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SCOTT M. MATHESON
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON
Executive Director,
NATURAL RESOURCES

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS, AND MINING
1588 West North Temple
Salt Lake City, Utah 84116
(801) 533-5771

CHARLES R. HENDERSON
Chairman

CLEON B. FEIGHT
Director

JOHN L. BELL
C. RAY JUVELIN
THADIS W. BOX
MAXILIAN A. FARBMAN
EDWARD T. BECK
E. STEELE McINTYRE

June 5, 1981

REGISTERED - RETURN RECEIPT REQUESTED

ACT 1043/001

Mr. Clem Cafarelli
Utah Coal & Energy Company
5511 South 4385 West
Kearns, Utah 84118

RE: Compliance

Dear Mr. Cafarelli:

Pursuant to Section 40-10-20, 21, 22 and 23, Utah Code Annotated, and UMC/SMC Parts 843, 845 and 900, the attached information has been provided to inform you of the penalties for not complying with a Notice of Violation or Cessation Order. It is the Division's intent to expressly inform the operator of the consequences resulting from non-compliance. Please call if you have any questions.

Sincerely,

JAMES W. SMITH, JR.
COORDINATOR OF MINED LAND DEVELOPMENT

JWS/te

Attachment

NOTICE TO ALL COAL OPERATORS
FROM THE DIVISION OF OIL, GAS AND MINING

PLEASE READ

PENALTIES FOR NOT COMPLYING WITH A
NOTICE OF VIOLATION OR CESSATION ORDER

Chapter 10, Title 40, Utah Code Annotated, 1953 (Utah Coal Mined Land Reclamation Act) provides for heavy penalties for failure to comply with a notice of violation or a cessation order within the time set for abatement. Please read this carefully so you can avoid these penalties.

Mandatory Penalties

The Act requires a penalty of not less than \$750.00 per day for each violation which you fail to correct on time. This penalty must be assessed for each day from the date set for abatement in the notice or order until you have corrected the violation. This minimum \$750.00 per day penalty is in addition to the penalty you may be assessed for the violation contained in the notice or order.

The minimum \$750.00/day penalty can run up quickly to a very large amount. If you miss the abatement date for only one violation by only 10 days, the penalty will be at least \$7,500.00. Because each violation in a notice or order is treated as a separate notice or order for purposes of this penalty, this amount would multiply by the number of violations.

Other Penalties

In addition to the required penalties, you may be subject to the following action if you do not correct the violation:

1. You may be served with a cessation order requiring you to stop mining immediately.
2. The Division of Oil, Gas and Mining may seek a court order to close your operation. Violation of a court order is contempt of court, and can lead to imprisonment.
3. The Division of Oil, Gas and Mining may refer your case for criminal prosecution, which could subject you to a maximum sentence of up to \$10,000.00 or one year in prison or both.
4. Your permit to mine may be suspended for a period of time or revoked.

WHAT TO DO IF YOU NEED MORE TIME

Call or talk to the inspector who issued you the notice or order. Call before the date set for abatement in the notice or order, and explain why you need more time to correct the violation.

If you have a good reason for needing more time, the inspector may extend the time, but the inspector cannot give you a total of more than 90 days (including all extensions) to correct a violation.



ACT/043/001

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June 3, 1981

Mr. Clem Cafarelli
Utah Coal and Energy, Inc.
5511 South 4385 West
Kearns, Utah 84118

Re: Black Hawk Mine
NOV #N 81-2-2-1

Dear Mr. Cafarelli:

Enclosed is a modification form extending the abatement deadline for NOV #1 or 1 (N81-2-2-1) 30 days, until July 5, 1981. Mr. Jones informed me that he had misunderstood the required abatement actions, this modification will allow you to adequately complete the abatement required, although time is limited.

Please refer to the Notice of Violation form Under Remedial Action Required it states: "Obtain a Construction permit from the Bureau of Water Pollution Control (Utah State Department of Health). Submit plans on the existing pond to the Division of Oil, Gas and Mining for approval. Plans should address at a minimum, all pertinent requirements of UMC 817.46. Implement approved plans immediately upon approval." These abatement measures are required for termination of the Violation. Failure to adequately address these requirements by July 5, 1981, will result in a failure to Abate Cessation Order and \$750.00 per day fine until the violation is abated.

Please contact the Division if you have any questions to avoid future misunderstandings.

Sincerely,

SANDY PRUITT
RECLAMATION OFFICER

enc

SP/bb



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Modification of Notice or Order

To the Following Permittee or Operator:

Name Utah Coal & Energy Inc.

Mailing Address 5511 S. W. 11th, P.O. Box 111111

State Permit No. ACT 1471

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

Notice of Violation No. N 71-2-2-1 dated 4/21/81, 1981.

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

Violation No. 1 is modified as follows: Time for abatement is extended 30 days until July 5, 1981.

The reason for this modification are as follows: The operator did not understand the remedial action required.

Violation No. _____ is modified as follows:

The reasons for this modification are as follows:

Violation No. _____ is modified as follows:

The reasons for this modification are as follows:

Date of Service 6/2/81 _____
Signature of Authorized Representative

Time of Service or Mailing 8:00 a.m. _____ p.m. _____
Name and I.D. No. Sandy Pruitt #2

P22 47911316

DER. Complete items 1, 2 and 3
Add your address in the RETURN TO space or reverse.

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

The following service is requested (check one).

Show to whom and date delivered. \$

Show to whom, date, and address of delivery. \$

RESTRICTED DELIVERY
Show to whom and date delivered. \$

RESTRICTED DELIVERY
Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

ARTICLE ADDRESSED TO: *Chem. Laboratory
Utah Coal & Energy Company
5511 South 4385 West
Kearns, Utah 84118*

ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
HT41131

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Addressee Authorized agent
L. Lawrence

DATE OF DELIVERY POSTMARK
6/5/81

ADDRESS (Complete only if requested)

UNABLE TO DELIVER BECAUSE CLERK'S INITIALS

SENT TO
*Chem. Laboratory - U.C.E. Co.
STREET AND NO.
5511 South 4385 West
P.O., STATE AND ZIP CODE
Kearns, Utah 84118*

POSTAGE \$

CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE	\$
		SPECIAL DELIVERY	\$
RETURN RECEIPT SERVICE	RESTRICTED DELIVERY	\$	
	SHOW TO WHOM AND DATE DELIVERED	\$	
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY	\$	
	SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	\$	
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	\$

TOTAL POSTAGE AND FEES \$

POSTMARK OR DATE
6/5/81

PS Form 3800, Apr. 1976

GPO: 1977-0-249-595

RETURN TO

SENDER INSTRUCTIONS

Print your name, address, and ZIP CODE in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

State of Utah
Department of Natural Resources
Division of Oil, Gas, & Mining
1538 West North Temple
Salt Lake City, Utah 84118

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)



PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE: \$300

1. If you want the receipt backmarked, stick the gummed stub on the left portion of the address side of the article, leaving the receipt attached and present the article at a post office service window or hand it to your mail carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side 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.

GPO: 1979-302-878