



NO. N 96-26-2-1

notice of violation

To the following Permittee or Operator:

Name Pacifi Corp.

Mine Trail Mtn.  Surface  Underground  Other

County Emery State UT Telephone 687-4722

Mailing Address P.O. Box 1005, Huntington, Ut. 84528

State Permit No. Act 015/009

Ownership Category  State  Federal  Fee  Mixed

Date of inspection 8/20/96, 19\_\_

Time of inspection 1:00  a.m.  p.m. to 3:00  a.m.  p.m.

Operator Name (other than Permittee) Energy West Mining Corporation

Mailing Address Same As Above

Under authority of the Utah Coal Mining and Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas & Mining has conducted an inspection of above mine on above date and has found violation(s) of the act, regulations or required permit condition(s) listed in attachment(s). This notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

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

This notice shall remain in effect until it expires as provided on reverse side of this form, or is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas & Mining. Time for abatement may be extended by authorized representative for good cause, if a request is made within a reasonable time before the end of abatement period.

Date of service/mailling August 27, 1996

Time of service/mailling 9:00  a.m.  p.m.

Michael Dennis  
Permittee/Operator representative

Environmental Engineer  
Title

Michael Dennis  
Signature

Reclamation Specialist  
Title

Wm. J. Malencik  
Division of Oil, Gas & Mining representative

26  
Identification Number

Wm. J. Malencik  
Signature 8/27/96

SEE REVERSE SIDE

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



gpk

### NOTICE OF VIOLATION NO. N 96-26-2-1

Violation No. 1 of 1

Nature of violation

- A. Failure to store noncoal waste in a designated portion of the permit area.
- B. Failure to designate in official documents where within the permit area non-coal waste would be stored

Provisions of act, regulations or permit violated

- A & B - Utah Code Annotated, Title 40, Chapter 10, Paragraph 40-10-17(2)(K)  
Utah Coal Rules
- A R645-301-528.331
- B R645-301-528.332

Portion of operation to which notice applies

Mine Pad / Surface Facilities

Remedial action required (including any interim steps)

- (1) Remove coal waste from unauthorized area lying between the rock dust storage and coal silo.
- (2) Submit amendment on the handling and storage of noncoal waste as outlined in R645-301-528, 542 and 747

Abatement time (including interim steps)

- (1) September 5, 1996 - 5pm
- (2) September 27, 1996 - 5pm.

Performance Standard Code F3

COMPANY/MINE Pacific Corp/Trail Mtn.

NOV/CO # N 96-26-2-1

PERMIT # Act 015/009

VIOLATION # 1 OF 1

EVENT VIOLATIONS INSPECTOR'S STATEMENT

A. SERIOUSNESS

1. What harmful event was this regulation designed to prevent? Refer to the DOGM reference list of events below and remember that the event is not the same as the violation. Check and explain each event.

- a. Activity outside the approved permit area.
- b. Injury to the public (public safety).
- c. Damage to property.
- d. Conducting activities without appropriate approvals.
- e. Environmental harm.
- f. Water pollution.
- g. Loss of reclamation/revegetation potential.
- h. Reduced establishment of a permanent, diverse and effective vegetative cover.
- i. Other. MRP deficient in regard to storage & handling of non coal waste

2. Has the event occurred? Yes  No

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

Non coal waste was stored in an area within the DOGM permitted disturbed area lying between the coal silo and the rock dust storage area. Noncoal waste heretofore was stored below the coal silo and above the sediment pond. A dumpster was on the aforementioned for metal storage

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

DISTURBED AREA

PERMIT AREA

Would: Yes  No   
Does: Yes  No

Would: Yes  No   
Does: Yes  No

4. Describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not damage would extend off the disturbed and/or permit area.

Because all drainage from both of the aforementioned non-coal waste storage areas drain into the sediment pond and whereas the noncoal waste is hauled to an approved disposal site, no adverse effects from the temporary storage is anticipated

Potential damage off the disturbed area. Yes  No

Potential damage off the permit area. Yes  No

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

( ) No Negligence

If you think this violation was not the fault of the operator (due to vandalism or an act of God), explain. Remember the permittee is considered responsible for actions of all persons working on the mine site.

(✓) Ordinary Negligence

If you think this violation was the result of not knowing about DOGM regulations, indifference to DOGM regulations or the lack of diligence or reasonable care. Explain.

*Believe the employees were attempting to setup a non coal waste storage area similar to the Cottonwood Mine. The temporary storage historically, recent times has been in dumpsters. This would require additional handling of the non coal waste and the historic site is not as conducive to the current Recklessness style of operation. This was done without authorization.*

( )

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

( ) Knowing and Willful Conduct

Was the operator in violation of a specific permit condition? Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation? Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

The concern over the non coal waste was expressed at the time of the inspection. After looking into the matter further, a NOV was issued on 8/27/96; inspection 8/20/96. After NOV was served on 8/27/96, inspected the site and it was clean. Further, was advised that it had been cleaned on 8/22/96.

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

Yes

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

9/28/96  
DATE

  
AUTHORIZED REPRESENTATIVE