C0070045 Outgoing
#5607

Citations Home Page

Citation for Non-Compliance
Utah Coal Regulatory Program

1594 West North Temple, Salt Lake City, UT 84114
Phone: (801) 538-5340 Fax: (801) 359-3940

Citation #: 21201
Permit Number: C0070045
Date Issued: 02/01/2018

☐ NOTICE OF VIOLATION ☑ CESSATION ORDER (CO) ☐ FAILURE TO ABATE CO

Permittee Name: BRC WELLINGTON, LLC	Inspector Number and ID:	39	SDEMCZAK
Mine Name: WELLINGTON DRY-COAL CLEANING FACILITY	Date and Time of Inspection:	01/30/2018	9:00 am
Certified Return Receipt Number:	Date and Time of Service:	02/01/2018	9:00 am

Nature of condition, practice, or violation:
Failure to keep "Coal Processing Waste" on a DOGM permitted area.

Provisions of Act, regulations, or permit violated:
R645-301-528.320, R645-301-536, R645-301-542.730, R645-301-746.

☐ **This order requires Cessation of ALL mining activities.** (Check box if appropriate.)

☐ Condition, practice, or violation is creating an imminent danger to health or safety of the public.	☐ Permittee is/has been conducting mining activities without a Permit.
☐ Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.	☐ Permittee has failed to abate Violation(s) included in ☐ Notice of Violation or ☐ Cessation Order within time for abatement originally fixed or subsequently extended.

☑ **This order requires Cessation of PORTION(S) of mining activities.**

Mining activities to be ceased immediately: ☐ Yes ☑ No	**Abatement Times (if applicable).**
The selling of "Coal Processing Waste" such as the material sold to ATTCO Trucking	
Company Inc. No Coal Processing Waste is to be sold or transported to a	
non-DOGM permitted site/location.	

Action(s) required: ☑ Yes ☐ No

1. Recover all Coal Processing material at ATTCO Trucking Company property and properly dispose of it in the permit area by April 30, 2018.
2. Submit and receive a Division approval of an amendment to update the MRP to address the reclamation of Coal Processing Waste by April 30, 2018. Using section R645-302-262 and R645-302-264.300.
3. Submit and receive a Division approval of an amendment to update the MRP to address the operational requirements of having Coal Processing Waste pile by April 30, 2018. Using section R645-302-262 and R645-302-264.300.

Kyle Edwards	**STEVE DEMCZAK**
(Print) Permittee Representative	(Print) DOGM Representative
Permittee Representative's Signature - Date	DOGM Representative's Signature - Date

SEE REVERSE SIDE Of This Form For Instructions And Additional Information

IMPORTANT – READ CAREFULLY

Pursuant to the Utah Coal Mined Land Reclamation Act, Utah Code Ann. § 40-10-1 et. seq. (Act), the undersigned authorized representative of the Division of Oil, Gas, and Mining (DOGM) has conducted an inspection and found that a Notice of Violation or Cessation Order must be issued.

This order shall remain in effect until it is modified, terminated or vacated by written notice of an authorized representative of DOGM.

1. **PENALTIES.**

   Proposed assessment. DOGM assesses fines based upon a proposed recommendation by an assessment officer. If there is additional information you wish DOGM to consider regarding the cessation order and proposed fine, please submit that to DOGM within ***15 days of the date this notice or order is served on you or your agent.*** Such information will be used by the assessment officer in determining facts surrounding the violation(s) and amount of penalty. Once DOGM has determined the proper penalty, it will serve the proposed assessment on you or your agent, within 30 days of the issuance of this notice or order. See Utah Admin. Code R645-401-600 et. seq.

   The penalty will become final unless you or your agent file, within 30 days of receipt of the proposed assessment, a written request for an informal hearing before the assessment officer or a formal hearing before the Board of Oil, Gas and Mining.

   Assessment. 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 an additional minimum penalty of $750 for each day of continuing violation beyond the time set for abatement. You will be issued a Cessation Order requiring cessation of surface coal mining operations or the portion of the operations relevant to the violation.

2. **INFORMAL PUBLIC HEARING.**

   On the reverse side of this page, an authorized representative has made a finding as to whether or not this notice requires cessation of mining. If this order or notice requires cessation of mining, expressly or in practical effect, you may request that an informal public hearing be held at or near the mine site. If you wish an informal public hearing be held, please contact an authorized representative from DOGM. See Utah Admin. Code R645-400-350 et seq. Once an informal public hearing is scheduled, you will be notified of the date, time, and location of the hearing.

   If this notice requires cessation of mining, it will expire within 30 days from the 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.

3. **FORMAL REVIEW AND TEMPORARY RELIEF.**

   You may appeal this notice or order to the Board of Oil, Gas, and Mining by submitting an application for hearing within 30 days of receipt of this notice or order. See Utah Admin. Code R645-300-164.300. Please submit the application for hearing 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. Code R645-401-800 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 Ann. § 40-10-20 through 40-10-23 and Utah Admin. Code R645-400-300 et. seq. and R645-401 et. seq., or contact the Division of Oil, Gas, and Mining at (801) 538-5340.