

0019



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

C/007/005 Compliance OK

Michael O. Leavitt  
Governor  
Kathleen Clarke  
Executive Director  
Lowell P. Braxton  
Division Director

1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, Utah 84114-5801  
801-538-5340  
801-359-3940 (Fax)  
801-538-7223 (TDD)

**NO. N39-01-1-1**

To the following Permittee or Operator:

Name: Canyon Fuel Company, LLC  
Mine Name: Skyline Mine Type: Underground  
County: Carbon State: UT Telephone Number: (435) 448-2669  
Business Address: HC 35 Box 380, Helper, Utah 84526  
Permit Number: C/007/005 Ownership Category: Federal

Date of Inspection: 08/29/2001 Time of Inspection: 9:30 a.m. - 2:30 p.m.  
Operator Name (if other than permittee): \_\_\_\_\_  
Operator Mailing Address: \_\_\_\_\_

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, and Mining has conducted an inspection of above mine on above date and has found violation(s) of the act, regulation 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, and 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 Mailing: 09/06/2001

Time of Mailing: 3:00 p.m.

Dan Meadors  
Permittee/Operator representative

General Manager  
Title

**Mailed from DOGM Price Office**  
Signature

Stephen J. Demczak  
Division of Oil, Gas, and Mining Representative

Reclamation Specialist  
Title

Signature

#39  
Identification Number

**SEE REVERSE SIDE**  
CC: DOGM  
OPERATOR  
OSM  
NOV FILE

**CERTIFIED RETURN RECEIPT #7099 3400 0006 5095 2179**

## IMPORTANT – READ CAREFULLY

### 1. PENALTIES.

a. **Proposed assessment.** The Board of Oil, Gas, and Mining assesses fines based upon a proposed assessment recommended by an assessment officer. You may submit written information pertaining to violation(s) covered by this order within 15 days of the date this notice or order is served on you or your agent. Information will be used by the assessment officer in determining facts surrounding the violation(s) and amount of penalty. A representative of the Division of Oil, Gas, and Mining will serve the proposed assessment on you or your agent within 30 days of issuance of notice or order.

b. **Assessment.** The penalty will be finalized unless you or your agent file a written request within 15 days of receipt of proposed assessment for an informal hearing before the assessment officer.

For each violation included in this notice, a penalty of up to \$5,000 may be assessed for each separate day the violation continues.

If you fail to abate any violation within the time set for abatement or for meeting any interim step, you will be assessed a minimum penalty of \$750 for each day of continuing violation beyond the time set for abatement. You will be issued a Cessation Order requiring you to cease surface coal mining operation or the portion of the operations relevant to the violation.

### 2. INFORMAL PUBLIC HEARING.

An informal public hearing may be held at or near the mine site if this notice requires cessation of mining, expressly or in practical effect. On the reverse of this page, the authorized representative has made a finding as to whether or not this notice requires cessation of mining.

Please review this finding and inform the authorized representative if you disagree with it. (See Utah Admin. R. 645-400-350 et seq.)

If this notice requires cessation of mining, it will expire within 30 days from date you are notified unless an informal public hearing is held or waived, or the condition, practice, or violation is abated within the 30-day period. You will be notified of date, time, and location of hearing.

### 3. FORMAL REVIEW AND TEMPORARY RELIEF.

You may apply for review of this notice or assessment before the Board of Oil, Gas, and Mining by submitting an application for hearing within 30 days of receipt of notice or assessment by you or your agent. Apply to:

Secretary  
Board of Oil, Gas, and Mining  
1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, Utah 84114-5801

If applying for a formal board hearing, you may submit with your petition for review a request for temporary relief from this notice. Procedures for obtaining a formal board hearing are contained in the board's Rules of Practice and Procedure and in Utah Admin. R. 645-401-800 et seq.

### 4. EFFECT ON PERMIT.

The permit may be suspended or revoked if it is determined that a pattern of violations of the act, regulations or permit conditions exists, and that the violations were caused by an unwarranted or willful failure to comply.

For further information, consult *Utah Code Annotated* Section 40-10-20, 21, 22, and 23, Utah Admin. R. 645-400-300 et seq. and R. 645-401 et seq. or contact the Division of Oil, Gas, and Mining at (801) 538-5340.

NOTICE OF VIOLATION NO. N39-01-1-1

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Violation No. 1 of 1

Nature of violation:

Failure to minimize additional contributions of suspended solids (coal fines, etc.), into Eccles Creek.

Provisions of act, regulations, or permit violated:

R645-301-731

R645-301-731.121

R645-301-742.211

R645-301-742.214

R645-301-526.221

R645-301-526.222

Utah Code Annotated 40-10-17(J)

40-10-17(J)(ii)(A).

Portion of operation to which notice applies:

Mine discharge into Eccles Creek.

Remedial action required (including any interim steps):

- 1) Stop coal fines from entering into Eccles Creek, immediately.
- 2) Submit a revised plan to be incorporated into the MRP which will prevent additional contributions of suspended solids outside the permit area.
- 3) Commit, in the MRP, to perform a macroinvertebrate studies of Eccles Creek semi-annually for three consecutive years starting in the year 2002, which will provide data that can be compared to prior data.

Abatement time (including interim steps):

- 1) Immediately stop coal fines from entering into Eccles Creek.
- 2) Submit a plan within 30 days of receipt of this violation.
  - 2a) Implement this plan within two weeks, upon Division approval.
- 3) Amend MRP within 30 days of receipt this violation.

cc: DOGM  
OPERATOR  
OSM  
NOV FILE

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