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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Mine file

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May 15, 1992

CERTIFIED MAIL
P 074 979 659

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

Dear Mr. Owen:

Re: Notice Of Potential Pattern Of Violations By Co-op Mining Company At Its Bear Canyon Mine, ACT/015/025, Emery County, Utah

The purpose of this letter is to inform you that, in accordance with Utah Admin. R645-400-330, I have determined that Co-op Mining Company has a potential pattern of violations at its Bear Canyon Mine. Attached are copies of the reviews which form the basis for this determination. The Division procedure for determining a pattern of violations is also attached.

A determination of a pattern of violations includes two separate findings:

1. The permittee has incurred three or more violations of the same or related requirements of the State Program or the permit during a 12-month period (R645-400-332.100), and
2. Each of those violations was caused by the permittee willfully or through unwarranted failure to comply (R645-400-332.200).

In this case, the determination of a potential pattern of violations is based on the occurrence of violations N91-35-1-1, N91-20-1-1, and N91-26-7-2 (2 of 2). Other violations reviewed in conjunction with the determination include violations N91-26-7-2 (1 of 2), N91-35-8-1, N90-35-1-1, N90-25-1-1, and N91-26-4-3 (1 of 3).

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In accordance with Division procedure, Co-op Mining Company is now provided the opportunity to request an informal hearing to review the potential pattern of violations. The fact of the occurrence of three or more violations of same or similar requirements of the State Program or the permit is considered by the Division to be prima facie evidence because the three above-stated violation were all determined to have occurred and were not successfully appealed. It will be Co-op's burden or responsibility, if an informal conference is held, to prove that the violations were not caused by the permittee willfully or through unwarranted failure to comply.

An informal hearing will be held, if it is requested by Co-op Mining Company in writing to the Division within 30 days of receipt of this letter. If an informal hearing is not requested, the Division will request that the Board issue an Order To Show Cause as to why Co-op Mining Company's permit for the Bear Canyon Mine should not be revoked or suspended.

If you have any questions regarding these procedures or reviews, please contact me or Vicki Bailey at (801) 538-5340.

Please recognize that Co-op's failure to respond or prevail in this matter may result in the revocation or suspension of Co-op's permit to conduct coal mining activities at the Bear Canyon Mine.

Best regards,



Dianne R. Nielson, Ph.D.
Director

Attachments

cc: E. Kingston
K. Mangum
L. Braxton
P. Grubaugh-Littig
J. Helfrich
T. Mitchell
R. Hagen
W. Malencik