

0003

Copy for file in
Route & file in
ACT/043/001
MJM 12/4
MJM 12/11
MAW 12/5
JWS

NOTICE(S) OF VIOLATION NO. 78-V-4-1

To the Following Permittee or Operator:

Name UTAH COAL & ENERGY CORP.
Mine BLACK HAWK MINE 1 Surface Mine Underground Mine
County and State SUMMIT COUNTY, UTAH Telephone # _____
Mailing address P.O. BOX 37, COALVILLE, UTAH
OSM Mine # _____ State Permit # _____ MSHA I.D. # _____

Date of Inspection: November 30, 1978
Time of Inspection: from 10:30 a.m. to 12 noon a.m.
1 p.m. 1 p.m.

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

Person Served with Notice HAROLD SUDERQUIST, SURFACE FOREMAN
Print Name and Title

Signature Harold R. Suderquist

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

Violation(s) No. 1 OF 6Nature of the Violation(s)

OPENING AND DEVELOPING A SITE FOR SURFACE (OR)
MINING OPERATIONS WITHOUT A STATE PERMIT IN
VIOLATION OF 30 USC 502(a)

Provisions of the Regulations, Act, or Permit Violated

30 USC 502 (a)

Portion of the Operation to which Notice Applies

ALL

Remedial Action Required

FILE AND OBTAIN STATE OF UTAH APPROVAL OF
A MINING PERMIT APPLICATION.

Time for Abatement (including interim steps, if any)

FILE APPLICATION WITHIN 30 DAYS FROM SERVICE OF
THIS NOTICE.
OBTAIN STATE OF UTAH APPROVAL WITHIN 60 DAYS FROM
SERVICE OF THIS NOTICE.

Violation(s) No. 2 OF 6Nature of the Violation(s)

ALL ACCESS ROADS AT THIS MINE ARE NOT CONSTRUCTED
SO AS TO PREVENT ADDITIONAL CONTRIBUTION OF
SUSPENDED SOLIDS TO STREAM FLOW.

Provisions of the Regulations, Act, or Permit Violated

30 CFR 717.17

Portion of the Operation to which Notice Applies

ALL ROADS

Remedial Action Required

ALL ACCESS AND HAULROADS SHALL BE ADEQUATELY DRAINED
USING STRUCTURES SUCH AS BUT NOT LIMITED TO DITCHES, CREEPS,
DRAINS AND CULVERTS SO AS TO PREVENT RUNOFF FROM SUCH ROADS
FROM ENTERING STREAM FLOW WITHOUT FIRST PASSING THROUGH
AN ADEQUATE SEDIMENT CATCHING STRUCTURE AS APPROVED BY STATE OF UTAH.

Time for Abatement (including interim steps, if any)

ROAD DRAINAGE SYSTEMS SHALL BE COMPLETED WITHIN
90 DAYS FROM THE SERVICE OF THIS ORDER.

Violation(s) No. 301-6

Nature of the Violation(s)

FAILURE TO IMPLEMENT A SURFACE WATER MONITORING PROGRAM.

Provisions of the Regulations, Act, or Permit Violated

30 CFR 717.17

Portion of the Operation to which Notice Applies

ALL SURFACE AREAS.

Remedial Action Required

DESIGN AND IMPLEMENT A SURFACE WATER MONITORING PROGRAM APPROVED BY THE STATE OF UTAH.

Time for Abatement (including interim steps, if any)

SUBMIT MONITORING PLAN WITHIN 30 DAYS, OBTAIN STATE OF UTAH APPROVAL OF PLAN WITHIN 60 DAYS AND IMPLEMENT PROGRAM WITHIN 90 DAYS

Violation(s) No. 4 of 6

Nature of the Violation(s)

FAILURE TO ~~AND~~ IMPLEMENT A GROUND WATER MONITORING PLAN.

