

ACT 1015/025 #5

RECEIVED

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining

0035

Reclamation and Enforcement

MAR 30 1992

TEN-DAY NOTICE

DIVISION OF
OIL GAS & MINING

Number: X-92-02-352-002 TV 1

Originating Office: USDI
OFFICE OF SURFACE MINING

625 SILVER AVE., SW, SUITE 310

ALBUQUERQUE, NM 87102

Telephone Number: 505-766-1486

Ten-Day Notice to the State of UTAH DIVISION OF OIL, GAS AND MINING

You are notified that, as a result of A FEDERAL INSPECTION (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: CO-OP MINING

(Or Operator if No Permit)

County: EMERY

Surface

Mailing Address: P.O. BOX 1245, HUNTINGTON, UTAH 84528

Underground

Permit Number: ACT-015-025 Mine Name: BEAR CANYON

Other

NATURE OF VIOLATION AND LOCATION: FAILURE TO DEMONSTRATE IN WRITING TO THE REGULATORY AUTHORITY THAT ALL REASONABLY AVAILABLE SPOIL WILL BE INSUFFICIENT TO COMPLETELY BACKFILL THE REAFFECTED HIGHWALL.

ALL HIGHWALLS AT THE BEAR

CANYON MINE

Section of State Law, Regulation or Permit Condition believed to have been violated: R 645-301-553.520

NATURE OF VIOLATION AND LOCATION: _____

Section of State Law, Regulation or Permit Condition believed to have been violated: _____

NATURE OF VIOLATION AND LOCATION: _____

Section of State Law, Regulation or Permit Condition believed to have been violated: _____

Remarks or Recommendations: _____

Date of Notice: 3-23-92

cert. receipt # P965799120

Signature of Authorized Rep.: Russ Porter

Print Name and ID: RUSS PORTER # 352

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
RANDOM SAMPLE MEIR SUPPLEMENT

1. Permittee CO-OP MINING 5. Days since Last State Complete Inspection (LSCI) 85
 2. Permit Number ACT-015-025 6. Block 25 Categories in NON-COMPLIANCE this RSI 8
 3. Joint Inspection Y Y/N 4. Date 3-12-92 7. Total Violations this RSI 10

 8. List (only once) all violations:

- 1) where State enforcement was required and taken during the LSCI;
 2) recorded in the LSCI report but the State failed to take enforcement;
 3) observed during this RSI which clearly existed during the LSCI but the State failed to take enforcement; and
 4) existing during this RSI which are not already listed under one of the categories above.

A	B	C	D	E	F	G	H	I	J	K
SPECIFIC STATE LAW/REGULATION VIOLATED	BLOCK 25 CATEGORY	ABATED (Y/N)	STATE ACTION	REASON IF UNCITED	CAUSE	SERIOUSNESS PED	IMPACT	OSMRE ACTION	OPTIONAL	
301-731.215 1. _____	H	N	2		4	2	2	1		
Description: <u>FAILURE TO MAINTAIN MONITORING WELL</u>										
301-527.200/210 2. _____	J	N	2		4	1	1	1		
Description: <u>FAILURE PROVIDE ADEQUATE ROAD DESIGNS</u>										
301-742.312 3. _____	D	N	2		4	2	2	1		
Description: <u>FAILURE TO MAINTAIN DIVERSIONS (DESIGN DIVERSION)</u>										
301-234.230 4. _____	M	N	4		4	2	2	1		
Description: <u>FAILURE TO PROTECT STORED TOPSOIL</u>										
301-521.251 5. _____	C	N	2		4	1	1	1		
Description: <u>PERIMETER MARKERS</u>										
301-731.120 6. _____	D	N	4	-	4	2	2	1		
Description: <u>IMPROPER COAL STORAGE</u>										
301-512.100 7. _____	E	N	2		1	1	1	1		
Description: <u>FAILURE TO CERTIFY MAPS</u>										
300-141 8. _____	L	N	2		3	3	4	1		
Description: <u>OPERATIONS OFF PERMIT</u>										
301-731.740/750 9. _____	E	N	2		1	1	1	1		
Description: <u>CERTIFYING AN INACCURATE MAP</u>										
301-553.520 10. _____	S	N	2		1	2	2	2		
Description: <u>Failure to demonstrate inadequate available material to eliminate highwalls</u>										

