0036

Orig: mic file cc LRG D.A JCh CB PFO

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Reclamation and Enforcement

RECEIVED JUL 09 1990 DIVISION OF OIL, GAS & MINING

TEN-DAY NOTICE

Number: X - 90 - 02 - 107 - 9 TV 1

Originating Office: Albuquerque Field Office
625 Silver SW Suite 310
Albuquerque NM 87102
Telephone Number: 505-766-1486

Ten-Day Notice to the State of Utah, Division of Oil, Gas + Mining

You are notified that, as a result of a Federal inspection (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: Valley Camp of Utah
(Or Operator if No Permit)
County: Carbon
Mailing Address: Scofield Route, Helper Utah, 84526
Permit Number: 007/001
Mine Name: Belina/Valcam

☐ Surface
☑ Underground
☐ Other

NATURE OF VIOLATION AND LOCATION: Failure to conduct coal mining and reclamation operations only on those lands over specifically designated as the permit area ..... The Truck approach SAE at the

Section of State Law, Regulation or Permit Condition believed to have been violated:

~~NATURE OF VIOLATION AND~~ LOCATION: Val Cam Loadout.

Section of State Law, Regulation or Permit Condition believed to have been violated: R614-300-141

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit Condition believed to have been violated:

Remarks or Recommendations:

Date of Notice: 28 June, 1990

Sent via Certified Receipt No.:
P 965 798 910 6/29/90 - tdm

Signature of Authorized Rep.: Rade H. Orell

Print Name and ID: Rade H. Orell #107

Distribution: Original-State's Copy, Blue-Field Office, Yellow-Inspector's Copy

IE-160 (3/81)

Orig. new file - RC LJB D.H JCH PFO

United States Department of the Interior
Office of Surface Mining
Mine Site Evaluation Inspection Report

For Office Use Only

1a (Y Y M M):
1b (Batch):
1c (Report):

2. Name of Permittee: Valley Camp of Utah
3. Street Address: Soldier Route
4. City: Helper
5. State: UT
6. Zip Code: 84526
7. Area Code: 801
8. Telephone Number: 448-9413
9. MSHA Number: 42-01379-
10. Date of Inspection (Y Y M M D D): 800623
11. State Permit Number: 007/001
12. Name of Mine: Belina
13. County Code: 007
14. State Code: UT
15. Strata:
16. State Area Office: 42

17. OSM Field Office No.: 02
18. OSM Area Office No.: 1
19. OSM Sample No.:
20. Type of Inspection (Code): F
21. Joint Inspection: Yes [X] No [ ]
22. Inspector's ID No.: 107

23. Status

A	01	Type of Permit
B	4	Mine Status (Code)
C	20	Type of Facility (Code)
D	03126.0	Number of Permitted Acres
E	00079.0	Number of Disturbed Acres

24. Type of Activity (check applicable boxes).

A	[ ]	Steep Slope	E	[ ]	Anthracite
B	[ ]	Mountain Top Removal	F	[X]	Federal Lands
C	[ ]	Prime Farmlands	G	[ ]	Indian Lands
D	[ ]	Alluvial Valley Floors	H	[ ]	Other

25. Performance Standards (Codes)

Instructions: Indicate compliance code. For any standard marked 2 or 3 provide narrative to support this determination.

Standards That Limit the Effects to the Permit Area

A	1	Distance Prohibitions
B	2	Mining Within Permit Boundaries TDN
C	1	Signs and Markers
D	1	Sediment Control Measures
E	1	Design and Certification Requirements—Sediment Control
F	1	Effluent Limits
G	1	Surface Water Monitoring
H	1	Ground Water Monitoring
I	1	Blasting Procedures
J	2	Haul/Access Road Design and Maintenance
K	1	Refuse Impoundments
L		Other: Specify

