OLENE S. WALKER
Governor
GAYLE F. McKEACHNIE
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES
Division of Oil, Gas & Mining

ROBERT L. MORGAN
Executive Director

LOWELL P. BRAXTON
Division Director

Notice of Violation ☐ No. _____
Cessation Order ☒ No. MC-2004-03-01-02

CERTIFIED RETURN RECEIPT # 7099 3400 0016 8896 0655

To the following Permittee or Operator:

Permittee/Operator Name: Rock-It Stone

Mine Name: Strawberry River Quarry ☒ Surface ☐ Underground ☐ Other

County: Duchesne State: Utah Telephone Number: 435-671-0657

Business Address: P. O. Box 538, Heber City, Utah 84032-0538

Permit Number: S/013/008

Ownership Category: ☐ State ☐ BLM ☐ USFS ☒ Fee ☐ Other

Date of Inspection: August 13, 2004 Time: 11:45 ☒ a.m. ☐ p.m. to 12:00 ☐ a.m. ☒ p.m.

Under authority of the Utah Mined Land Reclamation Act, Section 40-8-1 et seq., ***Utah Code Annotated,*** 1953, the undersigned authorized representative of the Division of Oil, Gas, and Mining has conducted an inspection of above mine on above date and has found that a Notice of Violation or Cessation Order must be issued with respect to the conditions, practices, or violations listed. In accordance with Section 40-8-9, ***Utah Code Annotated,*** you are ordered to cease immediately the operations or activity described and to perform the required actions described within the designated time for abatement.

The undersigned representative finds that **this order** ☒ **does require cessation of all mining;**
☐ **does not require cessation of all mining.**

For this purpose, "mining" means development of, or extraction of a mineral deposit, including transportation within or from the mine site, concentrating, milling, evaporation, or other processing. Mining and/or reclamation operations not directly the subject of this order shall continue while this order is in effect. You are responsible for doing all work in a safe and workmanlike manner.

This order shall remain in effect until it is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas, and Mining.

Date of service/mailing: Sept 10, 2004 Time of service/mailing 10:30 ☒ a.m. ☐ p.m.

Shannon Peatross
Permittee or Operator Representative

Owner/Operator
Title

Signature

Paul B. Baker
Division of Oil, Gas & Mining Representative

Senior Reclamation Biologist
Title

Signature

SEE REVERSE SIDE

IMPORTANT – READ CAREFULLY

1. PENALTIES.

a. **Proposed assessment.** The Division of Oil, Gas, and Mining (DOGM) assesses fines based upon a proposed assessment recommended by an assessment officer. You may submit written information pertaining to violation(s) covered by this order within 15 days of the date this notice or order is served on you or your agent. Information will be used by the assessment officer in determining facts surrounding the violation(s) and amount of penalty. A representative of the DOGM will serve the proposed assessment on you or your agent within 30 days of issuance of notice or order.

b. **Assessment.** The penalty will be final unless you or your agent file a written request within 15 days of receipt of proposed assessment for an informal hearing before the assessment officer.

For each violation included in this notice, a penalty of up to $5,000 may be assessed for each separate day the violation continues.

If you fail to abate any violation within the time set for abatement or for meeting any interim step, you will be assessed an additional minimum penalty of $750 for each day of continuing violation beyond the time set for abatement. In addition, if you fail to abate any violation as required you will be issued a Cessation Order requiring you to cease mining operations on the portion of the operations relevant to the violation.

2. STOP WORK CONFERENCE.

A Stop Work Conference may be requested if this notice requires cessation of all mining. On the reverse of this page, the authorized representative has made a finding as to whether or not this notice requires cessation of all mining. (See Utah Admin. R647-6-102.4 et seq.)

You must request the Stop Work Conference within 30 days after service of this Cessation Order. The conference must be held within 5 days of your request. You will be notified of the date, time, and location of the conference.

Please send your conference request to:

Administrative Secretary
Associate Director of Mining
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801

3. FORMAL REVIEW AND TEMPORARY RELIEF.

You may apply for review of this notice, order or proposed assessment before the Board of Oil, Gas, and Mining by submitting an application for hearing within 30 days of receipt of notice or assessment by you or your agent. Apply to:

Secretary
Board of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801

If applying for a formal board hearing, you may submit with your petition for review a request for temporary relief from this notice. Procedures for obtaining a formal board hearing are contained in the board's Rules of Practice and Procedure and in Utah Admin. R. 647-5 et seq.

4. INDIVIDUAL CIVIL PENALTIES.

An additional individual civil penalty of up to $5000 per day may be assessed against any corporate director, officer, or agent who knowingly and willfully authorized, ordered or carried out a violation or who fails or refuses to comply with an order.

For further information, consult ***Utah Code Annotated*** Section 40-8-9, 9.1, Utah Admin. R. 647-6, 7, 8 seq. or contact the Division of Oil, Gas, and Mining at (801) 538-5304.

Violation No. 1 of 2

Nature of condition, practice, or violation:

Failure to pay the permit fee.

Conducting mining operations when authorization to conduct these operations has been suspended.

Provisions of act, regulations, or permit violated:

R647-3-101(7)

UCA 40-8-7(i)

R647-3-101(5)

(Check box if appropriate:)

X Condition, practice, or violation is creating an imminent danger to health or safety of the public.

X Permittee/Operator is/has been conducting mining activities without a permit.

X Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

__ Permittee or Operator has failed to abate Violation(s) No._____ included in Notice of Violation No. or Cessation Order No. M_____ within time for abatement originally fixed or subsequently extended.

Mining activity to be ceased immediately:

All mining activity must be ceased immediately upon receipt of this notice.

Affirmative obligation(s) or required action and abatement time (if applicable):

Submit the permit fee ($150.00) to the Division of Oil, Gas and Mining by September 20, 2004, 5:00 PM.

Notice of Violation / Cessation Order NO. MC-2004-03-01-02

Violation No. 2 of 2

Nature of condition, practice, or violation:

Failure to furnish the name and permanent mailing address of the surface and mineral owners of all land to be affected by the mining operation.

Failure to provide a map showing the location of the small mining operation.

Failure to conduct mining activities in compliance with the requirements of the notice of intention.

Provisions of act, regulations, or permit violated:

R647-3-104(2)

R647-3-105

R647-3-101(5)

(Check box if appropriate:)

X Condition, practice, or violation is creating an imminent danger to health or safety of the public.

X Permittee/Operator is/has been conducting mining activities without a permit.

X Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

__ Permittee or Operator has failed to abate Violation(s) No._____ included in Notice of Violation No. or Cessation Order No. M_____ within time for abatement originally fixed or subsequently extended.

Mining activity to be ceased immediately:

The small mining notice of intention includes portions of the SE¼ of Section 16, Township 4 South, Range 7 West, USM. For this portion of this cessation order, all mining activities outside the area shown in the small mining notice of intention must be ceased immediately.

Affirmative obligation(s) or required action and abatement time (if applicable):

There are two abatement options for this violation. By September 20, 2004, 5:00 PM, the operator must notify the Division in writing which option will be pursued. These options are:

1. Reclaim those portions of the disturbed area outside the area shown on the map with the small mining notice of intention. Grading and seeding must be completed by October 22, 2004.

2. Submit right of entry information and a map as required in R647-3-104(2) and R647-3-105. The right of entry information must show that the operator has the right to enter and begin mining operations in the areas affected by mining. This information must be received at the Division office by September 27, 2004, 5:00 PM.

jb
cc: DOGM
Operator
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