- STATE ACTION
- 1) Existed on LSCI, cited
 - 2) Existed on LSCI, not cited
 - 3) Cited Prior to LSCI, Abatement Pending
 - 4) Occurred since LSCI
 - 5) Permit defect

- STATE'S REASON FOR NOT CITING VIOLATION (AFTER DISCUSSION WITH THE STATE)
- 1) Not a Violation
 - 2) Precluded by State Policy
 - 3) Not included under State Program
 - 4) Warning given in lieu of a Citation
 - 5) Violation not recognized (missed)
 - 6) Practice allowed under approved Permit
 - 7) Too minor to cite
 - 8) Working with Operator to Correct
 - 9) Other: _____

- CAUSES
- 1) Permit Defect
 - 2) Unusual Weather Conditions
 - 3) Unofficial Waiver
 - 4) Operator Negligence
 - 5) Other: _____

- PROBABILITY OF EVENT OCCURRENCE
- 1) None or Unlikely
 - 2) Likely
 - 3) Occurred

- IMPACT
- Damage Remains Within the Permit Area
- 1) None or Minor
 - 2) Moderate
 - 3) Considerable
- Damage Extends Beyond the Permit Area
- 4) None or Minor
 - 5) Moderate
 - 6) Considerable
- Obstruction to Enforcement
- 7) None or Minor
 - 8) Moderate
 - 9) Considerable

- OSMRE ACTION
- 1) Deferred to State Action
 - 2) TDW issued
 - 3) IH-CO issued
 - 4) Previously Cited, Abatement Pending
 - 5) Abated during or before OSMRE Inspection
 - 6) TDW issued
 - 7) TDW Issued for Permit Defect

United States Department of the Interior
Office of Surface Mining
Mine Site Evaluation Inspection Report

For Office Use Only

1a	1b	1c
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Y	M	M
Batch		Report

2. Name of Permittee
CO-OP MINING

3. Street Address
P O BOX 1245

4. City
HUNTINGTON

5. State
UT

6. Zip Code
84528

7. Area Code
801

8. Telephone Number
381-2450

9. MSHA Number

10. Date of Inspection (Y M M D D)
9 2 0 3 1 2

11. State Permit Number
ACT-015-025

12. Name of Mine
BEAR CANYON

13. County Code
015

14. State Code
UT

15. Strata

16. State Area Office

17. OSM Field Office No.
02

18. OSM Area Office No.

19. OSM Sample No.

20. Type of Inspection (Code)
C

21. Joint Inspection
Yes No

22. Inspector's ID No.
352

23. Status

- A 01 Type of Permit
- B A Mine Status (Code)
- C 20 Type of Facility (Code)
- D 01060.0 Number of Permitted Acres
- E 00016.0 Number of Disturbed Acres

24. Type of Activity (check applicable boxes).

- A Steep Slope
- B Mountain Top Removal
- C Prime Farmlands
- D Alluvial Valley Floors
- E Anthracite
- F Federal Lands
- G Indian Lands
- H Other

25. Performance Standards (Codes)

Instructions: Indicate compliance code. For any standard marked 2 or 3 provide narrative to support this determination.

Standards That Limit the Effects to the Permit Area

Standards That Assure Reclamation Quality and Timeliness

- A 1 Distance Prohibitions
- B 2 Mining Within Permit Boundaries
- C 2 Signs and Markers
- D 2 Sediment Control Measures
- E 2 Design and Certification Requirements—Sediment Control
- F 1 Effluent Limits
- G 1 Surface Water Monitoring
- H 2 Ground Water Monitoring
- I 3 Blasting Procedures
- J 2 Haul/Access Road Design and Maintenance
- K 3 Refuse Impoundments
- L 2 Other: Specify DISTURBANCE OFF PERMIT

