

Utah Fuel Company  
P.O. Box 719  
Helper, Utah 84527

0014

Skyline Mine  
Utah Permit No. 007/005

Random Sample Inspection  
March 7 and 8, 1990

Participants:

Rade H. Orell, Office of Surface Mining Albuquerque Field Office (AFO), Harold Sandbeck, Utah Division of Oil, Gas and Mining (DOGGM), and Bill Shriver, Keith Zobell, and Rob Wise, Utah Fuel Company (operator's representatives)

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 codes B, Mining Within Permit Boundaries; D, Sediment Control Measures and E, Design and Certification Requirements to indicate the issuance of three part Ten-Day Notice 90-02-107-3. Each part of the TDN is explained in greater detail below.

Introduction:

The inspection commenced the morning of March 7 and terminated in the late afternoon on March 9. The weather was clear to cloudy and cold. Ground conditions varied from wet and muddy to snow covered. Discrete observations of most of the runoff control structures such as diversion ditches, topsoil stockpile toe berms, culverts, etc. were not possible due to snow cover. As a result the field part of the inspection was limited to the parts of the mine, and loadout that were not snow covered. The operation includes a waste rock disposal area that is located apart from the mine. Observations of the waste rock site were not possible due to snow cover. The snow was in sufficient quantities to prevent travel on the access road. The inspection also included a records review. I presented my credentials to the operator's representative upon my arrival at the mine. A Pentax camera was used to photograph areas of interest.

Records Review:

The records review included observations of the NPDES Permit, NPDES

discharge monitoring reports, quarterly sediment pond inspection reports, waste rock inspection reports, performance bond and ryder, certificate of liability, sediment pond certifications, haul road certifications, a random review of the quarterly water monitoring reports, and baseline water monitoring data.

I also reviewed records in the offices of DOGM in Salt Lake City. The review included the approved mining and reclamation plan, the technical assessment, and the permit with stipulations.

The records review conducted at the mine indicated that the NPDES permit has expired and the operator has been advised by Utah Water Pollution Control and EPA to continue operating pursuant to the expired permit until the new one is approved. In addition, the operator continues to report exceedence of TDS values at discharge point 001. Todate, the maximum allowable TDS of 700 mg/l has been exceeded 27 times.

The review of the sediment pond certifications indicated a couple of problems. The loadout pond maximum elevation in the narrative does not agree with the maximum elevation depicted on the map. The maximum elevation described on the narrative is 6 feet higher than the maximum elevation described on the map. In addition, the mine site sediment pond has been modified a number of times without being recertified. For example, on two occasions pipe has been added to the riser thereby increasing the storage capacity of the structure. The Utah regulations at 817.46(r) state each pond shall be certified after construction by a registered professional engineer. The operator's representative indicated the ponds would be recertified. During a March 12, 1990 telephone conversation with representatives of DOGM I was advised that the ponds would be recertified but we did not discuss a time frame. The information was presented to AFD management management upon my return to the office. As a result we agreed to issue TDN 90-02-107-3(1) for the operator's failure to certify the mine site sediment pond after the construction activities associated with modification of the spillway.

The MRP and TA indicate that the waste rock site diversions are not consistent with the Utah regulations at UMC 817.71. The waste rock site is an abandoned strip pit. A diversion does not exist upstream of the site above the strip pit highwall. The TA indicates approximately 1.6 acres drains to the site. The TA specifically states that a diversion is not required. Because the TA appropriately justifies the lack of the upland diversion AFD determined that action is not warranted at this time. In addition, runoff is being diverted around one end of the waste rock site via a diversion designed to pass the runoff resulting from a 10-year, 24 hour precipitation event. The TA indicates that during the operational phase the diversion will be upgraded to pass the runoff from a 100 year event. DOGM representatives indicated this means the diversion will be upgraded during the "construction season". DOGM needs to be more precise in terms of when the actual work will occur and what other measures such as topsoil handling, seeding, mulching ect. will be completed along with enlargement of the diversion.

The TA also states the mine site sediment pond will be removed at the time of backfilling and grading. The TA justifies the ponds removal based on the feasibility of achieving the post mine topography. The current Utah regulation at UMC 817.42 requires all drainage from the disturbed area, including areas that have been graded, seeded, or planted shall be passed through a sedimentation pond. While a violation does not currently exist it appears that DOGM has approved a permit that could lead to enforcement action if the described activity is implemented. The information will be relayed to the appropriate individuals in regulatory programs in AFO.

#### Field Inspection:

The field inspection included observations of the Loadout, mine site, and the offsite facilities including the well houses and water tank. Snow prevented inspection of the South Fork Breakout and the waste rock site.

Loadout - The field inspection commenced at the Loadout. The inspection included observations of the train loadout and the truck loadout along with the associated facilities. Detailed observations of the topsoil stockpile, certain ditches, the stream buffer zone, and certain Small Area Exemptions were not possible due to snow cover.

