

0015 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
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2. Name of Permittee [Grid]	9. MSHA Number [Grid]	10. Date of Inspection (Y Y M M D D) [Grid]
3. Street Address [Grid]	11. State Permit Number [Grid]	
4. City [Grid]	5. State [Grid]	12. Name of Mine [Grid]
6. Zip Code [Grid]	7. Area Code [Grid]	8. Telephone Number [Grid]
	13. County Code [Grid]	14. State Code [Grid]
	15. Strata [Grid]	16. State Area Office [Grid]

17. OSM Field Office No. [Grid]	18. OSM Area Office No. [Grid]	19. OSM Sample No. [Grid]	20. Type of Inspection (Code) [Grid]	21. Joint Inspection Yes [Grid] No [Grid]	22. Inspector's ID No. [Grid]
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23. Status A [Grid] Type of Permit B [Grid] Mine Status (Code) C [Grid] Type of Facility (Code) D [Grid] Number of Permitted Acres E [Grid] Number of Disturbed Acres	24. Type of Activity (check applicable boxes). A [] Steep Slope B [] Mountain Top Removal C [] Prime Farmlands D [] Alluvial Valley Floors E [] Anthracite F [] Federal Lands G [] Indian Lands H [] Other
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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	Standards That Assure Reclamation Quality and Timeliness
A [] Distance Prohibitions	M [] Topsoil Handling
B [] Mining Within Permit Boundaries	N [] Backfilling and Grading
C [] Signs and Markers	O [] Following Reclamation Schedule
D [] Sediment Control Measures	P [] Revegetation Requirements
E [] Design and Certification Requirements—Sediment Control	Q [] Disposal of Excess Spoil
F [] Effluent Limits	R [] Handling of Acid or Toxic Materials
G [] Surface Water Monitoring	S [] Highwall Elimination
H [] Ground Water Monitoring	T [] Downslope Spoil Disposal
I [] Blasting Procedures	U [] Post Mining Land Use
J [] Haul/Access Road Design and Maintenance	V [] Cessation of Operations: Temporary
K [] Refuse Impoundments	W [] Other _____
L [] Other: Specify _____	

November 13, 14, & 15, 1991

Utah Fuel Company
PO Box 719
Helper, Utah

Skyline mine

Personnel Present During the Inspection:
Keith Zoebell Utah Fuel Co
Stan Christensen Utah Fuel Co
Steve Demczak Utah Division of Oil gas & Mining

Weather and Ground Conditions During the Inspection: Cold, overcast with flurries; initially it was relatively dry on the mine but changing weather brought snow towards the end of the week with some melt and runoff

ENFORCEMENT ACTIONS

There was no outstanding state enforcement actions pending abatement prior to this inspection nor were there any taken by the state during the inspection.

I issued two enforcement actions following the inspection for violations noted on the mine. One of them, was Ten Day Notice # 91-02-244-9 (TV-1), which is for the operator's failure to divert runoff from areas above and from the surface of the waste rock disposal pile into stabilized diversion channels that will safely pass runoff from a 100 yr 6 hr storm event. Waste rock is not normally brought out from the mine but instead is left underground but there is a need to have an area because the pile is being used on occasion, they still have to dispose of small amounts of rock and debris. This is a two to three acre site set in against an abandoned strip pit highwall that is on the east side of Scofield, Utah which is several miles away from the mine. Runoff from the area is supposed to flow into a dugout total containment sediment pond below the waste pile that has to be pumped because it was designed and built with no spillways.

There were no stabilized diversion channels carrying runoff from the surface of the pile or from the area above the fill. As we inspected the area with Mr. Christensen, I made the comment that they needed to do a number of things for drainage control as well as other performance standards in order to bring the area into compliance. In addition to the drainage problems with the failure to have diversions, the following things were noted: 1. there was no mine identification sign at the entrance to the area; 2. the surface of the fill was not properly graded to insure positive drainage; 3. mine timbers, rubber hose and other related debris from the mining operation was noted in the lower lifts of the fill; 4. a smoking vent

hole from a lower coal seam fire was within steps of the toe of the pile; and there was some concern about the haul road design.

Following the inspection of that area, I had to leave the mine for the rest of the day to work on an engineering project at another mine. In the interim, the operator took the initiative to begin to remove the trash from the lowerlifts, grade the pile to drain and install a diversion below the pile to contain runoff from the working face. When I initially went out to inspect the waste pile, I was not sure as to what the approved mining and reclamation plan said about the construction of the pile. The State inspector and I made the decision to do some of the field work prior to looking at the mine records because their permitting specialist Mr. Kobell was not available as we began the inspection.

As we began the inspection on the following day, we went through the part of the mine plan that applied to the waste pile and road into the area. There was no requirement in the mine plan for diversions above the highwall or at the foot of the pile for drainage control from the working face. The only drainage requirement was to grade the face of the pile 2 to 3 % to the east which would cause runoff to go to the sediment pond.

