

U.S. DEPARTMENT OF THE INTERIOR Office of Surface Mining Reclamation and Enforcement NOTICE OF VIOLATION Permanent Regulatory Procedures			1. Notice of Violation Number 91 — 02 — 244 — 2 TV 1		
2. Name <input checked="" type="checkbox"/> Permittee <input type="checkbox"/> No Permit Pacificorp Electric Operations			Originating Office Address USDI-OSM Albuquerque Field Office 625 Silver Ave., SW, #310 Albuquerque, NM 87102 Telephone Number (505) 766-1486		
3. Mailing Address 324 South State Street, Salt Lake City, UT 84126					
4. Name of Mine <input type="checkbox"/> Surface <input type="checkbox"/> Other (Specify) <input checked="" type="checkbox"/> Underground Cottonwood/Wilberg					
5. Telephone Number (801) 363-8851	6. County Emery	State Utah			
7. Operator's Name (If other than permittee) Energy West Mining Company			9. Date of Inspection June 26, 1991		
8. Mailing Address P.O. Box 310, Huntington, UT 84528			10. Time of Inspection From 9:00 ^{a.m.} / _{p.m.} To 10:30 ^{a.m.} / _{p.m.}		
11. State Permit Number ACT/015/019	12. NPDES Number	13. MSHA ID Number 42-00080	14. OSM Mine Number N/A		

UNDER THE AUTHORITY OF THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977 (P.L. 95-87; 30 U.S.C. 1201), THE UNDERSIGNED AUTHORIZED REPRESENTATIVE OF THE SECRETARY OF THE INTERIOR 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 violation(s) within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

THE UNDERSIGNED AUTHORIZED REPRESENTATIVE HEREBY FINDS THAT THIS NOTICE DOES NOT DOES REQUIRE CESSATION OF MINING EXPRESSLY OR IN PRACTICAL EFFECT. Therefore, you are are not entitled to an informal public hearing on request, within 30 days after service of this notice (30 CFR 843.15).

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 Secretary. The time for correction may be extended by an authorized representative for good cause. If you need additional time to correct the violation(s), please contact the field office named above.

cert. receipt # P 965 799 064

IMPORTANT—Please Read Information on the Back of this Page

15. Print Name of Person Served Guy Davis	18. Date of Service June 26, 1991
16. Print Title of Person Served Environmental Engineer	19. Print Name of Authorized Representative Gary L. Fritz
17. Signature of Person Served Guy Davis	20. Signature of Authorized Representative Gary Fritz
	ID Number 244

NOTICE OF VIOLATION (CONTINUATION)

NATURE OF PERMIT CONDITION VIOLATED, PRACTICE OR VIOLATION

Failure to first obtain a permit from the Division (DOGM) prior to engaging in and carrying out any coal mining and reclamation operations.

PROVISION(S) OF THE REGULATIONS, ACT OR PERMIT VIOLATED

UCA 40-10-1 et seq.

R614-300-112.400

PL 95-87 Sec. 506(a)

30 CFR 773.11(a)

PORTION OF THE OPERATION TO WHICH NOTICE APPLIES

This Notice applies to the Cottonwood/Wilberg Mine haul road from the present permit boundary (former guard shack location) approximately 13 miles south to the receiving scale of the Hunter Preparation Plant.

CORRECTIVE ACTION REQUIRED (Including Interim Steps, if Any)

- (1) Reclaim within 80 days or submit a complete and adequate plan, in accordance with R614-300 and the State program, to permit and bond the haul road identified above to the Utah Division of Oil, Gas and Mining (DOGM) within 30 days of receipt of this Notice.
- (2) Diligently pursue abatement of this Notice (plan approval) not to exceed 80 days from Notice issuance.
- (3) Implement permitting and bonding plan as per plan approval.
- (4) Cease the further construction or improvement of the access/haul road until permitted in accordance with the approved State program.
- (5) Cease any practice or correct any condition resulting in adverse environmental impacts.

TIME FOR ABATEMENT (Including Time for Interim Steps, if Any)

- (1) Reclaim within 80 days or submit plan to DOGM within 30 days from receipt of this Notice at 4:30 p.m., by the thirtieth day (7/26/91).
- (2) 80 days from receipt of this Notice at 4:30 p.m., by the eightieth day (9/14/91).
- (3) Upon plan approval.

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