



NO. N 94-46-5-1

notice of violation

To the following Permittee or Operator:

Name Consolidation Coal Company

Mine Emery Deep Mine Surface Underground Other

County Emery State Utah Telephone (801) 286-2301

Mailing Address P. O. Box 527, Emery, UT 84522

State Permit No. INA/015/015

Ownership Category State Federal Fee Mixed

Date of inspection November 29, 1994, 19

Time of inspection 10:30 a.m. p.m. to 4:30 a.m. p.m.

Operator Name (other than Permittee) _____

Mailing Address _____

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

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

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

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

** Certified Mail P 734 906 872

Date of service/mailling December 1, 1994

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

Steve Behling
Permittee/Operator representative

General Mine Foreman
Title

Mailed from DOGM Price Office
Signature

Peter Hess
Division of Oil, Gas & Mining representative

Engineer II
Title

Peter Hess
Signature

#46
Identification Number

SEE REVERSE SIDE

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



NOTICE OF VIOLATION NO. N 94-46-5-1

Violation No. 1 of 1

Nature of violation

As indicated by the 1993 Annual Impoundment certification for ponds #2 and #3,
The permittee has failed to maintain the aforementioned ponds (i.e. has failed to
maintain adequate sediment storage volume). Failure to meet the terms and
conditions of the permit. Failure to maintain 6" dewatering pipe in pond #3.

Provisions of act, regulations or permit violated

R645-301-742.220

R645-301-510

R645-301-732.200

Portion of operation to which notice applies

Sediment ponds #2 and #3.

Remedial action required (including any interim steps)

- 1) The permittee must re-survey the ponds #2 and #3 to show that adequate sediment storage volume exists and/or clean the aforementioned ponds and re-certify them to verify that adequate sediment storage volume has been obtained.
- 2) Should pond(s) cleansing be necessary, the pond cleanout material shall be disposed of according to the MRP and/or the R645 Regulations.

Abatement time (including interim steps)

- 1) Recertification will be completed by December 14, 1994 at 5:00 p.m.
- 2) Pond cleaning and re-certification will be completed by December 30, 1994 at 5:00 p.m.
(30 days)