

116

0004

DOG/M/NOV-1

STATE OF UTAH
 DEPARTMENT OF MINERAL RESOURCES
 DIVISION OF OIL, GAS & MINING
 1588 West North Street
 Salt Lake City, Utah 84116
 Telephone: (801) 533-5771

FILE COPY

85-6-14-1

NOTICE OF VIOLATION NO.N

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

NAME Emery Mining Co.
 MINE Wilberg Mine SURFACE UNDERGROUND OTHER _____
 CATEGORY OF OWNERSHIP: STATE FEDERAL FEE MIXED
 OSM MINE NO. _____ STATE PERMIT NO. ACT/015/019 MSHA I.D. NO. _____
 COUNTY AND STATE Emery, Utah TELEPHONE _____
 MAILING ADDRESS: PO Box 310 Huntington, Ut 84528
 DATE OF INSPECTION 11-27-85, 19____
 TIME OF INSPECTION: FROM 1:45-3:00 pm a.m. to _____ a.m.
 p.m. to _____ p.m.
 NAME OF OPERATOR (if other than permittee) Tom Faucheur
 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 11-27-85 Barton D. Kale
 SIGNATURE OF AUTHORIZED REPRESENTATIVE

Time of Service 3:20 a.m. Barton D. Kale #6
 p.m. NAME AND I. D. NO.

Person Served with Notice Tom Faucheur CIVIL ENGINEER
 PRINT NAME AND TITLE

Signature Thomas J Faucheur

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE

DOGm 801



STATE OF UTAH

FILE COPY

Notice of Violation No. N 85-6-14-1

Violation No. 1 of 1

Nature of the Violation

- 1) Failure to pass surface drainage from a disturbed area through appropriate sediment controls.
- 2) Failure to prevent, to the extent possible, additional contributions of sediment to stream flow or runoff outside the permit area.

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

- 1) UMC 817.42 (a) (1)
- 2) UMC 817.45 (i)

Portion of the Operation to which Notice Applies

Runoff from Tipple area has bypassed drop drains which empty into sediment pond. The runoff reached and emptied into drop drain which empties into undisturbed drainage located by stop signs below and south of sediment ponds.

Remedial Action Required (including interim steps, if any)

- 1) Maintain appropriate sediment controls in the Tipple area and along roadway along east side of sediment ponds.
- 2) Clean out silt fences which filter water going into Grimes wash from undisturbed drainage discharge
- 3) Clean out undisturbed drainage culvert by stop sign to best of your ability.

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

11-27-85 through 12-9-85