

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. N 84-4-13-3

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. ACT/015/025 MSHA I.D. NO. \_\_\_\_\_

COUNTY AND STATE EMERY COUNTY, UTAH TELEPHONE \_\_\_\_\_

MAILING ADDRESS: P.O. Box 1245, HUNTINGTON, UT

DATE OF INSPECTION OCT. 23, 19 84

TIME OF INSPECTION: FROM 9:30  a.m. to 2:00  a.m.  
 p.m. to  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 OCT. 24, 1984 David Lof  
SIGNATURE OF AUTHORIZED REPRESENTATIVE

Time of Service 10:00  a.m.  p.m. DAVID LOF #4  
NAME AND I. D. NO.

Person Served with Notice \_\_\_\_\_  
PRINT NAME AND TITLE

Signature [Signature]

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE

85012

**IMPORTANT — PLEASE READ 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 Notice 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 and the amount of the penalty. The Division or the authorized representative shall serve the proposed assessment on you or 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 included in this Notice, a penalty of up to \$5,000 may be assessed for each day during which the violation continues.

If you fail to abate any of the violations within the time set for abatement or for meeting any interim step you shall be assessed a minimum penalty of \$750 for each day of continuing violation beyond the time set for abatement and you shall be issued a cessation order requiring you to cease surface coal mining operations.

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

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

**3. FORMAL REVIEW.** You may apply for review of this Notice or the assessment before the Board of Oil, Gas & Mining by submitting an application for hearing, within 30 days of receipt of this Notice 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, Utah 84116

If you apply for a formal Board hearing, you may request temporary relief from this Notice. Your request must be filed at the above address prior to a decision in the hearing. Procedures for obtaining a formal Board hearing are set forth in the Board's Rules of Practice and Procedure and UMC/SMC Rule 900(b) (ix).

**4. EFFECT ON PERMIT.** If it is determined that a pattern of violations of the Act, regulations, or permit conditions exists, and that the violations were caused by unwarranted failure to comply, or were willful, procedures will be initiated to suspend or revoke your permit to mine.

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



STATE OF UTAH

Notice of Violation No. N 84-4-13-3

Violation No. 1 of 3

Nature of the Violation

FAILURE TO PASS ALL DISTURBED AREA RUNOFF THROUGH A SEDIMENT POND,  
SERIES OF SEDIMENT PONDS OR TREATMENT FACILITY PRIOR TO LEAVING THE PERMIT AREA.  
FAILURE TO MAINTAIN SEDIMENT CONTROL STRUCTURES TO PREVENT, TO THE EXTENT  
POSSIBLE ADDITIONAL CONTRIBUTIONS OF SEDIMENT TO STREAMFLOW OR RUNOFF OUTSIDE  
THE PERMIT AREA.

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

UMC 817.42 (1)(i)  
UMC 817.45  
UCA 40-10-18 (2)(i)(ii)

Portion of the Operation to which Notice Applies

THE PAD AREA AND BERM SOUTH OF THE SHOP

Remedial Action Required (including interim steps, if any)

MAINTAIN THE BERM SO THAT WATER CANNOT SEEP THROUGH THE BERM.  
GRADE THE PAD SO WATER DOES NOT POND ALONG THE BERM.  
FIND THE LOWEST POINT ON THE PAD ALONG THE BERM AND INSTALL A LOOSE  
STRAW FILTER OR SILT FENCE TO TREAT RUNOFF FROM THIS SMALL AREA

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

NOVEMBER 8, 1984



STATE OF UTAH

Notice of Violation No. N 84-4-13-3

Violation No. 2 of 3

Nature of the Violation

FAILURE TO MAINTAIN A SEDIMENT CONTROL MEASURE (DIVERSION) IN A  
MANNER WHICH PREVENTS ADDITIONAL CONTRIBUTIONS OF SUSPENDED SOLIDS  
TO STREAMFLOW OR RUNOFF OUTSIDE THE PERMIT AREA.

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

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

Portion of the Operation to which Notice Applies

- ① THE INLET AND OUTLET OF THE UNDISTURBED CULVERT UNDER THE COAL STOCKPILE PAD
- ② UNDISTURBED DIVERSION BEHIND SHOP

Remedial Action Required (including interim steps, if any)

- ① CLEAN THE INLET AND OUTLET OF THE CULVERT SO THAT UNDISTURBED  
RUNOFF CAN FLOW FREELY THROUGH THE CULVERT
- ② MAINTAIN THE DIVERSION

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

NOVEMBER 8, 1984



STATE OF UTAH

Notice of Violation No. N 84-4-13-3

Violation No. 3 of 3

Nature of the Violation

FAILURE TO MAINTAIN THE SEDIMENT POND TO PREVENT SHORT CIRCUITING TO THE  
EXTENT POSSIBLE.

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

UMC 817.46 (e)

Portion of the Operation to which Notice Applies

THE SEDIMENT POND DEWATERING DEVICE VALVE

Remedial Action Required (including interim steps, if any)

CLOSE THE DEWATERING DEVICE VALVE AND ENSURE THAT IT WILL  
REMAIN CLOSED UNLESS THE SEDIMENT POND IS BEING DEWATERED IN  
ACCORDANCE WITH THE APPLICABLE REGULATIONS.

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

OCT. 24, 1984 AT 5 P.M.