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May 26, 1992

TO: Pamela Grubaugh-Littig, Permit Supervisor
Dianne Nielson, Director

FROM: Wm. J. Malencik, Reclamation Specialist *WJM*

RE: Summary of Facts Regarding Violation N92-26-2-1, Cyprus Plateau Mining Company, Star Point Mine, ACT/007/006, Folder #2, Carbon County, Utah

Here is a briefing report on NOV N92-26-2-1:

I. WHAT IS THE BASIS FOR THE VIOLATION?

- A.** Violation of a performance standard. Refuse Pile Drainage System.
- B.** Regulation quoted in the violation - R645-301-746.212.
1. Regulation covers three items which in substance are:
 - a. uncontrolled drainage on the outslope,
 - b. runoff from areas above the refuse pile, and
 - c. runoff from the surface of the refuse pile. The issue is not a or b above but the issue concerns item c. That section of the regulation is quoted below:

"...and runoff from the surface of the refuse pile will be diverted into stabilized channels designed to meet the requirements of R645-301-742.300 to safely pass the runoff from a 100 year - 6 hour precipitation event."
 2. The problem succinctly stated involves failure to divert potential runoff from the surface of the refuse pile.

II. WHERE DID THE VIOLATION OCCUR?

- A.** Southwesterly portion of the refuse pile (see attached sketch).

- B. The major drainage on the refuse pile is in a southerly direction with minor drainage to north and east and hardly any to the west at this time.
- C. The refuse pile relief is more pronounced on the south than on the north. The four refuse drainage segments are readily identifiable on the south and difficult to discern on the north.

III. WHY DID THE VIOLATION OCCUR?

The cause of the problem was that the operator constructed a four foot berm and failed to construct a diversion ditch, culvert or other method to discharge the surface runoff. There is a potential to impound water to the height of the berm which may be a safety hazard to men and equipment and may result in refuse slope failure and instability. No runoff was impounded at the time of inspection nor any sign of previous impounding. However, the potential to impound water cannot be refuted.

IV. WHEN DID THE VIOLATION OCCUR?

The operator constructed a berm and culvert (down spout) on the active portion of the refuse pile, segment B, in the summer of 1991. The culvert did not provide drainage from segment D of the refuse pile. The operator asked and was denied a variance to remove the berm.

V. HOW CAN THIS PROBLEM BE SOLVED?

Design, secure approval, and construct a stabilized channel. Solutions on the refuse pile have taken a piece at a time. At this time, suggest all the issues be brought on the table for a comprehensive solution. I, too, took one piece, i.e., the S.W. segment, but recognize the voice of others should be brought forward and the total problems discussed after the instant piece is adjudicated in the facts of violation hearing.

Relative to item IV at the team meeting on 5/26, it was concluded the other concerns are going to be addressed in a Division Order. WAK 5/26.

HISTORY OF THE REFUSE PILE

Done from recall - started employment 1987.

I. Prior to 1988

Refuse pile was in two segments with a drainage way between the two segments (A & C - Sketch).

II. 1988 - 1992

Price River Coal Pile - Pile Staged Expansion

A. The Price River Coal Pile was moved on top of the easterly segment of the refuse pile (segment A).

B. The pile expansion involved two areas.

1. Eliminate drainage way and utilize it for refuse storage (segment B).
2. Expand the pile to the west - move ditches, etc (segment D).
3. The easterly segment covered by Price River Coal could no longer be utilized for refuse storage.

III. 1992

Pile is now in three segments not counting Price River Coal Area.

The operator stated he has unsuccessfully repeated efforts to process and/or sell the Price River Coal without success. The permittee, I have been advised, has had verbal discussion with the Division Management about considering the Price River Coal as refuse. As soon as this is done, the pile will have to be evaluated under refuse criteria vs. coal to demonstrate that it meets refuse performance standards.

