

CHECK DATE: 30-NOV-1995

NOV file
CHECK NUMBER: 24292

INVOICE DATE	INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT OR DEDUCTION	NET AMOUNT
14-nov-1995	N9546311115 ACT/015/025	BEAR112811998181128	200.00	0.00	200.00
			200.00	0.00	200.00

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

24292
NO. 24292

CHECK DATE

30-NOV-1995

AMOUNT \$ *****200.00

TWO HUNDRED & 00/100 DOLLARS

PAY

TO THE
ORDER
OF

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

⑈024292⑈ ⑆⑆24001545⑆

911675048⑈

C. J. Austin

gh

COMPANY/MINE Co-Op Mining Company NOV/CO # 95-46-3-1
PERMIT # ACT/015/025 VIOLATION # 1 OF 1

EVENT VIOLATIONS INSPECTOR'S 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. Check 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 XXX No

If yes, describe it. If no, what would cause it to occur and how likely is it that it would happen?

**An underground mine scoop was torn down on the south side of the machine shop allowing hydraulic oil to run/drip into the earth. Also, leaks in the used oil recycling system went unchecked.

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

DISTURBED AREA

PERMIT AREA

Would: Yes No XXX
Does: Yes No XXX

Would: Yes No XXX
Does: Yes No XXX

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.

Potential damage off the disturbed area. Yes No XXX

Potential damage off the permit area. Yes No XXX

B. DEGREE OF FAULT (Only one question applies to each violation; check one and discuss.

(___) No Negligence

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

(XXX) Ordinary Negligence

If you think this violation was the result of not knowing about DOGM regulations, indifference to DOGM regulations or the lack of diligence or reasonable care. Explain.

**I believe this violation is the result of not realizing the implications of contaminated surface and ground water systems. As part of the remedial actions required for abatement, surface personnel are to be trained in water pollution prevention/via oil contamination.

(___) Recklessness

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

(___) Knowing and Willful Conduct

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.

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.

- **1) The violation was observed 10/12/95.
- **2) The permittee began cleaning up the contaminants before the end of the inspection.
- **3) The NOV was written 10/13/95.
- **4) Mr. Reynolds informed the Price Field Office that the violation was ready to abate at 11:30 a.m. on 10/13/95.
- **5) Visual verification of cleanup at 12:20 p.m. on 10/17/95. Operator had until 17:00 hours on 10/26/95 to abate violation.

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

**The operator had the necessary resources on hand to achieve compliance.

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

October 17, 1995
DATE

Peter Less #46
AUTHORIZED REPRESENTATIVE

NOV 16 1995

275

110

110

55

P 074 975 976

CHARLES REYNOLDS
 CO-OP MINING COMPANY
 P.O. BOX 1245 HUNTINGTON
 W.V. 25051-0125

P.O. Box and ZIP Code
P.O. BOX 1245 HUNTINGTON

Article No.
P 074 975 976

Postage
110

Restricted Delivery Fee
55

Return Receipt Fee
275

Date of Delivery
NOV 16 1995

Tracking Number
750510:V 1-6-94-56N (MT - M900)

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.



PENALTY FOR PRIVATE USE, \$300

RETURN TO

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

NATURAL RESOURCES
OIL, GAS & MINERAL
3 TRIANGLE CENTER, SUITE 100
SALT LAKE CITY, UT 84119-0000

(M900 - MT) N95-66-3-1 A-015025 PA1

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

3. Article Addressed to:
CHARLES REYNOLDS
CO-OP MINING COMPANY
P.O. BOX 1245
HUNTINGTON, UT 84528

4. Article Number
P 074 975 976
 Type of Service: Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

5. Signature - Address
Both Owen

6. Signature - Agent

7. Date of Delivery
NOV 18 1995

8. Addressee's Address (ONLY if requested and fee paid)
 Always obtain signature of addressee or agent and DATE DELIVERED.



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)

November 14, 1995

CERTIFIED RETURN RECEIPT
P 074 975 976

Charles Reynolds
Co-Op Mining Company
P.O. Box 1245
Huntington, Utah 84528

Re: Proposed Assessment for State Violation No. N95-46-3-1, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025, Folder #5, Emery County, Utah

Dear Mr. Reynolds:

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, Peter Hess on October 20, 1995. 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:

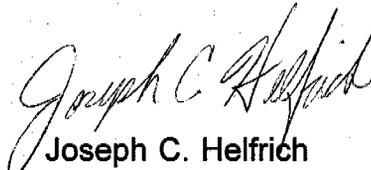
1. If you wish to informally appeal the fact of this violation, you should file a written request for an Informal Conference within 30 days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding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

Page 2
N95-46-3-1
ACT/015/025
November 14, 1995

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

mt
Enclosure
cc: Donna Griffin, OSM
A015025.pal

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

COMPANY/MINE Co-Op Mining Company

NOV95-46-3-1

PERMIT # ACT/015/025

VIOLATION 1 OF 1

ASSESSMENT DATE 11/03/95

ASSESSMENT OFFICER Joseph C. Helfrich

I. HISTORY MAX 25 PTS

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

ASSESSMENT DATE 11/03/95

EFFECTIVE ONE YEAR TO DATE 11/03/94

PREVIOUS VIOLATIONS

EFFECTIVE DATE

POINTS

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 will be counted.

