



NO. N 91-26-4-3.

notice of violation

To the following Permittee or Operator:

Name Co. Op. Mining Co.

Mine Bear Canyon Surface Underground Other

County Emery State Ut Telephone 381-5777

Mailing Address P.O. Box 1245

State Permit No. ACT/015/025

Ownership Category State Federal Fee Mixed

Date of inspection April 18 & 19, 1991

Time of inspection 9 a.m., 8 a.m. a.m. p.m. to 4 p.m., 11 a.m. respectively p.m.

Operator Name (other than Permittee) Wendell Owen

Mailing Address Same As Above

Under authority of the Utah Coal Mining and Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas & Mining has conducted an inspection of above mine on above date and has found violation(s) of the act, regulations or required permit condition(s) listed in 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 mine site.

This notice shall remain in effect until it expires as provided on reverse side of this form, or is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas & Mining. Time for abatement may be extended by authorized representative for good cause, if a request is made within a reasonable time before the end of abatement period.

Date of service/mailling April 19, 1991

Time of service/mailling 10:30 a.m. p.m.

Gerald Hansen
Permittee/Operator representative

Mine Representative
Title

Gerald Hansen
Signature

Wm. J. Malencik
Division of Oil, Gas & Mining representative

Rec. Spec.
Title

Wm. J. Malencik
Signature
4/19/91

26
Identification Number

SEE REVERSE SIDE

WHITE-DOG M YELLOW-OS M PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE

IMPORTANT — READ CAREFULLY

1. PENALTIES.

a. **Proposed assessment.** The Board of Oil, Gas & Mining assesses fines based upon a proposed assessment recommended by an assessment officer. You may submit written information pertaining to violation(s) covered by this order within 15 days of the date this notice or order is served on you or your agent. Information will be used by the assessment officer in determining facts surrounding the violation(s) and amount of penalty. A representative of the Division of Oil, Gas & Mining will serve the proposed assessment on you or your agent within 30 days of issuance of notice or order.

b. **Assessment.** The penalty will be finalized unless you or your agent file a written request within 15 days of receipt of proposed assessment for an informal hearing before the assessment officer.

For each violation included in this notice, a penalty of up to \$5,000 may be assessed for each separate day the violation continues.

If you fail to abate any violations within the time set for abatement or for meeting any interim step, you will be assessed a minimum penalty of \$750 for each day of continuing violation beyond the time set for abatement. You will be issued a Cessation Order requiring you to cease surface coal mining operations or the portion of the operations relevant to the violation.

2. INFORMAL PUBLIC HEARING.

An informal public hearing may be held at or near the mine site if this notice 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 notice

requires cessation of mining. Please review this finding and inform the authorized representative if you disagree with it. (See UMC/SMC 843.15(a).)

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

3. FORMAL REVIEW AND TEMPORARY RELIEF.

You may apply for review of this notice or assessment before the Board of Oil, Gas & Mining by submitting an application for hearing within 30 days of receipt of notice or assessment by you or your agent. Apply to:

Secretary
Board of Oil, Gas & Mining
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

If applying for a formal board hearing, you may submit with your petition for review a request for temporary relief from this notice. Procedures for obtaining a formal board hearing are contained in the board's Rules of Practice and Procedure and in UMC 845.19 of the board's regulations.

4. EFFECT ON PERMIT.

The permit may be suspended or revoked if it is determined that a pattern of violations of the act, regulations or permit conditions exists, and that the violations were caused by an unwarranted or willful failure to comply.

For further information, consult Section 40-10-20, 21, 22 and 23, *Utah Code Annotated*, UMC/SMC Parts 843, 845, 900 or contact the Division of Oil, Gas & Mining at (801) 538-5340.



NOTICE OF VIOLATION NO. N 91-26-4-3

Violation No. 1 of 3

Nature of violation

Failure to separate disturbed and undisturbed runoff or failure to clearly demonstrate that sediment pond A has been designed and constructed to adequately treat the current total runoff

Provisions of act, regulations or permit violated

R614-301-742.122

R614-301-512.240

R614-300-143

Portion of operation to which notice applies

- Undisturbed drainage that flows into undisturbed ditch D-24, over a steep hillside and thence to disturbed ditches D-84 and ultimately to sediment pond A.
- Sediment pond A.

Remedial action required (including any interim steps)

Submit plans to separate disturbed and undisturbed runoff identified above or

Submit plans to enlarge ~~and~~ sediment pond A and involved ditches together with pond and ditch calculations to demonstrate that such measures can adequately handle and treat the total runoff.

Abatement time (including interim steps)

Submit plans, calculations and maps by May 31, 1991



NOTICE OF VIOLATION NO. N 91-26-4-3

Violation No. 2 of 3

Nature of violation

Failure to conduct surface and ground water monitoring to comply with the terms & conditions of the permit, all performance standards and requirements of the State Program.

Provisions of act, regulations or permit violated

R614-300-143

R614-301-731.210 (ground water)

R614-301-731.220 (surface water)

Portion of operation to which notice applies

(a) Sampling was done in November 1990 instead of October as required on stations BC-1, BC-2, BC-3, SBC-3, SBC-4, SBC-5, SBC-6, SBC-7, SBC-8

(b) Water sampling station SBC-2, well was not sampled & dropped without documented Division approval

(c) SBC-9 monitored, phosphorus was analyzed instead of phosphate

Remedial action required (including any interim steps)

I No abatement required on items (a) and (c) above

II Notify division and request approval to drop station SBC-2. Division may require the permittee to replace the well.

Abatement time (including interim steps)

May 1, 1991 item II above.



NOTICE OF VIOLATION NO. N 9126-4-3

Violation No. 3 of 3

Nature of violation

Failure to minimize erosion

Provisions of act, regulations or permit violated

UMC R614-792.113

Portion of operation to which notice applies

- (a) Sediment Pond B inlet
- (b) Intersection of Division (D10-U)(D-5D)
- (c) Culvert Outlet C-1 U

Remedial action required (including any interim steps)

- Provide erosion protection
 - (a) concrete or grouted rip rap. Update pond as built designs
 - (b) riprap with angular rip rap.
 - (c) submit plans to Division

Abatement time (including interim steps)

May 20, 1991