Provisions of the Regulations, Act, or Permit Violated

30 CFR 717.17

Portion of the Operation to which Notice Applies

ALL

Remedial Action Required

DESIGN AND IMPLEMENT A GROUND WATER MONITORING PROGRAM APPROVED BY STATE OF UTAH.

Time for Abatement (including interim steps, if any)

SUBMIT MONITORING PLAN WITHIN 30 DAYS, OBTAIN STATE OF UTAH APPROVAL OF PLAN WITHIN 60 DAYS AND IMPLEMENT PROGRAM WITHIN 90 DAYS.

Violation(s) No. 5 OF 6

Nature of the Violation(s)

FAILURE TO REMOVE ALL TOPSOIL FROM AREAS TO BE DISTURBED BY SURFACE OPERATIONS.

Provisions of the Regulations, Act, or Permit Violated

30 CFR 717.20

Portion of the Operation to which Notice Applies

DISTURBED AREAS.
Remedial Action Required

ALL TOPSOIL SHALL BE SALVAGED PRIOR TO ANY SURFACE DISTURBANCE. IT SHALL BE STOCKPILED, PROTECTED FROM WIND AND WATER EROSION AND MARKED WITH SIGNS.

Time for Abatement (including interim steps, if any)

IMMEDIATELY, FOR THOSE AREAS NOT DISTURBED AS OF THIS DATE.

Violation(s) No. 6 OF 6

Nature of the Violation(s)

FAILURE TO STABILIZE EARTH AND ROCK FILLS WITH VEGETATION AND OBTAIN A MINIMUM ACCEPTABLE STATIC SAFETY FACTOR

Provisions of the Regulations, Act, or Permit Violated

30 CFR 717.14 (a) (1)

Portion of the Operation to which Notice Applies

FILLS AT EAST MINE PORTAL AREA.
Remedial Action Required

SUBMIT PLAN TO STATE OF UTAH TO REDUCE SLOPE BY ADDING COMPACTED FILL & REVEGETATE. OBTAIN APPROVAL OF PLAN AND IMPLEMENT.

Time for Abatement (including interim steps, if any)

SUBMIT PLAN WITHIN 30 DAYS, OBTAIN STATE OF UTAH APPROVAL WITHIN 60 DAYS AND IMPLEMENT PLAN WITHIN 90 DAYS

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 penalty. If you wish to submit this information, you should send it to 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 November 30, 1978 Signed: [Signature]
(Authorized Representative)

I.D.# _____

September 27, 1978

Memo to File:

Re: Utah Coal and Energy
Black Hawk Mine
Summit County, Utah
ACT/043/001

Mr. Charles Shannon, a geologic engineer associated with Utah Coal and Energy, met with Division personnel, Ron Daniels and Jim Smith on this date to discuss the State and Federal requirements regulating coal mining operations so that Utah Coal and Energy may bring their Black Hawk Mine into compliance.

Mr. Shannon was given a copy of the State Surface Mining Reclamation and Enforcement Provisions for Coal and was "walked" through each section of Part 717. He was advised that these were interim regulations and that he should obtain a copy of the proposed final regulations published on September 18, 1978 in the Federal Register. Mr. Shannon was further advised to address each section of the regulations stating how Utah Coal and Energy plans to comply with same, and that he should also submit the appropriate detailed engineering plans, cross-sections, maps, photos, etc. Mr. Shannon left a map of the mine area with the Division which was drawn in January 1976 and revised in October 1977. This map depicted topography, surface facilities, ownership, and both existing and proposed underground workings. However, this map is still lacking surface facilities which were noted by Division personnel during field inspections conducted since the map was revised. The map also does not show such required structures as drainage diversions or sedimentation ponds.

Mr. Shannon was told that the Attorney General's investigation would continue until the required information was received by the Division.

JAMES W. SMITH, JR. *JWS*
RECLAMATION SOILS SPECIALIST

cc: Paul Reimann
Assistant Attorney General