Standards That Assure Reclamation Quality and Timeliness

M	1	Topsoil Handling
N	1	Backfilling and Grading
O	1	Following Reclamation Schedule
P	2	Revegetation Requirements DOGM NOV
Q	1	Disposal of Excess Spoil
R	1	Handling of Acid or Toxic Materials
S	1	Highwall Elimination
T	1	Downslope Spoil Disposal
U	1	Post Mining Land Use
V	1	Cessation of Operations: Temporary
W	2	Other Archeol Report DOGM NOV (Haul road maintenance)

Brief - your response to use code J

Distribution: Original - Field Office, Green - Headquarters, Blue - State's Copy, Yellow - Inspector's Copy, Pink - File Copy

United States Department of the Interior
Office of Surface Mining
Mine Site Evaluation Inspection Report

26. State Permit Number 0 0 7 1 0 0 1

27. Date of Inspection (Y Y M M D D) 9 0 0 6 2 0

28. Yes ☐ No ☐ Do mining and reclamation activities on the site comply with the plans in the permit? If no, provide narrative to support this determination.

29. Indicate number of complete and partial inspections conducted by the State to date for this annual review period:

29a. 0 4 Number of Completes — 29b. 0 5 Number of Partials

30. Indicate number of complete and partial inspections required by the State during this annual review period:

30a. 0 4 Number of Completes — 30b. 0 8 Number of Partials

31. Has inspection frequency been met?

31a. Yes ☒ No ☐ Completes — 31b. Yes ☐ No ☒ Partials

As reflected by our files on 6-28-90

32. FEDERAL ENFORCEMENT INFORMATION. [Enter violation number. Check appropriate box(es)]

	Ten-Day Notice No.	Notice of Violation No.	Cessation Order No.	Violation Codes
	0 0 - 0 0 - 0 0 - 0 0 0	- -	- -	
A	☐	☐	☐	Authorizations to Operate
B	☐	☐	☐	Signs and Markers
C	☐	☐	☐	Backfilling and Grading
D	☐	☐	☐	Highwall Elimination
E	☐	☐	☐	Rills and Gullies
F	☐	☐	☐	Improper Fills
G	☐	☐	☐	Topsoil Handling
H	☐	☐	☐	Sediment Ponds
I	☐	☐	☐	Effluent Limits
J	☐	☐	☐	Water Monitoring
K	☐	☐	☐	Buffer Zones
L	☐	☐	☐	Roads
M	☐	☐	☐	Dams
N	☐	☐	☐	Blasting
O	☐	☐	☐	Revegetation
P	☐	☐	☐	Spoil on the Downslope
Q	☒	☐	☐	Mining Without Permit
R	☐	☐	☐	Exceeding Permit Limits
S	☐	☐	☐	Distance Prohibitions
T	☐	☐	☐	Toxic Materials
U	☐	☐	☐	Other Violations

33. Name of Authorized Representative *(print or type)*

Rodney Orell

Signature of Authorized Representative — Date 6-28-90

Signature of Reviewing Official — Date 6/28/90

06 0
06 0
13 0
05 0

Valley Camp of Utah
Scofield Route
Helper, Utah 84526

Belina Mine/Val Cam Loadout
Utah Permit No. 007/001

Random Sample Inspection
June 19-20, 1990

Participants:

Rade H. Orell, John Kathmann, Office of Surface Mining Albuquerque Field Office (AFO); John Pappas, Harold Sandbeck, Utah Division of Oil, Gas and Mining (DOGM); and Steve Tanner, Valley Camp of Utah (operator's representative).

Mine Site Evaluation Inspection Report:

The Mine Site Evaluation Inspection report form has been completed to reflect the random sample inspection (RSI). The number 2 is at performance standard code L, to indicate the issuance of Ten-Day Notice 90-02-107-9 (TDN). The TDN is explained in greater detail later in this report.