- M 2 Topsoil Handling
- N 3 Backfilling and Grading
- O 3 Following Reclamation Schedule
- P 3 Revegetation Requirements
- Q 3 Disposal of Excess Spoil
- R 3 Handling of Acid or Toxic Materials
- S 2 Highwall Elimination
- T 3 Downslope Spoil Disposal
- U 1 Post Mining Land Use
- V 3 Cessation of Operations: Temporary
- W Other

United States Department of the Interior
Office of Surface Mining
Mine Site Evaluation Inspection Report

26. State Permit Number

ACT-015-025

27. Date of Inspection
(Y M M D D)

9 2 0 3 1 2

28. Yes No Do mining and reclamation activities on the site comply with the plans in the permit?
 If no, provide narrative to support this determination.

29. Indicate number of complete and partial inspections conducted by the State to date for this annual review period:

29a. Number of Completes

29b. Number of Partials

30. Indicate number of complete and partial inspections required by the State during this annual review period:

30a. Number of Completes

30b. Number of Partials

31. Has inspection frequency been met?

31a. Yes No Completes

31b. Yes No Partials

32. FEDERAL ENFORCEMENT INFORMATION. [Enter violation number. Check appropriate box(es)]

Violation Codes

- Authorizations to Operate
- Signs and Markers
- Backfilling and Grading
- Highwall Elimination
- Rills and Gullies
- Improper Fills
- Topsoil Handling
- Sediment Ponds
- Effluent Limits
- Water Monitoring
- Buffer Zones
- Roads
- Dams
- Blasting
- Revegetation
- Spoil on the Downslope
- Mining Without Permit
- Exceeding Permit Limits
- Distance Prohibitions
- Toxic Materials
- Other Violations

Ten-Day Notice No.

Notice of Violation No.

Cessation Order No.

92-02-352-002

A <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D <input checked="" type="checkbox"/> R645-301-553.520	<input type="checkbox"/>	<input type="checkbox"/>
E <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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M <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
O <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
P <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Q <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
R <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
S <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
T <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
U <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

33. Name of Authorized Representative (print or type)

Russ Porter

Signature of Authorized Representative

Russ Porter

Signature of Reviewing Official

[Signature]

Date

3-24-92

Date

3-24-92

34. Administrative Information

- a Permit Review (Hours)
- b Travel Time (Hours)
- c Inspection Time (Hours)
- d Report Writing Time (Hours)

NARRATIVE INSPECTION REPORT

DATE: March 10-12, 1992

MINE: Bear Canyon

PERMIT NO.: ACT-015-025

COMPANY: CO-OP Mining
P. O. Box 1245
Huntington, Utah 84528
(801) 381-2450

INDIVIDUALS PRESENT DURING INSPECTION: Charles Reynolds, CO-OP Mining
Hugh Klein, Utah DOGM
Russ Porter, OSMRE

COMPLETE INSPECTION: Yes

PARTIAL INSPECTION: __

WEATHER: Sunny, with cool mornings and mild afternoons.

RECORDS REVIEW

Permit: The current permit was issued on May 20, 1991 for a five year period.

Certificate of insurance: A valid Certificate of Insurance was not available at the mine when it was first requested. The company did produce one prior to the end of the inspection. The issue date for the certificate was 3-10-92 and the expiration date is 1-1-93. The aggregate amount of liability for the policy

is \$2,000,000.00. The policy covers both the Bear Canyon and the Trail Canyon mines.

Ownership and control: Company representatives confirmed the ownership information contained in the permit application is correct and no changes have been made since that information was submitted.

Bond: Irrevocable letter of credit number 1055 on Capital City Bank, Salt Lake City, Utah in the amount of \$290,000.00 has been accepted as bond collateral. The issue date for the letter was 8-15-91 and the expiration date is 7-12-92. The letter contains a provision for automatic extension of the coverage period for up to one year unless the bank determines it is not in their best interest.

Blasting: No blasting is done on the surface at this mine.

