

CO-OP MINING CO.

P.O. Box 15809
Salt Lake City, Utah 84115
Phone (801) 467-4003

May 27, 1983

BEAR CANYON TRUCK SCALES

Summary of Events

RECEIVED

JUN 13 1983

DIVISION OF
OIL, GAS & MINING

Sept. 24, 1982

We received a letter from DOGM listing certain areas as unpermitted. There was no mention of any problem with the scales in this letter.

Oct. 4, 1982

Wendell Owen, Carl Kingston, & Elden Kingston met with the Division to discuss the letter of Sept. 24th to determine what the Division wanted us to do to come into compliance on unpermitted areas. We told them we would like to get an understanding of everything that had to be done and work out a timetable for completion of each phase.

Oct 5, 1982

We received a letter from Carolyn Driscoll stating certain parts of our operation were unpermitted if they were not shown on the original map submitted to the Division with our first application in 1979. This included the truck scales. The area in which the scales were to be located was shown on the original map and included in the original permit area, but the scales themselves were not shown. They were shown on a later map with the application under the final regulations. We were unaware the scales were not going to be included in the interim permit, and had already purchased the scales and hired a contractor to install them.

Oct. 7, 1982

We submitted a modification to the permit to include the scales.

Oct. 7, 1982

The board of Oil Gas & Mining ruled that certain areas were in fact unpermitted. There was no ruling or mention of the scales in this ruling.

Oct. 8, 1982

The scale contractor hand delivered a copy of the modification submittal to DOGM and received a letter approving construction of the scale with the provision we first remove the topsoil and construct a catch basin to control runoff.

Oct. 25, 1982

We received a letter from DOGM listing deficiencies in the modification application

Nov. 9, 1982

We received a letter from Jim Smith informing us of the Board Ruling of

Oct. 7, 1982.

Nov. 26, 1982

We made a new submittal for the scales in answer to the letter of deficiencies.

Feb. 3, 1983

We received another letter from DOGM listing more deficiencies in the scale modification.

Feb. 16, 1983

We decided we needed more technical assistance to comply with the regulations and hired Scott Nordness of Viking Engineering. We gave him the Feb. 3rd letter to answer.

Feb.24, 1983

Scott Nordness phoned Jim Smith in regard to the Feb. 3rd letter & list.

Feb 25, 1983

Scott Nordness followed up with a letter and a brief submittal in answer to the Feb. 3rd letter. We did not hear from the DOGM and assumed they were reviewing the submittal.

May 2, 1983

We received NOV 83-5-7-1 by mail (using unpermitted scales) and a letter saying we could no longer use them. We discontinued use of the scales at that time.

May 6, 1983

Wendell Owen, Elden Kingston, & Attny. Carl Kingston of Co-op Mining Co. met with Ron Daniels, Jim Smith, Ev Hooper, Joe Helfrich, Dave Darby, and Attny. Barbara Roberts to discuss the problem with the scales. Jim said he did not receive an answer to the Feb. 3rd letter. When I later questioned Scott Nordness he assured me he had sent the letter. He also said a member of the DOGM staff called him after the May 6th meeting to tell him the reason we had been told they had not received the letter was that it had been signed by him (Scott N.) instead of Wendell Owen and consequently had been put in the miscelaneous file and possibly lost. At the meeting I asked what I would have to do to abate the violation, if answering the FEB. 3rd stipulations would abate it. At first they would not tell me, but both Carl Kingston and Barbara Roberts agreed they would have to tell us how to abate it. Jim Smith then said yes, if I answered those stipulations it would abate the violation. Elden Kingston then made the request that the Division let us know every thing that we were still lacking so we could solve the whole problem at once instead of piece meal. Wendell Owen added we would like to agree on a schedule with priorities placed on the most urgent as we were unable to do everything all at once.

May 6, 1983

We assigned part of the Feb. 3rd list to Mel Coonrod and part to Scott Nordness to answer more fully. They both worked through the week-end in order to have it ready to submit the following Monday morning as we were losing business by not having use of our scales.

May 9, 1983

I made a special trip to Salt Lake to hand deliver the submittal to DOGM, in order to expedite the reviewal process.

May 12, 1983

We received a letter from DOGM. They had reviewed the submittal and sent another list of deficiencies larger than the last one. There were new paragraphs added that had not been on the previous one, even though we had been told to answer the previous one would abate the violation.

May 13, 1983

We sent a letter to Joe Helfrich stating the above facts. Gave the new list to Nordness and Coonrod to answer.

May 16, 1983

We received a letter from the Division saying that unless we returned the road past the scales to its original configuration (elevation and alignment) no further activity in the area could be undertaken. This was in reference to the fact we were still allowing trucks to use the road past the scales to and from the loading site even though we were not using the scales or scale house. The road past the scales had some fill and base material added to it at a point adjacent to the scales to conform with the level configuration of the scales. We subsequently sent a bull-dozer to cut the road back down to its original configuration. We can see no useful purpose of this change to the Division, the environment, or anything else other than as part of a continuing attempt to hinder our operation and stop us from mining in any way short of an actual closure order.

May 21, 1983

We sent a letter to the Division stating the road had been returned to its original configuration.

June 1, 1983

I made a special trip to Salt Lake for the purpose of hand delivering the new submittal to the Division in order to expedite the approval process. I talked to Dave Darby. He said he would give a copy to the other persons involved and they would review it as soon as possible. I told him if he didn't agree with Nordness' calculations on the catch basin, I would gladly make a larger size basin rather than to delay the approval on that account. Darby said he had told Mel Coonrod to tell me the main thing that was holding up the approval was the septic system near the scale house. I assured him Mel had told me and I had deleted the septic system from the plan, choosing another form of disposal as approved by the Board of Health. Later, at the time of the next inspection (June 7th) John Whitehead told Bill Stoddard one of the things that was delaying the approval of the scale modification was that the plan had been changed to delete the septic system and the subsequent change in a culvert that had been required as incident to the septic system.

