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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt  
Governor  
Kathleen Clarke  
Executive Director  
Lowell P. Braxton  
Division Director

1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, Utah 84114-5801  
801-538-5340  
801-359-3940 (Fax)  
801-538-7223 (TDD)

June 15, 2000

TO: Internal File

THRU: Pamela Grubaugh-Littig, Permit Supervisor, Assessment Officer *PL*

FROM: Peter Hess, Reclamation Specialist III *PH*

RE: Evaluation of Additional Information, N2000-46-1-2, 2 of 2, "Failure to Repair Damage to Surface Lands, Lodestar Energy, Inc., White Oak Mines, ACT/007/001

## SUMMARY:

The permittee provided additional information relative to the aforementioned NOV on May 10, 2000, which was within the time frame for the receipt of additional information in response to the Division letter dated April 25, 2000. This information was received in the Price Field Office on May 16, 2000. An evaluation of this additional information is the text of this document.

## TECHNICAL ANALYSIS:

An evaluation of the permittee's response to the Division's April 25, 2000 letter indicating why it was felt that adequate justification had not been provided in order to vacate N2000-46-1-2, 2 of 2 has determined the following.

- 1) Lodestar's UDNR/OGM permit became effective on July 16, 1999. The mud flow through the mine roof void was discovered by a mine examiner on August 23, 1999.
- 2) My experience with roof control in underground coal mines has not encountered "mud" captured as a perched reservoir of water and soluble earth materials, such that same is capable of flowing. It has not been, nor does it appear to be capable of being, determined if the roof material was loosened by an external water source, or if this lens of mud has been perched for thousands of years. Although this seems highly improbable, water can be stored in lenses, (as are perched aquifers). Water mixed with a soluble earth material, could also perch above and report through a crack in the mine roof, as it occurred in this instance. The void created by the washout of the soluble earth material eventually subsided, creating a slump that now appears on the surface.

The slump which was reported to MSHA on 8/30/99 (10' X 5' X 3' deep) **was not the same slump** which was the subject of violation N2000-46-1-2, 2 of 2, which was observed on April 11, and issued on April 12, 2000. Thus, this interburden outslope has some inherent problems for which we are not capable of determining the cause.

- 3) Lodestar's primary agenda, upon receipt of a UDNR/OGM permit, was to get the Mines into operation and generate profit. This involved many jobs, including a major conveyor renovation in the removal of the old #1 Mine gallery belt and the construction of a new #2 Mine run-of-mine conveyor. This is understandable, and since the only slump visible on the outslope at the time, (August 27) was the 10 x 5 x 3, the damage was considered to be a much lower priority. It was not possible to work on the outslope slump during the removal/construction cycles for the new belt conveyor due to the large machines required to do the work, and the size limitations of the upper and lower pad areas. Although the permittee anticipated that the new conveyor would be completed by October, the new gallery belt was not completed until mid-winter.
- 4) Some of the surface damage to the outslope is old; the subsidence which was reported to MSHA on August 30, 1999 is not the same damage which was the subject of the notice of violation which was issued on April 12, 2000. This became evident in Mr. John Walter's letter from the permittee to the UDNR/OGM dated May 10, 2000 which brings additional facts to light which were not revealed during the time of the inspection or prior to the Division's letter of April 25, 2000 rebutting the permittee's reasoning as to why the notice of violation (N2000-46-1-2, 2 of 2, "Failure to Repair Damage to Surface Lands") should be vacated. Hence, we do not know what caused the slump which was the subject of the NOV. **We do know that it was not caused by the extraction of pillars from the lower O'Connor coal seam in the #2 Mine**, due to its location immediately in by the #8 Portal.

#### CONCLUSIONS:

- 1) We don't know what caused the mud flow into the #2 Mine which occurred prior to August 23, 1999.
- 2) The Mines became operational during mid-January. Prior to the snow melt, six to ten feet of snow accumulation existed on the surface of the site. The permittee contends that additional snow volumes were not side-cast onto the outslope area in question because of the concern of the previously weakened interburden area. In fact, a large dumpster was placed along the guard rail on the upper pad to prevent same. **It is not actually known when the slump, which was the subject of N2000-46-1-2, 2 of 2 occurred**, but same was not visible due to the amount of snow covering it. The area was dangered off prior to the first recorded measurable snow fall, which occurred in November of '99. The danger perimeter apparently circumferenced the "crack" which Mr. Dave Miller mentioned to this inspector when he was questioned on April 11, 2000.

**RECOMMENDATIONS:**

It does appear that there are some extenuating circumstances which have come to light through the continuation of this investigative process. It is felt by this individual that the notice of violation is still warranted based on the following:

- 1) The slump, which was the subject of the NOV, was discovered by a UDNR/OGM reclamation specialist during the monthly partial inspection of the site, at a critical time, that being immediate post-snow melt.
- 2) For a UDNR/OGM reclamation specialist to have observed this damage and not issued a notice of violation, an attitude of complacency on the part of the inspector might have been construed by others.
- 3) Significant damage had occurred, including the loss of potential revegetation success.

The areas of uncertainty relative to the violation lead one to believe that there are several alternatives which might be worth considering. These are:

- 1) Have the Director vacate the NOV, or with Division support, instruct the author of same to vacate the NOV. Although, this is probably not the best solution to the issue.
- 2) Re-assess the fine for the NOV, drastically reducing same, (the first assessment was \$800.00), based on the following.
  - A) It is not possible to determine what caused the mud solution to form.
  - B) The slump which was the subject of the NOV occurred under snow, and was not visible until early April, post snow melt.
  - C) The permittee repaired the damage on the outslope within the time frame allowed by the remedial action requirements of the notice of violation, (as observed on June 6, 2000). Stabilization of the area is pending.

In consideration of the fact that this operation has a multitude of problems, many of which have been inherited, and the fact that an atmosphere of cooperation and good will is the one by which the UDNR/OGM operates, it is recommended that option #2 be implemented.

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