

100 file

CHECK DATE: 18-JUL-1994

CHECK NUMBER: 10083

INVOICE DATE	INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT OR DEDUCTION	NET AMOUNT
19-may-1994	N933511	BEAR060207773120602	420.00	0.00	420.00
	ACT/015/025				
			420.00	0.00	420.00

**RECEIVED**  
 JUL 20 1994  
 DIV. OF OIL, GAS & MINING

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. 10083  
 CHECK DATE  
 18-JUL-1994

AMOUNT \$ \*\*\*\*420.00

PAY \*FOUR HUNDRED TWENTY & 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

⑈010083⑈ ⑆124001545⑆

911675038⑈



CO-OP MINING COMPANY

*Handwritten notes:*  
7-26-93  
cc to  
J. Carter  
J. McKinn  
C. Baird

P.O. Box 1245  
Huntington, Utah 84528

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

RECEIVED



JUL 16 1993

DIVISION OF  
OIL, GAS & MINING

July 13, 1993

Jim Carter  
Director  
Utah Division of Oil, Gas & Mining  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203

Mr. Carter,

Re: NOV #N93-35-1-1, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025, Emery County, Utah

Payment of the fine for the above-referenced violation is enclosed. For economic reasons, Co-Op Mining Company does not wish to appeal the decisions resulting from the assessment conference on this violation to the Board. Co-Op does, however, remit payment of this violation under protest.

The assessment of the violation resulted in 20 occurrence points. It was held that the following events occurred:

- Damage to Property
- Environmental Harm
- Water Pollution

The violation was issued for a ditch being breached during the spring runoff due to ice buildup underneath the snow. Although water did leave the ditch, the quantity of water was minimal. The water penetrated approximately 10 feet into the Bear Creek stream buffer zone, but did not reach Bear Creek, approximately 80 feet away. The area contained coal fines from pre-law disturbance and mining which occurred in Bear Canyon.

Since the area contained pre-law disturbance and the water did not reach Bear Creek, Co-Op feels that the assessment of the occurrence of the events which the violated standard was designed to prevent was incorrect, and wish to document this.

Thank You,

*Handwritten signature of Wendell Owen*

Wendell Owen,  
Resident Agent

**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 boxes for additional services requested.

1.  Show to whom delivered, date, and addressee's address. 2.  Restricted Delivery (Extra charge)

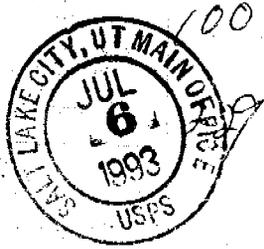
3. Article Addressed to: WENDELL OWEN CO-OP MINING COMPANY PO BOX 1245 HUNTINGTON UT 84528	4. Article Number P 074 975 429
Type of Service: <input checked="" type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise	
Always obtain signature of addressee or agent and DATE DELIVERED.	
8. Addressee's Address (ONLY if requested and fee paid)	
5. Signature - Address X	
6. Signature - Agent X <i>Wendell Owen</i>	
7. Date of Delivery JUL 08 1993	

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

00GM JBE ACT/015/025 FA N93-35-1-1

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

29  
100



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**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

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

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



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PENALTY FOR PRIVATE USE, \$300



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)

July 2, 1993

CERTIFIED RETURN RECEIPT REQUESTED  
P 074 975 429

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

Dear Mr. Owen:

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

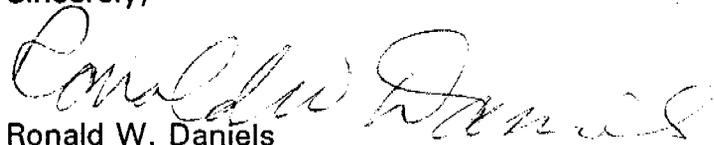
The civil penalty for the above-referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

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

jbe  
Enclosure  
cc:  Bernie Freeman, OSM, AFO

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

COMPANY/MINE Co-Op Mining Company/Bear Canyon mine NOV #N93-35-1-1

PERMIT # ACT/015/025

VIOLATION 1 of 1

Assessment Date 7/1/93

Assessment Officer Ronald W. Daniels

Nature of Violation: Failure to Maintain ditches.

