CHECK DATE: 25-FEB-1994 CHECK NOV File

INVOICE DATE	INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT OR DEDUCTION	NET AMOUNT
3-Feb-1994	N933561	BEAR021706650190217	760.00	0.00	760.00
3-Feb-1994	1 of 3 N933573	BEAR021706650200217	80.00	0.00	80.00
3-Feb-1994	2 of 3 N933573	BEAR021706675140217	320.00	0.00	320.00
3-Feb-1994	3 of 3 N933573A	BEAR021706675150217	380.00	0.00	380.00
	ACT/015/025				
				FEB 28 1994	
			1,540.00	0.00	1,540.00

PAYEE: Detach this statement before cashing check - This check is in payment for items shown above.

C W MINING

NBM ACCOUNTS PAYABLE SPECIALISTS
53 WEST ANGELO AVENUE
SALT LAKE CITY, UTAH 84115
PH. 801-467-4003

BANK ONE, UTAH, N.A.
SOUTH SALT LAKE OFFICE
SALT LAKE CITY, UT 84115-3119
97-154/1240

NO. 6127 6127

CHECK DATE 25-FEB-1994

AMOUNT $ **1,540.00

PAY *ONE THOUSAND FIVE HUNDRED FORTY & 00/100 DOLLARS*

TO THE ORDER OF

5880
STATE OF UTAH.
355 WEST NORTH TEMPLE
3 TRIAD CENTER STE 350
SALT LAKE CITY UT 84180-1203

C J Austin

⑈006127⑈ ⑆124001545⑆ 911675038⑈

M P 074 978 387

RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

Sent to Wendell Owen	
Street and No. PO Box 1245	
P.O., State and ZIP Code Huntington UT	
Postage 006 m sm	$
Certified Fee HCT/015/025	
Special Delivery Fee N93-35-6-1	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	229
Postmark or Date	

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.
1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

WENDELL OWEN
CO OP MINING CO
PO BOX 1245
HUNTINGTON UT 84528

SM DOG ACT/015/025 N93-35-6-1

4. Article Number
P 074 978 387

Type of Service:
☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Address
X

6. Signature — Agent
X Beth Owen

7. Date of Delivery
FEB 09 1994

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Mar. 1988 ★ U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

HUNTINGTON, UT FEB 9 PM 1994

SENDER INSTRUCTIONS
Print your name, address and ZIP Code in the space below.
- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

Print Sender's name, address, and ZIP Code in the space below.

STATE OF UTAH
NATURAL RESOURCES
OIL, GAS, & MINING
3 TRIAD CENTER, SUITE 350
SALT LAKE CITY, UTAH 84180-1203

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (See front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article RETURN RECEIPT REQUESTED adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse RESTRICTED DELIVERY on the front of the article.

5. Enter fees for the services requested on the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.

6. Save this receipt and present it when you [illegible]

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

February 4, 1994

CERTIFIED RETURN RECEIPT REQUESTED
P 074 978 387

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

Re: Finalized Assessment for State Violation #N93-35-6-1, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025, Folder #5, Emery County, Utah

Dear Mr. Owen:

The civil penalty for the above-referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must escrow the assessed civil penalty with the Division within a maximum of thirty (30) days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division, mail c/o Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

Ronald W. Daniels
Assessment Conference Officer

sm
Enclosure

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Co-Op Mining/Bear Canyon Mine

NOV #N93-35-6-1

PERMIT # ACT/015/025 VIOLATION 1 of 1

Assessment Date 2/3/94 Assessment Officer Ronald W. Daniels

Nature of Violation:
Failure to maintain culvert to minimize erosion to the extent possible.

