

CHECK DATE: 18-FEB-1994

CHECK NO. *WON Sales*

INVOICE DATE	INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT OR DEDUCTION	NET AMOUNT
03-feb-1994	N933551 <i>ACT/015/025</i>	BEAR021706608100217 MAR 1 1994	280.00	0.00	280.00
			280.00	0.00	280.00

PAYEE: Detach this statement before cashing check - This check is in payment for items shown above.

C W MINING
NBM ACCOUNTS PAYABLE SPECIALISTS

53 WEST ANGELO AVENUE
 SALT LAKE CITY, UTAH 84115
 PH. 801-467-4003

BANK ONE, UTAH, N.A.
 SOUTH SALT LAKE OFFICE
 SALT LAKE CITY, UT 84115-3119
 97-154/1240

NO. ⁵⁹⁸³ 5983

CHECK DATE

18-FEB-1994

AMOUNT \$ ****280.00

PAY *TWO HUNDRED EIGHTY & 00/100 DOLLARS*

TO THE ORDER OF

5880
 STATE OF UTAH.
 355 WEST NORTH TEMPLE
 3 TRIAD CENTER STE 350
 SALT LAKE CITY UT 84180-1203

Cf Austin

⑈005983⑈ ⑆124001545⑆

911675038⑈

06M P 074 978 385

RECEIPT FOR CERTIFIED MAIL
INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

Sent to	
WENDELL OWEN Street and No. CO OP MINING PO BOX 1245 State and Zip Code HUNTINGTON UT 84528	
Postage	\$ 2.29
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 2.29
Postmark or Date	FEB 09 1994

PS Form 3800, June 1985

3. Article Addressed to: WENDELL OWEN
CO OP MINING CO
PO BOX 1245
HUNTINGTON UT 84528

4. Article Number: 0674 978 385

5. Signature - Address: S/M DOGM ACT 6/15/02-5

6. Signature Agent: [Signature]

7. Date of Delivery: FEB 09 1994

8. Addressee's Address (ONLY if requested and fee paid):

9. Form 3811, Mar. 1988 * U.S.G.P.O. 1989-212-665 DOMESTIC RETURN RECEIPT

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional services requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

Type of Service:

Registered Insured

Certified COD

Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS PENALTY FOR PRIVATE USE, \$300

HUNTINGTON UT 84528
FEB 9 1994
PM 5

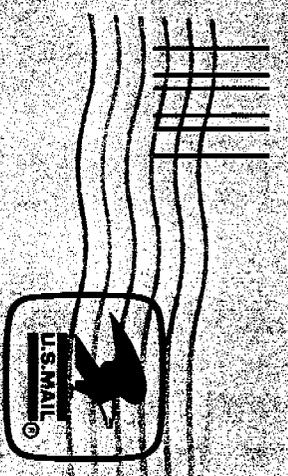
SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

Print Sender's name, address, and ZIP Code in the space below.

STATE OF UTAH
NATURAL RESOURCES
OIL, GAS, & MINING
STRAD CENTER, SUITE 350
SALT LAKE CITY, UTAH 84180-1203



- STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES.** (See front.)
1. If you want this receipt postmarked, stick the gummed stamp to the right of the address, below the name of addressee and above the article or a post-office window or rack for your certified mail extra charges.
 2. If you do not want to receive a postmarked stick the gummed stamp to the right of the return address of the article, date, detach and return the receipt, and mail the article.
 3. If you want a return receipt, write the certified mail number and your name and address on a return receipt (Form 3811, and attach it to the front of the article by means of the gummed strips. (Space permits, otherwise, affix to back of article.) Endorse front of article RETURN RECEIPT REQUESTED adjacent to the number.
 4. If you want delivery restricted to the addressee or to an authorized agent of the addressee, endorse RESTRICTED DELIVERY on the front of the article.
 5. Enter fees for the services requested in the appropriate spaces on the front of the receipt. If return receipt is requested, check the appropriate blocks on Item 1 of Form 3811.
 6. Save this receipt and present it if you have any inquiry.
- U.S.G.P.O. 1989-212-132



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-6319 (TDD)

February 4, 1994

CERTIFIED RETURN RECEIPT REQUESTED
P 074 978 385

Mr. Wendell Owen
Co-Op Mining Company
P.O. Box 1245
Huntington UT 84528

Re: Finalized Assessment for State Violation #N93-35-5-1, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025, Folder #5, Emery County, Utah

Dear Mr. Owen:

The civil penalty for the above-referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must escrow the assessed civil penalty with the Division within a maximum of thirty (30) days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division, mail c/o Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

Ronald W. Daniels
Assessment Conference Officer

sm
Enclosure



**WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING**

COMPANY/MINE Co-op Mining/Bear Canyon Mine

NOV #N93-35-5-1

PERMIT # ACT/015/025

VIOLATION 1 of 1

Assessment Date 2/3/94 Assessment Officer Ronald W. Daniels

Nature of Violation:

Failure to design, locate and construct a diversion in a manner which prevents the flow of suspended solids to streamflow.

