



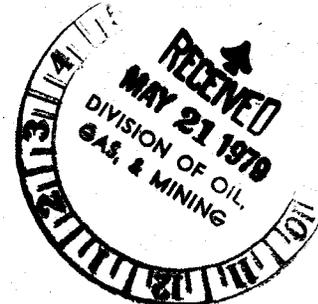
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United States Department of the Interior
OFFICE OF SURFACE MINING
Reclamation and Enforcement
POST OFFICE BLDG. RM. 270
1823 STOUT STREET
DENVER, COLORADO 80202

File 11
ACT/041/002

May 17, 1979

#7

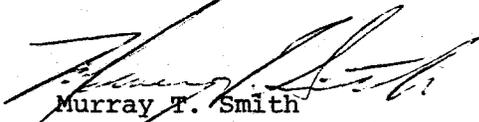


Mr. Ron Daniels
Co-Ordinator of Mine Land Development
Div. of Oil and Gas
Dept. of Nat. Resources
Salt Lake City, Utah 84116
Dear Ron:

Enclosed please find copies of Notices of Violation which were issued to mining companies within your State during this offices recent on-site inspections conducted on May 10 and May 16. If you have any questions or problems, please contact this office.

Mine inspection reports for all of the operations inspected during the above time frame, and within your State, will be sent to you as soon as they are processed.

Sincerely,


Murray T. Smith
Federal Lands Coordinator

UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

NOTICE(S) OF VIOLATION NO. 79-V-5-2

To the Following Permittee or Operator:

Name Coastal States Energy Co
Mine Sufco Surface Mine Underground Mine Other
County and State Sevier Co Utah Tel.# ()
Mailing Address P.O. Box P Salina Utah 84656
OSM Mine # _____ State Permit # Act-041-002 MSHA I.D.# 42-00089

Date of Inspection: May 10, 1979
Time of Inspection: from 1:00 a.m. to _____ a.m.
 p.m. to 5:15 p.m.

Name of Operator (if other than permittee) _____
Mailing Address _____

Person Served with Notice Kerry Frame Chief Engineer
Print Name and Title

Signature Kerry A. Frame

Under the authority of the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87; 30 U.S.C. 1201), the undersigned authorized representative of the Secretary of the Interior has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) described in the 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. This notice shall remain in effect until it expires as provided below or is modified, terminated, or vacated by written notice of an authorized representative of the Secretary. The time for abatement may be extended by the authorized representative for good cause, if a request is made within a reasonable time before the end of the abatement period.

IMPORTANT — PLEASE READ CAREFULLY

1. **Review.** You may apply for review of this Notice by submitting an application for review, within 30 days of receipt of this Notice by you or your agent to:

Hearings Division
Office of Hearings and Appeals
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, Virginia 22203

2. **Minesite Hearing.** In addition to the review mentioned in paragraph 1, an informal public hearing at or near the minesite may be provided if this notice requires cessation of mining. The authorized representative finds that cessation of mining is is not expressly or implicitly required by this Notice. If cessation of mining is required, this Notice will expire within 30 days of actual notice to you unless an informal public hearing is held at or near the minesite. Such a hearing is not required if the violation(s) have been abated or if the hearing has been waived. If this Notice expires, you will still be liable for any penalties assessed with regard to the 30-day period.

3. **Penalties.** Section 723.16 of the regulations allows you to submit information in writing pertaining to the violation(s) covered by this Notice within 10 days of the date that it is served on you or your agent. This information will be considered in determining the facts surrounding the violation and the amount of the penalty. If you wish to submit this information, you should send it to the U.S. Department of the Interior, Office of Surface Mining, Assessment Office, Washington, D.C. 20240.

For each violation covered by this Notice, a penalty of up to \$5000 may be assessed for each day during which that violation continues.

If you fail to abate any of the violations within the time set for abatement or to meet any interim step, you must be assessed a minimum penalty of no less than \$750 for each day during which the violation continues beyond the time set for abatement, and you must be issued a cessation order requiring you to cease surface coal mining operations on the portions relevant to the violations.