Date of Termination: 11/10/93

	Proposed Assessment	Final Assessment
1. History/Prev. Violations	1	1
2. Seriousness		
(a) Probability of Occurrence	20	20
Extent of damage	12	12
(b) Hindrance to enforcement		
3. Negligence	16	16
4. Good Faith	-0	-5
TOTAL	49	44
TOTAL ASSESSED FINE		$ 760.00

NARRATIVE:
(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

Difficult abatement, normal compliance, good faith points awarded.

sm
Enclosure

cc: Bernie Freeman, OSM

Waiver Request Action
(surface)

U.S. Department of Labor
Mine Safety & Health Administration

1. Date
April 13, 1993

2. District
9

3. Mine ID Number
42-01697

4. Mine Name
Bear Canyon # 1 Mine

5. Company Name
C.W. Mining Company

6. Post Office Address of Mine Operator
P. O. Box 300
Huntington, Utah
84528

7. Waiver Number
1

8. Expiration Date
August 1, 1993

9.

[ ] Based on a investigation by Mine Safety and Health Administration personnel concerning the application, a waiver of bathhouse requirements, as outlined in Section 71.400 of the Code of Federal Regulations, Title 30, cannot be granted for this mine.

[XX] In accordance with Section 71.403 of the Code of Federal Regulations, Title 30, a waiver is issued to waive the requirements of Section 71.400, Code of Federal Regulations, as they apply to sanitary bathing facilities, change rooms and sanitary flush toilets; however, sanitary toilet facilities, meeting the requirements of Section 71.500 of the Code of Federal Regulations, must be provided at surface worksites.

This waiver must be posted on the mine bulletin board for at least 30 days, and is effective for a maximum of one year from the date issued.

10.
This waiver is nontransferable and may be modified or terminated if an inspection or investigation reveals such facilities should be provided.

11. This waiver [XX] is, or [ ] is not, granted for the following reason(s) and is subject to periodic review:

The previous bathhouse burned down. Need waiver until a new bathhouse is constructed.

12. District Manager
Dh P. Krepp
William A. Holgate

MSHA Form 2000-90, May 90 (replaces Jun 79)

the culvert is protected by a trash rack and grouted as shown on the attached typical drawing; water then flows down the flexible culvert to the Coal Processing Pad area.

e. Coal Processing Pad. This pad is also sloped to drain to the culvert; another 8 ft opening was left in the culvert for the surface runoff; water is then conveyed down to the lower (Lump Coal) pad area;

f. Lump Coal Pad. The flexible culvert parallels the conveyor down to the lump coal bin, pass beneath the bin supports, and empties into a catch basin/energy dissipater just south of the bin; runoff then flows south into ditch D-7D and passes into Sediment Pond "A."

Drainage is shown on Plate 7-1. Detailed drawings of the various drainage controls are shown in the attached typical details.

Culvert C-7D Inlet, 1991

The inlet to culvert C-7D is situated on the coal storage pad (Plate 7-1C). The activities involved in during stockpiling and loading, makes it difficult to maintain standard inlet protection. In order to maintain drainage from the storage pad, the inlet will be configured with a steel grate and large, 6 in. median dia rubble with an intermediate steel screen as shown in Figure 7.2-16. This configuration will allow drainage off the coal storage pad to continue in the event that coal is placed over the inlet area.

