

0015



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

Route #
File, Wilberg
7 SMP Act/DIS/MS
B
JWS
RECEIVED

CERTIFIED MAIL 571-327
RETURN RECEIPT REQUESTED

Mr. Karl Gurr
Utah Power & Light Company
Deer Creek Mine
P.O. Box 899
Salt Lake City, Utah 84110

JUN 20 1979

MINING AND
EXPLORATION

Dear Mr. Gurr:

Enclosed please find copies of Notices of Violations which were served on your company during the on-site inspection conducted on June 7, 1979.

If you have any questions or problems, please contact this office.

An on-site inspection report will be sent to you as soon as it is typed.

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 299, Salt Lake City Utah 84110
OSM Mine # _____ State Permit # Act/05/018 MSHA I.D.# 42-00121

Date of Inspection: June 7, 1979

Time of Inspection: from 3:00 a.m. to _____ a.m.
 p.m. to 5:45 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 F. Fritz
(Authorized Representative)

I.D.# II-15

NOTICE OF VIOLATION(S) NO. 79-II-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
9567 Aug 3 1977

Remedial Action Required

- 1) Immediately stop burying topsoil.

Time for Abatement (including interim steps, if any)

Immediately