4. **Effect on Permit.** In addition, if it is determined that a pattern of violations of any requirement of the Act, the regulations, or permit conditions exists with respect to this mine, and that the violations were caused by unwarranted failure to comply or were willful, your permit may be suspended or revoked.

Date of Service May 10, 1979 Signed: Tary E. Fritts
(Authorized Representative)

I.D.# 15

NOTICE OF VIOLATION(S) NO. 79-D-5-2 PAGE. 2 OF 5

Violation(s) No. 1

Nature of the Violation(s)

Failure to have a copy of the current mining permit to operate the mine available for inspection at or near the mine site.

Provisions of the Regulations, Act or Permit Violated

30 CFR Sec 717.11

Portion of the Operation to which Notice Applies

Entire operation

Remedial Action Required

Have a copy of the current mining permit to operate the mine from the regulatory authority at or near the mine site.

Time for Abatement (including interim steps, if any)

June 10, 1979.

NOTICE OF VIOLATION(S) NO. 79-II-5-2 PAGE 3 OF 5

Violation(s) No. 2

Nature of the Violation(s)

Failure to grade road cuts, mine entry cuts and other surface work areas.

Provisions of the Regulations, Act or Permit Violated

30 CFR Sec 717.14

Portion of the Operation to which Notice Applies

Slopes behind the office and change room, fan portal in east spring canyon, shop, proposed coal stockpile area, Access road to the 10,000 gallon water tank.

Remedial Action Required

Grade, stabilize and revegetate the slopes. Grade and stabilize the access road to the 10,000 gallon water tank.

Time for Abatement (including interim steps, if any)

July 10, 1979

NOTICE OF VIOLATION(S) NO. 79-V-5-2 PAGE. 4 OF 5

Violation(s) No. 3

Nature of the Violation(s)

Failure to pass surface drainage from the disturbed area through sedimentation ponds

Provisions of the Regulations, Act or Permit Violated

30 CFR Sec 717.17 (a)

Portion of the Operation to which Notice Applies

Waste disposal areas and the surface facilities

Remedial Action Required

Construct sediment ponds in accordance with plans approved by the regulatory authority

Time for Abatement (including interim steps, if any)

July 10, 1979 plans should be submitted

NOTICE OF VIOLATION(S) NO. 79-D-5-2 PAGE 5 OF 5

Violation(s) No. 4

Nature of the Violation(s)

Failure to dispose excess rock and earth materials in an area approved by the regulatory authority

Provisions of the Regulations, Act or Permit Violated

30 CFR Sec 717.15

Portion of the Operation to which Notice Applies

East Spring Canyon at the base of the mining pad.

Remedial Action Required

Dispose the excess rock and earth materials in accordance with plans approved by the regulatory authority.

Time for Abatement (including interim steps, if any)

July 10, 1979

OFFICE OF SURFACE MINING
INSPECTOR'S STATEMENT

Censation Order No. _____

Notice of Violation No. 79-V-5-2

Violation No. 1 of 4

A. SERIOUSNESS

1. Probability of Occurrence (Complete 1 and 2 or 3)

(a) The event(s) which the violated standard is designed to prevent is (are):
Hinders Inspectors in their enforcement roles

(b) What else would have to happen before these event(s) would occur?

Nothing

(c) The probability of the occurrence of these events is none or insignificant unlikely likely occurred. Explain:

I did not know how many or what violations to issue

2. Extent of potential or actual damage

(a) The extent of the potential or actual damage in terms of area and impact on the public, and its duration is: No impact.

(b) Such damage or impact would remain within extend outside the permit area (or in the case of a deep mine, the area of surface structure(s)).

Explain: They had an approved 211 plan but we did not know if the state authorized mining even though the inspector was with us.

3. That portion of the act, the regulations or the permit which was violated requires the keeping of records, the giving of notice, or measuring or monitoring, and the violation did not obstruct enforcement obstructed enforcement to some extent or caused serious obstruction of enforcement. Explain:

B. NEGLIGENCE

The degree of fault of the permittee or operator (or of any person working on the mine site) either through act or omission, in causing or failing to correct the condition or practice which is the violation was no negligence (the violation was an inadvertent one which was unavoidable by the exercise of reasonable care) negligence (the permittee failed to prevent the occurrence of the violation or failed to correct a violation due to indifference, lack of diligence or lack of reasonable care) recklessness or knowing or willful conduct. Explain:

The mine has been inspected by both state and federal agencies prior to this date.

