0021

file in Knight Mine R and Willey Mine

United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
POST OFFICE BLDG. RM. 270
1823 STOUT STREET
DENVER, COLORADO 80202

April 26, 1979

RECEIVED
APR 30 1979
DIVISION OF OIL, GAS, & MINING

Mr. Ron Daniels
Co-ordinator of Mine Land Development
Division of Oil and Gas
1588 N. West Temple
Salt Lake City, Utah 84116

Dear Mr. Daniels:

Enclosed please find copies of Notices of Violation which were issued to mining companies within your State during this offices recent on-site inspections conducted on April 17, 18, 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

OSM 722-1
Revised 11/15/78

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

NOTICE(S) OF VIOLATION NO. 79-V-1-10

To the Following Permittee or Operator:

Name UTAH Power & Light
Mine Wilberg Mine ☐Surface Mine ☑Underground Mine ☐Other
County and State Emery County Utah Tel.# (801) 350-3003
Mailing Address P.O. Box 899
OSM Mine # ~~[illegible]~~ State Permit # ACT015-018 MSHA I.D.# 42-00080

Date of Inspection: 4-18, 19 79
Time of Inspection: from 10:30 ☑a.m. to ☐ a.m.
☐ p.m. to 3:30 ☑p.m.

Name of Operator (if other then permittee) American Coal Co
Mailing Address P.O. Box 310 Huntington UT.

Person Served with Notice Clark/Curr - Sr. Mine. Eng.
Print Name and Title

Signature Karl D Curr

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 4-18-79 Signed: Thomas G Ellmett
(Authorized Representative)

I.D.# V-11

U.S.Government Printing Office: 1979—678-893

OSM 722-1
Revised 11/15/78

NOTICE OF VIOLATION(S) NO. 79-V-1-10 PAGE. 1 OF 1

Violation(s) No. 1 of 1

Nature of the Violation(s)

NOT PASSING ALL SURFACE DRAINAGE THROUGH A SEDIMENT POND.

Provisions of the Regulations, Act or Permit Violated

30 CFR 717.17

Portion of the Operation to which Notice Applies

THAT PORTION OF THE OPERATION NEAR THE EXHAUST FAN & THE AUXILIARY EMERGENCY FAN. WATER FROM THE ROAD RUNNING BY THESE FANS AND THAT DISTURBANCE ABOVE THE FAN AREAS WAS CHANNELLED THROUGH A 3 FOOT BERM ON THE SIDE OF THE ROAD AND DOWN INTO A DIVERSION OF OVERLAND FLOW THAT BYPASSES THE SEDIMENT PONDS. IT WAS ALSO NOTED THAT DIESEL FUEL HAD SPILLED AND WAS CARRIED TO THE DIVERSION. THE WATER LEFT THE ROAD IN TWO PLACES, ONE IN FRONT OF THE MAIN FAN & ONE IN FRONT OF THE AUXILIARY FAN. EROSION HAS TAKEN PLACE ON THE OUTSLOPES AT THESE TWO POINTS.

Remedial Action Required

CLOSE THE TWO GAPS IN THE BERM AND PREVENT WATER FROM ESCAPING & CAUSING EROSION & SEDIMENTATION OF THE DIVERSION SYSTEM. ENSURE THAT DRAINAGE FROM THIS AREA IS CHANNELLED TO PASS THROUGH THE SEDIMENTATION PONDS.

Time for Abatement (including interim steps, if any)

WORK TO BE COMPLETED BY MAY 1, 1979.

U.S. Government Printing Office: 1979—678-894