Date of Termination: 11/30/93

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>1</u>	<u>1</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>0</u>	<u>0</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>8</u>	<u>8</u>
(4) Good Faith	<u>-0</u>	<u>-5</u>
Total Points	<u>29</u>	<u>24</u>

TOTAL ASSESSED FINE \$ 280

NARRATIVE:

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

Difficult abatement, normal compliance points, good faith points are awarded.



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

For file

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

December 20, 1993

CERTIFIED RETURN RECEIPT REQUESTED
No. P 540 713 994

Wendell Owen
Co-Op Mining Company
P. O. Box 1245
Huntington, Utah 84528

Re: Assessment Conference for State Violations N93-35-5-1, N93-35-6-1, and N93-35-7-3, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025, Folder #5, Emery County, Utah

Dear Mr. Owen:

As per your written request of October 10, 1993, please be advised that the Assessment Conference on state violations N93-35-5-1, N93-35-6-1, and N93-35-7-3, Co-Op Mining Company, Bear Canyon Mine has been established for Tuesday, January 18, 1993, beginning at 9:00 a.m.

Pertinent, written material you wish reviewed before the conference can be forwarded to me at the address listed above.

The conference will be held at the office of the Division of Oil, Gas and Mining.

Sincerely,

Ronald W. Daniels
Coordinator of Minerals Research

vb

cc: K. Mangum, MEC
L. Braxton
J. Helfrich





JH Pgh

VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Co-Op Mining Company
Mailing Address P.O. Box 1275, Huntington, UT 84528
State Permit No. ACT/015/025

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., Utah Code Annotated (1953):

Notice of Violation No. N 93-35-5-1 dated August 12, 1993.

Cessation Order No. C _____ dated _____, 19____.

Part 1 of 1 is vacated terminated because all remedial action has been completed.

Part _____ of _____ is vacated terminated because _____

Part _____ of _____ is vacated terminated because _____

Date of service (mailing) 11/30/93 Time of service (mailing) 10:00 a.m. p.m.

Stendell Owen
Permittee/Operator representative

Mine Manager
Title

Signature

Susan M. White
Division of Oil, Gas & Mining

Reclamation Specialist III
Title

Susan M. White
Signature



UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name De-Op Mining Company

Mailing Address P.O. Box 1245, Huntington Utah 84528

State Permit No. ACT/015/025

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., Utah Code Annotated (1953):

Notice of Violation No. N 93-35-5-1 dated August 12, 1993

Cessation Order No. C _____ dated _____, 19 ____.

Part 1 of 1 is modified as follows: implementation is intended

November 13, 1993.

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Date of service/mailling 10.28.93 Time of service/mailling 8:00 a.m. p.m.

Date of inspection _____

Permittee/Operator representative _____

Title _____

Signature _____

LARILLA GRUBBS
Division of Oil, Gas & Mining

_____ Title _____

Signature _____

10V file

MIEC Mangum
Engineering
Consultants

388 East Boynton Road • Kaysville, Utah 84037 • (801) 544-3641 (801)547-9887

10 October 1993

RECEIVED

OCT 13 1993

**DIVISION OF
OIL, GAS & MINING**

Joseph C. Helfrich
Assessment Officer
Utah Division of Oil Gas & Mining
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: Proposed Assessment for State Violations No. N93-35-5-1, N93-35-6-1, and N93-35-7-3, Co-Op Mining Co., Bear Canyon Mine, ACT/015/025, Emery County, Utah

As an agent of Co-Op Mining Co. I request that *assessment conferences* to review the violations referenced above and proposed penalties be scheduled.

I also request that copies of internal comments from Division personnel issuing the violations be forwarded for our review prior to the scheduled hearings. We have not had these documents for previous hearings and would appreciate this courtesy. I understand that you use these comments during your evaluation.

Please notify me and the *Resident Agent* of Bear Canyon Mine when conference(s) can be scheduled.

Resident Agent: Mr. Wendell Owen
P.O. Box 1245
Huntington, Utah 84528

Thank you for your cooperation in this matter.



Kimly C. Mangum, P.E.
Permitting & Compliance Consultant.

cc: Co-Op Mining Co.



MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Utah Minerals Company

Mailing Address PO Box 1245, Hurricane, UT 84037

State Permit No. ACT/015/025

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-25-5-1 dated September 12, 19 93.

Cessation Order No. C _____ dated _____, 19 _____.

Part 1 of 1 is modified as follows: to October 28, 1993. The initial abatement

Reason for modification is to submit a plan was finished

Part _____ of _____ is modified as follows: by the water bar which

Reason for modification is runoff flow to Culvert C-10 on August 27

Part _____ of _____ is modified as follows: _____

Date of service (mailing) 9/22/93

Time of service (mailing) 5:00 a.m. p.m.

Date of inspection 9/18/93

Permittee/Operator representative _____

Title _____

Signature _____

Pamela Green
Division of Oil, Gas & Mining

Timothy Ferguson
Title _____

Signature _____



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

September 10, 1993

CERTIFIED RETURN RECEIPT
P 074 977 037

Mr. Wendell Owen
Co-Op Mining Company
P.O. Box 1245
Huntington, Utah 84528

Re: Proposed Assessment for State Violation Nos. N93-35-5-1, N93-35-6-1, and N93-35-7-3, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025, Folder #5, Emery County, Utah

Dear Mr. Owen:

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under R645-401.

Enclosed are the proposed civil penalty assessments for the above-referenced violations. The violations were issued by Division Inspector, Susan White on August 12, 1993. Rule R645-401-600 et. sec. has been utilized to formulate the proposed penalties. By these rules, any written information which was submitted by you or your agent, within fifteen (15) days of receipt of the Notices of Violation, has been considered in determining the facts surrounding the violations and the amount of penalties.

Under R645-401-700, there are two informal appeal options available to you:

1. If you wish to informally appeal the fact of this violation, you should file a written request for an Informal Conference within 30 days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty.

Page 2
N93-35-5-1
N93-35-6-1
N93-35-7-3
ACT/015/025
September 10, 1993

2. If you wish to review the proposed penalty assessment, you should file a written request for an Assessment Conference within 30 days of receipt of this letter. If you are also requesting a review of the fact of violation, as noted in paragraph 1, the Assessment Conference will be scheduled immediately following that review.

If a timely request for review is not made, the fact of violation will stand, the proposed penalties will become final, and the penalties will be due and payable within thirty (30) days of the proposed assessments. Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,



Joseph C. Helfrich
Assessment Officer

jbe
Enclosure
cc: Bernie Freeman, OSM

**WORKSHEET FOR ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING**

COMPANY/MINE Co-Op Mining Company/Bear Canyon Mine **NOV #** N93-35-5-1

PERMIT # ACT/015/025

VIOLATION 1 OF 1

ASSESSMENT DATE 09/10/93

ASSESSMENT OFFICER Joseph C. Helfrich

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 09/10/93

EFFECTIVE ONE YEAR TO DATE 09/10/92

PREVIOUS VIOLATIONS

EFFECTIVE DATE

POINTS

N93-35-1-1

07/31/93

1

1 point for each past violation, up to one year;
5 points for each past violation in a CO, up to one year;
No pending notices shall be counted.

TOTAL HISTORY POINTS 1

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations Max 45 PTS

1. What is the event which the violated standard was designed to prevent?
Damage to property, environmental harm, and water pollution.

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent? Water pollution did occur.

... PROBABILITY	RANGE
... None	0
... Unlikely	1-9
... Likely	10-19
... Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS

The inspector's statement revealed that damage to property as well as environmental harm did not occur; however, runoff from the disturbed area flowed untreated outside the permit area.

3. What is the extent of actual or potential damage?

RANGE 0 - 25*

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 0

PROVIDE AN EXPLANATION OF POINTS

The inspector's statement revealed that no noticeable damage occurred as a result of the violation.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? _____

RANGE 0 - 25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS

TOTAL SERIOUSNESS POINTS (A or B) 20

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? **IF SO - NO NEGLIGENCE;**
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? **IF SO - NEGLIGENCE;**
 OR Was this violation the result of reckless, knowing, or intentional conduct? **IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.**

... No Negligence	0
... Negligence	1-15
... Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE Ordinary

ASSIGN NEGLIGENCE POINTS 8

PROVIDE AN EXPLANATION OF POINTS

Lack of diligence with respect to maintenance of sediment control structures.

