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STATE OF UTAH
NATURAL RESOURCES
Division of Oil, Gas & Mining

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

notice of violation

NO. N03-49-4-1

To the following Permittee or Operator:

Name Energy West Mining Company

Mine Deer Creek Mine ☐ Surface ☒ Underground ☐ Other

County Emery State Utah Telephone (435) 687-4825

Mailing Address P.O. Box 310

State Permit No. C/015/018

Ownership Category ☐ State ☐ Federal ☐ Fee ☒ Mixed

Date of inspection October 1, 2003

Time of inspection 10:00 ☒ a.m. ☐ p.m. to 3:00 ☐ 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.

Faxed & mailed

Date of service/mailing October 3, 2003 Time of service/mailing 8:30 ☒ a.m. ☐ p.m.

Dennis Oakley
Permittee/Operator representative

Environmental Engineer
Title

Signature

Karl R. Houskeeper
Division of Oil, Gas & Mining representative

Environmental Scientist III
Title

Karl R. Houskeeper
Signature

H49
Identification Number

SEE REVERSE SIDE

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

IMPORTANT — READ CAREFULLY

1. PENALTIES.

a. **Proposed assessment.** The Board of Oil, Gas & Mining assesses fines based upon a proposed assessment recommended by an assessment officer. You may submit written information pertaining to violation(s) covered by this order within 15 days of the date this notice or order is served on you or your agent. Information will be used by the assessment officer in determining facts surrounding the violation(s) and amount of penalty. A representative of the Division of Oil, Gas & Mining will serve the proposed assessment on you or your agent within 30 days of issuance of notice or order.

b. **Assessment.** The penalty will be finalized unless you or your agent file a written request within 15 days of receipt of proposed assessment for an informal hearing before the assessment officer.

For each violation included in this notice, a penalty of up to $5,000 may be assessed for each separate day the violation continues.

If you fail to abate any violations within the time set for abatement or for meeting any interim step, you will be assessed a minimum penalty of $750 for each day of continuing violation beyond the time set for abatement. You will be issued a Cessation Order requiring you to cease surface coal mining operations or the portion of the operations relevant to the violation.

2. INFORMAL PUBLIC HEARING.

An informal public hearing may be held at or near the mine site if this notice requires cessation of mining, expressly or in practical effect. On the reverse of this page, the authorized representative has made a finding as to whether or not this notice requires cessation of mining. Please review this finding and inform the authorized representative if you disagree with it. (See Utah Admin. R. 645-400-350 et seq.)

If this notice requires cessation of mining, it will expire within 30 days from date you are notified unless an informal public hearing is held or waived, or the condition, practice or violation is abated within the 30-day period. You will be notified of date, time and location of hearing.

3. FORMAL REVIEW AND TEMPORARY RELIEF.

You may apply for review of this notice or assessment before the Board of Oil, Gas & Mining by submitting an application for hearing within 30 days of receipt of notice or assessment by you or your agent. Apply to:

Secretary
Board of Oil, Gas & Mining
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

If applying for a formal board hearing, you may submit with your petition for review a request for temporary relief from this notice. Procedures for obtaining a formal board hearing are contained in the board's Rules of Practice and Procedure and in Utah Admin. R. 645-401-800 et seq.

4. EFFECT ON PERMIT.

The permit may be suspended or revoked if it is determined that a pattern of violations of the act, regulations or permit conditions exists, and that the violations were caused by an unwarranted or willful failure to comply.

For further information, consult ***Utah Code Annotated*** Section 40-10-20, 21, 22 and 23, Utah Admin. R. 645-400-300 et seq. and R. 645-401 et seq. or contact the Division of Oil, Gas & Mining at (801) 538-5340.

UTAH
NATURAL RESOURCES
Oil, Gas & Mining

NOTICE OF VIOLATION NO. N03-49-4-1

Violation No. 1 of 1

Nature of violation

Failure to maintain siltation structures associated with the waste Rock site.

Provisions of act, regulations or permit violated

R645-301-732.100
R645-301-742.110
UCA 40-10-18-11

Portion of operation to which notice applies

Siltation structures associated with the Waste Rock site as Follows: Silt Fence structures #1, #3 & #4 along the access Road (Point of beginning at the access gate). Silt Fence structures on the North Side of phase I of the Waste Rock site.

Remedial action required (including any interim steps)

Clean, Repair and/or Replace the Referenced Silt Fence structures

Abatement time (including interim steps)

November 3, 2003

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

an equal opportunity employer