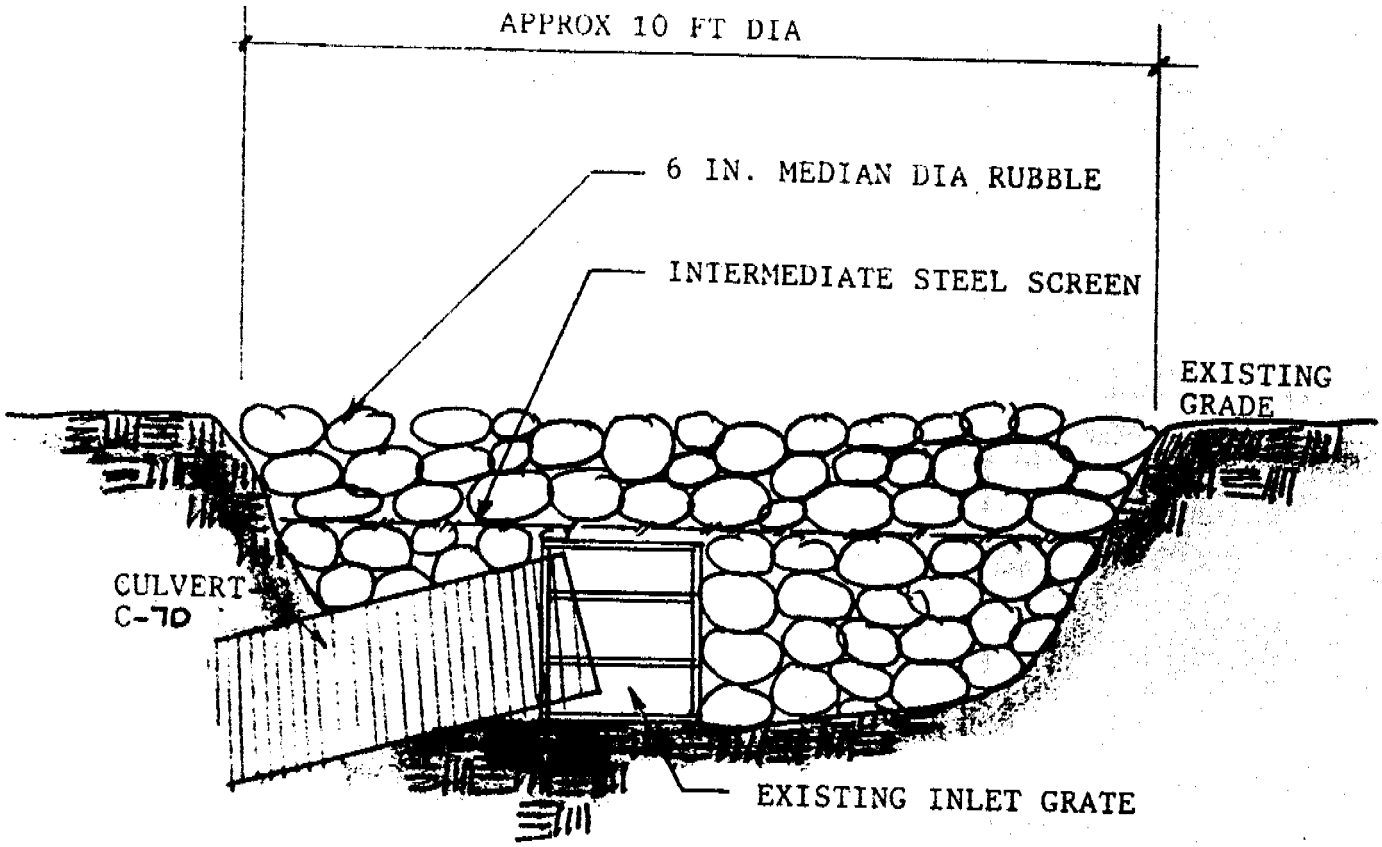

Figure 7.2-16 Inlet Structure (C-7D)

CO-OP MINING COMPANY

P.O. Box 1245
Huntington, Utah 84528

(801) 381-5238
Coal Sales (801) 381-5777

November 12, 1993

Pamela Grubaugh-Littig
Permit Supervisor
Utah Division of Oil, Gas & Mining
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Ms. Grubaugh-Littig,

Re: **Abatement plans for N93-35-5-1 and N93-35-6-1, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025-93K, Emery County, Utah**

Enclosed are three finalized copies of the above-noted amendment, which was approved per Division letter dated October 28, 1993.

Implementation for N93-35-5-1 was completed on October 12, 1993. Implementation for N93-35-6-1 was completed on November 11, 1993.

If you have any questions, please call Charles Reynolds at (801) 381-2450.

Thank You,

Wendell Owen,
Resident Agent

Enclosure(s)

CO-OP MINING COMPANY

P.O. Box 1245
Huntington, Utah 84528

(801) 381-5238
Coal Sales (801) 381-5777

August 18, 1993

Pamela Grubaugh-Littig
Permit Supervisor
Utah Division of Oil, Gas & Mining
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Ms. Grubaugh-Littig,

Re: **D-4aD and D-13D Design, Nov#93-35-5-1, Nov#93-35-6-1, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025, Emery County, Utah**

Enclosed is a proposal being submitted for abatement of violations N93-35-5-1 and N93-35-6-1, issued by Susan White as a result of her inspection on August 10, 1993. The proposal includes plans for the design of the water bar directing runoff flow to culvert C-1D (N93-35-5-1), and the redesign of the drainage from area AD-8, the Coal Storage Pad (N93-35-6-1). Upon approval, the plans will be implemented according to the required time schedule specified in the violation abatement requirements.