June 2, 1983

I phoned Dave Darby. He said they were reviewing the submittal but had not finished yet.

June 3, 1983

I phoned again but here was no one in the office that could give me any info.

June 6, 1983

This began the week of our suspension at the Trail Canyon mine pursuant to the consent order, which left us without a truck scale either place. I phoned Ev Hooper to see how the reviewing process was progressing. After checking with others he told me they would not be able to start reviewing this until the end of the week. I told Scott Nordness what had taken place. He called back later to tell me he had talked to someone from the Division who had confirmed the fact that he (Nordness) had suspected, that the reviewing process was deliberately delayed until after the week we were shut down at Trail Canyon. During that week we have had to send trucks to Orangeville to weigh, or sell coal solely by measuring the cubic feet.

STATE OF UTAH
NATURAL RESOURCES & ENERGY
Oil, Gas & Mining

Scott M. Matheson, Governor
James A. Reynolds, Executive Director
Cleon B. Feight, Division Director

221 State Office Building • Salt Lake City, UT 84114 • 801-533-6771

September 24, 1982

REGISTERED RETURN RECEIPT REQUESTED

Mr. Wendell Owen
Co-op Mining Company
P. O. Box 1245
Huntington, Utah 84528

RE: Cessation of Activity at Bear
Creek Canyon Mining Operation
ACT/015/025
Emery County, Utah

Dear Mr. Owen:

This letter will confirm Ms. Carolyn Driscoll's conversations with both you and Mr. Carl Kingston on Wednesday, September 22, 1982.

Reference in both conversations was made to the letter signed by Mr. Cleon Feight, Division Director, dated September 9, 1982. The aforementioned letter designates several nonpermitted areas in Bear Creek Canyon.

Until these areas are properly permitted and preliminary issues resolved in a meeting between Division employees and employees of Co-op Mining Company, you are hereby directed to immediately cease all activity in the following areas in Bear Creek Canyon:

1. The new road development area leading to the mine portal.
2. The uppermost storage pad area.
3. The area adjacent to and along the main gate along the main access and haul road.

Mr. Wendell Owen
ACT/015/025
September 24, 1982
Page 2

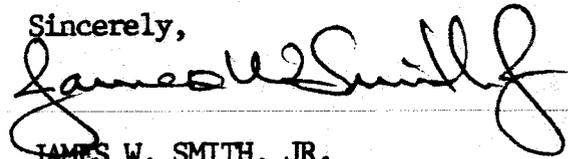
4. Development of the spring located within the Bear Creek Canyon permit area.

These activities are presently being conducted in violation of regulations properly promulgated by the Board of Oil, Gas and Mining.

It is further requested that you, legal counsel for Co-op Mining Company and other employees of Co-op Mining Company, as necessary, meet with personnel of the Division of Oil, Gas and Mining in the immediate future. Please contact either myself or Mr. Ron Daniels to confirm a meeting date as soon as possible.

Your utmost cooperation in addressing these issues is appreciated.

Sincerely,



JAMES W. SMITH, JR.
COORDINATOR OF MINED
LAND DEVELOPMENT

JWS/CLD:btb

cc: Carl Kingston, Co-op Mining Company
Cleon B. Feight, DOGM
Ronald W. Daniels, DOGM
Carolyn L. Driscoll, DOGM
Joseph C. Helfrich, DOGM

October 5, 1982

Mr. Wendell Owen
Co-op Mining Company
P. O. Box 1245
Huntington, Utah 84528

Dear Mr. Owen:

This correspondence shall memorialize the discussions and commitments made at the October 4, 1982 meeting between DOGM personnel and representatives of Co-op Mining Company.

The four (4) areas which are identified in the September 24, 1982 letter as not being properly permitted are not to be subjected to any further disturbance until properly permitted.

The above prohibition to continue activity on the four (4) areas is subject to the following exception. The culvert on the upper storage pad will be reviewed and approved or disapproved by the DOGM hydrology staff. Upon written approval to put the culvert in, Co-op is requested to do so. However, installation of the culvert, when approved, is to be the only activity on the upper storage pad until permission for further activity is expressly permitted.

On or before October 18, 1982, Co-op Mining Company shall provide plans and all necessary data to modify the interim plan submission in the following areas:

- A. The uppermost storage pad.
- B. The new proposed scale house location.
- C. The new road development above the upper storage pad.

Area C, the new road development above the upper storage pad has been recently noted by the Division staff. Although not mentioned in the September 24, 1982 letter, this area is subject to some prohibition of further mining activity.

BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES AND ENERGY
in and for the STATE OF UTAH

IN THE MATTER OF AN ORDER TO
SHOW CAUSE ISSUED TO CO-OP
MINING COMPANY

)
)
)

ORDER
CAUSE NO. ACT/015/025

Pursuant to Notice of Hearing dated October 7, 1982 by the Board of Oil, Gas and Mining, Department of Natural Resources and Energy, this Cause came on for hearing before the Board on October 28, 1982 in Room 303 of the State Capitol Building, Salt Lake City, Utah.

The following Board Members were present:

Edward T. Beck
John L. Bell
Robert R. Norman
E. Steele McIntyre
Herm Olsen, Presiding

Appearances for the Division were made by:

Cleon Feight
Ron Daniels
Carolyn Driscoll
Joseph Helfrich
Everett Hooper
Jim Smith

Appearances for the operator were made by:

Wendell Owen
Carl Kingston, Esq.

NOW, THEREFORE, the Board having considered the testimony adduced and the exhibits reviewed in said hearing and being fully advised in the premises, now makes and enters the following:

FINDINGS OF FACT

1. Due and regular notice of the time, place and purpose of the hearing was given to all interested parties in the form and manner and within the time required by law in the rules and regulations of the Board.
2. The Board has jurisdiction over the matter covered by said Notice and over all parties interested therein and has the jurisdiction to make and promulgate the Order hereinafter set forth.

