

January 28, 1985

TO: Coal File, Inspection and Enforcement  
 FROM: David Lof, Mining Field Specialist *DL*  
 RE: Kaiser Steel Corporation, Sunnyside Mine, ACT/007/007,  
Folder #7, Carbon County, Utah

DATE: December 20 and 21, 1984  
TIME: 11:00 a.m. to 3:30 p.m.  
 and 9:30 a.m. to 3:00 p.m.,  
 respectively  
WEATHER: Snowing and cold; mostly clear and  
 cool, respectively  
COMPANY OFFICIAL: Doug Pearce  
STATE OFFICIALS: David Lof and John Whitehead  
ENFORCEMENT ACTION: NOV N85-4-1-4

Compliance With Permanent Performance Standards

UMC 771 et al Permits

The following permit information and approval letters were reviewed in the operator's mine office.

1. A letter from the Division dated May 11, 1978 granting Kaiser Steel tentative approval to mine.
2. A September 1, 1981 letter from the Division approving the operator's Whitmore Canyon Mine Water Pond.
3. An August 21, 1981 letter from the Department of State Health approving the Whitmore Canyon Mine Water Pond. According to this approval letter, the pond was designed to treat 600 gallons per minute. This letter also required that 3 feet of freeboard be maintained and a 2 foot deep outlet baffle be constructed and maintained.
4. A March 23, 1983 letter from the Division approving the operator's Coarse Refuse Toe Sediment Pond and associated ditch.
5. A March 24, 1983 letter from the Division approving the treatment plan for the Coarse Refuse Seep.
6. An April 21, 1983 conditional approval letter from the Division for the Hoist House Sediment Pond. This letter was followed by an April 26, 1983 letter from the Division granting final approval of the sediment pond.

7. A May 12, 1983 letter from the Division approving the reclamation plans for Slaughter Canyon.
8. A July 15, 1983 letter from the Division approving the Railcut Sediment Pond.
9. An August 26, 1983 letter approving the #2 Canyon sediment ponds.
10. An August 26, 1983 letter from the Division approving the Pasture Sediment Pond.
11. A November 3, 1983 letter from State Health granting a construction permit for the Manshaft Sediment Pond, Surface Facility Sediment Pond, and Twin Shaft Mine Water Pond. The permit required that the Twin Shaft Mine Water Pond have 3 feet of freeboard. All of the ponds were required to have a 10 foot wide top and 2 to 1 inside slopes.
12. A November 15, 1983 letter from the Division approving the Old Refuse Road Sediment Pond.
13. An August 15, 1984 letter from the Division approving the Manshaft Sediment Pond modification, the Grassy Trail Creek Crossing and the Twin Shaft Mine Water Discharge Pond.

UMC 817.11 Signs and Markers

Mine identification signs were posted at the mine entrances. Topsoil markers were in place on the topsoil stockpiles.

UMC 817.41 - .51 Hydrologic Balance

Pond Certifications

The operator had a November 23, 1983 letter on file certifying that the ponds listed below were "constructed according to the technically approved design criteria submitted by Kaiser Steel."

1. #3 Hoist House Sediment Pond
2. Upper and Lower #2 Canyon Sediment Ponds
3. Railcut Sediment Pond
4. Whitmore Mine Water Discharge Pond
5. Coarse Refuse Toe Sediment Pond

The letter was signed and stamped by G. A. Farnsworth, P. E Utah #760. The operator also had an April 3, 1984 certification letter available for the Pasture Sediment Pond, the Old Haul Road Sediment Pond. This was also signed by Mr. Farnsworth.

Manshaft Area

There were approximately 18-24 inches of snow on the ground at the manshaft site. There has been very little activity in the area. The snow had been plowed to provide access to the shaft. There were no apparent problems with the operator's snow removal procedures in this area.

Notice of Violation N85-4-1-4 # 1 of 4

During previous inspections, and review of the operator's approved plans for their Manshaft Mine Water Pond, I had noted several discrepancies between the approved plans and the as-built pond.

