

OGMCOAL - Emery Deep Water Monitoring NOV

From: Steve Christensen
To: John Gefferth
Date: 6/29/2011 3:15 PM
Subject: Emery Deep Water Monitoring NOV
CC: Daron Haddock; OGMCOAL; Peter Behling
Attachments: NOV 10088.pdf

Hi John,

Long time no see. Unfortunately, you're receiving this e-mail because I'm issuing a violation for water monitoring data gaps at the Emery Deep Mine. The NOV will be going out tomorrow, but I thought I'd e-mail you a heads up.

You'd indicated months ago that Richard White was working on revising the water monitoring plan. To that end, one of the abatement measures for the NOV is to revise the water monitoring plan and address some of the sites that clearly aren't producing quality data anymore for one reason or another (e.g. buried by a county road, broken, in-accessible etc.).

The due date for the MRP revision is 60 days from tomorrow on August 29th. Peter Behling indicated in an e-mail to me that due to personnel changes, there were lapses in the data collection. I understand that and I further understand that Peter's now following the water monitoring plan. However, due to Division policy, I had to issue the NOV for gaps in the 4th quarter of 2010.

Give me a call and we can discuss it.

If I don't hear from you, have a great 4th of July. I imagine you'll be on your boat somewhere.

Regards,
Steve

Steve Christensen
Environmental Scientist III
Utah Division of Oil, Gas and Mining
(801) 538-5350



**Citation for Non-Compliance
Utah Coal Regulatory Program**
1594 West North Temple, Salt Lake City, UT 84114
Phone: (801) 538-5340 Fax: (801) 359-3940

Citation #: 10088
Permit Number: C0150015
Date Issued: 06/30/2011

NOTICE OF VIOLATION **CESSATION ORDER (CO)** **FAILURE TO ABATE CO**

Permittee Name: CONSOLIDATION COAL CO	Inspector Number and ID: 54 SCHRISTE
Mine Name: EMERY DEEP MINE	Date and Time of Inspection: 06/30/2011 12:00 pm
Certified Return Receipt Number: 7009 3410 0001 4203 1874	Date and Time of Service: 06/30/2011

Nature of condition, practice, or violation:
The Permittee failed to provide the required water monitoring data as outlined in Table VI-17 on page VI-56 of the approved Mining and Reclamation Plan (MRP). An oil and grease concentration was not reported for surface water monitoring sites SWMS-1A, SWMS-2, SWMS-3, SWMS-9 and SWMS-10 for 4th quarter 2010 as required. Additionally, water quality data was not submitted for monitoring wells Kemmerer-L, SM1-3, SM1-4 and T1-B for 4th quarter 2010 as required.

Provisions of Act, regulations, or permit violated:
R645-301-731.200
R645-301-731.210
R645-301-731.220

This order requires Cessation of ALL mining activities. (Check box if appropriate.)

<input type="checkbox"/> Condition, practice, or violation is creating an imminent danger to health or safety of the public.	<input type="checkbox"/> Permittee is/has been conducting mining activities without a Permit.
<input type="checkbox"/> Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.	<input type="checkbox"/> Permittee has failed to abate Violation(s) included in <input type="checkbox"/> Notice of Violation or <input type="checkbox"/> Cessation Order within time for abatement originally fixed or subsequently extended.

This order requires Cessation of PORTION(S) of mining activities.

Mining activities to be ceased immediately: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Abatement Times (if applicable).

Action(s) required: Yes No

1) Immediately begin water monitoring data collection in accordance with Table VI-17 of the approved MRP.
2) By August 29th, 2011, the Permittee must submit to the Division an amendment to the approved MRP that revises the water monitoring plan. The revision must take into account historical water monitoring data and the condition of the water monitoring sites. The condition of numerous water monitoring wells has been reported as being either broken, inaccessible or impacted. The revision should address these conditions and determine whether the wells can be repaired, and if not, propose alternative data collection measures that can effectively detect potential impacts to the hydrologic balance as a result of mining activity.

_____ (Print) Permittee Representative	_____ STEVE CHRISTENSEN (Print) DOGM Representative
_____ Permittee Representative's Signature - Date	_____ DOGM Representative's Signature - Date

SEE REVERSE SIDE Of This Form For Instructions And Additional Information

IMPORTANT – READ CAREFULLY

Pursuant to the Utah Coal Mined Land Reclamation Act, Utah Code Ann. § 40-10-1 et. seq. (Act), the undersigned authorized representative of the Division of Oil, Gas, and Mining (DOGM) has conducted an inspection and found that a Notice of Violation or Cessation Order must be issued.

This order shall remain in effect until it is modified, terminated or vacated by written notice of an authorized representative of DOGM.

1. PENALTIES.

Proposed assessment. DOGM assesses fines based upon a proposed recommendation by an assessment officer. If there is additional information you wish DOGM to consider regarding the cessation order and proposed fine, please submit that to DOGM within **15 days of the date this notice or order is served on you or your agent**. Such information will be used by the assessment officer in determining facts surrounding the violation(s) and amount of penalty. Once DOGM has determined the proper penalty, it will serve the proposed assessment on you or your agent, no later than 30 days of the issuance of this notice or order. See Utah Admin. Code R645-401-600 et. seq.

The penalty will be final unless you or your agent file, within 15 days of receipt of the proposed assessment, a written request for an informal hearing before the assessment officer.

Assessment. 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 violation within the time set for abatement or for meeting any interim step, you will be assessed an additional minimum penalty of \$750 for each day of continuing violation beyond the time set for abatement. You will be issued a Cessation Order requiring cessation of surface coal mining operations or the portion of the operations relevant to the violation.

2. INFORMAL PUBLIC HEARING.

On the reverse side of this page, an authorized representative has made a finding as to whether or not this notice requires cessation of mining. If this order or notice requires cessation of mining, expressly or in practical effect, you may request that an informal public hearing be held at or near the mine site. If you wish an informal public hearing be held, please contact an authorized representative from DOGM. See Utah Admin. Code R645-400-350 et seq. Once an informal public hearing is scheduled, you will be notified of the date, time, and location of the hearing.

If this notice requires cessation of mining, it will expire within 30 days from the 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.

3. FORMAL REVIEW AND TEMPORARY RELIEF.

You may appeal this notice or order to the Board of Oil, Gas, and Mining by submitting an application for hearing within 30 days of receipt of this notice or order. See Utah Admin. Code R645-300-164.300. Please submit the application for hearing to:

Secretary
Board of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801

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 Utah Admin. Code R645-401-800 et. seq.

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 Utah Code Ann. § 40-10-20 through 40-10-23 and Utah Admin. Code R645-400-300 et. seq. and R645-401 et. seq., or contact the Division of Oil, Gas, and Mining at (801) 538-5340.