PERMITTEE'S ANTICIPATED POINT OF VIEW

I. DIVISION AT FAULT FOR CONSTRUCTING A BERM

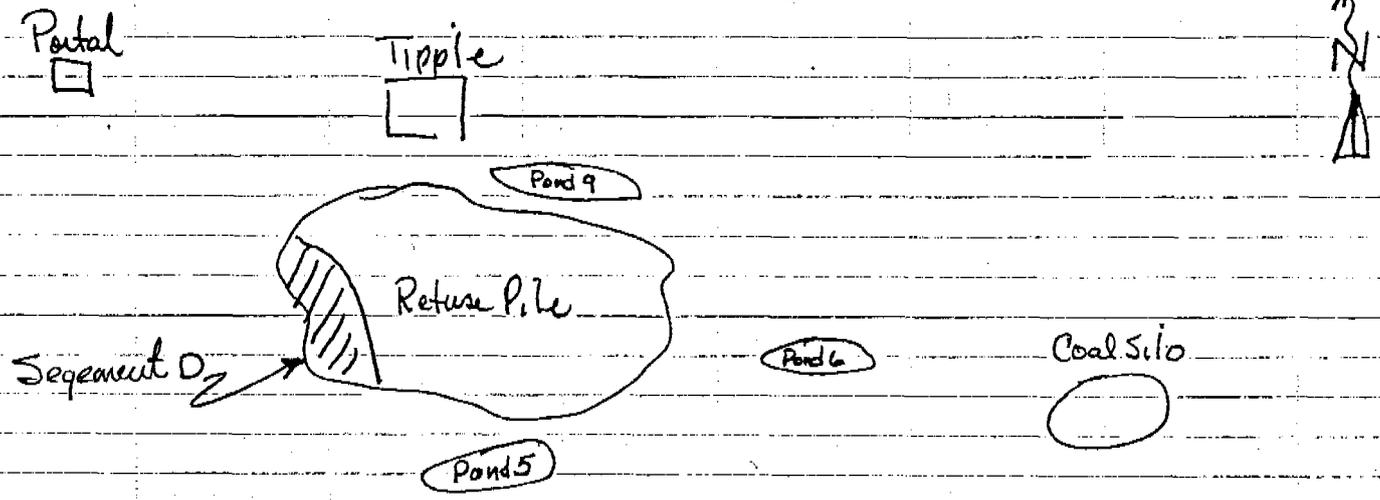
- A. I cannot answer that since I was not involved nor did I do complete inspections at this mine at that time. However, I do know that several refuse pile issues came up in an oversight inspection in the spring of 1991 which I assume resulted in the Division Order. The Division Order I believe was written to control runoff over the outslope of the refuse pile.
- B. On the other hand, the operator constructed a berm and culvert to discharge surface runoff from segment B. It is axiomatic from the drainage pattern and topographic relief that after the berm was constructed on the S.W., segment D runoff would impound next to the berm since a "stabilized channel was not constructed at the time the berm was constructed." Therefore, it is my opinion that the operator did not do complete headwork before he started the handwork. In essence, he solved one problem but created another problem.
- C. Discussed the berm matter with Mr. Grimes on 3/24/92 and suggested he design and submit same to the Division for approval. A copy of the 3/24 inspection report is attached.
- D. No environmental or on the ground problems have occurred to date as a result of the berm. Nevertheless, it does not meet performance standards. Have always taken the position that inspectors must be perceptive. As an analogy, we should strive to see collectively with the operator the dimple before it becomes a bubble, and before the bubble bursts. On 3/24, I saw the bubble and said to do the paperwork and fix it. About a month later, the situation was essentially the same. My action on 3/24 was based on the remoteness of getting a high intensity storm in March. On the other hand, repetitively saying fix it would erode my operational credibility. Therefore, I had no alternative but to issue a NOV on this segment of the refuse pile.

