

UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

NOTICE(S) OF VIOLATION NO. 79-V-5-8

To the Following Permittee or Operator:

Name Trail Mountain Mining Company
Mine Trail Mountain Mine Surface Mine Underground Mine Other
County and State Emery Co, Utah Tel.# (801) 748-2803
Mailing Address P.O. Box 370, Orangeville, Utah 84537
OSM Mine # _____ State Permit # Act-015-009 MSHA I.D.# 42-01211

Date of Inspection: June 6, 1979
Time of Inspection: from 1:30 a.m. to _____ a.m.
4:15 p.m. to _____ p.m.

Name of Operator (if other than permittee) _____
Mailing Address _____

Person Served with Notice Harold Mosley Manager
Print Name and Title

Signature Harold Mosley

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) described 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.

This notice shall remain in effect until it expires as provided below or is modified, terminated, or vacated by written notice of an authorized representative of the Secretary. 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.

IMPORTANT — PLEASE READ CAREFULLY

1. Review. You may apply for review of this Notice by submitting an application for review, within 30 days of receipt of this Notice by you or your agent to:

Hearings Division
Office of Hearings and Appeals
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, Virginia 22203

2. Minesite Hearing. In addition to the review mentioned in paragraph 1, an informal public hearing at or near the minesite may be provided if this notice requires cessation of mining. The authorized representative finds that cessation of mining is is not expressly or implicitly required by this Notice. If cessation of mining is required, this Notice will expire within 30 days of actual notice to you unless an informal public hearing is held at or near the minesite. Such a hearing is not required if the violation(s) have been abated or if the hearing has been waived. If this Notice expires, you will still be liable for any penalties assessed with regard to the 30-day period.

3. Penalties. Section 723.16 of the regulations allows you to submit information in writing pertaining to the violation(s) covered by this Notice within 10 days of the date that it is served on you or your agent. This information will be considered in determining the facts surrounding the violation and the amount of the penalty. If you wish to submit this information, you should send it to the U.S. Department of the Interior, Office of Surface Mining, Assessment Office, Washington, D.C. 20240.

For each violation covered by this Notice, a penalty of up to \$5000 may be assessed for each day during which that violation continues.

If you fail to abate any of the violations within the time set for abatement or to meet any interim step, you must be assessed a minimum penalty of no less than \$750 for each day during which the violation continues beyond the time set for abatement, and you must be issued a cessation order requiring you to cease surface coal mining operations on the portions relevant to the violations.

4. Effect on Permit. In addition, if it is determined that a pattern of violations of any requirement of the Act, the regulations, or permit conditions exists with respect to this mine, and that the violations were caused by unwarranted failure to comply or were willful, your permit may be suspended or revoked.

Date of Service June 7, 1979 Signed: Gary S. Fritz
(Authorized Representative)

I.D.# V-15

NOTICE OF VIOLATION(S) NO. 79-V-5-8 PAGE. 2 OF 4

Violation(s) No. 1

Nature of the Violation(s)

Failure to cover coal and acid-forming, toxic-forming, combustible, and other waste materials, stabi

Provisions of the Regulations, Act or Permit Violated

30 CFR Sec. 717.14 rules and regulations

Portion of the Operation to which Notice Applies

All acid-forming, toxic forming, combustible materials or any other waste materials, below the scale house. (Waste disposal site below the Scale) Spoil dump below the scale and above the pond.

Remedial Action Required

Cover coal and acid forming, toxic forming, combustible and other waste materials in accordance with plans approved by the regulatory authority.

Time for Abatement (including interim steps, if any)

Submit plans for covering the waste material to the regulatory authority for approval by July 6, 1979

Cover the waste material in accordance ~~with~~ with plans approved by the regulatory authority by September 3, 1979

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Violation(s) No. 2

Nature of the Violation(s)

Failure to post, or posting inadequate, signs.

Provisions of the Regulations, Act or Permit Violated

30 CFR Sec. 717.12 Rules and Regulations

Portion of the Operation to which Notice Applies

All points of access to the permit area from public highways. Access point to the scale house and office-shop area from the public highway.

Remedial Action Required

Post a sign at the access point to the scale house. This sign and the sign already posted at the office shop area shall show the name, business address and telephone number of the permittee and identification numbers of current mining and reclamation permits or other authorizations to operate.

Time for Abatement (including interim steps, if any)

June 22, 1979

NOTICE OF VIOLATION(S) NO. 79-V-5-8 PAGE. 4 OF 4

Violation(s) No. 3

Nature of the Violation(s)

Failure to pass surface drainage from the disturbed area through sedimentation ponds.

Provisions of the Regulations, Act or Permit Violated

30 CFR Sec 717.17 rules and regulations

Portion of the Operation to which Notice Applies

Drainage from the temporary dump above the shop-office area. Drainage from the shop-office pad. Drainage from the scale pad.

Remedial Action Required

Construct sedimentation control structures for surface drainage from the temporary dump, shop-office and scale pad in accordance with plans approved by the regulatory authority.

Time for Abatement (including interim steps, if any)

Pass all surface drainage from disturbed areas through sedimentation ponds by
September 3, 1979

FILE NOTATIONS

COMMODITY: Coal

DATE: May 16, 1979

OPERATOR: Trail Mountain Coal Company

FILE NUMBER: ACT/015/009

ADDRESS: P. O. Box 370

MINE NAME: Trail Mountain Mine

Orangeville, UT 84537

LEGAL DESCRIPTION: Sec.(s) 25

REPRESENTATIVE: Thomas Rice

T. 17 S. R. 8 E.

General Manager

COUNTY: Emery

TELEPHONE: 748-2803

LAND OWNERSHIP: NATOMAS COAL CO.,
The Fetteroff Group

MINERAL OWNERSHIP: Fee & Federal U-082996

State ML-22603

FILE PREPARED x

Entered On:

TENTATIVE APPROVAL: _____

INDEX CARD x

N.I.C.M. x

FINAL APPROVAL: _____

ROLODEX CARDS x

M&R PLAN x

BOND ESTIMATE: _____

PIN MAP x

MAILING LIST _____

BOND RECEIVED: _____

PUBLISHED:

AFFIDAVIT OF PUBLISHING RECEIVED:

(1) _____

(2) _____

(3) _____

(4) _____

NOTICES SENT TO:

LAND OWNERS: _____

MINING MAILING LIST _____

ZONING AUTHORITY _____

COUNTY COMMISSIONERS _____

APPLICANT(S) _____

HEARING HELD: NO _____ YES _____ DATE: _____ REMARKS _____

TYPE OF BOND: _____

Date/Amount approved: _____ Date/Form approved: _____

ANNUAL REPORT RECEIVED:

1976 _____ 1977 _____ 1978 _____ 1979 _____ 1980 _____ 1981 _____ 1982 _____ 1983 _____ 1984 _____

REMARKS: _____

CONFIDENTIAL: _____