IV. GOOD FAITH MAX 20 PTS. (EITHER A or B) (Does not apply to violations requiring no abatement measures.)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?
 ... **IF SO - EASY ABATEMENT**
 Easy Abatement Situation
- | | |
|---|-------------|
| ... Immediate Compliance | -11 to -20* |
| ... Immediately following the issuance of the NOV) | |
| ... Rapid Compliance | -1 to -10* |
| ... (Permittee used diligence to abate the violation) | |
| ... Normal Compliance | 0 |
- (Operator complied within the abatement period required)
 (Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

* Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance?

... **IF SO - DIFFICULT ABATEMENT**

Difficult Abatement Situation

... **Rapid Compliance -11 to -20***

... (Permittee used diligence to abate the violation)

... **Normal Compliance -1 to -10***

... (Operator complied within the abatement period required)

... **Extended Compliance 0**

(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

(Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? _____ **ASSIGN GOOD FAITH POINTS** -0

PROVIDE AN EXPLANATION OF POINTS

To be evaluated upon termination of the violation.

V. **ASSESSMENT SUMMARY FOR** N93-35-5-1

I.	TOTAL HISTORY POINTS	<u>1</u>
II.	TOTAL SERIOUSNESS POINTS	<u>20</u>
III.	TOTAL NEGLIGENCE POINTS	<u>8</u>
IV.	TOTAL GOOD FAITH POINTS	<u>- 0</u>
	TOTAL ASSESSED POINTS	<u>29</u>
	TOTAL ASSESSED FINE	<u>\$ 380.00</u>

jbe

EVENT VIOLATIONS INSPECTORS STATEMENT

Company/Mine Winn Canyon Mine
Permit # ACT/015/025

NOV/CO # N93-35-5-1
Violation # of

A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of events below and remember that the event is not the same as the violation. Circle and explain each event.

- a. Activity outside the approved permit area.
- b. Injury to the public (public safety).
- c. Damage to property.
- d. Conducting activities without appropriate approvals.
- e. Environmental harm.
- f. Water pollution.
- g. Loss of reclamation/revegetation potential.
- h. Reduced establishment, diverse and effective vegetative cover.
- i. No event occurred as a result of the violation.
- j. Other.

2. Has the event occurred? Yes No

Yes: Describe it. Untreated water leaving the permit area.

 No: What would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

3. Did any damage occur as a result of the violation?

No None noticeable, TSS of Bear Creek is very high

 Yes: Describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

B. DEGREE OF FAULT (Check the statements which apply to the violation and discuss.)

- () Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation

- (X) Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation

*Reasonable care.
A swale was installed to divert water into culvert C-ID however, no sizing information about the swale had been calculated.*

- () If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation

- () Was the operator in violation of a specific permit condition?

Explanation

- () Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation?

Explanation

- () Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

3. Was the submission of plans prior to physical activity required by this NOV/CO? Yes___ No___ If yes, explain.

Susan White
Authorized Representative

Susan M White 8/16/93
Signature Date

NO. N 93-35-5-1

To the following Permittee or Operator:

Name CO-OP MINING COMPANY

Mine BEAR CANYON MINE Surface Underground Other

County EMERY State UTAH Telephone (801) 381-2450

Mailing Address P. O. BOX 1245, HUNTINGTON, UTAH 84528

State Permit No. ACT/015/025

Ownership Category State Federal Fee Mixed

Date of inspection 8/10/93, 1993

Time of inspection 8:00 a.m. p.m. to 6:00 a.m. p.m.

Operator Name (other than Permittee) _____

Mailing Address _____

notice of violation

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 RETURN RECEIPT:
P 074 978 617**

Date of service/mailling 8/12/93 Time of service/mailling 10:00 a.m. p.m.

WENDELL OWEN
Permittee/Operator representative

MINE MANAGER
Title

Signature _____

SUSAN WHITE
Division of Oil, Gas & Mining representative

RECLAMATION SPECIALIST III
Title

Susan White
Signature

#35
Identification Number

SEE REVERSE SIDE

WHITE-DOG M YELLOW-OPERATOR PINK-OSM GOLDENROD-NOV FILE



NOTICE OF VIOLATION NO. N 93-35-5-1

Violation No. 1 of 1

Nature of violation

Failure to design, locate, construct, and maintain a diversion to prevent to the extent possible additional contribution of suspended solids to stream flow outside the permit area.

Provisions of act, regulations or permit violated

R645-301-742.312.3

Portion of operation to which notice applies

Swale or berm which conducts flow from the ^{Beer} Miswatha Portal pad into culvert C-1B.

Remedial action required (including any interim steps)

Provide sizing specifications for ditch for inclusion in the permit. Construct and maintain diversion per specification.

Abatement time (including interim steps)

August 25, 1993 for plans.

Implement diversion plan within 5 days of approval.