

0011

May 26, 1982

Inspection Memo
to Coal File:

RE: Valley Camp of Utah, Inc.
Belina #1 and #2 Mines
ACT/007/001
Carbon County, Utah

On May 18, 1982, DOGM Inspectors Ken Wyatt and David Lof observed a dump truck loaded with snow and rock waste leaving the Belina Mine's access road. A similar situation was observed in December 1981, resulting in the issuance of NOV #81-2-17-1 for mining without a permit in relation to illicit disposal of snow waste. This inspector returned on May 19, 1982, for the purpose of investigating further.

At 10:00 a.m., Mr. Wyatt arrived at the Belina turnoff and observed the same truck loaded with waste material leaving the Belina Mine area. After following the truck and photographing the disposal of these wastes, he tried to contact Trevor Whiteside at Valley Camp's offices. Mr. Ed Sanderson was the only Valley Camp representative available to accompany the inspector.

Mr. Sanderson and Mr. Wyatt arrived at the Belina minesite in time to observe a front-end loader placing waste material into the dump truck. Upon closer inspection, these wastes appeared to have been generated during pad maintenance activities and included snow, pad surface material and highwall sloughage material.

The truck was then followed to the Clear Creek area where dumping was occurring on the Clear Creek strip pit access road. A bulldozer then pushed this material into piles causing water to flow onto the road's downslope. Disposal activities were observed and the site then inspected. The material at the disposal site was very muddy and had the consistency of fresh cement. Waste snow was melting creating a runoff problem by eroding the road's downslope and flowing north about 100 yards into Mud Creek. This runoff was sampled just above the point where it entered Mud Creek and it is currently being analyzed. Due to the turbidity of the sample, total suspended solids levels can be expected to exceed State and Federal water pollution standards. This inspection took place on a cold, snowy day resulting in low snowmelt. On a warm day, snowmelt would definitely increase and, consequently, greater amounts of sediment would flow into Mud Creek.

Following the disposal site inspection, the driver of the dump truck was questioned. Mr. George Otani claimed that they were purchasing these wastes from Valley Camp for use as fill material to fill in a swamp west of Clear

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Creek. Mr. Otani could not produce any receipts or proof of purchase. He referred the inspector to his employer, Mr. Jack Otani, the road maintenance contractor for Valley Camp. Mr. Jack Otani could not be reached at this time.

Mr. Wyatt and Mr. Sanderson returned to Valley Camp's offices in an effort to clarify the purchasing of the waste. After consulting with Mr. William Haynes and Steve Milan of Valley Camp, Mr. Sanderson reiterated the statement that Valley Camp was selling their pad, road and ditch maintenance waste to their contractor, Jack Otani, for use as fill material. No bill of sale or documentation proving this sale could be provided. Mr. Milan stated Valley Camp had a verbal agreement with Mr. Otani and that waste material would be hauled off-site to the alleged disposal site, stockpiled, inventoried and then sold to Mr. Otani. NAOC #82-7-5-1 was given to Valley Camp requiring submittal to the Division, written proof that these wastes were being purchased by Mr. Otani (i.e., bill of sale, invoice, receipts, purchase order, etc.). To date, only a letter indicating intent to sell the wastes has been received by DOGM. When the sale occurs, Valley Camp should submit a copy of: (1) the invoice determining the amount of material sold; (2) bill of sale or receipt; and (3) the returned check covering payment. These items would provide written proof of the sale.

Mr. Sanderson and Mr. Wyatt returned to the Belina minesite to determine the source of the material being hauled off-site. It appeared as though the majority of the material resulted from highwall sloughage and snow that was intermixed. Mr. Ed Foust was also contacted at the Belina Mine site. He stated the same story that Valley Camp was selling their waste to their contractor. At that time, Mr. Jack Otani arrived and this inspector questioned him about the situation. Mr. Otani stated he planned to build a recreation area in the Clear Creek area by using these waste materials as fill for filling in a swamp. Mr. Otani stated he would return to the disposal site and attempt to prevent the runoff from entering Mud Creek by retaining it in a ditch or berm or some other sediment control facility. This facility should be examined in the very near future to ensure protection of Mud Creek.

After consulting with Carolyn Driscoll, Special Assistant Attorney General for the Division, it was preliminarily decided that the sale of waste materials from a mining activity to a private citizen may be done, however, responsibility for environmental protection may be transferred to that citizen upon sale of said waste. Jurisdiction for the environmental protection allegedly no longer falls within the realm of PL 95-87 or the coal mining company.

Mr. Otani should comply with health regulations governing runoff into streams from this disposal and storage area. An Attorney General's opinion has been requested concerning DOGM's jurisdictional authority on this matter. This decision shall be forthcoming and Division enforcement action is pending.

The Division of Wildlife Resources and the Division of Environmental Health, Bureau of Water Pollution Control shall be notified of this situation. Mr. Otani's activities appear to violate State Health regulations

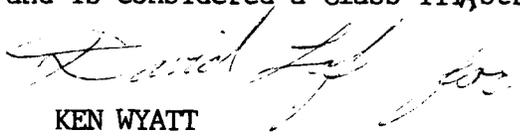
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for water pollution and stream siltation. The stream contains a self-reproducing cutthroat trout fishery and is considered a Class III stream by the Division of Wildlife Resources.


KEN WYATT
RECLAMATION OFFICER

cc: Tom Ehmett, OSM
Trevor Whiteside, Valley Camp of Utah, Inc.
Inspection Staff
Carolyn Driscoll, DOGM
Steve McNeal, Department of Health, Bureau of Water Pollution Control
Earl Sparks, Division of Wildlife Resources
Larry Dalton, Division of Wildlife Resources

KW/btb

Statistics:

Vehicle: #EX 66853--505 miles
Per Diem: 1 person X 2 days, 7.5 hours = \$86.56
Grant: A & E