

February 1, 1985

TO: Coal File, Enforcement and Inspection  
FROM: Sandy Pruitt, Mining Field Specialist *SP*  
RE: NOV #1 of 3, N84-2-24-3, Skyline Mine, Utah Fuel Company,  
ACT/007/005, Folder #7, Carbon County, Utah

The above referenced NOV was vacated with regard to the provision cited, not with any regard to the questionable sediment pond certification itself. The discrepancies brought forth in my December 31, 1984 letter regarding the certification were not addressed by Utah Fuel at that time, so the problem was left unresolved. Verbally, Utah Fuel representatives had maintained that the certification is valid and attempted to explain the discrepancies with regard to changes in the sediment pond over time and typos in correspondence, but Utah Fuel did not provide this in writing to clear the record on file.

Therefore, I found it necessary to meet with Roland Heath to review the basis of his certification of the mine sediment pond to explain the discrepancies on record. Following a mine inspection on January 17, 1985, I met with Roland Heath, Doug Johnson and Keith Welch to discuss the issue. Later on January 21, 1985, DOGM received a letter from Clayton Parr that responded to several of the discrepancies noted in my December 31 letter. The circumstances surrounding Roland Heath's pond certification and a resolution to the discrepancies on record was provided as follows.

The mine sediment pond was constructed in fall, 1980. Roland Heath certified the pond construction in August, 1982 to meet the requirements of UMC 817.46(r). At that time, his certification was made based upon his visual observations while overseeing construction of the sediment pond and a January, 1981 as-built survey conducted by Boyle Engineering, the results of which were plotted on Morrison-Knudsen plot plan drawing #10-34-2-002. An overlay of this drawing onto the approved Kaiser drawings for the mine sediment pond clearly demonstrates that the pond was built larger than designed. Roland Heath's August, 1982 certification reports that the pond was field fitted to meet design specifications and that it actually exceeded design requirements for holding capacity. Changes in design were necessary, for example, due to bedrock on the south side of the pond, that resulted in a near vertical slope rather than a 2:1 as designed, plus the east end of the pond was extended beyond the design perimeter.

The May 11, 1982 as-built surveys reported in Keith Zobell's memorandum of May 31, 1984, were actually conducted on May 11, 1984. That was a typo on the report. The 1984 surveys were necessary due to changes in the pond from sedimentation following the mud slides and further construction of the mine pad. In comparison to previous surveys, the sediment pond had filled in on the bottom some and the west end of the pond was filled in. (This is where Utah Fuel used to push snow into the pond and it likely filled in a little with the snow/waste material and grade off the pad.) This reduced the pond capacity to that reported in the May, 1984 memorandum.

The term "as built" and reference to the pond as "built" were in consideration to the structure as it existed and not necessarily to how it was built. Further, a consideration should be made to the accuracy of the surveys themselves. Clayton Parr reports in his January 17, 1985 letter that the accuracy of surveys will generally vary five percent.

In regard to the location of the mine water discharge pipe at the outlet end instead of the inlet end of the sediment pond, Roland Heath provided evidence, a photograph taken in 1981, demonstrating that the pipe was not in place near the outlet at that time. He explained that the pond was certified before the portals were driven and before the rockslope was established. The pipe had been installed on the west end of the pond toward the projected location for the water tanks at that time. The mine discharge pipe on the east end of the pond, cited in NOV #N84-7-5-2, was not installed until winter, 1982.

The above information completely invalidates the basis for NOV #1 of 3, N84-2-24-3 by supporting the August, 1982 pond certification by Roland Heath. The NOV would have been vacated based upon this information if provided earlier. In conclusion to the meeting on January 17, I apologized to Roland Heath for not approaching him directly for response to the discrepancies prior to or upon issuing NOV #1 of 3. This memorandum should clarify the circumstances surrounding that citation and to prevent any damage to Roland Heath's good credibility.

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cc: Roland Heath, Utah Fuel Company  
Glen Zumwalt, Utah Fuel Company  
Donna Griffin, OSM  
Dianne Nielsen  
Ronald Daniels  
Joe Helfrich

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