C. GOOD FAITH IN ATTEMPTING TO ACHIEVE COMPLIANCE

The permittee or operator's degree of good faith in attempting to achieve rapid compliance was rapid (the permittee took extraordinary measures to abate the violation in the shortest possible time, and abatement was achieved before the time set for abatement) normal (the permittee abated the violation within the time given for abatement) lack of good faith (the permittee did not show diligence in attempting to abate the violation and the violation was not timely abated) good faith not assessed because of length of abatement period. Explain:

The state inspector has notified me that they the company now has a copy of the permit and authorization.

May 16 1979
office

Gary Frost
(Authorized Representative)

OFFICE OF SURFACE MINING
INSPECTOR'S STATEMENT

Cessation Order No. _____

Notice of Violation No. 79-D-5-2

Violation No. 2 of 4

A. SERIOUSNESS

1. Probability of Occurrence (Complete 1 and 2 or 3)

(a) The event(s) which the violated standard is designed to prevent is (are):

Erosion, failure or delay of revegetation, water pollution

(b) What else would have to happen before these event(s) would occur?

Nothing

(c) The probability of the occurrence of these events is none or insignificant unlikely likely occurred. Explain:

Roads are eroded, slides have occurred, no vegetation has been planted.

2. Extent of potential or actual damage

(a) The extent of the potential or actual damage in terms of area and impact on the public, and its duration is:

the stream the drainage has been plugged with sediment, slides have occurred roads are eroded

(b) Such damage or impact would remain within extend outside the permit area (or in the case of a deep mine, the area of surface structure(s)).

Explain: stream water erosion the drainage runs year around because mine drainage is pumped into it. Sediment is carried off site from the areas mentioned.

3. That portion of the Act, the regulations or the permit which was violated requires the keeping of records, the giving of notice, or measuring or monitoring, and the violation did not obstruct enforcement obstructed enforcement to some extent or caused serious obstruction of enforcement. Explain:

B. NEGLIGENCE

The degree of fault of the permittee or operator (or of any person working on the mine site) either through act or omission, in causing or failing to correct the condition or practice which is the violation was no negligence (the violation was an inadvertent one which was unavoidable by the exercise of reasonable care) negligence (the permittee failed to prevent the occurrence of the violation or failed to correct a violation due to indifference, lack of diligence or lack of reasonable care) recklessness or knowing or willful conduct. Explain:

the roads show no signs of maintenance other than a berm required by MSHA. Slides have occurred and no attempt was being made to grade them out.

C. GOOD FAITH IN ATTEMPTING TO ACHIEVE COMPLIANCE

The permittee or operator's degree of good faith in attempting to achieve rapid compliance was rapid (the permittee took extraordinary measures to abate the violation in the shortest possible time, and abatement was achieved before the time set for abatement) normal (the permittee abated the violation within the time given for abatement) lack of good faith (the permittee did not show diligence in attempting to abate the violation and the violation was not timely abated) good faith not assessed because of length of abatement period. Explain:

May 16, 1979

Garry J. Fritz
(Authorized Representative)

OFFICE OF SURFACE MINING
INSPECTOR'S STATEMENT

Cessation Order No. _____

Notice of Violation No. 79-D-5-2

Violation No. 3 of 4

A. SERIOUSNESS

1. Probability of Occurrence (Complete 1 and 2 or 3)

(a) The event(s) which the violated standard is designed to prevent is (are):
water pollution, sedimentation of streams, fish

(b) What else would have to happen before these event(s) would occur?
Kills

(c) The probability of the occurrence of these events is none or insignificant unlikely likely occurred. Explain:
Nothing

Stream has sediment in such proportions that water is being diverted.

2. Extent of potential or actual damage

(a) The extent of the potential or actual damage in terms of area and impact on the public, and its duration is: Convulsion Canyon has coal, sediment from a sediment trap, excess rock, and earth materials that runoff flows through on its way offsite.