Implementation of D-4aD (N93-35-6-1) is also dependent upon approval of the Coal Storage Pad Interim Reclamation proposal (93D). Completion of the review of this proposal was anticipated by the Division to be August 20, 1993.

Pages and plates have been marked DRAFT to distinguish them from previously approved pages and plates. If you have any questions, please call Charles Reynolds at (801) 381-2450.

Thank You,

Wendell Owen

Wendell Owen,
Resident Agent

WJO/cr
Enclosure(s)

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

October 8, 1993

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

Re: Abatement Plan, Violation #N93-35-5-1, Co-Op Mining Company, Bear Canyon Mine, ACT/0-15/025-93K, Folder #5, Emery County, Utah

Dear Mr. Owen:

Information submitted August 20, 1993 provided the necessary supporting data to describe the swale necessary to abate the above-noted violation. The plans and calculation for C-1D are approved.

Information relative to ditches D-41D and D-13D must be resubmitted, see letter dated September 23, 1993.

Sincerely,

Pamela Grubaugh-Littig
Permit Supervisor

pgl
Enclosure
cc/enc: Susan White

Nov file

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

December 20, 1993

CERTIFIED RETURN RECEIPT REQUESTED
No. P 540 713 994

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

Re: Assessment Conference for State Violations N93-35-5-1, N93-35-6-1, and N93-35-7-3, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025, Folder #5, Emery County, Utah

Dear Mr. Owen:

As per your written request of October 10, 1993, please be advised that the Assessment Conference on state violations N93-35-5-1, N93-35-6-1, and N93-35-7-3, Co-Op Mining Company, Bear Canyon Mine has been established for Tuesday, January 18, 1993, beginning at 9:00 a.m.

Pertinent, written material you wish reviewed before the conference can be forwarded to me at the address listed above.

The conference will be held at the office of the Division of Oil, Gas and Mining.

Sincerely,

Ronald W. Daniels
Coordinator of Minerals Research

vb
cc: K. Mangum, MEC
L. Braxton
J. Helfrich
PFO

UTAH
NATURAL RESOURCES
Oil, Gas & Mining
3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

Ok page

VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Co-Op Mining Company

Mailing Address P.O. Box 1245, Huntington, UT 84528

State Permit No. ACT/015/025

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-35-6-1 dated August 12, 1993.

Cessation Order No. C _____ dated _____, 19 ____.

Part 1 of 1 is ☐ vacated ☒ terminated because all remedial action has been completed.

Part ____ of ____ is ☐ vacated ☐ terminated because _____

Part ____ of ____ is ☐ vacated ☐ terminated because _____

Date of service/mailing 11/30/93 Time of service/mailing 10:00 ☒ a.m. ☐ p.m.

Rendell Owen
Permittee/Operator representative

Mine Manager
Title

Signature

Susan M. White
Division of Oil, Gas & Mining

Reclamation Specialist III
Title

Susan M. White
Signature

WHITE – DOGM YELLOW – OSM PINK – PERMITTEE/OPERATOR GOLDENROD – NOV FILE

an equal opportunity employer

5/85

UTAH
NATURAL RESOURCES
Oil, Gas & Mining
3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Co-Op Mining Company

Mailing Address P. O. Box 1245, Huntington, Utah 84528

State Permit No. ACT/015/025

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-35-6-1 dated August 12, 1993.

Cessation Order No. C _____ dated _____, 19 ____.

Part 1 of 1 is modified as follows: implementation is extended to November 12, 1993.

