



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:

RECEIVED

March 20, 1991

MAR 25 1991

DIVISION OF
OIL GAS & MINING

Permit: ACT-007-006
Mine Name: Star Point

Mr. Lowell P. Braxton
Associate Director, Mining
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

Dear Mr. Braxton:

Federal Ten-Day Notice 91-02-244-5 is being issued for violations that likely existed at the time of the last State complete inspection (LSCI). Specific details are as follows:

Date of Federal Inspection: 3/8/91; Date of LSCI: 10/2/90

The determination that the State did not cite the violations is based on one or more of the following reasons:

The condition was identified in a State inspection report but no State enforcement action was taken.

Design criteria or required certification has not been met for a structure in existence as of the last State complete inspection (sediment pond, excess spoil fill, etc.)

Necessary controls that were required at the time of the last State complete inspection have not been established (diversion ditches, sediment ponds, top soil protection, signs and markers, etc.).
Violation 2 of 2.

Site conditions indicate that the violation(s) noted had been in existence at the time of, or prior to, the last State complete inspection.

Other (Give explanation). Permit approvals needed for stockpiling.
Violation 1 of 2.

Mr. Lowell P. Braxton

2

Indicate below the Division's reason(s) for not citing the alleged violations:

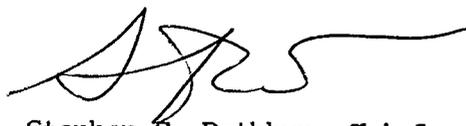
- Not a violation
- Precluded by State policy
- Not included under State program
- Warning given in Lieu of a Citation
- Violation not recognized (missed)
- Practice allowed under approved permit
- Too minor to cite
- Working with operator to correct
- Other: _____

Signature Samuel P Braxton

Date 4-5-91

Please return your signed and dated response to the Albuquerque Field Office at your earliest convenience.

Sincerely,



Stephen G. Rathbun, Chief
Inspection and Enforcement Branch

Enclosure

ONTG: Rathbun, A+D
cc mine file



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Mr. Lowell P. Braxton
Associate Director, Mining
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

Dear Mr. Braxton:

The enclosed Office of Surface Mining Reclamation and Enforcement (OSM) inspection report identifies violations that are considered to have existed at the time of the last State complete inspection (LSCI) but had not been cited.

Date of Federal Inspection: 3/8/91; Date of LSCI: 10/2/90

The determination that the State did not cite the violations is based on one or more of the following reasons:

 The condition was identified in a State inspection report but no State enforcement action was taken.

 X Design criteria or required certification has not been met for a structure in existence as of the last State complete inspection (sediment pond, excess spoil fill, etc.). Violation 3 of 3.

 Necessary controls that were required at the time of the last State complete inspection have not been established (diversion ditches, sediment ponds, top soil protection, signs and markers, etc.).

 X Site conditions indicate that the violations noted had been in existence at the time of, or prior to, the last State complete inspection. Violation 1 of 3.

 Other (give explanation).

Mr. Lowell P. Braxton

2

Although the violations were cited by the State, or were abated during a joint inspection, OSM believes that the violations were evident during the last State complete inspection.

Indicate below the Division's reason(s) for not citing the alleged violations.

Not a violation #1 of 3

Precluded by State policy

Not included under State program

Warning given in Lieu of a Citation

Violation not recognized (missed) #3 of 3

Practice allowed under approved permit

Too minor to cite

Working with operator to correct

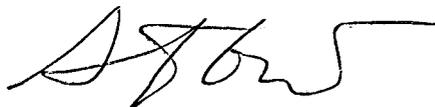
Other: #1 of 3 #2 of 3

Signature L.P. Braxton

Date 4-5-91

Please return your signed and dated response to the Albuquerque Field Office at your earliest convenience.

Sincerely,



Stephen G. Rathbun, Chief
Inspection and Enforcement Branch

Enclosure OSM referenced wrong LSCI date: correct LSCI date would be 2-19-91, not 10-2-90 as stated. both the 2-19-91 & 10-2-90 inspections found no non compliance for Topsoil storage protection existed. DOGM will reconsider this position based upon supporting evidence presented by AFO. otherwise #1 of 3 should be withdrawn from LSCI. what is #2 of 3?

Lowell:

TDN 91-02-244-5 The two items referenced on page 1, would appear to be both "Not a violation" as well as "Practice allowed under approved permit". I have made that determination based upon your TDN response to Mr. Hagen.

Letter 2. With respect to the design criteria, violation 3 of 3, referenced on page 1, we should probably check on page 2 "Violation not recognized (missed)". The reason being, Mr. Munson, whom has conducted the several complete state inspections, indicated that this was the case, that he merely missed the violation. With respect to the second X, Site conditions, violation 1 of 3, this is "Not a violation". It should be noted that the date of the LSCI was February 19, 1991, not October 2, 1990, as indicated in the federal document. A complete inspection was done on October 2, 1990, but the most recent LSCI would have been February 19, 1991. At which time, the topsoil storage pile was adequately being protected from water and wind erosion, there were no holes in the contour furrows and silt fences at the tow of the topsoil stock pile, were not required for additional protection. The topsoil storage pile was also adequately protected from wind and water erosion during the complete inspection of October 2, 1990. Should OSM AFO provide evidence to the contrary, DOGM would reconsider its position. I would request that the X on page 1, referencing violation 1 of 3, be removed from the form. In as much as the violation observed during the time of the joint oversight inspection was properly issued.