3. Adequate testimony and documentary evidence was submitted to establish violations in the following areas:

- (b) the road from the portal to the uppermost storage pad;
- (c) the uppermost storage pad;
- (d) the noncoal waste and equipment along the main haul road and the access road.

4. Inadequate testimony and documentary evidence was submitted to establish violations in the following areas:

- (a) the extension road which intersects the Huntington Canyon Highway;
- (e) the spring in the Bear Creek Canyon area.

CONCLUSIONS OF LAW

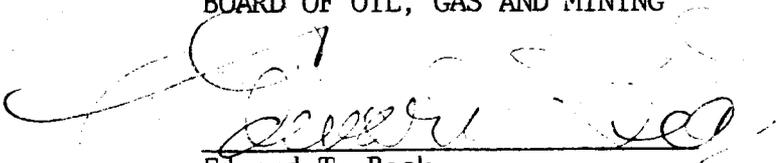
1. The operator did operate on areas (b), (c) and (d) without an approved plan.
2. The Order to Show Cause was properly issued for non-permitted mining activity in the aforescribed areas.

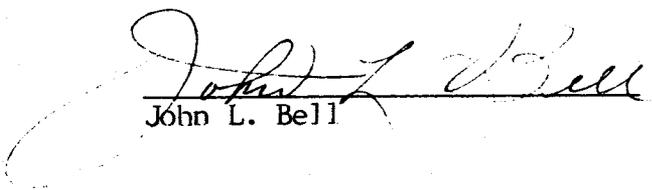
ORDER

1. Appropriate penalties should be assessed for the operator's unpermitted mining activities in the aforementioned areas.
2. The operator shall have until November 29, 1982 to document its compliance with the terms and conditions stated in the letter dated October 25, 1982 from the Division of Oil, Gas and Mining.
3. Enforcement and inspection activities shall occur on a continuing basis.
4. The three areas properly identified as unpermitted mining activities shall not be subject to enforcement and inspection jeopardy prior to November 29, 1982.

DATED this 28th day of October, 1982.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING


Edward T. Beck


John L. Bell

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES AND ENERGY
in and for the STATE OF UTAH

IN THE MATTER OF THE APPLICATION)
FOR REVIEW AND HEARING BY CO-OP) ORDER
MINING COMPANY REGARDING ISSUED) CAUSE NO. ACT/015/021/NOV N82-1-2-1
MINING VIOLATIONS) AND N82-1-3-4

Pursuant to Notice of Hearing dated October 7, 1982 by the Board of Oil, Gas and Mining, Department of Natural Resources and Energy, State of Utah, this Cause came on for hearing before the Board on October 28, 1982 in Room 303 of the State Capitol Building, Salt Lake City, Utah.

The following Board Members were present:

Edward T. Beck
John L. Bell
E. Steele McIntyre
Robert R. Norman
Herm Olsen, Presiding

Appearances for the Division were made by:

Cleon Feight
Ron Daniels
Carolyn Driscoll
Joseph Helfrich

Appearances for the operator were made by:

Wendell Owen
Carl Kingston, Esq.

NOW, THEREFORE, the Board having considered the testimony adduced and the exhibits reviewed in said hearing and being fully advised in the premises, now makes and enters the following:

FINDINGS

1. Due and regular notice of the time, place and purpose of the hearing was given to all interested parties in the form and manner and within the time required by law in the rules and regulations of the Board.
2. The Board has jurisdiction over the matter covered by said Notice and over all parties interested therein and has jurisdiction to make and promulgate the Order hereinafter set forth.
3. Notice of violation N82-1-3-4 was issued to the operator on February 19, 1982. It is composed of four violations.

4. A cessation order was issued on NOV 82-1-3-4 2 of 4 for failure to abate the violation within the statutory time period.

5. Violation 1 of 4, 2 of 4, 3 of 4 and the cessation order did occur as issued and testimony and evidence adequately demonstrated the same.

6. Violation 4 of 4 was inadequately proven. Therefore, it should be vacated and no penalty assessed.

CONCLUSIONS OF LAW

1. Violation 1 of 4, 2 of 4, 3 of 4 and the cessation order is upheld.
2. Violation 4 of 4 is vacated.

ORDER

1. Violation 1 of 4 is upheld. The assessed penalty points shall be placed at thirty (30).

2. Violation 2 of 4 is upheld. The assessed penalty points shall be placed at twenty six (26).

3. Violation 3 of 4 is upheld. The assessed penalty points shall be placed at twenty (20).

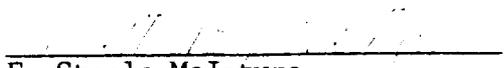
4. The cessation order for failure to timely abate 2 of 4 is upheld. The fine of two thousand two hundred fifty dollars (\$2,250.00) shall not be reduced.

DATED this 28th day of October, 1982.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING


Edward T. Beck


John L. Bell


E. Steele McIntyre


Robert R. Norman


Herm Olsen



CO-OP MINING COMPANY
53 WEST ANGELO
SALT LAKE CITY, UTAH 84115
Phone: (801) 467-4003

Oct. 7, 1982

Jim Smith
Division of Oil Gas and Mining
4241 State Office Bldg
Salt Lake City, Utah 84114

RE: Modification of interim
plan for Bear Canyon Mine

Dear Mr. Smith;

We submit for approval a modification in the interim plan for the portion of the permit area that includes the truck scales, scale house, and surrounding area; the location of the fuel storage tanks; and a service depot for servicing front end loaders and other tractors. Also included is the completed plan for the coal storage area that shows the the loading conveyors from the stockpiles to the loading sites. An updated map of the area is enclosed.