Reason for modification is _____

Part ____ of ____ is modified as follows: _____

Reason for modification is _____

Part ____ of ____ is modified as follows: _____

Date of service/mailing 10-28-93 Time of service/mailing 5:00 ☐ a.m. ☒ p.m.

Date of inspection _____

Permittee/Operator representative _____ Title _____

Signature _____

PAMELA GRUBAUGH LITTIG, Permit Supervisor
Division of Oil, Gas & Mining Title

Pamela Grubaugh Littig
Signature

WHITE—DOGM YELLOW—OSM PINK—PERMITTEE/OPERATOR GOLDENROD—NOV FILE

DOGM/MVC-1 cc: Susan H [illegible] an equal opportunity employer Rev. 12/86 001059

NN file

MEC Mangum Engineering Consultants

388 East Boynton Road • Kaysville, Utah 84037 • (801) 544-3641 (801)547-9887

10 October 1993

RECEIVED
OCT 13 1993
DIVISION OF
OIL, GAS & MINING

Joseph C. Helfrich
Assessment Officer
Utah Division of Oil Gas & Mining
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: Proposed Assessment for State Violations No. N93-35-5-1, N93-35-6-1, and N93-35-7-3, Co-Op Mining Co., Bear Canyon Mine, ACT/015/025, Emery County, Utah

As an agent of Co-Op Mining Co. I request that *assessment conferences* to review the violations referenced above and proposed penalties be scheduled.

I also request that copies of internal comments from Division personnel issuing the violations be forwarded for our review prior to the scheduled hearings. We have not had these documents for previous hearings and would appreciate this curtesy. I understand that you use these comments during your evaluation.

Please notify me and the *Resident Agent* of Bear Canyon Mine when conference(s) can be scheduled.

Resident Agent: Mr. Wendell Owen
P.O. Box 1245
Huntington, Utah 84528

Thank you for your cooperation in this matter.

Kimly C. Mangum, P.E.
Permitting & Compliance Consultant.

cc: Co-Op Mining Co.

UTAH
NATURAL RESOURCES
Oil, Gas & Mining
3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Co Op Mining Company

Mailing Address P.O. Box 1245, Huntington, Utah 84528

State Permit No. ACT/015/025

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-35-6-1 dated August 12, 19 93

Cessation Order No. C _____ dated _____, 19 ____.

Part 1 of 1 is modified as follows: [illegible] is extended to October 28, 1993. The [illegible]

~~Reason for modification is~~ To submit a plan was filed by submitting a plan for ~~[illegible]~~

~~Part ____ of ____ is modified as follows:~~ redesign of the drainage from area AD-8 and the Coal Storage

~~Reason for modification is~~ Pad on August 20, 1993 (Amendment AC/015/025-93K).

Part ____ of ____ is modified as follows: under review

Date of service/mailing 9/22/93 Time of service/mailing 3:00 ☐ a.m. ☒ p.m.

Date of inspection 8/10/93

Permittee/Operator representative _____ Title _____

Signature _____

PAMELA GRUBAUGH-LITTIG
Division of Oil, Gas & Mining

Permit Supervisor
Title

[illegible]
Signature

WHITE—DOGM YELLOW—OSM PINK—PERMITTEE/OPERATOR GOLDENROD—NOV FILE

DOGM/MVC-1 COPY SUSAN WHITE an equal opportunity employer Rev. 12/86 001059

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

September 10, 1993

CERTIFIED RETURN RECEIPT
P 074 977 037

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

Re: Proposed Assessment for State Violation Nos. N93-35-5-1, N93-35-6-1, and N93-35-7-3, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025, Folder #5, Emery County, Utah

Dear Mr. Owen:

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under R645-401.

Enclosed are the proposed civil penalty assessments for the above-referenced violations. The violations were issued by Division Inspector, Susan White on August 12, 1993. Rule R645-401-600 et. sec. has been utilized to formulate the proposed penalties. By these rules, any written information which was submitted by you or your agent, within fifteen (15) days of receipt of the Notices of Violation, has been considered in determining the facts surrounding the violations and the amount of penalties.

Under R645-401-700, there are two informal appeal options available to you:

1. If you wish to informally appeal the fact of this violation, you should file a written request for an Informal Conference within 30 days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty.