NPDES or discharge permit: Discharge permit #UTG040006 has been issued by the State of Utah. The permit cover three discharge points which are the two sediment ponds and the mine water discharge. The permit has an effective date to 4-30-93.

Water monitoring: The records for water monitoring indicate that the 9 points required to be monitored are being done. The sample from point 004A was lost during the last quarter. The company notified DOGM in writing of the loss.

A comparison was done of the analysis of parameters taken in 1987 and current analysis. Although no significant changes were found, all parameters did show a slight increase in test values.

Air quality monitoring: An air quality permit has been issued by the State of Utah. No monitoring is required of the company, however there are limits on the number of total hours of operation allowed during a year. The company is well within the limits. The permit was issued on 2-20-86 and has no expiration date. The copy of the permit at the mine was not signed but was initialed. It seems this has something to do with the procedures which are used by the Air Quality Division.

Certifications:

Impoundments--The as built drawing for impoundment A was certified by stamp and signature on 9-91. There was no certification statement on the drawing or on a separate sheet. The drawing was revised on 1-28-92 but was not restamped for certification. DOGM issued Notice of Violation #92-40-8-1 for failure to have certified maps.

The as built drawing for impoundment B was certified by stamp and signature on 9-91. Again there was no certification statement.

Diversions--There were no available cross sections on any diversions except D-1D, D-2D and D-7D. DOGM issued Notice of Violation #92-40-4-1 for failure to provide cross sections. This NOV was later vacated because the regulations cited (R645-301-722 and 301-722.200) were not applicable to the circumstances. It is DOGM's opinion that the Utah Regulations do not require cross sections of diversions as a requirement for a permit. In this respect the Utah Regulations may be less effective than the Federal Regulations. 30 CFR 784.29 requires "Each application shall contain descriptions, including maps and cross sections, of stream channel diversions and other diversions to be constructed within the proposed permit area***". In the above case there is a certified map showing the location of each diversion with an identifying number. The specifications of each diversion are then shown in table 7.2-10. Although there are no cross sections the table can be used to determine if the diversions have been constructed as specified.

Roads--Drawing 3-5 which is the "As Constructed" map for the haul and access road is not accurate. The map is not drawn to scale as shown. The map was certified by stamp and signature on 4-27-84. The map was revised on 9-16-88 and the stamp was dated and initialed to indicate the revision. Due to the inaccuracies on the map DOGM issued Notice of Violation #92-40-10-2 for certifying an inaccurate map.

Coal mine waste--No coal mine waste is treated at this mine.

Excess spoil disposal--There is no excess spoil to dispose.

Subsidence Monitoring: The 1990 subsidence report was reviewed. The 1991 report is not due until the end of March. The records indicate the greatest amount of subsidence during 1990 was .20 feet.

Recent permitting actions: None

Pending permitting actions: None

Special conditions: Although the permit was issued without any conditions, it is my understanding that due to a concern about the impact the mining will have on the water quality and quantity of Bear Canyon Spring and Big Birch Spring, the company is now required to make a showing that the above springs will not be affected as a result of the mining. The company will not be allowed to continue mining of federal mineral until this is resolved.

FIELD REVIEW

SIGNS AND MARKERS

Mine identification: This sign did not have a correct address as shown on the permit. This was corrected prior to the end of the inspection.

The topsoil stored at the baseball diamond was not identified as part of this mining operation. A mine identification sign was posted at this area.

Perimeter markers: The disturbed area markers did not adequately define the perimeter of the mining disturbance nor were the markers identified as required in the PAP. Although work was being done to correct this problem, DOGM had brought this to the companys' attention during a previous inspection. As a result DOGM issued Notice of Violation #92-40-6-1.

Blasting warning: No surface blasting is done at the mine. An explosive storage area was identified by a sign.

Topsoil markers: Both topsoil storage area were identified as topsoil.

Stream course buffer: Signs were placed along the edge of the disturbed area along Bear Creek identifying it as a protected area. Some additional signs could be placed in areas receiving heavier use to insure that disturbance or material does not affect the stream.

HYDROLOGIC SYSTEM

Drainage control: See diversions.

