

ACT/015/018-A

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United States Department of the Interior  
OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
POST OFFICE BLDG. RM. 270  
1823 STOUT STREET  
DENVER, COLORADO 80202

June 18, 1979



Mr. Ron Daniels  
Coordinator of Mined Land Development  
Department of Natural Resources  
1588 N. West Temple  
Salt Lake City, Utah 84116

Dear Mr. Daniels:

Enclosed please find copies of Notice of Violations which were issued to mining companies within your State during this offices recent on-site inspections conducted on June 7, 1979. If you have any questions or problems, please contact this office.

Mine inspection reports for all of the operations inspected during the above time frame, and within your State, will be sent to you as soon as they are processed.

Sincerely,

  
Murray T. Smith  
Federal Lands Coordinator

UNITED STATES DEPARTMENT OF THE INTERIOR  
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

NOTICE(S) OF VIOLATION NO. 79-I-5-11

To the Following Permittee or Operator:

Name Utah Power & Light Company  
Mine Deer Creek  Surface Mine  Underground Mine  Other  
County and State Emery County Utah Tel.# (801) 350-3535  
Mailing Address P.O. Box 899, Salt Lake City, Utah 84110  
OSM Mine # \_\_\_\_\_ State Permit # Act/015/1018 MSHA I.D.# 42-00121

Date of Inspection: June 7, 19 79  
Time of Inspection: from 3:00  a.m. to \_\_\_\_\_  a.m.  
5:45  p.m. to \_\_\_\_\_  p.m.

Name of Operator (if other than permittee) Emery Mining Corporation  
Mailing Address P.O. 310, Huntington, Utah 84528

Person Served with Notice Karl Gurr Print Name and Title

Signature \_\_\_\_\_

Under the authority of the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87; 30 U.S.C. 1201), the undersigned authorized representative of the Secretary of the Interior has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) described in the 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.

This notice shall remain in effect until it expires as provided below or is modified, terminated, or vacated by written notice of an authorized representative of the Secretary. The time for abatement may be extended by the authorized representative for good cause, if a request is made within a reasonable time before the end of the abatement period.

**IMPORTANT -- PLEASE READ CAREFULLY**

1. Review. You may apply for review of this Notice by submitting an application for review, within 30 days of receipt of this Notice by you or your agent to:

Hearings Division  
Office of Hearings and Appeals  
U.S. Department of the Interior  
4015 Wilson Boulevard  
Arlington, Virginia 22203

2. Minesite Hearing. In addition to the review mentioned in paragraph 1, an informal public hearing at or near the minesite may be provided if this notice requires cessation of mining. The authorized representative finds that cessation of mining is  is not  expressly or implicitly required by this Notice. If cessation of mining is required, this Notice will expire within 30 days of actual notice to you unless an informal public hearing is held at or near the minesite. Such a hearing is not required if the violation(s) have been abated or if the hearing has been waived. If this Notice expires, you will still be liable for any penalties assessed with regard to the 30-day period.

3. Penalties. Section 723.16 of the regulations allows you to submit information in writing pertaining to the violation(s) covered by this Notice within 10 days of the date that it is served on you or your agent. This information will be considered in determining the facts surrounding the violation and the amount of the penalty. If you wish to submit this information, you should send it to the U.S. Department of the Interior, Office of Surface Mining, Assessment Office, Washington, D.C. 20240.

For each violation covered by this Notice, a penalty of up to \$5000 may be assessed for each day during which that violation continues.

If you fail to abate any of the violations within the time set for abatement or to meet any interim step, you must be assessed a minimum penalty of no less than \$750 for each day during which the violation continues beyond the time set for abatement, and you must be issued a cessation order requiring you to cease surface coal mining operations on the portions relevant to the violations.

4. Effect on Permit. In addition, if it is determined that a pattern of violations of any requirement of the Act, the regulations, or permit conditions exists with respect to this mine, and that the violations were caused by unwarranted failure to comply or were willful, your permit may be suspended or revoked.

Date of Service June 15, 1979 Signed: Gary J. Fritz  
(Authorized Representative)

I.D.# U-15

NOTICE OF VIOLATION(S) NO. 79-V-5-11 PAGE. 2 OF 2

Violation(s) No. 1

Nature of the Violation(s)

Failure to remove, segregate and  
Stockpile topsoil.

Provisions of the Regulations, Act or Permit Violated

30 CFR Sec 717.20 rules and regulations

Portion of the Operation to which Notice Applies

- 1) Upper fan portal pad with the new  
water tank
- 2) Sediment pond excavation

Remedial Action Required

- 1) Immediately stop burying topsoil.

Time for Abatement (including interim steps, if any)

Immediately