Sketch

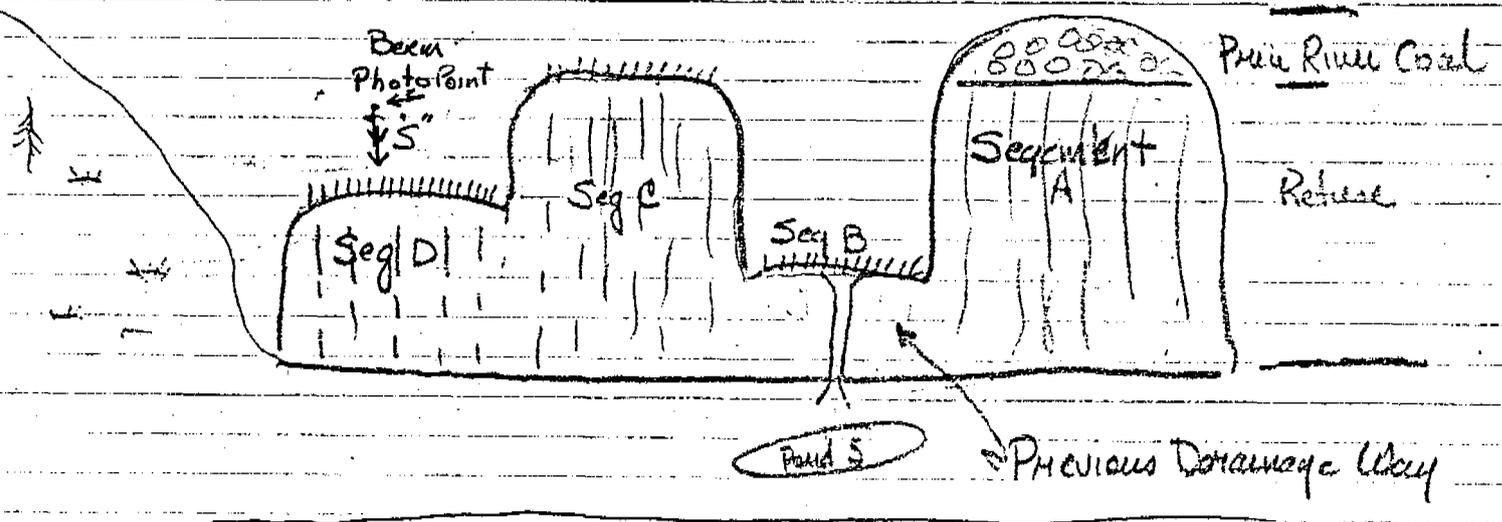
Stapout Mine

NOV-92-26-2-1

I. General layout



II. Southern Pile Cross Section (Done By Recall)



Segment A & C - 2 segment pile prior to 1988

Segment B - Expanded Pile In Drainage Way

Segment D - Expanded Pile To West



pt pgl

inspection report

Permit No. Act/007/006

Inspection Date 3/24/92

Permittee/Operator Name Cypress-Plateau Mining Corporation

Business Address P.O. Box Drausen PNE

City Price State Utah Zip 84501

Mine Star Point Surface Underground Other

County Carban State Ut

Company Official(s) Ben Quines & Mike Kelley

State Official(s) Bill Malencik

Time of inspection 9:00 a.m. p.m. to 3:30 a.m. p.m. Partial Complete

Date of last inspection 3/25-26/92 Weather conditions Clear/Warm

Acreage 7200 Permitted 221 Disturbed Regraded Seeded 221 Bonded

Enforcement Action None

✓ Shellocup items

COMPLIANCE WITH PERMITS AND PERFORMANCE STANDARDS

	YES	NO	N/A	COMMENTS		YES	NO	N/A	COMMENTS
1. Permits	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. Protection of fish, wildlife, and related environmental values	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Signs and markers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10. Slides and other damage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Topsoil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11. Contemporaneous reclamation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Hydrologic balance					12. Backfilling and grading	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Stream channel diversions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13. Revegetation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Diversions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14. Subsidence control	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Sediment ponds and impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	15. Cessation of operations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Other sediment control measures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16. Roads				
- Surface and groundwater monitoring	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	- Construction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Effluent limitations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	- Drainage controls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Explosives	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	- Surfacing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Development waste and spoil disposal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	- Maintenance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Coal processing waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17. Other transportation facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Noncoal waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18. Support facilities and utility installations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

INSPECTION REPORT COMMENTS

Permit No. Act/007/006

Inspection Date 3/24/92

Please number comments to correspond with topics on previous page.