Diversions: All diversions, with the exception of D-3U, were not constructed and/or maintained to design. DOGM issued Notice of Violation #92-40-3-1 for failure to construct and/or maintain diversions.

Impoundments: The sediment cleanout level of the two impoundments are identified by markers. The sediment level in both impoundment A and B was within acceptable levels.

Plate 7-2, which is the as built drawing for impoundment A, was compared to the actual construction of the impoundment. The decant pipe which runs through the embankment on the west side was not shown in the drawing. This deficiency was addressed by DOGM in Notice of Violation #92-40-8-1.

Plate 7-3, which is the as built drawing for impoundment B, was also checked against the construction of the impoundment. The decant pipe which runs through the embankment on the south side was not shown in the drawing. This deficiency was addressed by DOGM in Notice of Violation #92-40-10-1.

Siltation structures: Several silt fences are found at various locations at the mine. It was noted that the filter fabric on some of the fences is beginning to deteriorate. The company should inspect all the fences and perform any maintenance needed.

One silt fence was found out of the permitted area. This fence was located west of the haul road below the outfall of culvert C-12U. DOGM issued Notice of Violation #92-40-9-1 for failure to conduct operations only on lands specified in the permit.

Discharge structures: See impoundments.

Surface water: The locations of all surface water monitoring sites were visited. There is no automated sampling equipment at any of the sites. None of the sites are identified on the ground but the approximate locations are shown on plate 7-4.

Ground water: Currently only one well is being monitored outside of the mine. This is well SBC-3. The casing was broken at the top of the well and the cap did not seal the casing. In both cases it would be possible for contaminants to enter the well. DOGM addressed this problem with Notice of Violation #92-40-1-1, failure to maintain structures used in conjunction with ground water monitoring.

Discharges: The only discharge occurring at the time of the inspection was mine water. This discharge is being monitored as required in the mine plan.

Protected stream channels: Mining is being done within 100 feet of Bear Creek. The Utah Regulations require the Division to "specifically" authorize mining within 100 feet of a protected stream only upon finding that the mining will not cause or contribute to the violation of applicable Utah or federal water quality standards and will not adversely affect the water quantity and quality or other environmental resources of the stream. The waiver to mine within 100 feet of Bear Creek was not clear in the mine plan nor was it specifically addressed. DOGM will review the mine plan and if found adequate to meet the standards outlined above will notify the company in writing. If the plan is not adequate the company will be instructed to address the deficiencies.

HAUL/ACCESS ROADS:

Surfacing: The haul road has been surfaced with gravel. It was not possible to determine if the amounts of gravel required in the mine plan had been applied. The surface of this road appeared to be stable at the time of the inspection.

The access roads at the mine were to be surfaced with 4 inches of 3/4 gravel. This was not evident on any of the access roads. The surfacing of the roads must be maintained.

Maintenance: Maintenance in the form of blading and ditch cleaning was being done at the time of the inspection.

Ditches and culverts: All ditches with the exception of D-3U were not being maintained to specifications. This was addressed by DOGM in Notice of Violation 92-40-3-1.

Several culverts were found to need cleaning to prevent restricted flow. These were as follows:

C-12U
C-2D
C-4D
C-8D
C-9D

In addition to the above one culvert was found on the Hoist road which was not identified in the plan. The feature consisted of a 6 inch steel pipe. DOGM issued Notice of Violation #92-40-3-2 for failure to design a diversion.

Reclamation: None at this time.

TOPSOIL

Removal: No topsoil being removed.

Placement: No topsoil being placed.

Storage: There are two topsoil storage areas at the mine. One is at the ball diamond and the other is above the scalehouse. The containment berm on the pile at the ball diamond had a small breach which was repaired. The pile above the scale house had a breach in the berm and the berm had also deteriorated in one area as to be ineffective. DOGM issued Notice of Violation #92-40-5-1 for failure to protect topsoil from wind and water erosion.

Substitutes: None.

BACKFILLING AND GRADING

Contemporaneous reclamation: No reclamation done at this time since this is an underground mine.