Respectfully;

Wendell Owen

A handwritten signature in cursive script that reads "Wendell Owen".

STATE OF UTAH
NATURAL RESOURCES & ENERGY
Oil, Gas & Mining

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Cleon B. Feight, Division Director

October 8, 1982

Mr. Wendell Owen
Co-op Mining Company
P.O. Box 1245
Huntington, UT 84528

RE: Bear Creek Canyon

Dear Mr. Owen:

On October 8, 1982, Mr. Hugh Wade, contractor for the scalehouse and adjacent road development, met with members of our technical staff to discuss the possibility of construction activity at the proposed scalehouse location. In light of Mr. Wade's need to begin construction activity, before freezing weather, the Division has made the following determination. Construction activity at the revised scalehouse location may commence immediately with the following stipulations:

1. Prior to any activity, topsoil shall be removed and stockpiled in the designated location delineated on the map submitted by Mr. Wade on October 8, 1982. The removal shall be to a depth of a minimum 18 inches, and more where available to facilitate deficits incurred in other areas.
2. Upon completion of topsoil removal and stockpiling, said contractor shall construct the catch basin delineated on the map submitted to the Division October 8, 1982, and facilitate the construction of any berms which may be necessary to adequately control runoff.
3. Site preparation and foundation cement work may commence thereafter.

Please note that the activities permitted in this letter do not negate the requirement to submit a modification to the existing interim plan by October 18, 1982 for the proposed scalehouse and associated road development as outlined in the letter dated October 5, 1982. Should you or your contractor have any problems pursuant to this permitted activity, our inspection staff will be available for on-site visits.

Sincerely,


RONALD W. DANIELS
DEPUTY DIRECTOR

RWD/JCH/tck

cc: Carl Kingston
Eldon Kingston
Cleon B. Feight, DOGM
James W. Smith, Jr., DOGM
Joseph C. Helfrich, DOGM
Ev Hooper, DOGM
Lynn Kunzler, DOGM
Cy Young, DOGM

Board/Charles R. Henderson, Chairman • John L. Beif • E. Steele McIntyre • Edward T. Beck
Robert R. Norman • Margaret R. Bird • Herm Olsen

STATE OF UTAH
NATURAL RESOURCES & ENERGY
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

October 25, 1982

REGISTERED RETURN RECEIPT REQUEST

Mr. Wendell Owen
Co-op Mining Company
P. O. Box 1245
Huntington, Utah 84528

RE: Modifications
Bear Creek Canyon Mine
ACT/015/025
Emery County, Utah

Dear Mr. Owen:

The Division has received and reviewed the material which you sent in regard to our joint meeting on October 4, 1982, and subsequent letter dated October 5, 1982 involving the scalehouse and upper storage pad area modifications which are currently unpermitted activities at the Bear Creek Canyon Mine. The following comments address the deficiencies found in Co-op's submissions for these modifications.

UMC 783.14 Geology Description

(a)(1) Modification narrative should have a general geologic description of the area involved in the new disturbance. This should include data resulting from analysis of test borings, core samples or outcrop samples.

(a)(1)(ii) Modification should include logs of drill holes showing the lithologic characteristics of the strata disturbed by construction of the upper storage pad and the new road development above the upper storage pad.



STATE OF UTAH
NATURAL RESOURCES & ENERGY
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

November 9, 1982

REGISTERED RETURN RECEIPT REQUESTED

Mr. Wendell J. Owen
Co-op Mining Company
P. O. Box 1245
Huntington, Utah 84528

RE: October Board Decision
Bear Creek Canyon Mine
ACT/015/025
Emery County, Utah

Dear Mr. Owen:

This letter is to apprise you of the Board of Oil, Gas and Mining's decision relative to Cause No. ACT/015/025 brought before the Board on October 28 and 29, 1982.

Please be advised that November 29, 1982 has been established by the Board as the deadline for Co-op Mining Company to comply with the requests outlined in the Division letter dated October 25, 1982 regarding the modifications at the Bear Creek Canyon Mine and submission of Co-op's response to the Apparent Completeness Review (ACR) performed by the Division on December 10, 1981.

A formal Board Order outlining each specific item of concern (i.e., violations and assessed penalties, enforcement action and compliance) will be forthcoming upon obtaining the Board member's signatures at their November 30 Hearing. However, in order to minimize any further delays and expedite the resolution of this matter, please do not wait for receipt of the Order before responding. Again, the deadline for Co-op's response to the requested information of October 25, 1982 and the ACR is November 29, 1982.

STATE OF UTAH
NATURAL RESOURCES & ENERGY
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Cleon B. Felght, Division Director

241 State Office Building • Salt Lake City, UT 84114 • 801-533-5774

February 3, 1983

REGISTERED RETURN RECEIPT REQUESTED

Mr. Wendell Owen
Co-op Mining Company
P. O. Box 1245
Huntington, Utah 84528

RE: Modifications
Bear Creek Canyon Mine
ACT/015/025
Emery County, Utah

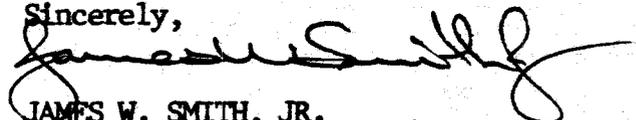
Dear Mr. Owen:

The Division staff has reviewed Co-op Mining Company's latest submittal dated November 26, 1982 for the scalehouse and upper storage pad modifications at the Bear Creek Canyon Mine. The enclosed review has identified areas that Co-op has not responded to and other areas that were responded to but are still lacking information. The items marked by an asterisk indicate those areas in the Division's October 25, 1982 letter to which there has been no response, all other areas were inadequately addressed.

