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UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

~~VACATION~~/TERMINATION OF NOTICE OF VIOLATION ~~/CESSATION ORDER~~

To the following Permittee or Operator:

Name Genwal Coal Company

Mailing Address P.O. Box 1201, Huntington, Utah 84528

State Permit No. ACT/015/032

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

Notice of Violation No. N 95-46-1-1 dated 3/9, 19 95.

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

Part 1 of 1 is ☐ vacated ☒ terminated because the permittee has repaired diversion UD-3 to function (i.e. transport undisturbed drainage across disturbance) as required by the R645 regulations

~~Part ___ of ___ is ☐ vacated ☐ terminated because~~

~~Part ___ of ___ is ☐ vacated ☐ terminated because~~

Date of service ~~/mailing~~ 3/17/95 Time of service ~~/mailing~~ 11:30 ☒ a.m. ☐ p.m.

Randy Gainer
Permittee/Operator representative

Environmental Manager
Title

Randy Gainer
Signature

Peter A Hess
Division of Oil, Gas & Mining

Engineer II
Title

Peter Hess
Signature

WHITE – DOGM YELLOW – OSM PINK – PERMITTEE/OPERATOR GOLDENROD – NOV FILE

an equal opportunity employer

5/85

COMPANY/MINE Genwal Coal Company NOV/CO # 95-46-1-1
PERMIT # ACT/015/032 VIOLATION # 1 OF 1

HINDRANCE TO ENFORCEMENT VIOLATIONS INSPECTOR'S STATEMENT

A. NA Hindrance To Enforcement (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification.)

1. Describe how violation of this regulation actually ___ or potentially ___ (check one) hindered enforcement by DOGM and/or the public and explain the circumstances.

B. Degree Of Fault (Only one question applies to each violation, check and discuss.)

(___) No Negligence
If you think this violation was not the fault of the operator (due to vandalism or an act of God), explain. Remember the permittee is considered responsible for actions of all persons working on the mine site.

(X) Ordinary Negligence
If you think this violation was a result of not knowing DOGM regulations, indifference to DOGM regulations or the lack of diligence or reasonable care. Explain.

UD-3 → The diversion in question is a problem from the previous ownership of the mine. It is a haphazard, overdesigned installation. The PVC is brittle from ultraviolet aging.

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

→ Mr. Demczak inspected the site on 2/23/95; he indicated that UD-3 was intact at that time. The weight of snow from a recent storm apparently broke the pipe in 2 locations. In general, the pipe needs additional support/replacement.

COMPANY/MINE Genwal Coal Co. NOV/CO # 95-46-1-1

PERMIT # ACT/015/032 VIOLATION # 1 OF 1

(___) Knowing and Willful Conduct
Was the operator in violation of a specific permit condition? Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation? Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

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.
The permittee informed this inspector that the diversion UD-3 was repaired by Friday, 3/10/95. This was visually confirmed 3/17/95 at 09:15 Hours.

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

3. Was the submission of plans prior to physical activity required by this NOV? Yes ___ No X If yes, explain.
It is the permittee's intent to submit plans for a new installation once the NOV is abated.

~~11/09/94~~ 3/13/95 Peter Russ #46
DATE AUTHORIZED REPRESENTATIVE

State : Permit No : Appl No :
Applicant : 119705(INTERMOUNTAIN POWER AGENCY) Seqno :

SYSTEM RECOMMENDATION IS BASED ON ENTITY OFT		
SYSTEM RECOMMENDATION	: ISSUE	03/16/95
PREVIOUS SYSTEM RECOMMENDATION	: ISSUE	07/09/91

PRV_SCR(F3) EVOFT(F5) CHOICES(F10)
avsdg 08 04

Entity Evaluation Applicant Violator System 16-Mar-1995 09:49:49

State : Permit No : Appl No :
Applicant : 136398(GENWAL RESOURCES INC) Seqno :

SYSTEM RECOMMENDATION IS BASED ON ENTITY OFT

SYSTEM RECOMMENDATION : ISSUE 03/16/95
PREVIOUS SYSTEM RECOMMENDATION :

PRV_SCR(F3) EVOFT(F5) CHOICES(F10)
avsdg 07:49

Entity Evaluation Applicant Violator System 16-Mar-1995 09:51:06

State : Permit No : Appl No :
Applicant : 108257(GENWAL COAL CO INC) Seqno :

SYSTEM RECOMMENDATION IS BASED ON ENTITY OFT		
SYSTEM RECOMMENDATION	: ISSUE	03/16/95
PREVIOUS SYSTEM RECOMMENDATION	: ISSUE	01/05/95

PRV_SCR(F3) EVOFT(F5) CHOICES(F10)
avsdg 07:50