



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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June 6, 1989

TO: Lowell P. Braxton, Associate Director

FROM: Joseph C. Helfrich, Compliance Coordinator *JCH*

RE: Pattern Determination for the Failure to Abate Cessation Order #C89-27-1-1, Summit Coal Company Incorporated, Boyer Mine, ACT/043/008, Summit County, Utah

In accordance with UMC 843.13 etc., Suspension or Revocation of Permits and UMC 845.15(b)(2) Alternative Enforcement Actions, I offer the following:

| <u>CO No.</u> | <u>Issued Date</u> | <u>Finalized Date</u> | <u>Reg No.</u> | <u>Nature of Violation</u> |
|---------------|--------------------|-----------------------|-----------------------------|---|
| C89-27-1-1 | 3/2/89 | 4/16/89 | UMC 771.19 UMC 843.11(b) | Failure to abate Notice of Violation #N88-27-7-4 #1 of 4 regarding class 1 haul road certification. |

Review of the permittee's history of violations, revealed that between April 16, 1988 and April 16, 1989, one additional violation in addition to those presently being reviewed (April 12, 1989, Memo Lowell P. Braxton to Dianne R. Nielson, Re: Pattern of Violations Determination) has been incurred by the permittee.

| <u>CO No.</u> | <u>Issued Date</u> | <u>Finalized Date</u> | <u>Reg No.</u> | <u>Nature of Violation</u> |
|---------------|--------------------|-----------------------|----------------|----------------------------|
| N89-27-1-2 #1 | 2/16/89 | 4/17/89 | UMC 771.19 | UD-1 Culvert Revisions |
| N89-27-1-2 #2 | 2/16/89 | 4/17/89 | UMC 771.19 | Water Monitoring |

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Lowell P. Braxton
Summit Coal Company
ACT/043/008
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It should be noted that the issuance of the above referenced Failure to Abate Cessation Order would perhaps deem the Notice of Violation #N88-27-7-4 #1 of 2 an occurrence of unwarranted failure to comply, as defined in UMC 843.13.

jb
Attachments
MN47/37-38