Introduction:

The inspection commenced the morning of June 19 and terminated the afternoon of June 20. The weather was clear and warm. Ground conditions were dry. A Ricoh 35mm camera and video camera were used to photograph areas of interest. I provided my credentilas to the operator's representative at the beginning of the inspection. The last state complete inspection was conducted on April 12, 1990.

Inspection:

The inspection included a records review as well as field observations. We began the inspection with the records review. The issues identified as a result of the inspection are described below:

Records Review:

In preparation for the inspection I reviewed records in DOGM's Salt Lake City Office. The records review at the mine site resulted in the identification of a number of problems that need to be addressed.

1) Certificate of Liability - The certificate of liability maintained at the mine site is a DOGM form signed and notarized by the insurance company. The form indicates the operator is required to maintain liability insurance for the life of the permit. I reviewed the insurance companies form in DOGM's Salt Lake City Office. That form indicates the liability insurance expires on April 1, 1991. The question is what form of proof of insurance is acceptable. The Utah Rules at R614-301-890 address Terms and Conditions for Liability Insurance. The rules require the operator to maintain insurance for the life of the permit and submit a certificate issued by the insurance company. Although the certficate from the insurance company was not available at the mine site I was abel to confirm that the operator has met both of the described requirements.

2) Permit - The Valley Camp of Utah Belina Mine permit expired August 24, 1989. DOGM issued the operator a notice of violation for not submitting the permit renewal application within 120 days of the expiration of the permit. The renewal of the permit is still in process. In the interim DOGM issued the operator a "short term" permit. It expires July 5, 1990. The regulatory basis for "short term" permits is not inherently obvious. The information will be referred to the appropriate program specialist for further review.

3) Maintenance of Records - The records review indicated that many of the records that should be at the mine site were not available at the time of the inspection. For example, the haul road certification, and sediment pond certifications were not available. The records of haul road monitoring per the Mid-Term review stipulation were not available. Certain parts of the mining and reclamation plan (MRP) could not be located. Water monitoring requirements could not be documented although we did review monitoring results. The operator's representative indicated that the records and MRP are in disrepair due to the renewal application that is being prepared. The Utah Rules at R614-400-140, 142, and 143 seem to inpart the responsibility to maintain records to the Division rather than the operator.

*In regard to the haul road monitoring the operator indicated that there has not been any because the site has not received any precipitation. This is not consistent with the requirements of the Mid-Term review stipulation at 784.24, October 27, 1987, page 2. A DOGM representative advised me by telephone on June 27, 1990 that the Division intends to issue an NOV for the operator's failure to submit the Annual Report. The Annual Report apparently includes an obligation to submit results of haul road monitoring. The obligation to submit the results of monitoring is somewhat different than failure to monitor. DOGM is including the failure to monitor the road in the NOV for the Annual Report rather than issue a seperate notice.

Field Inspection:

The field inspection commenced at the Belina Mine Portals and terminated at the Val Cam Loadout. The inspection of each identified a number of issues that need to be addressed. One of the issues resulted in the issuance of a TDN.

Belina Mine Portal Area:

1) Substation Pad - The inspection of the substation pad indicated that the inlet to an 8 inch culvert that directs flow off the pad to a road ditch and ultimately to Whiskey Creek was partially obstructed. The operator repaired the inlet prior to the end of the inspection. The pad was approved as a Small Area Exemption (SAE) as a result of the last RSI. This inspection indicated that the straw bale sediment trap on the road at the point where drainage enters Whiskey Creek was in need of repair. We observed that the straw bales where silted to the point that earthen material had been deposited on top of the bales. The operator repaired the structure before the end of the inspection. We discussed the problem relative to the LSCI (April 12, 1990). The operator's representative indicated the area was covered with snow at the time of the inspection and that the problem occured as a result of recent rains. The drainage area for the alternate sediment control practice is relatively small. We observed a small seep flowing across the pad and eventually to the straw bale sediment trap at the time of the inspection. The south outslope of the pad is not well vegetated. If the structure is silting in as rapidly as was implied by the operator's representative DOGM should reevaluate the adequacy of the practice. Additional measures may need to be employed.