The inspection of the train loadout indicated that sediment control for the area immediately below the loading tower was not functional. The sump that should divert runoff to the pond was plugged with snow and ice. The operator removed the snow and ice prior to the end of the inspection.

The inspection continued with observations of the main part of the loadout facilities. We observed an alternate sediment control practice (ASCP) located outside the permit boundary within the highway right-of-way. The ASCP consists of a catch basin and straw bales. It provides primary sediment control for a disturbed area, within the permit area that is estimated to be 100 feet by 75 feet. The practice has been approved by DOGM (see MRP, Vol. 2, page 3-641). This information was presented to AFO management for consideration as to the issuance of a TDN. We agreed to issue TDN 90-02-107-3(2) for the operator's alleged failure to obtain a permit for the described activity in accordance with UMC 771.11.

Mine Site - The mine site inspection was also rather brief due to snow cover. We were not able to inspect many of the drainage control structures, and the topsoil stockpile. We were able to inspect the sediment pond and the parts of the facility that border the highway. The sediment pond was discharging at the time of the inspection. The DOGM representative collected a sample.

The inspection indicated that a small area is outside the boundaries

of the sediment control system. The area in question is the outslope of the pad. It has the appearance of "push out" material as a result of pad construction. It is located east of the sediment pond and Special Exempt Area #6. The operator's representative contends that the area is the responsibility of the Utah Division of Transportation and not as result of their activities. The operator presented a map that indicates the area is not within the permit/disturbed area boundary. However, during a March 12, 1990 telephone conversation with representatives of DOGM I was advised that the map has not been approved by the Division. The current approved map indicates the area is within the permit/disturbed area boundary. I was also advised by DOGM that straw bales may be located below the slope in question but because of snow cover they were not visible. During the telephone conversation the representatives also indicated that the area is included in an SAE that is currently under review by the Division. This information was relayed to AFO management. As a result of the meeting TDN 90-02-107-3(3) is being issued for the operator's alleged failure to pass disturbed area drainage through a sedimentation pond, series of sedimentation ponds or treatment facility before leaving the permit area in accordance with UMC 817.42.

#### Close-Out Meeting:

The close-out meeting was held in two parts. The DOGM representative and I discussed the inspection results before meeting with the operator's representative. The issues we discussed and presented to the operator's representative are listed below:

- \* 1. Pond certifications - The loadout pond elevation differences between the narrative and map, and the mine pond design modifications.
- \* 2. Waste Rock Site - Diversions per the requirements of the Utah regulations.
- \* 3. Mine Site Sediment Pond - Capacity of the structure relative to the permit stipulation and the discussion in the TA. \* Removal of the pond at the time of backfilling and grading.
- \* 4. Loadout - The ASCP located outside the permit area within the UDOT right-of-way.
- \* 5. Mine Site Pad/East End - The small disturbed area located east of Special Exempt Area #6 outside the sediment control system.

I also explained the TDN process to the operator's representative; that TDNs are issued from AFO after review of the issues by management.

\* Operator's representative and DOGM representative advised that TDNs may result

3-16-90

Telecon w/ Harold Goodback: TDNs existed @ LSCI

RHS

1. Permittee WTR Fuel Corp

2. Permit Number 007/005

3. Joint Inspection 1 Y/N 1 4. Date 3-8-90

5. Days since Last State Complete Inspection (LSCI) 112

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.

LAW / REGULATION VIOLATED	SPECIFIC STATE A	BLOCK 25 CATEGORY B	ABATED (Y/N) C	STATE ACTION D	REASON IF UNCIITED E	CAUSE F	G SERIOUSNESS PEO	H IMPACT	I OSMRE ACTION	J OPTIONAL	K
1. / 817 / 46 / 01		E	N	2		4	1	7	2		
Description: Failure to invert. F. Reps after med. to SR. leak											
2. / 771 / 11 /		B	N	2		1	3	2	2		
Description: ASCP outside permit area											
3. / 817 / 42 / 0500		D	N	2		4	2	2	2		
Description: Disturbed areas outside sed. control system											
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) Decreed under 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 (waived)
  - 6) Practice allowed under approved Permit
  - 7) Too minor to cite
  - 8) Working with Operator to Correct
  - 9) Other:
- CONCISE**
- 1) Permit Defect
  - 2) Unusual Weather Conditions
  - 3) Unofficial Worker
  - 4) Operator Negligence
  - 5) Other:
- PROBABILITY OF EVENT OCCURRENCE**
- 1) Near or Unlikely
  - 2) Likely
  - 3) Decreed
- DANGER POTENTIAL WITHIN THE PERMIT AREA**
- 1) Near or Minor
  - 2) Moderate
  - 3) Considerable
  - 4) Near or Major
  - 5) Moderate
  - 6) Considerable
  - 7) Near or Major
  - 8) Major
- DANGER EXTENDS BEYOND THE PERMIT AREA**
- 1) Deferred to State Action
  - 2) IM issued
  - 3) IM-CD issued
  - 4) Previously Cited, Abatement Pending
  - 5) Abated during or before OSMRE Inspection