A. O. C.: None at this time.

Highwall elimination: Plate 3-2 shows areas of highwall which will be left or slightly reduced. Appendix 3-L is the "cut and fill calculations" for highwall elimination. In appendix 3-L is Figure 3L-1, cut and fill reference map. This map assigns numbers or letters assigned to different sections of highwall so the area can be referenced to spoil volume calculations and profiles. Table 3L-2 shows fill volume needed and fill volume available for backfilling stations 2 through 7 and corresponding profiles indicate the post mining contour of the areas. Although there are profiles for stations A through H there are no fill volumes to indicate the material is available to achieve the post mining contours as shown in the profiles. There is no mention of using the excess spoil shown at some stations in eliminating highwall which will remain at other stations. In any case the mine plan is deficient in not requiring the use of all available spoil to eliminate as much highwall as is technically practical. Due to this a Ten-Day Notice will be issued.

Stabilization: Not applicable at this time.

Handling of acid and toxic materials: Not applicable to these operations.

REVEGETATION

Seeding: No seeding being done at this time.

Mulching: No mulching being done at this time.

Success: Not applicable.

Timing: Not applicable.

COAL MINE WASTE

Drainage control: Not applicable.

Surface stabilization: Not applicable.

Placement: Not applicable.

Impounding structures: Not applicable.

DISTANCE PROHIBITIONS

Roads: No mining being done next to a public road, however a public road does run up to the permit boundary. This road was reconstructed by the mining company and was maintained by the company for a period of time, or at least that was part of the agreement between Co-Op and Emery County. The company claims that the county is now doing all maintenance to the road. There are two residences accessed by the county road. One of these is the mine office which is being lived in by some of the employees of the mine. The other residence is just inside the mine gate and west of the permit area. These people are also employed by the mine. The county road will be reviewed to determine if it meets the requirements to be permitted by Co-Op.

Dwellings: The occupants of the above residences have both signed waivers to allow mining closer than 300 feet of the dwellings.

Public buildings, churches, schools, etc.: None.

Cemeteries: None.

Protected public lands: None.

SUBSIDENCE

Due to snow remaining at the elevations where the subsidence monuments are located, no attempt was made to check actual field conditions to determine if the monuments were being maintained or if ground conditions might indicate more subsidence than had been reported. DOGM will check for indications of subsidence and the condition of the monuments when conditions allow.

CURRENT ACTIVITIES

Active pits: Underground mine, not applicable.

Seams being mined: The Blind Canyon seam is currently being mined. The Hiawatha seam will be mined in the future.

Highwall existing: Highwall exist at the mine portal, storage pad, access roads and facilities area.

Acres disturbed: 16 of the 1,060 acres permitted have been disturbed.

EXISTING ENFORCEMENT ACTIONS

Notice of Violation #91-35-8-1 was issued by DOGM on 12-4-91. The violation was failing to prevent to the extent possible using the best technology available, additional contributions of suspended solids to streamflow outside the permit area. The abatement time has been extended and had not expired at the time of this inspection.

ENFORCEMENT ACTIONS FROM THIS INSPECTION

DOGM Notice of Violations issued during this inspection are as follows:

92-40-1-1	Failure to maintain a monitoring well
92-40-2-1	Failure to provide adequate designs
92-40-3-1	Failure to construct and/or maintain diversion
92-40-3-2	Failure to design a diversion
92-40-4-1	Vacated

92-40-5-1 Failure to protect stored topsoil
92-40-6-1 Failure to post perimeter markers as required
92-40-7-1 Improper coal storage
92-40-8-1 Failure to have certified maps
92-40-9-1 Operations off the permitted area
92-40-10-1 Certifying an inaccurate map
92-40-10-2 Certifying an inaccurate map

OSMRE Ten-Day Notices

92-02-352-001 TV 1 Failure to demonstrate, in writing, to the Regulatory Authority that all reasonably available spoil will be insufficient to completely backfill the reaffected highwall.

