DOGM/NOV-1

0011

File Act 015/004

F UTAH
TURAL RESOURCES
, GAS & MINING
orth Temple
y, Utah 84116
301) 533-5771

84-6-8-1

NOTICE OF VIOLATION NO.N

From the STATE OF UTAH
To the Following Permittee or Operator:

NAME Beaver CK Coal Co.
MINE Huntington #4 ☐ SURFACE ☒ UNDERGROUND ☐ OTHER
CATEGORY OF OWNERSHIP: ☐ STATE ☐ FEDERAL ☐ FEE ☐ MIXED
OSM MINE NO. STATE PERMIT NO. ACT/015/004 MSHA I.D. NO.
COUNTY AND STATE Emery County UTAH TELEPHONE
MAILING ADDRESS: P.O. Box Av, Price UT
DATE OF INSPECTION July 17, 19 84
TIME OF INSPECTION: FROM 9 30 ☒ a.m. to 12:30 ☐ a.m.
☐ p.m. to ☒ p.m.
NAME OF OPERATOR (if other than permittee)
MAILING ADDRESS:

Under the authority of the Utah Coal Mining and Reclamation Act of 1979 (Sec. 40-10-1 et seq., Utah Code Annotated, 1953), the undersigned authorized representative of the Director and the Division of Oil, Gas & Mining 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 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 minesite.

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 Director of the Division of Oil, Gas & Mining. The time for abatement may be extended by the authorized representative for good cause, if a request is made within a reasonable time before the end of the abatement period.

Date of Service July 17 1984 Barton D. Kale
SIGNATURE OF AUTHORIZED REPRESENTATIVE

Time of Service 12 30 ☐ a.m. ☒ p.m. Barton D. Kale #6
NAME AND I. D. NO.

Person Servied with Notice Dan Guy Environmental Compliance
PRINT NAME AND TITLE

Signature Dan Guy

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE

DOGM/NOV-1

0011

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS & MINING

1588 West North Temple
Salt Lake City, Utah 84116
Telephone: (801) 533-5771

84-6-8-1

NOTICE OF VIOLATION NO.N

From the STATE OF UTAH
To the Following Permittee or Operator:

NAME Beaver CK Coal Co.
MINE Huntington #4 ☐ SURFACE ☒ UNDERGROUND ☐ OTHER
CATEGORY OF OWNERSHIP: ☐ STATE ☐ FEDERAL ☐ FEE ☐ MIXED
OSM MINE NO. STATE PERMIT NO. ACT/015/004 MSHA I.D. NO.
COUNTY AND STATE Emery County UTAH TELEPHONE
MAILING ADDRESS: P.O. Box Av, Price UT
DATE OF INSPECTION July 17, 19 84
TIME OF INSPECTION: FROM 9 30 ☒ a.m. to 12:30 ☐ a.m.
☐ p.m. to ☒ p.m.
NAME OF OPERATOR (if other than permittee)
MAILING ADDRESS:

Under the authority of the Utah Coal Mining and Reclamation Act of 1979 (Sec. 40-10-1 et seq., Utah Code Annotated, 1953), the undersigned authorized representative of the Director and the Division of Oil, Gas & Mining 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 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 minesite.

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 Director of the Division of Oil, Gas & Mining. The time for abatement may be extended by the authorized representative for good cause, if a request is made within a reasonable time before the end of the abatement period.

Date of Service July 17 1984 Barton D. Kale
SIGNATURE OF AUTHORIZED REPRESENTATIVE

Time of Service 12 30 ☐ a.m. ☒ p.m. Barton D. Kale #6
NAME AND I. D. NO.

Person Servied with Notice Dan Guy Environmental Compliance
PRINT NAME AND TITLE

Signature Dan Guy

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE

IMPORTANT — PLEASE READ CAREFULLY

1. PENALTIES.

(1) **Proposed assessment.** The Board of Oil, Gas & Mining assesses fines based upon the proposed assessment recommended by the Assessment Officer. You may submit information in writing to the below address pertaining to the violation(s) covered by this Notice within 15 days of the date that the Notice or Order is served on you or your agent. This information will be used by the Assessment Officer in establishing a proposed assessment and will be submitted to the Board for consideration in determining the facts surrounding the violation and the amount of the penalty. The Division or the authorized representative shall serve the proposed assessment on you or your agent within 30 days of the issuance of the Notice or Order by the authorized representative.

(2) **Assessment.** Within 15 days of receipt of the proposed assessment, you or your agent must file a written request for an informal hearing before the Assessment Officer or the penalty will be assessed as proposed.

For each violation included in this Notice, a penalty of up to $5,000 may be assessed for each day during which the violation continues.

If you fail to abate any of the violations within the time set for abatement or for meeting any interim step you shall be assessed a minimum penalty of $750 for each day of continuing violation beyond the time set for abatement and you shall be issued a cessation order requiring you to cease surface coal mining operations.

2. INFORMAL PUBLIC HEARING. An informal public hearing will be held at or near the minesite if this Notice requires cessation of mining, expressly or in practical effect. *See* UMC/SMC 843.15(a). 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.

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

3. FORMAL REVIEW. You may apply for review of this Notice or the assessment before the Board of Oil, Gas & Mining by submitting an application for hearing, within 30 days of receipt of this Notice or the assessment by you or your agent, to:

Secretary of the Board
Board of Oil, Gas & Mining
1588 West North Temple
Salt Lake City, Utah 84116

If you apply for a formal Board hearing, you may request temporary relief from this Notice. Your request must be filed at the above address prior to a decision in the hearing. Procedures for obtaining a formal Board hearing are set forth in the Board's Rules of Practice and Procedure and UMC/SMC Rule 900(b) (ix).

4. EFFECT ON PERMIT. If it is determined that a pattern of violations of the Act, regulations, or permit conditions exists, and that the violations were caused by unwarranted failure to comply, or were willful, procedures will be initiated to suspend or revoke your permit to mine.

FOR FURTHER INFORMATION, PLEASE CONSULT Section 40-10-20, 21, 22 and 23, Utah Code Annotated, UMC/SMC Parts 843, 845 and 900, or contact the Division at (801) 533-5771.

56 64 16

DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

STATE OF UTAH

Notice of Violation No. N NOV84-6-8-1

Violation No. 1 of 1.

Nature of the Violation

Failure To protect hydrologic balance
Failure to pass disturbed area runoff through sediment controls

Provision(s) of the Regulations, Act, or Permit Violated

UMC 817:42
817.45

Portion of the Operation to which Notice Applies

Disturbed area ditch below truck fillup
Culvert leading that diversion to the sediment pond

Remedial Action Required (including interim steps, if any)

1 Clear culvert leading to the sedimentpond from watering station
2 clear culvert - undisturbed
3 remove coal from creek

Time for Abatement (including time for interim steps, if any)

1. Imed.
2. 48 hrs
3. 48 hrs