2. If you wish to review the proposed penalty assessment, you should file a written request for an Assessment Conference within 30 days of receipt of this letter. If you are also requesting a review of the fact of violation, as noted in paragraph 1, the Assessment Conference will be scheduled immediately following that review.

If a timely request for review is not made, the fact of violation will stand, the proposed penalties will become final, and the penalties will be due and payable within thirty (30) days of the proposed assessments. Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,

Joseph C. Helfrich

Joseph C. Helfrich
Assessment Officer

jbe
Enclosure
cc: Bernie Freeman, OSM

WORKSHEET FOR ASSESSMENT OF PENALTIES :
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Co-Op Mining Company/Bear Canyon Mine **NOV** #N93-35-6-1

PERMIT # ACT/015/025 VIOLATION 1 OF 1

ASSESSMENT DATE 09/10/93 ASSESSMENT OFFICER Joseph C. Helfrich

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 09/10/93 EFFECTIVE ONE YEAR TO DATE 09/10/92

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
N93-35-1-1	07/31/93	1

1 point for each past violation, up to one year;
5 points for each past violation in a CO, up to one year;
No pending notices shall be counted.

TOTAL HISTORY POINTS 1

II. SERIOUSNESS (either A or B)

NOTE: **For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.**

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations Max 45 PTS

1. What is the event which the violated standard was designed to prevent?
Damage to property

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent? The event did occur.

. . . PROBABILITY	RANGE
. . . None	0
. . . Unlikely	1-9
. . . Likely	10-19
. . . Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS

A blocked culvert resulted in erosion adjacent to the coal storage pad.

3. What is the extent of actual or potential damage?

RANGE 0 - 25*

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 12

PROVIDE AN EXPLANATION OF POINTS

A large gully (3 X 5 feet) off the coal storage pad had been created by the lack of maintenance with respect to culvert C-7D.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? _____

RANGE 0 - 25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS

_____

TOTAL SERIOUSNESS POINTS (A or B) 32

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? **IF SO - NO NEGLIGENCE;**
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? **IF SO - NEGLIGENCE;**
OR Was this violation the result of reckless, knowing, or intentional conduct? **IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.**

. . . No Negligence	0
. . . Negligence	1-15
. . . Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE Greater Degree of Fault

ASSIGN NEGLIGENCE POINTS 16

PROVIDE AN EXPLANATION OF POINTS

The inspection of May 20, 1993 by Susan White revealed that culvert C-7D was plugged. Due to the unique design of the culvert which allows coal to cover the inlet, it was difficult to determine if the operator's attempts on May 20, 1993, were successful in unplugging the culvert. Additionally, this was a site of violation N90-35-1-1.

IV. GOOD FAITH MAX 20 PTS. (EITHER A or B) (Does not apply to violations requiring no abatement measures.)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?
. . . **IF SO - EASY ABATEMENT**
Easy Abatement Situation
. . . **Immediate Compliance -11 to -20***
. . . Immediately following the issuance of the NOV)
. . . **Rapid Compliance -1 to -10***
. . . (Permittee used diligence to abate the violation)
. . . **Normal Compliance 0**
(Operator complied within the abatement period required)

(Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

* Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance?
. . . **IF SO - DIFFICULT ABATEMENT**

Difficult Abatement Situation
. . . **Rapid Compliance -11 to -20***
. . . (Permittee used diligence to abate the violation)
. . . **Normal Compliance -1 to -10***
. . . (Operator complied within the abatement period required)
. . . **Extended Compliance 0**
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)
(Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? ____ **ASSIGN GOOD FAITH POINTS** -0

PROVIDE AN EXPLANATION OF POINTS

To be evaluated upon termination of the violation.

