



0010

UTAH
NATURAL RESOURCES
Oil, Gas & Mining

3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

Page 1 of 2

pg 2 OK

NO. C 02-39-1-1

cessation order

To the following Permittee or Operator:

Name Consolidation Coal Company

Mine Emery Deep Surface Underground Other

County Emery State Utah Telephone (618) 625-6847

Mailing Address PO Box 566, Sesser, IL 62884 / PO Box 527, Emery UT 84522

State Permit No. C/015/015

Ownership Category State Federal Fee Mixed

Date of inspection 9/17/2002, 19__

Time of inspection 10:00 a.m. p.m. to 12:30 a.m. p.m.

Operator Name (other than Permittee) _____

Mailing Address _____

Under authority of the Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas & Mining has conducted an inspection of above mine on above date and has found that a Cessation Order must be issued with respect to each of the conditions, practices or violations listed in the attachment(s). This order constitutes a separate Cessation Order for each condition, practice or violation listed.

In accordance with Section 40-10-22, *Utah Code Annotated*, you are ordered to **cease immediately** the operations described in the attachment(s) and to perform the affirmative obligations described in the attachment(s) within the designated time for abatement. Reclamation operations not directly the subject of this order shall continue while this order is in effect. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that **this order does** **does not** **require cessation of mining** expressly or in practical effect. For this purpose, "mining" means extracting coal from the earth or a waste pile, and transporting it within or from the mine site.

This order 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 Division of Oil, Gas & Mining.

Certified Return Receipt 7001 0320 0005 4591 8357

Date of service/mailling Sept 17, 2002 Time of service/mailling 5:00 a.m. p.m.

Tim Kirschbaum
Permittee/Operator representative

Environmental Engineer
Title

Mailed from DOGM Price Office
Signature

Stephen J. Demczak
Division of Oil, Gas & Mining representative

Sr. Reclamation Specialist
Title

Stephen J. Demczak
Signature

#39
Identification Number

SEE REVERSE SIDE

WHITE-DOGM YELLOW-OSM PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE

**U.S. Postal Service
CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	\$.60
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.65



READ CAREFULLY

Sent to: Tim Kirschbaum - Consol Coal Gas used
 Street, Apt. No. or PO Box No. PO Box 566 nt
 City, State, ZIP+4 Sesser UT 84284 der
 PS Form 3800, January 2001 See Reverse for Instructions er 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 & 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 violations 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 operations 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 UMG/SMC 843.15(a).)

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 & 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 & Mining
 3 Triad Center, Suite 350
 Salt Lake City, UT 84180-1203

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 UMC 845.19 of the board's regulations.

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 Section 40-10-20, 21, 22 and 23, *Utah Code Annotated*, UMC/SMC Parts 843, 845, 900 or contact the Division of Oil, Gas & Mining at (801) 538-5340.

R645-400-350 et seq

R645-401-800

et seq

R645-400-300 et seq

R645-401 et seq

7001 0320 0005 459J 8357



OK

CESSATION ORDER NO. C02-39-1-1

Violation No. 1 of 1

Nature of condition, practice or violation

Conducting mining activities outside the permit area. A diesel underground scoop transported rock dust + other mining materials from the Emery Deep mine to the 4th East portals using County roads. The mine scoop left the permit boundary travelling on public roads without having appropriate approvals.

Provisions of act, regulations or permit violated

R645-300-141

Check appropriate box

- Condition, practice or violation is creating an imminent danger to health or safety of the public.
- Permittee/Operator 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 or Operator has failed to abate Violation(s) No. _____ included in Notice of Violation No. N _____ within time for abatement originally fixed or subsequently extended.

Operation(s) to be ceased immediately

Immediately stop mining equipment from operating outside of the permit area + the disturbed areas.

Affirmative obligation(s) and abatement time (if applicable)

September 17, 2002 at 11:00 a.m.