Date of Termination: 2/11/93

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>2</u>	<u>2</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>8</u>	<u>8</u>
(b) Hindrance to Enforcement	<u>    </u>	<u>    </u>
(3) Negligence	<u>12</u>	<u>8</u>
(4) Good Faith	<u>-15</u>	<u>-17</u>
Total Points	<u>27</u>	<u>21</u>
TOTAL ASSESSED FINE		\$ <u>220.00</u>

**NARRATIVE:**

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

The inspector indicated in the conference that the inspection occurred on February 10, 1993, and that the violation was issued on February 11, 1993, by mail, even though the effective date of termination was while the inspector was still on site on February 10, 1993.

Negligence is considered to be "ordinary" in this case and is deemed to be better assessed at mid-range. The inspection occurred early in the day, prior to the operator's daily inspection planned for that day, when the basis of the violation which was a naturally occurring ice dam would have been discovered and corrected. This is deemed to be ordinary negligence.

The violation is deemed to have required "easy" abatement steps for correction. The compliance efforts undertaken by the operator are deemed to have taken place immediately following NOV issuance, thus immediate compliance is deemed to have occurred. Good faith points are adjusted accordingly.

jbe



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

Now File

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)

June 8, 1993

CERTIFIED RETURN RECEIPT REQUESTED  
No. P 540 713 963

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

Dear Mr. Owen:

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

In accordance with your request dated April 7, 1993, please be advised that the Assessment Conference on state violation N93-35-1-1, Co-Op Mining Company's Bear Canyon Mine has been scheduled for Wednesday, June 30, 1993, at 2:30 p.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 in the office of the Division of Oil, Gas and Mining.

Sincerely,

  
Ronald W. Daniels  
Assessment Conference Officer

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



6 April 1993

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

(801) 547-9887

RECEIVED

APR 07 1993

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

DIVISION OF  
OIL GAS & MINING

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

As an agent of Co-Op Mining Co. I request that an *assessment conference* to review the violation and proposed penalty be scheduled. The following comments refer to the violations.

ASSESSMENT

II. SERIOUSNESS  
A. Event Violations

2. Comments state that "...runoff water flowed into the steam buffer zone. No evidence of water reaching Bear Creek was found. The water pollution affected the buffer zone between the ditch and Bear Creek.". The full 20 points were given. No consideration is given to the amount of flow or the actual potential for the flow to cause the damage. No description of any damage or "affect" is given. The event; "Damage to Property; Environmental Harm; and Water Pollution" did not occur. A larger flow volume or duration causing erosion, off-site hazardous material or sediment loading (water pollution) would be required for the event to have "occurred". Scheduled maintenance would have prevented any actual damage. The flow out of the drainage was only a small portion of the runoff, caused due to ice in the drainage.
3. Although the points assigned are in the lower one third of the range, the actual and potential damage was "minimal". The worst case scenario should be considered as a gauge for the assessment. When compared to the worst case, complete breach of the channel under maximum flow, reaching Bear Creek, points should be in the lower ten percentile. Small amounts of moisture flowing on the surface without erosion cannot be considered damage. Following the thaw of the snow, in place during the inspection, there is no evidence of the flow out of the drainage channel.

III. NEGLIGENCE

The explanation given is broad in scope and does represent the specific circumstances. Scheduled maintenance would have noted the potential problem and rectified it prior to any actual damage. The ice formation which had caused the breach had apparently occurred within 3 hours of the inspection and maintenance was scheduled for that same day and would have found it within one hour. This was the first day with a thaw significant enough to cause flow in this channel.

RECEIVED

APR 07 1993

IV. GOOD FAITH

DIVISION OF  
OIL GAS & MINING

Abatement measures were completed within 45 minutes. The explanation states that "abatement measures were taken immediately." All that was required was the breaking up of the ice in the channel. The maximum good faith points should be assigned.

Please notify me and the *Resident Agent* of Bear Canyon Mine when a conference 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.