At the time of this inspection, I asked Mr. Pearce if I could see a copy of the approved plans for the Manshaft Mine Water Pond. Mr. Pearce provided us with the mylar of the pond, which had been revised as recently as November 28, 1984. These revised plans were submitted and received by the Division on December 3, 1984 and have not been approved.

Upon returning to the Division office, I reviewed and compared the approved plans on record to the November 28, 1984 revision, which we received, and noted the following deviations of the as-built pond from the approved plan:

1. The location of the pond had been moved, causing the southeast corner of the pond's embankment to block a small ephemeral wash.
2. The approved plans called for an incised pond, except for a very small portion of the southwest portion of the pond. The as-built pond has an embankment along the entire south and west sides.
3. The configuration of both the inlet and the outlet of the as-built spillway is not the same as what was approved. This presents two questions: a) is the pond properly sized, and b) is the discharge point adequately protected from erosion.
4. The inlet pipe is not constructed as per the approved plan.
5. The revised Plate III-14 indicates the combined upstream and downstream side slopes are approximately 1 vertical to 4 horizontal. This does not comply with UMC 817.49(b) and 817.46(m).

Because of their deviation from the approved plans, Notice of Violation N85-4-1-4, #1 of 4 was issued. It reads as follows:

Nature of Violation

Failure to mine in accordance with an approved interim mine plan.

Provision of the Regulations, Act or Permit Violated

UMC 771.19 and UCA40-10-22(1)(c).

Portion of the Operation to Which Violation Applies

Manshaft Mine Water Pond.

Remedial Action Required

Submit plans to the Division for approval of the as-built mine water pond.

Time for Abatement

January 24, 1985.

The violation was issued from the Division offices on January 7, 1985 following a telephone conversation that same day with Kaiser Steel Corporation representative Scott Johnson.

At the time of the inspection, the operator had not yet discharged from the pond. I told Mr. Pearce to make sure that there is no discharge from the pond until it is approved. Also, he was told that if the plans which Kaiser Steel had submitted to the Division on December 3, 1984 were the same as plans they would submit for the abatement of the violation, that they should just submit a letter to the Division identifying them as such.

Hoisthouse Sediment Pond

During my November 16, 1984 partial inspection, I noted that the operator had changed the location of the 30 inch undisturbed culvert, which was supposed to be located to the southeast of the Hoisthouse Sediment Pond (Undisturbed Culvert #7C), so it now passes directly underneath the sediment pond. By doing this, the operator was able to set their emergency spillway into the same culvert. I did not have any problems with this, however, I was concerned that the operator had not extended the culvert all the way down to the bottom of #2 Canyon. During this inspection, I asked John Whitehead, who is a Division Hydrologist, to look at the culvert outlet. He agreed that it did need to be extended down to the bottom of the canyon and have an adequate splash basin at the culvert outlet in the canyon bottom.

Upon return to the mine office, we asked Mr. Pearce if we could see the approved plan for the Hoisthouse Sediment Pond. He showed us a mylar of the Hoisthouse Sediment Pond and associated undisturbed culvert. This mylar had also been revised in November of 1984 and submitted on December 4, 1984 to the Division, but not approved as of yet. These revised plans showed the change of location of the undisturbed culvert and indicated that the outlet spillway would be extended down to the canyon bottom.

While reviewing and comparing the approved design plans to the as-built plans (November 1984 revision), I noted the following deviations from the approved plans:

1. The relocation of the 30 inch undisturbed culvert. The change the operator made to the structure was a good idea because it simplified their drainage system and also saved them money, both materials and installation costs, however, it was not approved.
2. They had not attached the dewatering device pipe to the emergency spillway as designed.
3. They had not extended the undisturbed diversion culvert/emergency spillway down the slope to the bottom of the canyon as designed.

Although there were no apparent signs of erosion, it could have occurred. There is approximately a 60 foot drop to the bottom of the canyon, on a 1.5:1 slope.