(b) Such damage or impact would remain within extend outside the permit area (or in the case of a deep mine, the area of surface structure(s)).
Explain: Stream flows the year all year because of mine drainage, so sediment is carried off of the area by surface drainage and

3. That portion of the Act, the regulations or the permit which was violated requires the keeping of records, the giving of notice, or measuring or monitoring, and the violation did not obstruct enforcement obstructed enforcement to some extent or caused serious obstruction of enforcement. Explain:
Water pumped from the mine.

B. NEGLIGENCE

The degree of fault of the permittee or operator (or of any person working on the mine site) either through act or omission, in causing or failing to correct the condition or practice which is the violation was no negligence (the violation was an inadvertent one which was unavoidable by the exercise of reasonable care) negligence (the permittee failed to prevent the occurrence of the violation or failed to correct a violation due to indifference, lack of diligence or lack of reasonable care) recklessness or ~~intentional or willful conduct~~. Explain: ~~None~~ Allowed mine drainage to flow

over excess rock and waste from the mine un checked

C. GOOD FAITH IN ATTEMPTING TO ACHIEVE COMPLIANCE

The permittee or operator's degree of good faith in attempting to achieve rapid compliance was rapid (the permittee took extraordinary measures to abate the violation in the shortest possible time, and abatement was achieved before the time set for abatement) normal (the permittee abated the violation within the time given for abatement) lack of good faith (the permittee did not show diligence in attempting to abate the violation and the violation was not timely abated) good faith not assessed because of length of abatement period. Explain: None

May 16, 1979
Date

Gary S. Fritz
(Authorized Representative)

OFFICE OF SURFACE MINING
INSPECTOR'S STATEMENT

Cessation Order No. _____

Notice of Violation No. 79-D-5-2

Violation No. 4 of 4

A. SERIOUSNESS

1. Probability of Occurrence (Complete 1 and 2 or 3)

(a) The event(s) which the violated standard is designed to prevent is (are):
Offsite damage, slides, water pollution, affect on water flow, failure of vegetation.

(b) What else could have to happen before these event(s) would occur?

Nothing

(c) The probability of the occurrence of these events is none or insignificant unlikely likely occurred. Explain:

sedimentation, slides are occurring on the face of the fill, vegetation has been choked out in the drainage

2. Extent of potential or actual damage

(a) The extent of the potential or actual damage in terms of area and impact on the public, and its duration is:

(b) Such damage or impact would remain within extend outside the permit area (or in the case of a deep mine, the area of surface structure(s)).
Explain: drainage is unchecked, damage is directly ~~correlated~~ correlated to runoff.

any attempt to correct the situation will be dangerous for the machine operator.

3. That portion of the Act, the regulations or the permit which was violated requires the keeping of records, the giving of notice, or measuring or monitoring, and the violation did not obstruct enforcement obstructed enforcement to some extent or caused serious obstruction of enforcement. Explain:

B. NEGLIGENCE

The degree of fault of the permittee or operator (or of any person working on the mine site) either through act or omission, in causing or failing to correct the condition or practice which is the violation was no negligence (the violation was an inadvertent one which was unavoidable by the exercise of reasonable care) negligence (the permittee failed to prevent the occurrence of the violation or failed to correct a violation due to indifference, lack of diligence or lack of reasonable care) recklessness or knowing or willful conduct. Explain:

the company continued to dump the excess rock in an uncontrolled manner after they submitted plans for approval of the placement

C. GOOD FAITH IN ATTEMPTING TO ACHIEVE COMPLIANCE

The permittee or operator's degree of good faith in attempting to achieve rapid compliance was rapid (the permittee took extraordinary measures to abate the violation in the shortest possible time, and abatement was achieved before the time set for abatement) normal (the permittee abated the violation within the time given for abatement) lack of good faith (the permittee did not show diligence in attempting to abate the violation and the violation was not timely abated) good faith not assessed because of length of abatement period. Explain:

the operator has ceased dumping the rock and is waiting for the review of a plan he submitted for disposal.

May 16, 1979
Date

Gary Fritz
(Authorized Representative)