

COPY

U.S. DEPARTMENT OF THE INTERIOR  
Office of Surface Mining Reclamation and Enforcement  
MODIFICATION OF NOTICE OF VIOLATION OR CESSATION ORDER

|  |                           |   |  |  |
|--|---------------------------|---|--|--|
| 1. Name<br><b>Genwal Coal Company</b>                            |                           | <input checked="" type="checkbox"/> Permittee<br><input type="checkbox"/> No Permit | Originating Office Address<br><b>USDI-OSM<br/>Albuquerque Field Office<br/>625 Silver Ave., SW<br/>Suite 310<br/>Albuquerque, NM 87102<br/>Telephone Number<br/>(505) 766-1486</b> |  |
| 2. Mailing Address<br><b>P.O. Box 1201, Huntington, UT 84527</b> |                           |   |  |  |
| 3. Name of Mine<br><b>Crandall Canyon</b>                        |                           | <input type="checkbox"/> Surface<br><input checked="" type="checkbox"/> Underground | <input type="checkbox"/> Other (Specify) <i>7</i>  |  |
| 4. Telephone Number<br><b>(801) 687-9813</b>                     | 5. County<br><b>Emery</b> | State<br><b>Utah</b>  |  | 8. Date of Inspection mailed from<br><b>06/26/91 Alb. on 6/27/91</b> |
| 6. Operator's Name<br><b>Same as above</b>                       |                           |   | 9. Time of Inspection<br>From _____ a.m. To _____ a.m.<br>p.m. p.m.  |  |
| 7. Mailing Address   |                           | 10. State Permit Number<br><b>ACT/015/032</b>                                       | 11. NPDES Number   | 12. MSHA ID Number<br><b>42-01715</b>                                |
|  |                           |   |  | 13. OSM Mine Number<br><b>N/A</b>                                    |

**ACTIONS TAKEN**

Authority: Under the authority of the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87; 30 U.S.C. 1201) the following action is taken:

|  |                         |                                 |       |
|--|-------------------------|---------------------------------|-------|
| 14. Notice of Violation Number<br><b>91 - 02 - 244 - 3</b> | Dated<br><b>6/26/91</b> | 15. Cessation Order Number<br>- | Dated |
|--|-------------------------|---------------------------------|-------|

16. VIOLATION 1 OF 1 IS MODIFIED: (Describe Action and Justify)

**CORRECTIVE ACTION REQUIRED**

(4) cease the further construction or improvement of the access/haul road until permitted in accordance with the approved State program; except those road widening and paving activities required, and approved by the U.S. Forest Service. Justification: To abate the USFS & OSM concerns for public safety and environmental harm resulting from additional contributions of sediment entering

17. VIOLATION of Crandall and Huntington Creeks IS MODIFIED: (Describe Action and Justify)

RECEIVED

JUL 11 1991

DIVISION OF OIL GAS & MINING

18. VIOLATION \_\_\_\_\_ OF \_\_\_\_\_ IS MODIFIED: (Describe Action and Justify)

|   |  |
|---|--|
| 19. Print Name of Authorized Representative<br><b>Garry Fritz</b> | Identification Number<br><b>244</b>    |
| 20. Signature of Authorized Representative<br><i>Garry Fritz</i>  | Effective Date<br><b>June 28, 1991</b> |

**U.S. DEPARTMENT OF THE INTERIOR**  
Office of Surface Mining Reclamation and Enforcement  
**NOTICE OF VIOLATION**

1. Notice of Violation Number  
91 — 02 — 244 — 3  
TV 1

2. Name  Permittee  No Permit  
**Genval Coal Company**

Originating Office Address

3. Mailing Address  
**P.O. Box 1201, Huntington, UT 84527**

**USDI-OSM  
Albuquerque Field Office  
625 Silver Ave., SW  
Suite 310  
Albuquerque, NM 87102**

4. Name of Mine  Surface  Other (Specify)  Underground  
**Crandall Canyon**

Telephone Number  
**(505) 766-1486**

5. Telephone Number **(801) 687-9813**

9. Date of Inspection  
**June 26, 1991**

7. Operator's Name (If other than permittee)  
**Same as above.**

8. Mailing Address

10. Time of Inspection  
From **11:30** a.m. To **1:00** p.m.

11. State Permit Number  
**ACT/015/032**

12. NPDES Number

13. MSHA ID Number  
**42-01715**

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 722.15).

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.

*Cost receipt # P 965 799 127*

**IMPORTANT—Please Read Information on the Back of this Page**

15. Print Name of Person Served  
**Allen Childs**

18. Date of Service  
**June 26, 1991**

16. Print Title of Person Served  
**Area Manager**

19. Print Name of Authorized Representative  
**Gary L. Fritz**

17. Signature of Person Served  
*[Signature]*

20. Signature of Authorized Representative **ID Number**  
*[Signature]* **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 Crandall Canyon Mine haul road from the present permit boundary, approximately 1.3 miles, to State Highway No. 31.

**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.

cert receipt # P 965 799 127

ATTACHMENT "A"

Stipulations  
Genwal Coal Company  
Federal Coal Leases ML-21568 and ML-21569  
April 22, 1991

Stipulation R614-301-525 DWD

The applicant will not be allowed to conduct mining operations which will influence or project disturbance of landuse or surface features on U.S. Forest Service lands. The applicant will be restricted to conduct no subsidence mining operations within an angle-of-draw established at 30 degrees, from the boundaries of State Leases ML-21568 and 21569, until the Regulatory Authority either receives a letter from the Manti-Lasal National Forest granting permission to encroach on their boundaries or by receiving geotechnical data from Genwal that will allow mining at a lesser angle-of-draw.

