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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

INSPECTION REPORT

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Partial: XXX Complete: Exploration:
Inspection Date & Time: 9/9/98 / 7:30a.m.-1:30p.m.
Date of Last Inspection: 8/21/98

Mine Name: Starpoint Mine County: Carbon Permit Number: ACT/007/006
Permittee and/or Operator's Name: Cyprus Plateau Mining Corporation
Business Address: 847 Northwest Highway 191, Helper, Utah 84526
Type of Mining Activity: Underground XXX Surface Prep. Plant Other
Company Official(s): Johnny Pappas
State Officials(s): Bill Malencik Federal Official(s): None
Weather Conditions: Clear
Existing Acreage: Permitted- 9,060 Disturbed- 220 Regraded- Seeded- Bonded- 220
Increased/Decreased: Permitted- Disturbed- Regraded- Seeded- Bonded-
Status: Exploration/ XXX Active/ Inactive/ Temporary Cessation/ Bond Forfeiture
Reclamation (Phase I/Phase II/ Final Bond Release/ Liability Year)

REVIEW OF PERMIT, PERFORMANCE STANDARDS & PERMIT CONDITION REQUIREMENTS

Instructions

- 1. Substantiate the elements on this inspection by checking the appropriate performance standard.
a. For complete inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check N/A.
b. For partial inspections check only the elements evaluated.
2. Document any noncompliance situation by referencing the NOV issued at the appropriate performance standard listed below.
3. Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
4. Provide a brief status report for all pending enforcement actions, permit conditions, Division Orders, and amendments.

Table with 5 columns: EVALUATED, N/A, COMMENTS, NOV/ENF. Rows list various permit conditions and their evaluation status.



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(Comments are Numbered to Correspond with Topics Listed Above)

General Comments

The inspection was a partial and it was completed before the meeting Mr. Helfrich scheduled with the water users, USFS, and mine officials.

2. Signs and Markers

Signs and markers were in place as required by the Utah Coal Rules.

3. Topsoil

Observed the topsoil adjacent to the transfer building. The area is fenced and the runoff goes to and is treated by pond #7. Grass on the topsoil pile has reached the seed stage.

4a. Diversions

Diversions on the tipple area and upper pad were observed. All diversions showed evidence of recent flows; however, no short circuiting was observed.

4b. Sediment Ponds

Sediment ponds #9 and #1 were observed, all contained runoff and were not discharging.

16a. Roads

The road to the main office, ditches, and silt fences had recently been maintained.

22. Citizen Complaint/Starpoint Spring

Messrs. Jensen and McElprang, representing the Huntington/Cleveland Irrigation Company and President Huntington Cattle Association, respectively, wrote a letter to Mr. Braxton, Acting Director, DOGM, about the Starpoint Spring. The Division considered the letter to be a Citizen Complaint under the Utah Coal Law, UCA 40-10-22.

A preliminary meeting was held with the aforementioned individuals on August 27, 1998. At that meeting, it was concluded that a field meeting would be held. Division personnel that were at the August 27, 1998 meeting included: Joe Helfrich, Bill Malencik, Daron Haddock, and Wayne Western.

A field meeting was held on September 9, 1998. All of the aforementioned attended the meeting in addition to: Pool Rider, Mr. Gordon; Starpoint Mine, Johnny Pappas; DOGM, Sharon Falvey, Jim Smith, and Dave Darby.

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My conclusions and/or what was agreed to follows:

- Item 1: Neither the mine official nor the water users mentioned herein, provided any hard data to show whether mining did or did not cause the spring to stop flowing.
- Item 2: The spring collection system, trough, nor the log fence protecting the spring shows any signs of maintenance. The spring may have gone dry because of the failure to perform maintenance. Also, no information exists on how the spring was developed, IE., collection system, etc.
- Item 3: Coal was mined beneath the spring. Sharon Falvey mentioned to the group that the mined coal bed lies about 1200 feet below the spring.
- Item 4: I could not definitively state, at this time, whether items (2), (3), some other reason, or a combination of reasons caused the spring to stop flowing.
- Item 5: A tentative understanding was reached among the water users, mine officials, and the USFS official, and brokered by DOGM that:
- a) the water users and the mine would maintain/re-develop the spring.
 - b) if (a) is not successful, a livestock/wildlife water reservoir would be constructed in the same spring service area.
 - c) maintenance/re-development is an ongoing responsibility of the livestock permittee and requires no formal plan as was briefly discussed by USFS.
 - d) the permittee ASAP will prepare a livestock/wildlife reservoir plan and design in the event c) above is not successful.
 - e) in addition to above, the mine would clean an existing reservoir fed by a spring.
- Item 6: Mr. Pappas stated he would contact his management to determine if the mine management would concur with the proposal and participate in this cooperative effort.
- Item 7: The water users stated that they would hold their "citizen complaint" in abeyance in light of the understandings reached on items (5) and (6) above, and when water is re-developed or developed, the citizen complaint will be withdrawn. Should (5) and (6) be unsuccessful, as determined by the water users, they may re-activate their complaint and provide any additional facts to support their initial allegation.

Follow-up

-Mr. Pappas contact his management for their concurrence.

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Follow-up (continued)

-Water users make arrangements with USFS officials to:

- a) maintain/re-develop the Starpoint Spring, and at the same time,
- b) submit a plan and design to USFS for a reservoir should a) not be successful. This will provide for the reservoir to be constructed while the equipment is in the area and not bring an additional delay if the spring efforts are unsuccessful.

-Should any of the principal parties believe this does not reflect the understandings, please notify Mr. Helfrich, together with the mine, water user officials, and the undersigned with your suggested changes.

Note: This inspection report does not constitute an affidavit of compliance with the regulatory program of the Division of Oil, Gas, and Mining.

Copy of this Report:

Mailed to: Johnny Pappas (Plateau) Henry Austin (OSM)

Given to: Joe Helfrich (DOGM) Filed to: Price Field Office

Date: September 17, 1998

Inspector's Signature:  #26
Wm. J. Malencik

sd
enclosures: Water Users Letter
Helfrich Sketch Map