Presently, Co-op Mining Company is in noncompliance with the Board's Order relative to Cause No. ACT/015/025, held October 28 and 29, 1982. Therefore, the information requested in the enclosed review must be addressed completely and adequately by February 28, 1983 or Co-op Mining Company will be issued an Order to Show Cause to appear before the Board of Oil, Gas and Mining at its March 1983 hearing date to demonstrate why Co-op's permit to mine should not be suspended.

If you have any questions, please don't hesitate to call.

Sincerely,



JAMES W. SMITH, JR.
COORDINATOR OF MINED
LAND DEVELOPMENT

JWS/EH:btb

Enclosures

cc: Barbara Roberts, Attorney General's Office
Allen Klein, OSM, Denver
C. Kingston, Co-op Mining Company
Cleon B. Felght, Ronald W. Daniels, Everett Hooper, Tom Tetting,
Joe Helfrich and John Whitehead, DGM

Board/Charles R. Henderson, Chairman • John L. Bell • E. Steele McIntyre • Edward T. Beck
Robert R. Norman • Margaret R. Bird • Herra Olsen

February 25, 1983

Mr. James W. Smith, Jr.
Coordinator of Mine Land Development
4241 State Office Building
Salt Lake City, Utah 84114

Dear Jim,

On February 23, 1983, Viking Engineering Services developed an "understanding" with Co-Op Mining to aid them in the permitting of Trail Canyon and Bear Canyon Operations. Yes, after reviewing both permit applications, and knowing the standards you have received from the other operations, I can understand your frustration. But I must express confusion and concern over some of the requests and responses from both sides. I do understand your position, and thank you for understanding mine.

Mr. Owen, prior to the "understanding", requested Viking Engineering to respond to your letter of February 3, 1983. As we discussed on February 24, 1983, prior to the Board Hearing, a "complete and adequate" response to your standards will not be submitted by February 28, 1983. But the enclosed submittal, coupled with previous responses will address the question for now. (Note the enclosure)

Meanwhile the Inspection Staff has begun creating a solution: NOV's and WACC's will require plans for abatement. I do promise that future submittals will have more substance. Hopefully this policy will begin generating base data and understanding.

Thank You,

Scott H. Nordness

UMC 783.14 Geology Description

- note geology map and description in permit application; no cores or detailed drilling occurred.

UMC 783.25 Cross Section, Maps and Plans

- note plans to abate current violation

UmC 784.11 Operation Plan: General Requirements

- note permit application, ACR response and Public Health memo's

UMC 784.13 Reclamation Plan

- this can only be accomplished as part of the total mine plan.

UMC 784.16 Ponds

- this can only be addressed in the mine plan or a possible NAOC.

UMC 784.22 Diversions

- note the ACR response, and later submittals on the mine plan.

UMC 784.24 Transportation

- this will be addressed in the permit application adjustments

UMC 817.22, 817.22(e), 817.25 Topsoil

- note the side casting approval letter from the Division, and add the ACR reponse.



STATE OF UTAH
NATURAL RESOURCES & ENERGY
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

May 2, 1983

REGISTERED RETURN RECEIPT REQUESTED

Mr. Wendell Owen
Co-op Mining Company
P.O. Box 1245
Huntington, Utah 84528

RE: Bear Creek Canyon
Notice of Violation
N83-5-7-1
ACT/015/025
Folder No. 7
Emery County, Utah

Dear Mr. Owen:

The staff has recently brought to my attention a permitting deficiency associated with the scale house and road development at the Bear Creek Canyon operation.

On February 9, 1983 a registered letter was received by Co-op Mining Company outlining the deficiencies for the scale house and upper storage pad modifications at the Bear Creek Canyon Mine. The deficiencies were to be addressed completely by no later than February 28, 1983. As some two months have lapsed since that date the Division finds no other alternative than to issue the following enforcement action. Co-op Mining Company shall cease any and all activity associated with the use of the Bear Creek Canyon scale house, pad, scales and associated road development until such time as a valid permit is obtained by Co-op Mining Company. This action is included in the enclosed attachment.

If you have any questions pursuant to information contained herein, please call.

Sincerely,

JOSEPH C. HELFRICH
FIELD SUPERVISOR

JCH/lm

cc: Jim Smith, DOGM
John Whitehead, DOGM
Jodie Merriman, OSM

Enclosure



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

56 64 16

STATE OF UTAH

Notice of Violation No. N 83-5-7-1

Violation No. 1 of 1

Nature of the Violation

Operating without a permit

Provision(s) of the Regulations, Act, or Permit Violated

UCA 1953 40-10-9
UCA 1953 40-10-22 (1)(c)

Portion of the Operation to which Notice Applies

Bear Creek Canyon scale house, pad, scales and road development

Remedial Action Required (including interim steps, if any)

Cease all activity associated with the use of the Bear Creek scale house, pad, scales and road development until a valid permit is obtained from the state regulatory authority.

Time for Abatement (including time for interim steps, if any)

Immediately upon date of receipt of this notice

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building - Salt Lake City, UT 84114 • 801-533-5771

May 12, 1983

REGISTERED RETURN RECEIPT REQUESTED

Mr. Wendell Owen
Co-op Mining Company
P. O. Box 1245
Huntington, Utah 84528

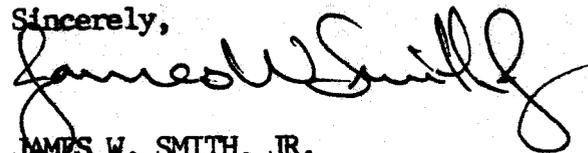
RE: Bear Canyon Scalehouse Permit
for Abatement of NOV N83-5-7-1
ACT/015/025
Folder Nos. 3 and 7
Emery County, Utah

Dear Mr. Owen:

The Division has reviewed Co-op Mining Company's latest submittal dated May 7, 1983 for the Bear Canyon scalehouse and subsequent county road realignment modification in response to the abatement of NOV N83-5-7-1. Several areas were found to be lacking the required information needed before the modification can be approved and a permit issued for these items prior to abatement of the violation. Therefore, it is in your best interest to provide the needed information as soon as possible.