Instead, of the necessary drainage control above the waste pile, it had been waived on the premise that more damage would occur from the construction than would be gained from runoff control. I was told by the operator that the drainage from above the area was relatively small thus the approval from the Regulatory Authority for no requirement. On later investigation in this matter, I found that the area draining into the two to three acre site encompassed approximately 320 acres. Another factor listed in the mine plan for the dismissal of the requirement was the instability of the highwall thus requiring the construction of a ditch far removed from it, limiting even further the amount of drainage area controlled by the ditch. The third and final comment in the plan was the notation that vegetative growth above the area further limited runoff.

In the defense of my TDN, I would comment that in addition to the size of area being large in comparison to the size of the waste pile, vegetation on other sites has not been a factor for waiving the requirement to build a ditch. The question was also raised regarding access and disturbance. I don't believe this is a determining factor in requiring or not requiring the ditch but did comment that limiting disturbance could be kept to a minimum if a backhoe was used to cut the ditch instead of ~~to a~~ bulldozer. The question was asked about safety in this area and equipment access. This is certainly something that should be addressed and I would hope that my suggestions in this matter are not taken as a requirement. Equipment operation is the responsibility of the operator not the person issuing the enforcement action. We must be aware of equipment capabilities but as to the actual site conditions and availability that is left up to the discretion of the operator.

As we left the mine, it was my understanding that the operator had removed most of the timbers and associated waste, in addition a ditch was roughed out near the toe of the pile and the face of the pile was being reconfigured to establish positive drainage. A mine ID sign was posted at the entrance to the permit area instead of at the toe of the pile. The design and designation thereof of the diversions is

still not permitted. That being the case, the TDN was issued.

The haul road into the waste pile noted as a possible violation because of the design and designation thereof has been set aside temporarily because it has been brought to my attention by co-workers that an AML contract for the mitigation of the fire in the area has been issued. In this case, the road will fall within the area to be affected. I would temporarily wait for the completion of that project to question the road design approvals for an access road versus the need to update it to a Primary designation as required by current regulation. The typical cross section for the road in the mine plan denotes a bar ditch which is at a minimum of 8 foot wide. That does not exist on the site but instead, the road base extends along most of the length to the toe of the cut. The certified as built cross-sections for this road are much different from the typical, that being the case, I would question the approval with the status of the road as designated. This should be addressed when the AML project is completed.

The second enforcement action taken by this office following the inspection, was a Ten-Day Letter (TDL). The TDL #91-02-244-6 (TV-1) was issued for the failure to have a combination of principal and emergency spillways on a sediment pond that safely discharges a 25 yr, 6 hr precipitation event. The pond is called the mine site sediment pond or mine water pond. It has a single combined spillway system which is a drop inlet style outlet. The outlet system is designed and approved in the mine plan to safely pass run-off from a 24-hr, 100 year event plus mine water discharge. The State declined to take enforcement action on this issue because the operator submitted a mine plan modification request for a special exemption from the spillway requirement to have two separate spillways. According to company officials, they submitted the request earlier in the year (June 91) along with a modification for their loadout sediment pond to construct the required second spillway across the embankment of that structure which at this time also has a single combined spillway. The state approved the spillway location for the loadout pond but are not satisfied with the proposed size of riprap. I did not include the loadout pond in this TDL even though at the time of the inspection, there was still the combined spillway. In the case of the mine water pond, the installation of a second spillway or having a combined overland spillway is not going to be easy. The operator will have to tunnel through a paved public highway. This pond with the spillway system as designed has a history of NPDES violations, in most instances, the Total Dissolved Solids are over (1522 to 1330 ppm for sixteen reporting periods) and occasionally the sulfates (710 to 1000 ppm for seven of the sixteen periods from February through September of this year. Average mine inflows are 600,00 gallons per day. Data for the remainder of the interim up to the inspection was still in raw form yet. According to company officials, they traced the discharge problem (TDS and sulfates) back to their rock dust. They have since changed their supply requirements for a more stable form of dust. The operator maintains that the violations would continue despite a change to a double spillway system. The TDS can would not drop out even if the retention time was changed. I concur somewhat with that premise but reserve that judgement for hydrologist review. The final comment

regarding this violation, the regulations do not provide for a waiver in the requirement for a double spillway. No water samples were taken during this inspection because the operator has a storm exemption for their discharge permit. Snow melt with runoff was occurring during the inspection.

General Comments

This underground mine produces approximately 23,000 tons of coal per day from two mines of which three are permitted. Longwalls are online in the producing mines (1 & 3). All breakouts are on the two mine benches with the exception of the South Fork portal. Coal is trucked to the loadout where it is shipped via rail and truck to their point of destination. Plans are in for changing the truck haulage to overland conveyor. Construction has not been initiated.

