

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

CESSATION ORDER NO. C 83-5-1-4

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

NAME CO-OP Mining Company
MINE Bear Canyon SURFACE UNDERGROUND OTHER _____
COUNTY AND STATE Emery County, Utah TELEPHONE 748-2777
MAILING ADDRESS: P.O. Box 1245, Huntington, Utah
OSM MINE NO. _____ STATE PERMIT NO. ACT 1015/025 MSHA I. D. NO. _____
CATEGORY OF OWNERSHIP: STATE FEE FEDERAL MIXED

CATEGORY OF OWNERSHIP: STATE FEE FEDERAL MIXED
DATE OF INSPECTION February 2, 1983
TIME OF INSPECTION: FROM 9:30 a.m. to _____ a.m.
 p.m. p.m.
NAME OF OPERATOR (if other than permittee) _____
MAILING ADDRESS: _____

Under the authority of the Utah Coal Mining & Reclamation Act (Section 40-10-1 et seq., Utah Code Annotated), the undersigned authorized representative of the Director and Division of Oil, Gas & Mining has conducted an inspection of the above mine on the above date and has found that a Cessation Order must be issued with respect to each of the conditions, practices or violations listed in the attachment(s). This Order constitutes a separate Cessation Order for each condition, practice or violation listed.

In accordance with Section 40-10-22, Utah Code Annotated, you are ordered to CEASE IMMEDIATELY the operations described in the attachment(s) and to perform the affirmative obligations described in the attachment(s) within the designated time for abatement. Reclamation operations not directly the subject of this Order shall continue while this Order is in effect.

You are responsible for doing all work in a safe and workmanlike manner.

The undersigned authorized representative hereby finds that this Order does does not require cessation of mining expressly or in practical effect. For this purpose, "mining" means extracting coal from the earth or a waste pile and transporting it within or from the minesite.

This order shall remain in effect until it expires as provided on the reverse, or is modified, terminated or vacated by written notice signed by an authorized representative of the Secretary of the Interior.

Date of Service 2-2-83 John J. Whitehead
SIGNATURE OF AUTHORIZED REPRESENTATIVE

Time of Service 3:40 a.m. John J. Whitehead #5
 p.m. NAME AND I. D. NO.

Person Served with Notice Wendell Owen
PRINT NAME AND TITLE

Signature Wendell Owen *under protest - 3 violations are in area 9 for equipment not within the jurisdiction of Co-op Mining Co.*

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE

IMPORTANT — PLEASE REASE CAREFULLY

1. PENALTIES.

(1) **Proposed assessment.** The Board of Oil, Gas & Mining assesses fines based upon the proposed assessment recommended by the Assessment Officer. You may submit information in writing to the below address pertaining to the violation(s) covered by this Order within 15 days of the date that the Notice or Order is served on you or your agent. This information will be used by the Assessment Officer in establishing a proposed assessment and will be submitted to the Board for consideration in determining the facts surrounding the violation(s) and the amount of the penalty. The Division or the authorized representative shall serve the proposed assessment on you and your agent within 30 days of the issuance of the Notice or Order by the authorized representative.

(2) **Assessment.** Within 15 days of receipt of the proposed assessment, you or your agent must file a written request for an informal hearing before the Assessment Officer or the penalty will be assessed as proposed.

For each violation covered by this Order, a penalty of up to \$5,000 may be assessed for each day during which the violation continues.

If this Order is being issued for failure to abate a violation(s) which was the subject of a prior Notice of Violation, a minimum penalty of \$750 or more must be assessed for each day, beginning today, during which the violation(s) continues beyond the abatement period set forth in that Notice.

If you willfully and knowingly fail or refuse to comply with this Order, you will be subject to criminal prosecution and will, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than one year or both.

2. INFORMAL PUBLIC HEARING. An informal public hearing will be held at or near the minesite if this Order requires cessation of mining, expressly or in practical effect. On the reverse of this page, the authorized representative has made a finding as to whether or not this Order requires cessation of mining. Please review this finding, and inform the authorized representative if you disagree with it (UMC/SMC 843.15 [a]).

If this Order requires cessation of mining, it will expire within 30 days from the date you have actual notice of this Order, unless an informal public hearing is held or waived, or the condition, practice or violation for which this Order was issued is abated, within the 30-day period. You will be notified of the date, time and locations of the hearing.