12-2-2011 PA

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 boxes for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address. 2.  Restricted Delivery (Extra charge)

3. Article Addressed to: WENDELL OWEN

CO-OP MINING CO

PO BOX 1245

HUNTINGTON UT 84528

4. Article Number P 074 978 331

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

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address X *Wendell Owen*

6. Signature - Agent X *Wendell Owen*

7. Date of Delivery *MAR 20 1988*

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

DOGM JBE ACT/015/025 N93-35-1-1 PA

P 074 978 331

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

*52*  
*1.00*  
*1.00*  
*2.52*



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• Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE, \$300



RETURN TO



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



# 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 16, 1993

CERTIFIED RETURN RECEIPT  
P 074 978 331

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

Dear Mr. Owen:

Re: Proposed Assessment for State Violation No. N93-35-1-1, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025, Folder #5, Emery County, Utah

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

Enclosed is the proposed civil penalty assessment for the above-referenced violation. The violation was issued by Division Inspector, Susan M. White on February 16, 1993. Rule R645-401-600 et. sec. has been utilized to formulate the proposed penalty. By these rules, any written information which was submitted by you or your agent, within fifteen (15) days of receipt of the Notice of Violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

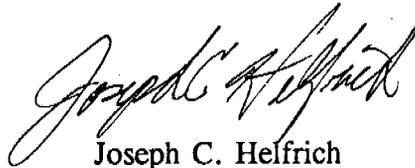
Under R645-401-700, there are two informal appeal options available to you:

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 penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the proposed assessment. Please remit payment to the Division, mail c/o Vicki Bailey.**

Sincerely,



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 #N93-35-1-1

PERMIT # ACT/015/025

VIOLATION 1 OF 1

ASSESSMENT DATE 03/16/93

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 03/16/93

EFFECTIVE ONE YEAR TO DATE 03/16/92

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
<u>N91-40-1-1</u>	<u>04/11/92</u>	<u>1</u>
<u>N91-35-8-1</u>	<u>04/11/92</u>	<u>1</u>

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 2

**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; Environmental Harm; and Water Pollution

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

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

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS

Ditch D-6D was breached as the result of the formation of an ice dam and the ditch not being maintained to design. The disturbed area runoff water flowed into the stream buffer zone. No evidence of the water reaching Bear Creek was found. The water pollution affected the buffer zone between the ditch and Bear Creek.

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 8

PROVIDE AN EXPLANATION OF POINTS

The inspector's statement revealed that as a result of the breach in ditch D-6D untreated surface runoff (although minimal) would and did extend off the disturbed as well as the permit area.

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) 28**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 OrdinaryASSIGN NEGLIGENCE POINTS 12

PROVIDE AN EXPLANATION OF POINTS

Lack of diligence with respect to maintenance of sediment control structures.**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 -15

PROVIDE AN EXPLANATION OF POINTS

The inspector's statement revealed that abatement measures were taken immediately to correct the problem.

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

I.	TOTAL HISTORY POINTS	<u>2</u>
II.	TOTAL SERIOUSNESS POINTS	<u>28</u>
III.	TOTAL NEGLIGENCE POINTS	<u>12</u>
IV.	TOTAL GOOD FAITH POINTS	<u>-15</u>
	TOTAL ASSESSED POINTS	<u>27</u>
	TOTAL ASSESSED FINE	<u>\$340.00</u>

jbe



### VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Co-Op Mining Company, Bear Canyon Mine  
Mailing Address P.O. Box 1245, Huntington, UT 84528  
State Permit No. ACT 1015/025

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

Notice of Violation No. N 93-35-1-1 dated 2/11, 19 93.

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 2/16/93 Time of service/mailing 10:00  a.m.  p.m.

Wendell Owen  
Permittee/Operator representative

Resident Agent  
Title

Signature

Susan M. White  
Division of Oil, Gas & Mining

Reclamation Biologist III  
Title

Susan M. White  
Signature

**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 boxes for additional services requested. Consult postmaster for restricted delivery.  
 1.  Show to whom delivered, date, and addressee's address. 2.  Restricted Delivery (Extra charge)

3. Article Addressed to: WENDELL OWEN  
 CO-OP MINING CO  
 PO BOX 1245  
 HUNTINGTON UT 84528

4. Article Number: P 879 596 414

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  
 WENDELL OWEN  
 HUNTINGTON UT 84528