TOTAL HISTORY POINTS

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 any category, the Assessment Officer will adjust the points up or down, utilizing the Inspector 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?
Environmental harm and water pollution.
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

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

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS

An underground mine scoop was torn down on the south side of the machine shop allowing oil to permeate into the soil. Also, leaks in the used oil recycling system went unchecked.

3. What is the extent of actual or potential damage? RANGE 0 - 25
No damage occurred as a result of violations

*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 0

PROVIDE AN EXPLANATION OF POINTS

No damage occurred as a result of this violation.

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) 20

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 Ordinary Negligence.

ASSIGN NEGLIGENCE POINTS 10

PROVIDE AN EXPLANATION OF POINTS

The Inspector indicated that the violation was the result of the permittee not fully realizing the implications of contaminated surface and ground water systems. As a part of remedial actions required for abatement, surface personnel are to be trained in water pollution prevention/via oil contamination.

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

- A. Did the operator has 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 |
| (An Operator complied within the abatement period required) | |
| (An 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 first or second 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**

..... (An 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 operator exercised immediate compliance with the abatement requirements. By initiating cleanup of the contamination before the end of the inspection written on October 13, 1995 and the permittee indicated to the inspector via a phone that the violation was ready for abatement inspection at 11:30 a.m. on October 13, 1995.

V. **ASSESSMENT SUMMARY FOR** N95-46-3-1

I.	TOTAL HISTORY POINTS	<u> 0</u>
II.	TOTAL SERIOUSNESS POINTS	<u> 20</u>
III.	TOTAL NEGLIGENCE POINTS	<u> 10</u>
IV.	TOTAL GOOD FAITH POINTS	<u> -15</u>
	TOTAL ASSESSED POINTS	_____
	TOTAL ASSESSED FINE	<u> \$200.00</u>



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

To the following Permittee or Operator:

Name CO-OP Mining Company - Bear Canyon Pl.

Mailing Address P.O. Box 1245, Huntington, UT 84724

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 95-46-3-1 dated 10/12, 19 95.

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

Part 1 of 1 is vacated terminated because the permittee has fulfilled the remedial action requirements necessary to abate the violat. by effecting 10/20/95.

Part _____ of _____ is vacated terminated because _____

Part _____ of _____ is vacated terminated because _____

Date of service/ mailing 10/20/95

Time of service/ mailing 10²⁰ a.m. p.m.

Charles
Renswolds

Environmental Coordinator

Permittee/Operator representative
Mailed from Pine Utah
DOGMI off.

Title

Signature

Peter Hens

Engineer II

Division of Oil, Gas & Mining

Title

Peter Hens

Signature



NO. N 95-46-3-1

notice of violation

To the following Permittee or Operator:

Name Co-Op Mining Company

Mine Bear Canyon Mine Surface Underground Other

County Emery State Utah Telephone (801) 687-5238

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

State Permit No. AC1/015/025

Ownership Category State Federal Fee Mixed

Date of inspection October 12, 1995, 19____

Time of inspection 8:30 a.m. p.m. to 12:30 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 32 438 025

Date of service/ mailing October 13, 1995 Time of service/ mailing 5:00 a.m. p.m.

Charles Reynolds
Permittee/Operator representative
Married from DOGM Price Office
Signature
Peter Hess
Division of Oil, Gas & Mining representative
Signature

Environmental Coordinator
Title
Engineer II
Title
#6
Identification Number

SEE REVERSE SIDE

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



NOTICE OF VIOLATION NO. N 95-46-3-1

Violation No. 1 of 1

Nature of violation

- 1) Failure to properly handle non-coal waste, i.e., oil contaminated soil.
- 2) Failure to minimize the degradation of the quality of surface and ground water systems.

Provisions of act, regulations or permit violated

- 1) R645-301-528.331
- 2) R645-301-752.240

Portion of operation to which notice applies

- 1) Machine shop and Maintenance shop area pad of Bear Canyon mine site.
- 2) Used oil collection point, east side of maintenance shop - Bear Canyon site.

Remedial action required (including any interim steps)

- 1) Properly remove and dispose of all oil contaminated soil, gravel, and/or other contaminated materials as is required by the R645 regulations and the approved permit.
- 2) Properly train surface personnel about the implications of polluted surface/ground water systems and the requirements of the R645 regulations regarding water pollution. Submit records of those trained to provide verification of training.

Abatement time (including interim steps)

- 1) Two weeks from date of issuance of 95-46-3-1, i.e., 10/26/95 at 5:00 p.m.
- 2) Training requirements will be completed as soon as the permittee deems possible.