If you have any questions, please feel free to call myself or Everett Hooper of our staff.

Sincerely,



JAMES W. SMITH, JR.
COORDINATOR OF MINED
LAND DEVELOPMENT

JWS/EH:btb

Enclosure

CO-OP MINING CO.

P.O. Box 15809

Salt Lake City, Utah 84115

Phone (801) 467-4003

May 13, 1983

Joseph C. Helfrich
Division of Oil Gas and Mining
4241 State Office Building
Salt Lake City, Utah 84114

Dear Mr. Helfrich;

In memorandum of the meeting held on May 6, 1983 in which DOGM was represented by yourself, Ron Daniels, Jim Smith, Ev Hooper, Dave Darby, and Attorney Barbara Roberts, and Co-op Mining Company was represented by myself (Wendell Owen), Elden Kingston, and Attorney Carl Kingston. The meeting was held at the request of Co-op Mining Company in order to get a determination as to what would be required to abate Violation N83-5-7-1 written on May 2, 1983, recieved by myself by mail May 4, 1983.

After the opinion was given by both Mr. Kingston and Ms. Roberts that I had the legal right to be told what I would have to do to abate the violation, Jim Smith agreed that if we would supply the information requested in the enclosure of the Feb. 3, 1983 letter (copy enclosed), it would abate the violation. I agreed that if there was additional information requestd by the technical staff, that I would supply it in as short a time thereafter as could be reasonably expected. I addressed the requirements in a submittal which I hand delivered to the Division on May 9, 1983. The technical information in the submittal was supplied to me by consultants that are generally recognized as well qualified in their respective fields. (Copy also enclosed.)

I respectfully request, that on the basis of the above, the violation be abated.

I also agree to supply the additional information required by the reviewers (copy enclosed) to the best of my ability with the help of qualified consultants, within 30 days. (Please note there are additional sections in the review that were not in the original list).

I am in agreement with the Divisions opinion that there should have been ample time to have responded to the Feb. 3rd requirements, but as I stated in the meeting, I had engaged the services of a consultant to address the requirements and believed it had been done. He still maintains the submittal was made before the required deadline of Feb. 28th. The Division has said they did not recieve it. I am not trying to blame the consultant or the Division, but through misunderstanding, thought the submittal was in the hands of the tech staff for review. It has not been unusual in the past to have waited two or three months for an answer to a submittal.

It is the wish of the Co-op Mining Company to complete the permitting process as rapidly as possible, and currently have consultants working on

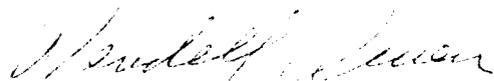
the remaining requirements. We hope to be able to end the problems we have been having.

We have engaged Mel Coonrod to do a vegetative survey and mapping, and commit to a meeting on site with the Division and Mel to determine where to establish reference areas.

Thank you, Joe, for your consideration in this matter.

Yours Truly,

Wendell Owen



Enclosures

WO/bs

cc: Dr. G.A. Shirazi
Ron Daniels
James Smith
John Whitehead
Carl Kingston
Barbara Roberts



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

May 16, 1983

REGISTERED RETURN RECEIPT REQUESTED

Mr. Wendell Owen
Co-op Mining Company
P.O. Box 1245
Huntington, Utah 84528

RE: Bear Creek Canyon
Notice of Violation
N83-5-8-3
Modification of
N83-5-7-1
ACT/015/025
Folder No. 7
Emery County, Utah

Dear Mr. Owen:

As a result of my inspection last week of May 12, 1983 please find enclosed the following; notice of violation N83-5-8-3 and a modification to N83-5-7-1.

Violation #1 of 3 is for the new truck loading belt system and associated power lines which have been recently constructed near the main coal stockpile area. In researching your approved interim plan this is clearly not in compliance with the interim plan. Violation #2 of 3 deals with the inadequacies which presently exist in the main sedimentation pond at the Bear Canyon operation. Violation #3 of 3 deals with the lack of drainage controls and diversions for the upper area associated with the portal substation and fan.

As a clarification to violation N83-5-7-1, please be advised that continued use (hauling coal, etc.) of the pad area(s) adjacent to the scales will be construed as a failure to abate N83-5-7-1. Unless Co-op Mining Company opts to return the alleged county road affected by the scale construction (pad included) to its original configuration (elevation and alignment), no further activity on the pad scalehouse, scale and road development may be undertaken.

Mr. Wendell Owen
ACT/015/025
May 16, 1983
Page Two

If you should have questions concerning any of these matters, please free to contact myself, Joe Helfrich or Barbara Roberts of the Attorney General's office.

Sincerely,



JOHN J. WHITEHEAD
FIELD SPECIALIST

JJW/lm

cc: Joe Helfrich, DOGM
EV Hooper, DOGM

Enclosures

CO-OP MINING CO.

P.O. Box 15809
Salt Lake City, Utah 84115
Phone (801) 467-4003
May 21, 1983

John J. Whitehead
Division of Oil Gas and Mining
4241 State Office Building
Salt Lake City, Utah 84114

RE: Bear Canyon Scale
Area and adjacent
Road.

Dear Mr. Whitehead;

The alleged county road adjacent to the Bear Canyon scales has been returned to its original elevation configuration. The alignment configuration coincides with the original historic alignment and has not been changed. Traffic had not been rerouted to the proposed new alignment as it was never completed.

Yours Truly;

Wendell Owen

cc: Carl Kingston



CO-OP MINING CO.

