



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

NO. N04-46-1-1

Notice of violation

0009

To the following Permittee or Operator:

Name C.W. Mining Company
 Mine Bear Canyon Mines Surface Underground Other
 County Emery State Utah Telephone (435) 687-2450
 Mailing Address _____
 State Permit No. C/015/025
 Ownership Category State Federal Fee Mixed
 Date of inspection 3/23/2004, 19____
 Time of inspection 8:55 a.m. p.m. to 2:10 a.m. p.m.
 Operator Name (other than Permittee) _____
 Mailing Address _____

Post-It Fax Note	7671	Date	<u>3/23</u>	# of pages	<u>2</u>
To	<u>Pam Grubbaugh</u>	From	<u>Peter Hess</u>		
Co./Dept.	<u>Litig</u>	Co.	<u>PFO-DOG M</u>		
Phone #	<u>SLO-DOG M</u>	Phone #			
Fax #		Fax #			

Act. Section 40-10-1 et seq., Utah Code Annotated, 1953, if Oil, Gas & Mining has conducted an inspection of the act, regulations or required permit condition(s) listed of Violation for each violation listed.

ated abatement time. You are responsible for doing all

ing is is not expressly or in practical effect required 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.

Date of service/ mailing 3/23/2004 Time of service/ mailing 2:10 a.m. p.m.

Mark Reynolds
Permittee/Operator representative

Mark Reynolds
Signature

Peter Hess
Division of Oil, Gas & Mining representative

Peter Hess
Signature

Engineer
Title

Environmental Scientist III
Title

#46
Identification Number

SEE REVERSE SIDE

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

DOG M/NOV-1

an equal opportunity employer

RECEIVED

MAR 23 2004

DIV. OF OIL, GAS & MINING

Performance Standard "B-5"



NOTICE OF VIOLATION NO. 04-46-1-1

Violation No. 1 of 1

Nature of violation

1) "Failure to Maintain Diversions"

Provisions of act, regulations or permit violated:

- 1) R 645-301-742, 3/2
- 2) UCA 40-10-18, 11 (b)

Portion of operation to which notice applies

- 1) Ditch D-8D East of Scale house
- 2) Ditch D-3D adjacent to Coal Storage Retaining Wall
- 3) Ditch D-1U
- 4) Culvert C-16U (Rocks blocking inlet)
- 5) Culvert C-15U (Inlet blocked approximately 50%)
- 6) Ditch D-1D (parallels cutbank going to Hiawatha)

Remedial action required (including any interim steps)

- 1) Remove Belt Rolls / machinery, etc. from ditch
- 2) D-8D: re-define the ditch to design capacity
- 3) Ditch D-3D: remove excess material and re-shape ditch to approved design specifications.
- 4) Ditches D-1U D-1D + culverts C-15U and C-16U: Remove all debris blocking these diversions such that they function as designed.

Abatement time (including interim steps)

- 1) Complete all remedial action/repairs by 4/23/2004 @ 17:00 hours. (30 days)

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

DOG M/NOV-2

an equal opportunity employer

11/85

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MAR 23 2004

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