

Affidavit of Publication

STATE OF UTAH }
County of Salt Lake } ss.

Shana D. Conaty

Being first duly sworn, deposes and says that he is legal advertising clerk of THE SALT LAKE TRIBUNE, a daily newspaper printed in the English language with general circulation in Utah, and published in Salt Lake City, Salt Lake County in the State of Utah, and of the DESERET NEWS a daily (except Sunday) newspaper printed in the English language with general circulation in Utah, and published in Salt Lake City, Salt Lake County, in the State of Utah.

That the legal notice of which a copy is attached hereto

Pub notice of intent to fine/order to show cause

#ACT/015/009 (Fetterolf Group' Trail Mountain Mine)

was published in said newspapers on Sept. 8, 1980

Shana D. Conaty
Legal Advertising Clerk

me this 10th day of A.D. 19 80

Paula Frank
Notary Public

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
in and for the STATE OF UTAH

NOTICE OF INTENT TO FINE/
ORDER TO SHOW CAUSE
NO. ACT/015/009

IN THE MATTER OF THE VIOLATIONS OF THE UTAH COAL MINING AND RECLAMATION ACT, U.C.A. 40-10-1, et. seq., AND RULES ADOPTED THEREUNDER BY THE FETTEROLF GROUP'S TRAIL MOUNTAIN MINE, SECTION 25, TOWNSHIP 17, SOUTH, RANGE 8 EAST, EMERY COUNTY, UTAH.

THE STATE OF UTAH TO THE OPERATORS OF THE TRAIL MOUNTAIN MINE AND ALL PERSONS INTERESTED IN SECTION 25, TOWNSHIP 17 SOUTH, RANGE 8 EAST, EMERY COUNTY, UTAH.

Notice is hereby given that the Board of Oil, Gas and Mining has found the operators of the Trail Mountain Mine to be conducting underground coal mining activities in violation of the Utah Coal Mining and Reclamation Act, Utah Code Annotated, 40-10-1 et. seq., and implementing rules and regulations proposes the following assessment of penalty points and fines pursuant to their authority under that Act:

I. Under Section 40-10-20(1), U.C.A., the Board proposes to assess the following fine:

POINT SYSTEM FOR VIOLATIONS ENCOUNTERED DURING JUNE 5, 1980 INSPECTION		30	25	-10		
Maximum Allowable Points 30					Total	Fine
Agency	Violation #	History	Seriousness	Negligence	Good-Faith	
Fed.	#1-30 CFR 717.14(c)		24	15		\$1,900
State	MC 717.14(e)					
Fed.	#2-30 CFR 717.17	1	22	25		\$2,800
State	MC 717.17					
Fed.	#3-30 CFR 717.17(a)	2	27	25		\$3,400
Fed.	#4-30 CFR 717.17(1)(2)(1)		27	20		\$2,700
State	MC 717.17(1)(1)					
Fed.	#5-30 CFR 717.17(1)(1)	2	25	25		\$3,200
State	MC 717.17(1)					
State	#6-MC 717.11	1	16	20		\$1,700
State	#7-MC 717.17(B)(1)(v)	1	16	20		\$1,700
State	#8-MC 717.20(b)		1	22	25	\$2,800
						\$2,800
						TOTAL=\$20,200

II. Under Section 40-10-20(6) of the Act, any operator who fails to correct a violation for which a citation has been issued under Subsection 40-10-20(1) within the period permitted for its correction shall be assessed a civil penalty of not less than \$750.00 for each day of violation and pursuant to such authority the Board proposes the following penalties for failure to abate violations:

Issuing Agency	Violation #	Abatement Date	Unabated	Fine
Federal	#2-30 CFR 717.17	July 7, 1980	1	\$750.00
State	MC 717.17			
Federal	#3-30 CFR 717.17(a)	July 7, 1980	1	\$750.00
State	MC 717.17(a)			
State	#7-MC 717.17(b)(1)(v)	July 7, 1980	8	\$6,000.00
State	#8-MC 717.20(b)	July 7, 1980	14	\$10,500.00
TOTAL				=\$18,000.00

The operator or any other person aggrieved by this proposed assessment is hereby requested to notify the Division of Oil, Gas and Mining on or before Wednesday, September 24, 1980, and thereafter appear before the Board of Oil, Gas and Mining in the Executive Conference Room, Airport-Holiday Inn, 1659 West North Temple, Salt Lake City, Utah, on Thursday, September 25, 1980 at 10:00 a.m. to show cause, if any there be, why the proposed penalty should not be assessed.

DATED this 26th day of August, 1980.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING
PAULA FRANK
Secretary of the Board

Division of Oil, Gas and Mining
1588 West North Temple
Salt Lake City, Utah 84116
Phone: (801) 533-5771

B-80

My Commission Expires

June 1, 1981



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Shana D. Conaty
Legal Advertising Clerk

Subscribed and sworn to before me this 10th day of Sept. A.D. 19 80

Robert J. Hendrick
Notary Public

My Commission Expires

June 1, 1981



Proof of Publication

From
The Salt Lake Tribune
DESERET NEWS

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Attorney