P.O. Box 15809
Salt Lake City, Utah 84115
Phone (801) 467-4003

COMPLETION OF PERMITTING PROBLEMS

Summary of Events

RECEIVED

JUN 13 1983

DIVISION OF
OIL GAS & MINING

March 8, 1983

John Whitehead made inspection at Bear Canyon and Trail Canyon mines.
(Please refer to following statement by Mr. Bill Stoddard).

Mr. John Whitehead came to the Bear Canyon mine and told me that both Mr. Wendell Owen and Mr. Scott Nordness had made the request that he or someone else from the Division come to our mine and make a check of things they felt needed to be done, and he was there for that purpose. I distinctly got the idea from what he said that he was at the mine to help us address our problem areas and give us time to write up plans for taking care of them as well as a time table for their completion. Mr. Whitehead took myself and Scott Nordness through the Bear Canyon area and the Trail Canyon area and pointed out areas that he felt needed attention. At no time did I get the idea that any violations would be written. a few days after Mr. Whitehead left the mine we recieved notices of violations, three for Bear Canyon and one for Trail Canyon.

Bill Stoddard

Bill Stoddard
General Supt.
Co-op Mining Company

March 10, 1983

John Whitehead wrote NOV 83-5-5-3 and NOV 83-5-6-1 in the DOGM office in Salt Lake City and mailed them to us. This included topsoil stockpiles, and hydrology of the scalehouse area.

May 6, 1983

Wendell Owen, Elden Kingston, and Atty. Carl Kingston of Co-op Mining Co. met with Ron Daniels, Jim Smith, Ev Hooper, Joe Helfrich, Dave Darby, and Atty. Barbara Roberts to discuss the Bear Canyon scales. At that time Elden Kingston also repeated the request that the Division send someone down to go over the area with us determine what they wanted us to do to be in compliance and work with us on a schedule we could both agree on, with priorities and a reasonable time table for construction. The current method has been piecemeal with requirement time tables stacked on top of one another, and with violations being written for one thing while we are trying to comply with something else.

May 12, 1983

John Whitehead made inspection of Co-op Mining Co. mines.

May 16, 1983

John Whitehead wrote NOV 83-5-8-3 in the DOGM office in Salt Lake City and mailed them to us. 1 of 3 was for completing the truck loading belt, because it was not shown on the original map submitted to the Division in 1979. 2 of 3 was to say that the sedimentation pond was not in full compliance with applicable performance standards. The pond was inspected and approved by the Division under the interim regulations and has been in operation for over two and one half years, functioning as designed without overflow or discharge. These two violations are directly opposite in reasoning. on the one hand, the loading conveyor in non-compliance because it was not in the original interim application, on the other, the pond that was approved under the interim plan in non-compliance in the opinion of the Division hydrologist at the present time.

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS & MINING

1588 West North Temple
Salt Lake City, Utah 84116
Telephone: (801) 533-5771

NOTICE OF VIOLATION NO. 83-5-5-3

From the STATE OF UTAH
To the Following Permittee or Operator:

NAME Co-op Mining Company
 MINE Bear Canyon Mine SURFACE UNDERGROUND OTHER _____
 CATEGORY OF OWNERSHIP: STATE FEDERAL FEE MIXED
 OSM MINE NO. _____ STATE PERMIT NO. AG/015/025 MSHA I.D. NO. _____
 COUNTY AND STATE Emery County, Utah TELEPHONE 748-2777
 MAILING ADDRESS: P.O. Box 1245, Huntington, Utah
 DATE OF INSPECTION March 8, 1983
 TIME OF INSPECTION: FROM 12:30 pm a.m. to 4:45 pm a.m.
9:15 am p.m. to 11:30 am p.m.
 NAME OF OPERATOR (if other than permittee) _____
 MAILING ADDRESS: _____

Under the authority of the Utah Coal Mining and Reclamation Act of 1979 (Sec. 40-10-1 et seq., Utah Code Annotated, 1953), the undersigned authorized representative of the Director and the Division of Oil, Gas & Mining 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) listed 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.

The undersigned representative finds that cessation of mining is is not expressly or in practical effect required by this Notice. For this purpose "Mining" means extracting coal from the earth or a waste pile and transporting it within or from the minesite.

This Notice shall remain in effect until it expires as provided on the reverse or is modified, terminated or vacated by written notice of an authorized representative of the Director of the Division of Oil, Gas & Mining. 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.

Date of Service March 10, 1983 John J. Whitehead
 SIGNATURE OF AUTHORIZED REPRESENTATIVE
 Time of Service 9:46 a.m. John J. Whitehead #5-
 p.m. NAME AND I. D. NO.
 Person Served with Notice _____
 PRINT NAME AND TITLE

Signature [Signature]

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

STATE OF UTAH

Notice of Violation No. N 83-5-5-3

Violation No. 1 of 3

Nature of the Violation

Failure to adequately protect topsoil

Provision(s) of the Regulations, Act, or Permit Violated

UCA 1953 40-10-17(e)
UMC 812.23

Portion of the Operation to which Notice Applies

Entire operation

Remedial Action Required (including interim steps, if any)

Submit complete and adequate plans for topsoil storage, protection, and/or obtaining alternate supplies of topsoil to the Division. Commit in writing to define measures for implementation of plans upon Division approval.

Time for Abatement (including time for interim steps, if any)

30 days no later than 4-9-83



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

56 64 16

STATE OF UTAH

Notice of Violation No. N 83-5-3-3

Violation No. 2 of 3

Nature of the Violation

Failure to design and construct sediment control measures which prevent to the extent possible additional contributions of sediment to stream flow or runoff outside the permit area

Provision(s) of the Regulations, Act, or Permit Violated

UCA 1953 40-10-18(ii)(ii)
UMC 817.41
UMC 817.45
UMC 817.46

Portion of the Operation to which Notice Applies

Catch basin (sediment pond) located south of the scale area

Remedial Action Required (including interim steps, if any)

Submit complete and adequate plans for design and construction of sediment control measures for scale area and areas adjacent to scales. Commit in writing to definite time frames for implementation of plans upon Division approval.