OTHER

There are 3 areas at the mine which are designated as BTCA (best technology currently available). It was found that these areas do not appear to meet the requirements of a BTCA designation on the ground nor is it explained in the permit how the requirements of R645-301-742 will be met. DOGM has issued an "Order & Findings of Permit Deficiency" requiring the company to address this deficiency by submitting an application for permit change by no later than April 30, 1992.

MSEIR: Those items marked with a "2" have been addressed in the above narrative and those marked with a "3" were not applicable for the purposes of this inspection.



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MININGNorman H. Bangert
GovernorDee C. Hansen
Executive DirectorDianne R. Nielson, Ph.D.
Division Director355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340UTAH DIVISION OF OIL, GAS AND MINING
FACSIMILE TRANSMISSION COVER SHEET

DATE:

20 March

FAX #

505-766-2069

ATTN:

Russ Porter

COMPANY

ODM

FROM:

Hugh Klein

DEPARTMENT:

DNR / ODMNUMBER OF PAGES BEING SENT (INCLUDING THIS ONE): 4

If you do not receive all of the pages, or if they are illegible, please call (801) 538-5340.

We are sending from a Murata facsimile Machine. Our telecopier number is (801) 359-3940.

MESSAGES:

Russ,Here is what's went out. Let me know whatyou think. I'll be in Denver next week,the number is 303-987-2000 (fax 303-969-0263).Thanks for the input.hjk



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

March 20, 1992

CERTIFIED RETURN RECEIPT REQUESTED
P 074 979 201

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

Dear Mr. Owen:

Re: Division Order, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025,
Folder #3, Emery County, Utah

Enclosed please find a Division Order and Finding of Permit Deficiency for the Bear Canyon Mine. If in your review of this order you have any questions, please call me or Pamela Grubaugh-Littig, Permit Supervisor.

Sincerely,

A handwritten signature in cursive script that reads "Lowell P. Braxton".

Lowell P. Braxton
Associate Director, Mining

jbe

Enclosure

cc: J. Helfrich
P. Grubaugh-Littig
H. Klein

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STATE OF UTAH
DIVISION OF OIL, GAS AND MINING

PERMITTEE

Wendell Owen
Co-Op Mining Company
Bear Canyon Mine
P.O. Box 1245
Huntington, Utah 84528

**ORDER & FINDINGS
of
PERMIT DEFICIENCY**

PERMIT NUMBER ACT/015/025
DIVISION ORDER # DO-92A

PURSUANT to R645-303-212, the DIVISION ORDERS the PERMITTEE, Co-Op Mining Company, to make the permit changes enumerated in the findings of permit deficiency in order to be in compliance with the State Coal Program. These findings of permit deficiency are to be remedied in accordance with R645-303-220.

Findings of Permit Deficiency

742. Sediment Control Measures.

742.100. General Requirements.

742.110. Appropriate sediment control measures will be designed, constructed and maintained using the best technology currently available to:

742.111. Prevent, to the extent possible, additional contributions of sediment to stream flow or to runoff outside the permit area;

742.112. Meet the effluent limitations under R645-301-751; and

742.113. Minimize erosion to the extent possible.

Currently the permit does not contain information as to how BTCAs are designed to prevent additional contributions of sediment or minimize erosion to the extent possible. In addition, the areas designated as BTCA are not utilizing the best technology currently available. Subsequently, erosion is not being minimized to the extent possible which may also cause additional contributions of sediment to runoff and/or stream flow outside the permit area.

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Order & Findings
ACT/015/025

The operator shall submit a plan containing the design construction and maintenance of BTCA measures for each area designated as "BTCA". When the BTCA is not a sediment pond, the operator shall demonstrate why it is not possible to utilize such a structure.

Order

It is hereby ordered that Co-Op Mining Company make the requisite permit changes in accordance with R645-303-220 and submit a complete application for permit change, addressing the findings of permit deficiency by no later than April 30, 1992.

Ordered this 20th day of March, 1992, by the Division of Oil, Gas, and Mining.



Dianne R. Nielson, Director
Division of Oil, Gas and Mining

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