In addition to the deviations from the approved plan, the operator had had the pond certified by a registered professional engineer as being "constructed according to the technically approved design criteria submitted by Kaiser Steel." The engineer certified the pond without the emergency spillway having been completed.

#### Manshaft Sediment Pond

During my November 16, 1984 partial inspection, I noted that the primary and emergency spillways for the Manshaft Sediment Pond did not extend all the way down to the stream channel. Instead, they terminated on top of the streambank some 15 feet above Grassy Trail Creek.

After returning to the Division and reviewing the operator's approved plan for the sediment pond, I found that the spillway outlets were supposed to extend all the way down to the stream with riprap at the outlet. There were no signs of erosion from the spillways down to the stream.

Notice of Violation N85-4-1-4, # 2 of 4

Because the operator had deviated from their approved plans for the Hoisthouse and Manshaft Sediment Ponds and not provided adequate discharge structures, the above mentioned violation was issued. It reads as follows:

Nature of the Violation

Failure to mine in accordance with an approved interim mine plan. Failure to provide adequate discharge structures.

Provision of the Regulations Act or Permit Violated

UMC 771.19, UCA40-10-22(1)(c) and UMC 817.47

Portion of the Operation to Which Notice Applies

Hoisthouse Sediment Pond and Manshaft Sediment Pond.

Remedial Action Required

Submit plans to the Division for approval of the as-built sediment ponds. Said plans must address all modifications to the approved design including construction of adequate discharge structures.

Time for Abatement

January 24, 1985

Notice of Violation N85-4-1-4, # 3 of 4

I asked Mr. Pearce if I could see their sediment pond inspection log. He told me that they did not have one and they had not been doing the inspections. Because of this, the above mentioned Notice of Violation was issued. It reads as follows:

Nature of the Violation

Failure to conduct weekly sediment pond and impoundment inspections.

Provision of the Regulations Act or Permit Violated

UMC817.46(r), UMC817.49(b) and UMC817.93(a)

Portion of the Operation to Which Notice Applies

All sediment ponds, mine water ponds, and slurry cells as applicable.

Remedial Action Required

Conduct inspections and keep records as required.

Time for Abatement

Immediately

UMC817.52 Surface and Ground Water Monitoring

The operator has an NPDES Permit No. UT-0022942 which became effective on December 4, 1982 and expires June 30, 1987. The receiving waters for the NPDES Permit is Grassy Trail Creek, which is a tributary to Price River. The operator had NPDES reports through the third quarter of 1984. There were no apparent problems with any of the discharges.

Surface water monitoring data was available through November, 1984. There were no apparent problems with the data which was reviewed.

UMC817.81 - .93 Coal Processing Waste

Due to weather conditions and road conditions at the time of the inspection, the operator was unable to transport their coarse refuse down to the coarse refuse fill. Therefore, they were temporarily storing the coarse refuse in a small area on the north side of the road to the refuse area until it can be transported to the fill for permanent disposal.

Notice of Violation N85-4-1-4, #4 of 4

While discussing the coarse refuse fill with Mr. Pearce, I asked to see his quarterly inspection reports. Mr. Pearce informed me that they had not been performing the quarterly inspections. His reasoning was that they were waiting approval of their plan prior to implementing an inspection program. I told him that regardless of whether or not their plan was approved, that they had to comply with the performance standards. Therefore, Notice of Violation N85-4-1-1, #4 of 4 was issued. It reads as follows:

Nature of the Violation

Failure to conduct inspections of coal processing waste banks.

Provision of the Regulations, Act or Permit Violated

UMC817.82

Portion of the Operation to Which Notice Applies

Coarse refuse fill

Remedial Action Required

Conduct inspections in accordance with UMC817.82

Time for Abatement

Immediately

wj

cc: Donna Griffin, OSM  
Scott Johnson, Kaiser Steel Corp  
Joe Helfrich, DOGM  
Mary Boucek, DOGM

Statistics:

Vehicle: EX49611 - 480 miles  
Per Diem: 2 persons x 2 days 2 1/2 hours = \$217.62  
Grant: A & E

0072Q-26-33