V. **ASSESSMENT SUMMARY FOR** N93-35-6-1

I.	TOTAL HISTORY POINTS	1
II.	TOTAL SERIOUSNESS POINTS	32
III.	TOTAL NEGLIGENCE POINTS	16
IV.	TOTAL GOOD FAITH POINTS	- 0
	TOTAL ASSESSED POINTS	49
	TOTAL ASSESSED FINE	$ 960.00

jbe

EVENT VIOLATIONS INSPECTORS STATEMENT

Company/Mine Bear Canyon
Permit # ACT/015/025

NOV/CO # N93-35-6-1
Violation #___ of ___

A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of events below and remember that the event is not the same as the violation. Circle and explain each event.

   a. Activity outside the approved permit area.
   b. Injury to the public (public safety).
   c. Damage to property.
   d. Conducting activities without appropriate approvals.
   e. Environmental harm.
   f. Water pollution.
   g. Loss of reclamation/revegetation potential.
   h. Reduced establishment, diverse and effective vegetative cover.
   i. No event occurred as a result of the violation.
   j. Other.

2. Has the event occurred? Yes ✓ No___

   ✓ Yes: Describe it. Culvert blocked resulting in erosion off coal storage pad.

   ___ No: What would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

3. Did any damage occur as a result of the violation?

   ___ No

   X Yes: Describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Large gully 3'x5' off the coal storage pad. All water treated by sediment pond.

NOV/CO #_____
Violation #___ of ___

B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss.)

( ) Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation

(X) Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain. see below.

Explanation

( ) If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation

( ) Was the operator in violation of a specific permit condition?

Explanation

(X) Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation?

Explanation Inspection 5/20/93 by S. White revealed that the culvert was plugged. Because of the unique design of the culvert, which allows coal to

(X) Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation over the inlet, it was difficult to determine if operator attempts on 5/20/93 were successful in unplugging the culvert. This was the site of a violation on 9/18/90, N90-35-01-01.

NOV/CO #_____
Violation #___ of ___

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

3. Was the submission of plans prior to physical activity required by this NOV/CO? Yes___ No___ If yes, explain.

Authorized Representative	Signature	Date

STATE OF UTAH
NATURAL RESOURCES
Division of Oil, Gas & Mining
3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

notice of violation

NO. N 93-35-6-1

To the following Permittee or Operator:

Name CO-OP MINING COMPANY

Mine BEAR CANYON MINE ☐ Surface ☒ Underground ☐ Other

County EMERY State UTAH Telephone (801) 381-2850

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

State Permit No. ACT/015/025

Ownership Category ☐ State ☐ Federal ☒ Fee ☐ Mixed

Date of inspection 8/10/93, 19 ____.

Time of inspection 8:00 ☒ a.m. ☐ p.m. to 6:00 ☐ a.m. ☒ p.m.

Operator Name (other than Permittee) ____

Mailing Address ____

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.

CERTIFIED RETURN RECEIPT:
P 074 978 617

Date of service/mailing 8/12/93 Time of service/mailing 10:00 ☒ a.m. ☐ p.m.

WENDELL OWEN
Permittee/Operator representative

MINE MANAGER
Title

Signature

SUSAN WHITE
Division of Oil, Gas & Mining representative

RECLAMATION SPECIALIST III
Title

Susan White
Signature

#35
Identification Number

SEE REVERSE SIDE

WHITE-DOGM YELLOW-OPERATOR PINK-OSM GOLDENROD-NOV FILE

an equal opportunity employer

UTAH
NATURAL RESOURCES
Oil, Gas & Mining

NOTICE OF VIOLATION NO. N 93-35-6-1

Violation No. 1 of 1

Nature of violation

Failure to maintain culvert to minimize erosion to the extent possible.

Provisions of act, regulations or permit violated

R645-301-732.300

R645-301-742.113

Portion of operation to which notice applies

Culvert C-7D off coal storage pad and outslope of pad adjacent to culvert.

Remedial action required (including any interim steps)

OPTION 1: Restore culvert to functioning condition, or;

OPTION 2: Submit plans for redesign of drainage and implement after Division approval.

Abatement time (including interim steps)

OPTION 1: 9:00 a.m., August 25, 1993.

OPTION 2: Plans by August 25, 1993 and complete implementation within 15 days of Division approval.

WHITE-DOGM YELLOW-OSM PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE

an equal opportunity employer