7. Date of Delivery: FEB 22 1993

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

P 879 596 414  
 RECEIPT FOR CERTIFIED MAIL  
 NO INSURANCE COVERAGE PROVIDED  
 NOT FOR INTERNATIONAL MAIL  
 (See Reverse)

Sent to	WENDELL OWEN CO-OP MINING CO PO BOX 1245 HUNTINGTON UT 84528
Postage	\$ 2.29
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	1.00
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$ 2.29
Postmark or Date	

5861 June 1980 PS Form 3800

UNITED STATES POSTAL SERVICE  
 OFFICIAL BUSINESS

**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

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

PENALTY FOR PRIVATE USE, \$300



OIL, GAS & MINING  
 TRAD 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. (see 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 in 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 if you make inquiry.

U.S.G.P.O. 1987-197-722

*J. Page*  
 Page 1 of \_\_\_\_\_

**NO. N93-35-1-1**

**notice of violation**

To the following Permittee or Operator:

Name Co-Op Mining Company  
 Mine Bear Canyon Mine  Surface  Underground  Other  
 County Emery State UT Telephone (801) 381-2450  
 Mailing Address P.O. Box 1245, Huntington, UT 84528  
 State Permit No. ACT/015/025  
 Ownership Category  State  Federal  Fee  Mixed  
 Date of inspection 2/10/93, 19\_\_\_\_  
 Time of inspection 12:00  a.m.  p.m. to 4:00  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 879 596 414

Date of service/mailing 2/16/93 Time of service/mailing 10:00  a.m.  p.m.

Wendell Owen  
 Permittee/Operator representative

Resident Agent  
 Title

Signature \_\_\_\_\_

Susan M. White  
 Division of Oil, Gas & Mining representative

Reclamation Biologist III  
 Title

Susan M. White  
 Signature

35  
 Identification Number

**SEE REVERSE SIDE**

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



### NOTICE OF VIOLATION NO. N93-35-1-1

Violation No. 1 of 1

Nature of violation

~~Ditch~~ Failure to maintain ditches.

Provisions of act, regulations or permit violated

R645-301-742.312

Portion of operation to which notice applies

~~Ditch~~ Ditch D-6D was breached and <sup>untreated</sup> water was flowing into the stream buffer zone.

Remedial action required (including any interim steps)

Comply with R645-301-742.312

This should  
be 2/11/93?

Ron D.

Abatement time (including interim steps)

Immediate, February 10, 1993 by 4:00pm.

2/11/93

EVENT VIOLATIONS INSPECTORS STATEMENT

A. SERIOUSNESS

1. What harmful event was this regulation designed to prevent? 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 of a permanent, diverse and effective vegetative cover.
- i. Other.

2. Has the event occurred? Yes  No

If yes, describe it. If no, what would cause it to occur and what is the probability of occurrence of the event? (None, Unlikely, Likely, Occurred)

*Ditch D-1ed was breached due to an ice dam and the ditch not maintained to design. The disturbed area runoff water flowed into the Stream Buffer Zone. No evidence of the water reach Bear Creek was found. The snow (1-2 feet deep) probably adsorbed most of the*

3. Would and/or does damage extend off the disturbed and/or permit area?

DISTURBED AREA PERMIT AREA

Would: Yes  No  Does: Yes  No   
 Would: Yes  No  Does: Yes  No

*water in a flat area above the creek.*

4. 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 damage would extend off the disturbed and/or permit area.

*If not discovered the coal fine laden water would have run into Bear Creek until it froze that night.*

Potential damage off the disturbed area. Yes  No

Potential damage off the permit area Yes  No

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.
- ( ) Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.
- 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.
- Was the operator in violation of a specific permit condition?
- ( ) Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation?
- ( )  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

Poor maintenance of the diversion was part of the problem but also an ice dam. The area is difficult to maintain due to the snow amounts on site. The breach was difficult to detect due to the snow.

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.

*The breach was stopped almost immediately.*

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

*The operator pulled off equipment loading coal to repair the ditch.*

3. Was the submission of plans prior to physical activity required by this NOV?  
Yes  No  If Yes, explain.

2/11/93  
DATE

Susan M. White  
AUTHORIZED REPRESENTATIVE