3. FORMAL REVIEW AND TEMPORARY RELIEF. You may apply for review of this Order or the assessment, by submitting an application for review, within 30 days of receipt of this Order or the assessment by you or your agent, to:

Secretary of the Board
Board of Oil, Gas & Mining
1588 West North Temple
Salt Lake City, UT 84116

If you apply for a formal public hearing, you may request temporary relief from this Order. Your request must be filed with the Division at the above address prior to a decision in the hearing. The procedures for obtaining a formal public hearing or temporary relief are contained in the Board's Rules of Practice and Part 900(b) (ix) of the Board's regulations.

4. EFFECT ON PERMIT. In addition, if it is determined that a pattern of violations of any requirement(s) of the Act, the regulations, or require permit conditions exists, and that the violations were caused by unwarranted failure to comply or were willful, the permit may be suspended or revoked.

FOR FURTHER INFORMATION, PLEASE CONSULT Section 40-10-20, 21, 22 and 23, Utah Code Annotated, UMC/SMC Parts 843, 845, 900 or contact the Division at (801) 533-5771.



STATE OF UTAH

Cessation Order No. C 83-5-1-4

Violation No. 1 of 4

Nature of Condition, Practice, or Violation

Operating without a permit

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

UCA 40-10-9(1)

Check Appropriate Box:

- The condition, practice, or violation is creating an imminent danger to the health or safety of the public.
- The condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.
- The permittee or operator has failed to abate Violation(s) No. 2 of 10 included in Notice of Violation No. N 82-5-2-10 within the time for abatement originally fixed or subsequently extended.

Operation(s) to be Ceased Immediately

none

Affirmative Obligation(s) and Time for Abatement (if applicable)

Remove all mining equipment and machinery from unpermitted location



STATE OF UTAH

Cessation Order No. C 83-5-1-4

Violation No. 2 of 4

Nature of Condition, Practice, or Violation

Failure to remove, segregate, stockpile, and protect topsoil before disturbance of areas affected by surface operations occurs

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

UCA 40-10-17(e)
UMC 817.21, 22, 23

Check Appropriate Box:

- The condition, practice, or violation is creating an imminent danger to the health or safety of the public.
- The condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.
- The permittee or operator has failed to abate Violation(s) No. 4 of 10 included in Notice of Violation No. N 82-5-2-10 within the time for abatement originally fixed or subsequently extended.

Operation(s) to be Ceased Immediately

none

Affirmative Obligation(s) and Time for Abatement (if applicable)

Remove all mining equipment and machinery from the unpermitted storage location.



STATE OF UTAH

Cessation Order No. C 83-5-1-4

Violation No. 3 of 4

Nature of Condition, Practice, or Violation

Failure to maintain sediment control measures so as to minimize erosion

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

UMC 817.45 (iii), (e)

Check Appropriate Box:

- The condition, practice, or violation is creating an imminent danger to the health or safety of the public.
- The condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.
- The permittee or operator has failed to abate Violation(s) No. 7 of 10 included in Notice of Violation No. N 83-5-2-10 within the time for abatement originally fixed or subsequently extended.

Operation(s) to be Ceased Immediately

none

Affirmative Obligation(s) and Time for Abatement (if applicable)

Adequately convey undisturbed drainage away from the disturbed area so as to minimize erosion on downslopes to the extent possible. Adequately convey drainage from pad areas to the sediment pond so as to minimize erosion on downslopes below pads by berms, regrading and or diversion ditches.



STATE OF UTAH

Cessation Order No. C 83-5-1-4

Violation No. 4 of 4

Nature of Condition, Practice, or Violation

Failure to conduct underground coal mining activities so as to minimize changes to the hydrologic balance.

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

UCA 40-10-18 (2)(i)
Umc 817.41(a)
Umc 817.42 (a)(2)

Check Appropriate Box:

- The condition, practice, or violation is creating an imminent danger to the health or safety of the public.
- The condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.
- The permittee or operator has failed to abate Violation(s) No. 8 of 10 included in Notice of Violation No. N 83-5-2-10 within the time for abatement originally fixed or subsequently extended.

Operation(s) to be Ceased Immediately

none

Affirmative Obligation(s) and Time for Abatement (if applicable)

Remove all mining equipment and machinery from the unpermitted storage location