General Comments. The evening prior to the inspection the mine site received 5" of snow. This made the field inspection more difficult since some environmental control measures were snow covered.

Pending Items

- Division Order response due 3/31/92 has been extended to the middle of April, 1992.
- Exploratory Permit titled Weld Cattle Hollow on BLM lands is currently being published in the local paper.
- Permittees request to eliminate the top berm on the refuse pile was denied by the permit supervisor by letter dated 1/21/92.

Records

- DOGM permit approved 1/28/92 expires 1/28/97 does not authorize mining on the new federal lease until additional determinations are made by the Division.
- UPOES permit, outfalls 001-011 approved 1/1/92, contains paragraph on the requirement for a pollution prevention plan for small areas not covered by disturbed runoff outfalls. Considered the operator's BTCA documentation and approvals by the Division as meeting this requirement.

Copy of report mailed to _____

Copy of report given to _____

Inspector's signature _____ No. _____

WHITE - DOGM YELLOW - OSM PINK - PERMITEE/OPERATOR GOLDENROD - NOV FILE

INSPECTION REPORT COMMENTS

Permit No. Act/007/006

Inspection Date 3/24/92

Please number comments to correspond with topics on previous page.

- Bond/liability insurance documents were in order
- AVS check made and operations appear to be in order
- SPCC plan on file at the mine
- Water monitoring for 25 springs, 8 streams, 3 mine waters, and 6 wells were spot checked on sampling frequency & lab analysis with respect to parameters.
- Blasting - no blasting was done at the mine surface during the year.
- Refuse pile

a Quarterly report completed 12/30/91; not completed for 1st Q 1992

a Plan height of the refuse pile is 150'; the construction slope and the reclaim slope do not match.

The operator should review all aspects of the refuse pile ie, records, field conditions, and regulations in order to assure that all requirements are met.

This should be done by April 24, 1992.

a Revised RB#6 engineering report of 12/30/91 covering the two refuse piles

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INSPECTION REPORT COMMENTS

Permit No. Act/007/006

Inspection Date 3/24/92

Please number comments to correspond with topics on previous page.

- Sediment Ponds & Impoundments - Required reports on the sediment ponds and impoundments were on file. The permittee is currently updating certification records on ponds 1, 3, & 5.
- Disturbed areas not draining to sediment ponds were reviewed.
- Certified Maps were reviewed with the following comments:
 - All maps do not carry the same title as listed in the regulation. For example the regulations call for a Surface Configuration Map. The permittee does not have a map so titled. However, the required information is contained on a map titled Post Disturbance Topography on 7 plates. Buildings are shown on the aforementioned maps. Since no buildings are to remain or to remain upon reclamation the maps should be updated by April 24, 1992. The map also shows that some areas are not going to conform to the original contour and, further, some high walls will remain.

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No. _____

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INSPECTION REPORT COMMENTS

Permit No. Act/007/006

Inspection Date 3/24/92

Please number comments to correspond with topics on previous page.

1. Subsidence. The 1991 subsidence report had been finalized. The operator stated that the surveys had been completed but the report will be finalized and submitted as part of the Division's annual report due 3/31/91. This explanation was accepted as meeting Division requirements.

Field Conditions

The mine site was fair to good ^{condition} as related to environmental control measures. No noncompliance issues were identified.

The sediment ponds, silt fences, check dams and water control measures all appear to be fully functional. The operator provided some concrete culvert inlet protection on the NW topsoil pile.

All areas were covered except Gentry Mtn and #1 mine which were inaccessible because of snow conditions.

Copy of report mailed to GP/MC/Ben Prime; OSM/Bruce Smith; DORM/See Hel Huck

Copy of report given to filed RFO

Inspector's signature Jim J. Maloney

No. 26

WHITE - DOGM YELLOW - OSM PINK - PERMITEE/OPERATOR GOLDENROD - NOV FILE

3/30/92