

**From:** Stephanie Dunlap  
**To:** Dale Harber  
**Date:** 4/21/2006 2:28:07 PM  
**Subject:** Bear Canyon Mine (N06-46-2-2) DOGM Violation

Attached you will find the state violation that was issued by DOGM staff.

Bear Canyon Mine, C/015/025, 04/10/2006, N06-46-2-2.

1 of 2

Failure to...design adequate drainage controls, snow storage areas, and runoff treatments for snow melt for the #3 Mine primary access road.

2 of 2

Failure to...maintain culvert inlet C-25U along #3 Mine primary access road and failure to maintain Catch Basin #2 and ditch D-25U upslope and immediately adjacent to Catch Basin #2.

If you need a signed hard copy of any violation, please do not hesitate to contact me. Thank you.

Stephanie Dunlap  
(435) 613-1146 x 200  
[stephaniedunlap@utah.gov](mailto:stephaniedunlap@utah.gov)

**CC:** Carter Reed; Daron Haddock; James Kohler; Pam Grubaugh-Littig; Robert Herbert; Sheila Morrison; Walter Baker





NOTICE OF VIOLATION NO. N06-46-1-1

"Failure to Collect Baseline Water Monitoring Data during August 2005"

Violation No. 1 of 1

Nature of violation

1) Failure to analyze for additional water monitoring parameters for baseline data collection as required during August 2005 monitoring period for all active (surface and ground water) monitoring points, (See page 7-53 of MRP).

Provisions of act, regulations or permit violated

- 1) R645-301-731.214 Additional Ground Water Monitoring Requirements
- 2) R645-301-731.224 Additional Surface Water Monitoring Requirements

Portion of operation to which notice applies

1) The Bear Canyon Mines Permit Area

Remedial action required (including any interim steps)

1) The Permittee must collect all required surface and ground water samples during August 2006, and analyze for all required parameters for baseline data collection; additional parameters include analysis for dissolved aluminum, arsenic, boron, cadmium, copper, lead, molybdenum, nitrogen, nitrite, nitrate, phosphate, selenium and zinc.

Abatement time (including interim steps)

1) All required baseline data must be collected between August 1, and August 31, 2006 during low flow conditions. Collected analytical data shall be submitted with 3rd Quarter 2006 monitoring data.



notice of violation

NO. NO6-46-2-2

Surface Drainage Compliance

To the following Permittee or Operator:

Name CW Mining Company DBA CO-OP Mining Company

Mine Bear Canyon #3 Mine  Surface  Underground  Other

County Emery State Utah Telephone (435) 687-2450

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

State Permit No. C/015/025

Ownership Category  State  Federal  Fee  Mixed

Date of Inspection April 7, 2006

Time of inspection 11 AM  a.m.  p.m. to 1  a.m.  p.m.

Operator Name (other than Permittee) NA

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.

Date of service/ mailing April 10, 2006 Time of service/ mailing 3  a.m.  p.m.

Mark Reynolds  
Permittee/Operator representative

Permitting Coordinator  
Title

Mailed / FAXed from PFO/DOG M  
Signature

Peter Hess  
Division of Oil, Gas & Mining representative

Environmental Scientist III  
Title

Peter Hess  
Signature

# 46  
Identification Number

SEE REVERSE SIDE

WHITE-DOG M YELLOW-OPERATOR PINK-OS M GOLDENROD-NOV FILE



NOTICE OF VIOLATION NO. NO6-46-2-2

"Snow Storage/Treatment Areas"

Violation No. 1 of 2

Nature of violation

- 1) Failure to Design Adequate Drainage Controls for Primary Access Roads / #3 Mine
- 2) Failure to Design Snow Storage Areas and Run off Treatments for snow melt water for the #3 Mine primary access road.

Provisions of act, regulations or permit violated

- 1) R645-301-732.400; Road Drainage
- 2) R645-301-742.400; Road Drainage
- 3) R645-301-742.411; Road Drainage Design Criteria
- 4) R645-301-742.423.1; Road Drainage Design Criteria
- 5) UCA 40-10-18 (1)(b)

Portion of operation to which notice applies

#3 Mine Primary Access Road / Wild Horse Ridge Addition

Remedial action required (including any interim steps)

- 1) Design alternate sediment control areas (ASCA's) to store snow volumes generated by road maintenance during an average winter based on NWS snow data, road length, etc. for the Bear Canyon permit area.
- 2) Design alternate sediment control measures to effectively treat the runoff reporting from the snow storage ASCA's.

Abatement time (including interim steps)

Abatement Time: Submit ASCA & ASCM designs to the DOGM by May 11, 2006 @ 17:00 Hours (30 days)

- 2) Upon DOGM approval of ASCA & ASCM designs, implement the designs in the field within 45 days of approval.

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



NOTICE OF VIOLATION NO. NO6-46-2-2

"Failure to Maintain Diversions / Sediment Control Measures"

Violation No. 2 of 2

Nature of violation

- 1) Failure to Maintain Culvert Inlet C-25U along #3 Mine Primary Access Road
- 2) Failure to Maintain Ditch D-25U upslope and immediately adjacent to Catch basin #2.
- 3) Failure to Maintain Catch Basin #2.

Provisions of act, regulations or permit violated

- 1) R 645-301-742, 312, et al. / Diversions
- 2) R 645-301-752, Sediment Control Measures
- 3) R 645-301-752, 100 / Performance Standards
- 4) UCA 40-10-18 (11)(b)

Portion of operation to which notice applies

#3 Mine Primary Access Road / Wild Horse Ridge Addition

Remedial action required (Including any interim steps)

- 1) Restore Culvert Inlet C-25U, ditch D-25U such that it bypasses Catch basin #2 as designed, according to the Chapter 7, Hydrology requirements of the approved MRP.

Abatement time (Including interim steps)

- 1) All diversions and sediment control structures must be returned to function by April 14, 2006 (7 days) @ 17:00 Hours.