

0011

Outgoing
CO150015
#3502
OK**Suzanne Steab - Termination of Citation 10048**

From: Karl Houskeeper
To: John Gefferth
Date: 3/17/2010 8:44 AM
Subject: Termination of Citation 10048
CC: Dana Dean; Daron Haddock; IanMcClain@consolenergy.com; Jim Smith; Ji...
Attachments: 20100317075857.pdf

John,

I visited the Emery Deep Mine on March 16th @ 10:00 am. I found the site still out of compliance. From my conversation with Ian McClain the items had been picked up on the afternoon of March 11, 2010. It appears that the items were new and in a magnitude equal if not greater that observed on March 11, 2010. The problem does not appear to be a climatic problem but rather a personnel and policy problem. Numerous pictures were taken to document the problem. Because of the amount of pictures and the limitation of certain servers I have not attached them.

I gave the mine until 2:00 pm to avoid a Failure To Abate Cessation Order (FTACO). To the credit of Ian McClain and Jaren Jorgensen the site was in compliance upon my return at 2:00 pm. I have attached a copy of the termination notice to this transmittal and I am mailing the hard copy.

Thanks,
Karl

John,

Thanks for your reply and concerns.

Pictures were taken during the inspection. The correct reference is R645-301.528.330, specifically R645-301.528.331. The violation (10048) has been modified to depict the omission of the 301 reference. During my inspection there was no residual snow or mud to indicate that snow melt had occurred only a day before. The ground was damp toward the hillside. The area of the violation was focused on the parking area at the main facilities toward the hillside which encompasses the north side of the parking lot.

I spoke with Ian McClain on the afternoon of the issuance of the violation (03/11/2010) and he indicated that the noncoal waste had been gathered. I do plan on verifying that the violation has been abated prior to terminating the violation. The abatement deadline was listed as March 16, 2010.

For your convenience I have attached is a copy of the modified Citation and pictures taken during the inspection.

Thanks,
Karl

>>> "Gefferth, John" <JohnGefferth@consolenergy.com> 3/15/2010 12:07 PM >>>

Karl

Do you have pictures of the area you wrote the violation on??

It was not clear on the citation what the extent of the area was/is.

Also do you have the regulation referenced in the citation, There is not a R645-528.330 regulation in DOGM rules.??

If your citation was referring to the small amount of soda cans, fast food cups and paper items in the hourly parking lot.... Please note that the area was covered with 3 to 4 feet of snow for at least 4 weeks and that the day you were there was probably the first day that the hourly parking lot was snow free. When the mine received the citation they were able to clean up the paper in less than 20 minutes. The volume was less than half of a standard trash can.

If the citation is referring to a different area please advise so the mine can take appropriate abatement action prior to your deadline of Tuesday March 16.

I am confident that if you had asked the mine to gather the paper products up that they would have complied prior to the end of your inspection.

In the future if you feel that the mine is unresponsive to your requests, please feel free to contact me prior to leaving the property.

John Gefferth

From: Karl Houskeeper [mailto:KARLHOUSKEEPER@utah.gov]
Sent: Thursday, March 11, 2010 3:15 PM
To: McClain, Ian; Gefferth, John; Behling, Steve; Kirschbaum, Tim
Cc: Dana Dean; Daron Haddock; Jim Smith; OGMCOAL@utah.gov; Suzanne Steab
Subject: Citation 10048

Please find attached Citation 10048. The hard copy is being sent certified return receipt mail 7008 0150 0002 0896 5168.

Thanks,
Karl

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