

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS & MINING

1588 West North Temple
Salt Lake City, Utah 84116
Telephone: (801) 533-5771

NOTICE OF VIOLATION NO. N 85-2-20-1

From the STATE OF UTAH
To the Following Permittee or Operator:

NAME Utah Power & Light Co.

MINE Deer Creek SURFACE UNDERGROUND OTHER

CATEGORY OF OWNERSHIP: STATE FEDERAL FEE MIXED

OSM MINE NO. _____ STATE PERMIT NO. ACT/015/018 MSHA I.D. NO. _____

COUNTY AND STATE Emery UT TELEPHONE _____

MAILING ADDRESS: PO Box 899, SCC UT 84110

DATE OF INSPECTION 9/11, 1985

TIME OF INSPECTION: FROM 9:00 a.m. to 1:30 a.m. p.m.

NAME OF OPERATOR (if other than permittee) Emery Mining Corp.

MAILING ADDRESS: PO Box 310 Huntington UT 84528

Under the authority of the Utah Coal Mining and Reclamation Act of 1979 (Sec. 40-10-1 et seq., Utah Code Annotated, 1953), the undersigned authorized representative of the Director and the Division of Oil, Gas & Mining has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the 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 minesite.

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

Date of Service 9/12/85 Judy Smith
SIGNATURE OF AUTHORIZED REPRESENTATIVE

Time of Service 12:30 a.m. p.m. Judy Smith #2
NAME AND I. D. NO.

Person Served with Notice Larry Guymon Construction Manager
PRINT NAME AND TITLE

Signature Larry J. Guymon

IMPORTANT - PLEASE READ REVERSE OF THIS PAGE



STATE OF UTAH

Notice of Violation No. N 85-2-20-1

Violation No. 1 of 1

Nature of the Violation

Failure to construct and maintain appropriate sediment control measures to prevent, to the extent possible, additional contributions of sediment to stream flow and minimize erosion.

Provision(s) of the Regulations, Act, or Permit Violated

UMC 817.45
UCA 40-10-18(2)(i)(ii)

Portion of the Operation to which Notice Applies

1. Drop drain at parking lot by bath house.
2. Slotted drain below tipple.
3. Inlets to bypass diversions from east side of Elk Canyon.
4. Silt fence at upper culvert crossing under conveyor.
5. Gully formed from drainage off C2 conveyor access road onto backfill over outlet of second culvert crossing under conveyor.

Remedial Action Required (including interim steps, if any)

Construct, repair and maintain runoff control measures to control stream sedimentation and minimize erosion to the extent possible.

Time for Abatement (including time for interim steps, if any)

No later than October 1, 1985.