

August 31, 1984

TO: Coal File, Inspection and Enforcement, Folder #7  
FROM: David Lof, Mining Field Specialist *DL*  
RE: July 17 and 18, 1984 Partial Inspection of Plateau Mining Company, Starpoint Mine, ACT/007/006, Folder #7, Carbon County, Utah

On July 17 and 18, 1984 a partial inspection was conducted at the above mentioned mine site. The inspection was conducted by David Lof and Tom Wright, Division Mining Field Specialists. They were accompanied on the inspection by Bob Lauman and John Rosner of Plateau.

Realignment of the County Road

As Mr. Wright and I approached the mine site we noticed construction activities (i.e., grubbing and burning of slash) taking place adjacent to the county road below the mine site, and in the Unit Train Loadout area. According to Mike Dmitrich of Plateau the operator was reconstructing the county road through the Unit Train Loadout area.

By reviewing the operator's Unit Train Loadout permit application and the operator's files, we found out that the county road was being realigned because of the changes to the railroad being made to accomodate the Unit Train Loadout. If the road was left in its present configuration, the road would be blocked up to two hours during the loading of unit trains.

According to the operator's files, the operator will finance "the design and construction phase, securing county approvals of the design and specifications prior to start of construction" and "will also finance the surveying and written discriptions of lands transferred from the BLM to the county and vice-versa". Carbon County Commissioners approved the road realignment during a meeting on February 22, 1984 to "accommodate" the unit train loadout. The road relocation is on BLM Right-Of-Way, U-50147 dated June 29, 1984 and is held by Carbon County.

The total length of the road realignment will be approximately 3100 feet. This will allow the road to be constructed with grades not exceeding six percent and the construction of a railroad overpass to prevent closures of the road to the public due to loading of the unit train.

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In the operator's Unit Train Loadout permit application, specifically Section UMC 784.18, Relocation or Use of Public Roads, the operator states that there will not be any public road relocation associated with the project. Other than that there are no statements made in regard to the county road in the entire permit application.

On July 20, 1984 I provided Division Director, Dianne Nielson, with the information given above. During our meeting it was determined that the Division needed to request information regarding the county road relocation so that the Division could determine whether or not the relocation needed to be permitted so that this determination could be properly documented no matter what the final decision was.

On August 6, 1984 a letter was sent from the Division to the operator requesting information on the county road relocation so that the Division can make a determination of applicability of UMC 761.12 (d) and UMC 784.18. The operator submitted the information requested on August 9, 1984.

#### Notice of Violation N84-4-11-1

During the complete inspection on March 28 and 29, 1984 I discussed the certification of Sediment Ponds #'s 1, 3 and 5 with Ben Grimes of Plateau. At that time I informed him that they would either have to get the ponds certified by a registered professional engineer or submit a letter to the Division requesting a variance from the regulations.

On April 9, 1984 the Division received a letter from the operator requesting a variance from UMC 817.46 (r) for Sediment Ponds #'s 1, 3 and 5.

On May 23, 1984, the Division responded to the operator's variance request. In this letter the Division requested that the operator have the sediment ponds surveyed by a registered land surveyor in order to determine if the ponds were properly sized during construction and if the primary and emergency spillways are at their proper heights relative to each other and to the top of the sediment pond embankment. This information was to be submitted by June 30, 1984.

On June 29, 1984 Mr. Grimes called Division Hydrologist, Wayne Hedberg to request a two week extension for the sumittal of the survey analysis. The extension was granted by Mr. Hedberg at that time.

The information on the survey was provided to the Division in a letter from the operator dated July 13, 1984. The survey information provided is shown in Figure 1 which was copied from the operator's July 13, 1984 letter.

SEDIMENT PONDS 1, 3, & 5 DATA SHEET

	POND NO. 1		POND NO. 3		POND NO. 5	
	DESIGN	ACTUAL	DESIGN	ACTUAL	DESIGN	ACTUAL
Sediment Storage AF	0.39	0.16	1.55	0.52	2.27	0.77
Dead Pool Storage AF	.16	.30	0.72	0.75	0.35	0.71
Runoff Storage AF	.76	.83	2.0	1.75	4.36	1.66
Decant Elevation	7.3	7.7	7.0	7.2	8.3	10.7
Spillway Elevation	13.0	13.0	12.0	12.0	15.5	15.5
Freeboard FT	5.0	2.3	3.0	1.2	2.	2.9

From the information provided by the operator it was evident that none of the ponds had been constructed according to their approved designs. In the July 13, 1984 letter the operator proposed measures to bring the ponds into compliance with their approved designs. On July 16, 1984 a meeting was held at the Division offices regarding the survey results, the persons in attendance were Ben Grimes, Dianne Neilson, Wayne Hedberg, Joe Helfrich, and myself. At that time we discussed the operators proposals to bring the ponds into compliance.

In a July 19, 1984 letter to the operator the Division concurred with the operator's proposals and instructed the operator to:

- commence with the modifications immediately,
- upon completion have the ponds surveyed by a registered land surveyor to confirm compliance with the approved design and
- submit the survey information to the Division so that the request for variance to UMC 817.46 (r) can be reconsidered.

Because the operator failed to receive a variance from the Division from UMC 817.46 (r) and had failed to construct their sediment ponds in accordance with their approved mine plan, Notice of Violation N84-4-11-1 was issued. It reads as follows:

Nature of the Violation

Failure to mine in accordance with an approved mine plan.

Failure to have all sediment ponds certified after construction by a registered professional engineer.

Provision of the Regulations, Act or Permit Violated.

UMC 771.19  
UCA 40-10-22 (1)(c)  
UMC 817.46 (r)

Portion of the Operation to Which Notice Applies

Sediment Ponds 1,3, and 5.

Remedial Action Required

- A. Conduct Mining activities in accordance with the approved mine plan.
- B. Have the ponds certified by a registered professional engineer or apply for a variance from UMC 817.46 (r).

Time for Abatement

- A. August 10, 1984, 5:00 p.m.
- B. September 7, 1984, 5:00 p.m.

The violation was served to Mr. Lauman on July 18, 1984 at 4:00 p.m.

re

cc: Jodie Merriman  
Ben Grimes, Plateau Mining Company  
P. O. Box 539, Price, Ut. 84501  
Joe Helfrich  
Sue Linner  
Tom Wright

Statistics: See Consolidation Coal Company, Emery Deep Mine memo dated July 30, 1984

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