Time for Abatement (including time for interim steps, if any)

30 days, no later than 4-9-83



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

STATE OF UTAH

Notice of Violation No. N 83-5-3-3

Violation No. 3 of 3

Nature of the Violation

Failure to conduct underground coal mining activities so as to minimize changes to the hydrologic balance. Failure to minimize to the extent possible additional contributions of sediment to stream flow.

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-18 (2)(i)
UMC 817.41
UMC 817.45

Portion of the Operation to which Notice Applies

Rocks, boulders, soil, and other materials placed in the Base Creek stream channel north of the trailerhouse adjacent to the scales.

Remedial Action Required (including interim steps, if any)

Remove rocks, boulders, soil, and other material from the stream channel OR submit complete and adequate plans to adequately mitigate the situation. If plans are submitted commit in writing to definite time frames for implementation upon Division approval.

Time for Abatement (including time for interim steps, if any)

30 days no later than 4-9-83



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

56 64 16

STATE OF UTAH

Notice of Violation No. N 83-5-6-1

Violation No. 1 of 1

Nature of the Violation

Failure to pass disturbed area runoff through a treatment facility before leaving the permit area. Failure to maintain diversions in a manner which prevents additional contributions of sediment to runoff outside the permit area.

Provision(s) of the Regulations, Act, or Permit Violated

UCA 1953 40-10-18(2)(i)(ii)
UMC 817.41
UMC 817.42 (a) (1)
UMC 817.43 (c)

Portion of the Operation to which Notice Applies

Disturbed area runoff from the northern end of the permit area; originating at the road above the switchback to the parking area and the mineral waste storage area. Diversion conveying disturbed area drainage through the residential area from the northern end of the permit area.

Remedial Action Required (including interim steps, if any)

Pass all disturbed area runoff through a treatment facility before leaving the permit area. Maintain diversions so as to prevent additional contributions of suspended solids to runoff outside the permit area.

Time for Abatement (including time for interim steps, if any)

30 days no later than 4-10-83

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dr. G. A. (Jim) Shirazi, Division Director

2241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

May 16, 1983

REGISTERED RETURN RECEIPT REQUESTED

Mr. Wendell Owen
Owen Mining Company
P.O. Box 1245
Huntington, Utah 84528

RE: Bear Creek Canyon
Notice of Violation
N83-5-8-3
Modification of
N83-5-7-1
ACT/015/025
Folder No. 7
Emery County, Utah

Dear Mr. Owen:

As a result of my inspection last week of May 12, 1983 please find enclosed the following; notice of violation N83-5-8-3 and a modification to N83-5-7-1.

Violation #1 of 3 is for the new truck loading belt system and associated power lines which have been recently constructed near the main coal stockpile area. In researching your approved interim plan this is clearly not in compliance with the interim plan. Violation #2 of 3 deals with the inadequacies which presently exist in the main sedimentation pond at the Bear Canyon operation. Violation #3 of 3 deals with the lack of drainage controls and diversions for the upper area associated with the portal substation and fan.

As a clarification to violation N83-5-7-1, please be advised that continued use (hauling coal, etc.) of the pad adjacent to the scales will be construed as a failure to abate N83-5-7-1. Unless Co-op Mining Company opts to return the alleged county road affected by the scale construction (pad included) to its original configuration (elevation and alignment), no further activity on the pad scale house, scale and road development may be undertaken.



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

STATE OF UTAH

Notice of Violation No. N 83-5-8-3

Violation No. 1 of 3

Nature of the Violation

Failure to operate in accordance with approved plan.

Provision(s) of the Regulations, Act, or Permit Violated

UMC 771.13

UMC 776.14

Division Approval letter of 3-20-81 to Interim Plan.

Portion of the Operation to which Notice Applies

New truck loading facilities, belt system, and power lines to this facility, located on and adjacent to the coal stockpile pad.

Remedial Action Required (including interim steps, if any)

Obtain an approved modification to the Co. of mining and reclamation plan from the Division for the above noted departures from the interim plan.

Time for Abatement (including time for interim steps, if any)

60 days from date of receipt of this notice.



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

STATE OF UTAH

Notice of Violation No. N 87-5-8-3

Violation No. 2 of 3

Nature of the Violation

Failure to construct sedimentation ponds
in accordance with UMC 817.46
Failure to control discharge from sedimentation
ponds by energy dissipators, riprap channels etc.
in accordance with UMC 817.47 and approved plan

Provision(s) of the Regulations, Act, or Permit Violated

UMC 817.46
UMC 817.47

Portion of the Operation to which Notice Applies

Main sedimentation pond at the Bear
Canyon Mine

Remedial Action Required (including interim steps, if any)

Bring the sedimentation pond into full
compliance with all applicable performance
standards and applicable regulations

Time for Abatement (including time for interim steps, if any)

60 days from date of receipt of this
NOV.



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

STATE OF UTAH

Notice of Violation No. N 83-5-8-3

Violation No. 3 of 3

Nature of the Violation

Failure to construct diversions for undisturbed and disturbed area drainage in accordance with UMC regulations and approved plan. Failure to prevent to the extent possible additional contributions of sediment to runoff outside the permit area.

Provision(s) of the Regulations, Act, or Permit Violated

UCA 1453 40-10-18(2)(i)
UMC 817.43
UMC 817.45

Portion of the Operation to which Notice Applies

Drainage area associated with and adjacent to the portal area, fan area, and electric substation area including roads connecting these areas.

Remedial Action Required (including interim steps, if any)

Obtain an approved modification to the interim mining and reclamation plan addressing drainage control in the above noted areas and implement drainage controls & diversions in accordance with approved plans.

Time for Abatement (including time for interim steps, if any)

60 days from date of receipt of this NOV.