2) Diversion Ditches - The inspection of the disturbed runoff diversion ditches on the south and east facing slope indicated the need for maintenance. We observed three locations where maintenance was required. A derilict piece of equiptment was parked on the diversion near a shop, the north east end of the diversion was obstructed by storage of roof bolts and timbers, two culverts were partially obstructed by earthen material near the area of roof bolt storage and the extreme north end of the diversion was obstructed by rock and storage of some iron arches. The operator commenced the maintenance work at the time of the inspection.

3) Coal Storage - We observed that coal storage at the mine loadout has encroached on a reclaimed area. A DOGM representatives advised me by telephone on June 27, 1990 that the Division intends to issue a NOV for the operators failure to comply with the terms and conditions of the approved permit in accordance with R614-300-143. The approved permit does not identify the area on the reclaimed slope as coal storage. We agreed that the violation occurred since the LSCI.

4) Haul Road - We inspected the haul road outslope toward confirmation of the monitoring stations. We observed one of the 19 sets of stations that are located along the road outslope. Issues with respect to haul road monitoring are described above.

ValCam Loadout:

The inspection of the loadout commenced at the south end and proceeded in a northerly direction. The inspection of this part of the mine also resulted in the identification of a number of issues that need to be addressed.

1) We observed two large corragated steel arches are stored on a small pad. The drainage from the pad exits the area via an undisturbed drainage diversion. The issue was preseted to AFO management upon my return to the office. Because the operator simply used the site to store the arches management determined that an action would not be warranted. However, the operator should remove the arches from the site.

2) The inlets to sediment pond 003A need to be maintained with respect to erosion.

3) The half culvert sediment trap south of the train loadout was in need of maintenance with respect to removal of coal fines at the time of the inspection.

4) We observed another questionable practice near the Western Coal Carriers Truck Shop. A small propane tank is sited on top of a berm that prevents disturbed runoff from leaving the site. The operator's representative indicated that the tanks belong to Western Coal Carriers, a contracted trucking company. The Utah Rules at R614-301-742.212 require that siltation structures be constructed before beginning any coal mining and reclamation operations. AFO questioned describing the area occupied by the propane tanks as disturbed and requiring sediment control. AFO management determined that if a more appropriate regulation cite is not available that action would not be warranted.

*5) We also observed an SAE at the truck entrance to the loadout. The SAE consists of straw bales placed in a ditches at the toe of the approach from the public road. The straw bales treat drainage from the disturbed area. The SAE is located outside the permit boundary. The Utah Rules at R614-300-141 indicate that the permittee will conduct surface coal mining and reclamation operations only on those areas that are specifically designated as the permit area ..... . The issue was presented to AFO management. We agreed that a TDN should be issued. Therefore, TDN 90-02-107-9 is being issued fromt the office via certified mail.

6) The inspection of sediment pond 002A included observations of the outlet of a clean water bypass culvert located immediately down stream from the pond embankment. We observed that the culvert was discharging water. The channel bottom was orange in color, possibly indicating the presence of iron. The operator nor the DOGM representatives were aware of any monitoring of the discharge. I contacted a DOGM representative via telephone on June 28, 1990 to

discuss the discharge. He indicated the Division intends to conduct further evaluation of the seep during the next inspection. He also indicated that it is likely related to the abandoned mines located upstream. There are two backfilled portals located in the drainage above the culvert. It is possible that the discharge is from the portals (referred to as Utah No. 2 Mine Portals).

7) We inspected the stockpile of "vegetative support material" located south of pond 001. We advised the operator to ensure that the east facing slope of the stockpile is protected such that erosion does not become a problem. The stockpile has been in place about 1.5 years. It has been seeded. Parts of the east slope are not well vegetated. The material was removed from pond 001, tested and determined to be fair to poor as a plant growth medium.

