B. King Mine NOV #N91-35-6-1

PERMIT # ACT/015/002 VIOLATION 1 OF 1

ASSESSMENT DATE 11/26/91 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 11/26/91 EFFECTIVE ONE YEAR TO DATE 11/26/90

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
_____	_____	_____

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? Hindrance

A. Event Violations Max 45 PTS

1. What is the event which the violated standard was designed to prevent?

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 _____

PROVIDE AN EXPLANATION OF POINTS

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 _____

PROVIDE AN EXPLANATION OF POINTS

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? Actual

RANGE 0 - 25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS 12

PROVIDE AN EXPLANATION OF POINTS

The inspector's statement revealed that review of the permit, August 13, 1990, indicated that the operator was given approximately 60 days to respond to a stipulation. The response was subsequently determined inadequate and at a site meeting on October 17, 1991, the operator was given until November 1, 1991, to submit an adequate response to the stipulation to the Division. No response was submitted, thus the staff was actually hindered from evaluating the information with regard to compliance with DOGM regulations.

TOTAL SERIOUSNESS POINTS (A or B) 12

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.**

... No Negligence	0
... Negligence	1-15
... Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE Greater Degree of Fault

ASSIGN NEGLIGENCE POINTS 16

PROVIDE AN EXPLANATION OF POINTS

The inspector's statement revealed that the operator was given numerous extensions to the deadlines for addressing the stipulation.

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

PROVIDE AN EXPLANATION OF POINTS

To date the violation has not been terminated.

V. ASSESSMENT SUMMARY FOR N91-35-6-1

I.	TOTAL HISTORY POINTS	<u> 0 </u>
II.	TOTAL SERIOUSNESS POINTS	<u> 12 </u>
III.	TOTAL NEGLIGENCE POINTS	<u> 16 </u>
IV.	TOTAL GOOD FAITH POINTS	<u> 0 </u>
	TOTAL ASSESSED POINTS	<u> 28 </u>
	TOTAL ASSESSED FINE	<u>\$ 360.00</u>

jbe

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.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
DWIGHT CROSSLAND
WESTERN STATES MINERALS
84 GLEN CARRAN CIRCLE
SPARKS NV 89431

4. Article Number
P 074 979 153

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature -- Address
X

6. Signature -- Agent
X *[Signature]*

7. Date of Delivery
11/26/91

[Postmark: SPARKS NV NOV 20 1991]

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT
 DOGM JBE ACT/015/002 NOV #N91-35-6-1

DOGM JBE ACT/015/002 NOV #N91-35-6-1

P 074 979 153

DWIGHT CROSSLAND
WESTERN STATES MINERALS
84 GLEN CARRAN CIRCLE
SPARKS NV 89431

69
100

100

69

[Postmark: SPARKS NV NOV 20 1991]

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

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.



PENALTY FOR PRIVATE USE, \$300

RETURN TO

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

STATE OF UTAH
 NATURAL RESOURCES
 OIL, GAS, & MINING
 3 TRIAD CENTER, SUITE 350
 SALT LAKE CITY, UTAH 84180-1203

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article RETURN RECEIPT REQUESTED adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorses RESTRICTED DELIVERY on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

* U.S.G.P.O. 1988-217 132



NO. N 91-35-6-1

notice of violation

To the following Permittee or Operator:

Name Western States Minerals

Mine J.B. King Surface Underground Other

County Emery State UT Telephone (702) 358-3339

Mailing Address 84 Glen Carran Circle, Sparks NV 89431

State Permit No. ACT/015/002

Ownership Category State Federal Fee Mixed

Date of inspection 11/07/91, 19__

Time of inspection 9:00 a.m. p.m. to 12:00 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.

Certified Return Receipt P 074 979 153

Date of service/ mailing 11/18/91 Time of service/ mailing 10:00 a.m. p.m.

Dwight Crossland
Permittee/Operator representative

Title

Signature

Biologist
Title

Susan M. White
Division of Oil, Gas & Mining representative

#35
Identification Number

Susan M. White
Signature

SEE REVERSE SIDE

WHITE-DOG M YELLOW-OS M PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE



NOTICE OF VIOLATION NO. N 91-35-6-1

Violation No. 1 of 1

Nature of violation

Failure to comply with the terms and conditions of the permit.

Failure to completely address and satisfy the requirements of stipulation

R614-301-742.113 (TM) in a timely manner.

Provisions of act, regulations or permit violated

R614-300-143

Portion of operation to which notice applies

All reclaimed surfaces with erosion problems.

Remedial action required (including any interim steps)

Address the requirements of stipulation R614-301-742.113 in a complete and

adequate manner that is in compliance with the regulations and acceptable

to the Division.

Abatement time (including interim steps)

No later than December 18, 1991, 5:00 pm