

**From:** Stephanie Dunlap  
**To:** Dale Harber  
**Date:** 2/23/2006 11:33:08 AM  
**Subject:** Emery Deep Mine (N06-39-2-1) DOGM Violation

Attached you will find the state violation that was issued by DOGM staff.

Emery Deep Mine, C/015/015, 02/16/2006, N06-39-2-1.

Failure to...receive Division approval prior to construction activities.

If you need a signed hard copy of any violation, please do not hesitate to contact me. Thank you.

Stephanie Dunlap  
(435) 613-1146 x 200  
[stephaniedunlap@utah.gov](mailto:stephaniedunlap@utah.gov)

**CC:** Carter Reed; James Kohler; Pam Grubaugh-Littig; Robert Herbert; Sheila Morrison;  
Walter Baker



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

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notice of violation

NO. N 06-39-2-1

To the following Permittee or Operator:

Name Consolidation Coal Co

Mine Emergy Deep Mine  Surface  Underground  Other

County Emery State Utah Telephone 435-286-2301

Mailing Address P.O. Box 566, Sander, UT 62984

State Permit No. C/015/015

Ownership Category  State  Federal  Eee  Mixed

Date of Inspection 2/15/06, 19\_\_

Time of Inspection 10:00 a.m.  p.m. to 4:00 a.m.  p.m.

Operator Name (other than Permittee) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Under authority of the Utah Coal Mining and 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 violation(s) of the act, regulations or required permit condition(s) listed in 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 mine site.

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

Certified Return Receipt Number 7004 2510 0005 4745 1878

Date of service/mailling 2/16/06 Time of service/mailling 3:00  a.m.  p.m.

Russell Hardy  
Permittee/Operator representative  
Mailed from DOGM Price Office  
Signature

Murray Engineers  
Title

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

Reclamation Specialist III  
Title  
# 39  
Identification Number

SEE REVERSE SIDE

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



NOTICE OF VIOLATION NO. N06-39-2-1

Violation No. 1 of 1

Nature of violation

Failure to receive Division approval to construct a Coal Sampling building, and ~~then~~ install two small belt conveyors at the 4th East Portal

Provisions of act, regulations or permit violated

R-645-300.147 The permittee will conduct all coal mining and reclamation operations only as described in the approved mine plan.  
R645-300-512.120 -Surface facility MAP Update  
R645-301-830 Failure to let Division determine the bonding amount.

Portion of operation to which notice applies

Coal sampling building and two small belt conveyors at the 4th East Portal

Remedial action required (including any interim steps)

Permittee must submit amendment to the Division. The amendment is to receive approval for the construction of the Coal Sampling building and two small belt conveyors. This amendment will include updating the Surface Facility Map, and submitting the required information to update the Reclamation cost estimate. This must be submitted to the Division by February 28, 2006.

Abatement time (including interim steps)

The permittee must receive Division approval by March 17, 2006