Of the mine plan data reviewed, certifications, quarterly inspections and permits I had no major problems. There was the need to include more data in the quarterly reports for the waste rock pile. I asked that this be included in the future. There was some question about an annual report being required for the waste rock pile but further research shows that to be only for waste impoundments. The insurance for the mine, policy #2Y51785, from the Old Republic Insurance Company was good through 12/31/91. Their NPDES permit UT-0023540, expires September 30, 1994. I did comment about their reporting for the quarterly violations on the mine water discharge pond. The reports along with a letter identifying the discharge violation were noted but they need to address "steps taken or planned to reduce, eliminate and prevent re-occurrence of the noncompliance" in the letter as per section II. I.3.d. of the NPDES permit. Mr. Kobell said that they are reviewing the violation with Water Permit officials from the state on a regular basis. Evidently a progress report was submitted in June and a meeting occurred in October to review the status of the mine efforts to abate the violations. (State officials are Mike Herkermer and Harry Campbell)

The annual certifications on the pond construction was completed 3/15/91. The as-built certification on the haul road into the waste pile was done in May of 1982. Quarterly pond self inspections were last done 9/27/91. (the mine water pond is being cleaned at this time with the disposal of cleanings into underground workings of the #3 mine per mine plan approval) The latest certification on the waste rock disposal pile was done 11/11/91

UNITED STATES DEPARTMENT OF THE INTERIOR

Office of Surface Mining
Reclamation and Enforcement
TEN-DAY NOTICE

DEC 0-2 1991

DIVISION OF

OIL GAS & MINING

Originating Office:

Albuquerque Field Office
625 Silver Ave, SW
Suite 310
Albuquerque, New Mexico
Telephone Number: 505 8702 766 1486

Number: X-91-02-244-9

Ten-Day Notice to the State of Utah

You are notified that, as a result of oversight 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: <u>Coastal States Energy</u> <small>(Or Operator if No Permit)</small>	County: <u>Carbon</u>	<input type="checkbox"/> Surface
Mailing Address: <u>P.O. Box 719; Helper, Utah 84527</u>		<input checked="" type="checkbox"/> Underground
Permit Number: <u>ACT/007/005</u>	Mine Name: <u>Skyline</u>	<input type="checkbox"/> Other _____

NATURE OF VIOLATION AND LOCATION: Failure to divert runoff from areas above the pits and from the surface of the pits into stabilized diversion channels to pass runoff from a 100 yr. 6 hr event (waste rock pile)

Section of State Law, Regulation or Permit Condition believed to have been violated: R 614 301 746.212

NATURE OF VIOLATION AND LOCATION: _____

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

NATURE OF VIOLATION AND LOCATION: _____

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

Remarks or Recommendations: _____

Date of Notice: <u>November 20</u> <u>P 965 799088 1991</u> <u>cert. filed mail #</u>	Signature of Authorized Rep.: <u>Gary Fritz</u>
	Print Name and ID: <u>Gary Fritz 0244</u>

Gary



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
SUITE 310
625 SILVER AVENUE, S.W.
ALBUQUERQUE, NEW MEXICO 87102



In Reply Refer To:

November 20, 1991

PERMIT DEFECT
TEN-DAY LETTER

CERTIFIED RETURN RECEIPT NO. P 965 799 087

Dr. Dianne R. Nielson, Director
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

TDL No. 91-02-244-6
Permit No. ACT/007/005
County Carbon
Mine Name Skyline

Dear Dr. Nielson:

This letter serves as notification to your agency that the Office of Surface Mining Reclamation and Enforcement (OSM) has reason to believe that a violation of the Utan program exists. The alleged violation is based on a procedural or substantive deficiency (permit defect) identified during the review of ACT/007/005 held by Coastal States Energy. The nature of this deficiency and the reasons it constitutes a permit defect are explained below.

R614-301.742.223. Failure to have a combination of principal and emergency spillways on a sediment pond that will safely discharge a 25-year, 6-hour precipitation event. (Mine water pond.)

Your agency is being provided a period of ten calendar days after your receipt of this letter to respond to this office in writing showing that appropriate action has been taken to correct the permit defect or showing that good cause exists for not taking appropriate action. If, upon expiration of the ten day period, a response is not received in this office, or if your response indicates that your agency has not taken appropriate action to cause the permit defect to be corrected or shown good cause for not taking appropriate action, Federal action under 30 CFR Parts 842.732 or 733, as appropriate, will be initiated.

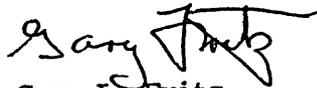
Dr. Dianne R. Nielson, Director

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Failure to respond within 10 days of your receipt of this letter constitutes a waiver of your right to request an informal review under 30 CFR Parts 842.11 (b) (1) (iii).

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Fritz". The signature is written in a cursive style with a large, sweeping initial "G".

Gary L. Fritz
Reclamation Specialist