8) The light use road to pond 001 is in need of some minor maintenance. The operator's representative indicated that the rail road uses the road more than the mine. The representative also indicated that the road will probably be seeded rather than try to maintain it with respect to erosion.

9) The inlet to sediment pond 001 is in need of some minor repair. The inlet is rip rapped, however there is a "nick point" where the channel enters the pond. Erosion of the inlet at the "nick point" is evident. The operator should place additional rip rap to prevent additional erosion.

Close-Out Meeting:

We conducted two close-out meetings. We met with the DOGM representatives first in order to resolve any outstanding issues. We then met with the operator's representative. The meeting was a reiteration of the items listed above. I explained the TDN process to the operator's representative. I indicated that a TDN may be issued pending review by management. The DOGM representative advised the operator's represenative that an NOV may be issued for the coal storage on reclaimed area at the mine site.

* Existed at time of LSCI

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
RANDOM SAMPLE MEIR SUPPLEMENT

1. Permittee Valley Camp of Utah
2. Permit Number 007/001
3. Joint Inspection |Y| Y/N
4. Date 6-20-90
5. Days since Last State Complete Inspection (LSCI) 68
6. Block 25 Categories in NON-COMPLIANCE this RSI 3
7. Total Violations this RSI 3

8. List (only once) all violations:
1) where State enforcement was required and taken during the LSCI;
2) recorded in the LSCI report but the State failed to take enforcement;
3) observed during this RSI which clearly existed during the LSCI but the State failed to take enforcement; and;
4) existing during this RSI which are not already listed under one of the categories above.

	A LAW / SPECIFIC STATE REGULATION VIOLATED	B BLOCK 25 CATEGORY	C ABATED (y/n)	D STATE ACTION	E REASON IF UNCITED	F CAUSE	G SERIOUSNESS PEO	H SERIOUSNESS IMPACT	I OSMRE ACTION	J OPTIONAL	K OPTIONAL
1.	/ / 614 / 300 / 141	8	N	2		1	1	1	2		
	Description: SPE outside permit boundary										
2.	/ / 614 / 300 / 143	J	N	2		4	2	8	1		
	Description: Annual Report - Haul road monitoring										
3.	/ / 614 / 300 / 143	9	N	4		4	3	2	1		
	Description: Terms & conditions of approved permit - ~~[illegible]~~ coal storage m[illegible]										
4.	/ / / /										
	Description:										
5.	/ / / /										
	Description:										
6.	/ / / /										
	Description:										
7.	/ / / /										
	Description:										
8.	/ / / /										
	Description:										
9.	/ / / /										
	Description:										
10.	/ / / /										
	Description:										

STATE ACTION
1) Existed on LSCI, cited
2) Existed on LSCI, not cited
3) Cited Prior to LSCI, Abatement Pending
4) Occurred since LSCI

STATE'S REASON FOR NOT CITING VIOLATION (AFTER DISCUSSION WITH THE STATE)
1) Not a Violation
2) Precluded by State Policy
3) Not included under State Program
4) Warning given in lieu of a Citation
5) Violation not recognized (missed)
6) Practice allowed under approved Permit
7) Too minor to cite
8) Working with Operator to Correct
9) Other:
:

CAUSES
1) Permit Defect
2) Unusual Weather Conditions
3) Unofficial Waiver
4) Operator Negligence
5) Other:
:

PROBABILITY OF EVENT OCCURRENCE
1) None or Unlikely
2) Likely
3) Occurred

IMPACT
Damage Remains Within the Permit Area
1) None or Minor
2) Moderate
3) Considerable
Damage Extends Beyond the Permit Area
4) None or Minor
5) Moderate
6) Considerable
Obstruction to Enforcement
7) None or Minor
8) Moderate

OSMRE ACTION
1) Deferred to State Action
2) TDN issued
3) IN-CD issued
4) Previously Cited, Abatement Pending
5) Abated during or before Inspection