orig: mine file cc LAB, PGL, Jch

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Reclamation and Enforcement
TEN-DAY NOTICE

Originating Office:
Surface Mining
Albuquerque Field Office
625 Silver Ave, SW
Suite 310
Albuquerque New Mexico
Telephone Number: 505-766-1486

Number: X-91-02-244-5 TV 2

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: Cyprus-Plateau Mining Co County: Carbon
(Or Operator if No Permit)
Mailing Address: PO Box PMC ; Price, Utah
Permit Number: ACT/007/006 Mine Name: Star Point

- Surface
- Underground
- Other

NATURE OF VIOLATION AND LOCATION: Failure of the permittee to comply with the terms and conditions of the permit. (stockpiling of coal in a non-permitted area)

Castle Gate coal pile on processing waste pile Section of State Law, Regulation or Permit R614-300-143
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: ~~Failure to~~ Diversion of surface drainage over the outslope of the refuse pile

outslope on the southern end of the coarse refuse pile below two working faces. Section of State Law, Regulation or Permit R614-301-746-212
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit
Condition believed to have been violated: **RECEIVED**
MAR 18 1991

Remarks or Recommendations: **DIVISION OF OIL GAS & MINING**

Date of Notice: 03/15/91
certified mail #
P 965 799 043

Signature of Authorized Rep.: Gary Fritz
Print Name and ID: Gary Fritz #244



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84160-1203
801-538-5340

March 27, 1991

CERTIFIED RETURN RECEIPT REQUESTED
P 755 090 785

Mr. Robert Hagen, Director
Office of Surface Mining
Reclamation and Enforcement
Suite 310, Silver Square
625 Silver Avenue, S. W.
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

Re: TDN #X91-02-244-5 TV2, Cyprus-Plateau Mining Company, Star Point Mine, ACT/007/006, Folder #5, Carbon County, Utah

This letter is in response to the above-referenced Ten-Day Notice, certified copy received March 18, 1991.

Number 1 of 2 reads: "Failure of the permittee to comply with the terms and conditions of the permit (stockpiling of coal in a non-permitted area)." Location: Castle Gate coal pile on processing waste pile. Regulation Citation: R614-300-143

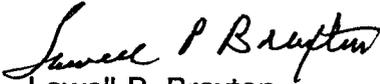
Division Response: The location and placement of the "Price River Coal Pile" was approved with the concurrence of OSM (see AML Contract Number 88-1731 and approved Surface Facility Map Plate 44, sheet F-12, item #6). Table 67 in the PAP lists item #6 as a continuous use Coal Stockpile Area. This has been visited by OSM on previous complete inspections with no violations cited. There was no violation at the time of this inspection. Number 1 of 2 should be withdrawn.

Number 2 of 2 reads: "Diversion of Surface drainage over the outslope of the refuse pile." Location: Outslope on the southern end of the course refuse pile, below two working faces. Regulation Citation: R614-301-746.212

Page 2
Robert Hagen
TDN #N91-02-244-5 TV2
March 27, 1991

Division Response: The refuse pile configuration is constructed as approved August 7, 1987. A registered professional engineer certified this as-built on December 21, 1990, Applied Geotechnical Engineering Consultants. The field work for this inspection occurred on August 28 and 29, 1990; sampling compaction, moisture content, slope stability and piezometers. The piezometers were dry and indicated a lack of any infiltration into the pile from impounded water. The design and construction took into consideration that water does not runoff from the pile due to the low amount of precipitation and high infiltration rates as evidenced by the lack of erosion. There is no need for diversion channels based on these design considerations. The pile is considered stable, inspected quarterly and certified annually. There is no evidence of uncontrolled drainage due to high infiltration rates low precipitation and lack of erosion. The use of diversion channels, benches, etc., is felt to be unnecessary in controlling drainage and was taken into consideration in the design of the pile. Number 2 of 2 is not a violation of the Utah program and should be withdrawn.

Sincerely,


Lowell P. Braxton
Associate Director, Mining

mbm
cc: Pamela Grubaugh-Littig
Joe Helfrich
Tom Munson
AT007006.003

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



SENDER INSTRUCTIONS
Print your name, address, and ZIP Code in the space below:
 • Complete items 1, 2, 3, and 4 on the reverse.
 • Attach to front of article if space permits, otherwise affix to back of article.
 • Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE USE \$300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below:

STATE OF UTAH
NATURAL RESOURCES
OIL, GAS, & MINING
STRAD CENTER, SUITE 350
MOUNTAIN VIEW, UTAH 84180-1100

PS Form 3811, Feb. 1986

1. Article/Addressed to:
ROBERT HAGEN DIRECTOR
OSM RECLAMATION & ENFORCEMENT
SUITE 310 SILVER SQUARE
625 SILVER AVENUE
ALBUQUERQUE, NM 87102

2. Article Number:
E# 785 090 785

Type of Service:
 Registered
 Certified
 Insured
 COD
 Registered Mail
 Registered Delivery

3. Signature - Addressee:
Robert Hagen 2/11/91

4. Signature - Agent:
[Signature]

5. Date of Delivery:
2/11/91

6. Address - Addressee (ONLY if requested and fee paid):

7. Address - Agent (ONLY if requested and fee paid):

8. Address - Addressee (ONLY if requested and fee paid):

DOMESTIC RETURN RECEIPT