1. The applicant will be required to develop a mine map that reflects a no mining area within a 30 degree angle-of-draw, horizontal, other than developing main entries with no second or retreat mining, along the boundaries between the State Leases and Forest Service lands. The applicant will be required to submit the map within 60 days of permit approval which identifies the no mining area.

The applicant has not identified measures to protect the stream channel in Blind Canyon, and Crandall Canyon from subsidence. The Forest Service have established water rights along the stream channel which should be protected. The applicant will be required to maintain surface configuration by retaining support pillars along the stream channel buffer zone. The buffer zone will be establish at a 30 degree angle-of draw and no secondary mining will take place in the buffer zone, until the applicant submits sufficient information to show that subsidence of those areas will not occur.

2. The applicant must submit a map and plans to protect those portions of Blind Canyon and Crandall Canyon stream channels which lie within the state leases. The applicant will be required to submit the map within 60 days of permit approval.

Stipulation R614-301-528.332 PB

1. Within 60 days of permit approval, Genwal Coal Co. must amend the Mining and Reclamation Plan to provide for the disposal of hazardous waste in an approved facility.

Stipulation R614-301-535.100 PB

1. Within 60 days of permit approval, Genwal Coal Co. must develop a plan for the disposal of excess spoil within a permitted area. For further details see stipulation below under R614-301-536.

Stipulation R614-301-536-PB

1. Within 60 days of permit approval, Genwal Coal Co. must develop a plan for the disposal of coal mine waste within a permitted area. The operator shall submit to the Division a detailed set of plans for the location, installation, operation and reclamation of a coal mining waste disposal facility. This submittal will follow the review and public notice requirements for an amendment to the Mining and Reclamation Plan.

No temporary or permanent disposal of coal mining waste material shall be made by the Operator, until the above modifications are approved and finalized, with the exception of the underground storage of underground development waste.

Stipulations R614-301-700-SF

The Applicant has not sufficiently demonstrated hydro-geologic connection between the Trail Mountain area and the proposed site. Although the applicant has submitted additional hydrologic and geologic information it is not provided in the application package.

2. The applicant shall submit information showing that the hydro-geology of the lease area is the same as that described. The applicant shall submit the seep and spring inventory as part of the Mining and Reclamation Plan other than a separate document.

Stipulation R614-301-724.200-SF

1. The applicant shall include a monitoring regime for Horse Creek tributary, and information characterizing seasonal regime and flow classification of upper Crandall Canyon.

Stipulation R614-301-727-SF

The applicant will amend the permit to include measures to be taken to protect or replace all potentially affected pre-mining water uses.

|  |                    |                                |   |  |
|--|--------------------|--------------------------------|---|--|
| <b>U.S. DEPARTMENT OF THE INTERIOR</b><br>Office of Surface Mining Reclamation and Enforcement<br><b>NOTICE OF VIOLATION</b>     |                    |                                | 1. Notice of Violation Number<br>91 — 02 — 244 — 3<br>TV 1  |  |
| 2. Name <input checked="" type="checkbox"/> Permittee <input type="checkbox"/> No Permit<br>Genwal Coal Company                  |                    |                                | Originating Office Address<br>USDI-OSM<br>Albuquerque Field Office<br>625 Silver Ave., SW<br>Suite 310<br>Albuquerque, NM 87102 |  |
| 3. Mailing Address<br>P.O. Box 1201, Huntington, UT 84527  |                    |                                | Telephone Number<br>(505) 766-1486  |  |
| 4. Name of Mine <input type="checkbox"/> Surface <input checked="" type="checkbox"/> Other (Specify) <u>7</u><br>Crandall Canyon |                    |                                |   |  |
| 5. Telephone Number<br>(801) 687-9813  | 6. County<br>Emery | State<br>Utah                  |   |  |
| 7. Operator's Name (if other than permittee)<br>Same as above.   |                    |                                | 9. Date of Inspection<br>June 26, 1991  |  |
| 8. Mailing Address   |                    |                                | 10. Time of Inspection<br>From 11:30 a.m. To 1:00 p.m.  |  |
| 11. State Permit Number<br>ACT/015/032   | 12. NPDES Number   | 13. MSHA ID Number<br>42-01715 | 14. OSM Mine Number<br>N/A  |  |

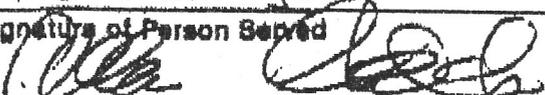
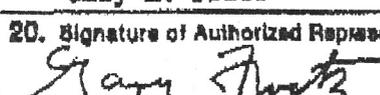
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|   |  |  |                  |
|---|--|--|------------------|
| 15. Print Name of Person Served<br>Allen Childs   |  | 18. Date of Service<br>June 26 1991  |                  |
| 16. Print Title of Person Served<br>Mine Manager  |  | 19. Print Name of Authorized Representative<br>Gary L. Fritz   |                  |
| 17. Signature of Person Served<br> |  | 20. Signature of Authorized Representative<br> | ID Number<br>244 |

**U.S. DEPARTMENT OF THE INTERIOR**  
**Office of Surface Mining Reclamation and Enforcement**

NOV Number  
**91 - 02 - 244 - 3**  
Violation Number  
**1** of **1**

**NOTICE OF VIOLATION (CONTINUATION)**

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