

MAR 18 1991

United States Department of the Interior
Office of Surface Mining
Mine Site Evaluation Inspection Report

DIVISION OF
OIL GAS & MINING

For Office Use Only

1a
Y Y M M

1b
Batch

1c
Report

2 Name of Permittee

Sunnyside Coal Co

3 Street Address

419 Hwy 123, Box 99

4 City

Sunnyside

5 State

UT

6 Zip Code

84539

7 Area Code

801

8 Telephone Number

882-4421

9 MSHA Number

42-00072-01U

10 Date of Inspection

9/10/88

11 State Permit Number

ACT/007/007

12 Name of Mine

Sunnyside

13 County Code

007

14 State Code

UT

15 Strata

16 State Area Office

17 OSM Field Office No

02

18 OSM Area Office No

19 OSM Sample No

068E

20 Type of Inspection (Code)

C

21 Joint Inspection

X

22 Inspector's ID No

244

23 Status

A 01

Type of Permit

B A

Mine Status (Code)

C 26

Type of Facility (Code)

D 14475.0

Number of Permitted Acres

E 16287.3

Number of Disturbed Acres

24 Type of Activity (check applicable boxes)

A Steep Slope

E Anthracite

B Mountain Top Removal

F Federal Lands

C Prime Farmlands

G Indian Lands

D Alluvial Valley Floors

H Other

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 (waste disposal area)

B Mining Within Permit Boundaries

N Backfilling and Grading

C Signs and Markers

O Following Reclamation Schedule

D Sediment Control Measures State NOV pending

P Revegetation Requirements

E Design and Certification Requirements— ASCAS 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 No blasting

U Post Mining Land Use

J Haul/Access Road Design and Maintenance

V Cessation of Operations Temporary

K Refuse Impoundments (drop inlet trench)

W Other (1) 1/2 court to cut on was

L Other Specify (1) Fine waste

(2) inspect on reports for court

(3) court at front on

(4) drainage control on waste disposal area (State NOV)

(5) flagged culvert & braced ditch (State NOV)

United States Department of the Interior
Office of Surface Mining
Mine Site Evaluation Inspection Report

Final Report
File # 107/007/107
5

26. State Permit Number

ACT/007/007

27. Date of Inspection
(Y M M D D)

9 1 0 2 2 7

28. Yes No Do mining and reclamation activities on the site comply with the plans in the permit?
 If no, provide narrative to support this determination.

29. Indicate number of complete and partial inspections conducted by the State to date for this annual review period:

29a. Number of Completes

29b. Number of Partial

30. Indicate number of complete and partial inspections required by the State during this annual review period:

30a. Number of Completes

30b. Number of Partial

31. Has inspection frequency been met?

31a. Yes No Completes

31b. Yes No Partial

32. FEDERAL ENFORCEMENT INFORMATION. (Enter violation number. Check appropriate box(es))

Ten-Day Notice No.	Notice of Violation No.	Cessation Order No.	Violation Codes
<input type="checkbox"/>	71-02-244-3	<input type="checkbox"/>	Authorizations to Operate
<input type="checkbox"/>		<input type="checkbox"/>	Signs and Markers
<input type="checkbox"/>		<input type="checkbox"/>	Backfilling and Grading
<input type="checkbox"/>		<input type="checkbox"/>	Highwall Elimination
<input type="checkbox"/>		<input type="checkbox"/>	Rills and Gullies
<input type="checkbox"/>		<input type="checkbox"/>	Improper Fills
<input type="checkbox"/>		<input type="checkbox"/>	Topsoil Handling
<input type="checkbox"/>		<input type="checkbox"/>	Sediment Ponds
<input type="checkbox"/>		<input type="checkbox"/>	Effluent Limits
<input type="checkbox"/>		<input type="checkbox"/>	Water Monitoring
<input type="checkbox"/>		<input type="checkbox"/>	Buffer Zones
<input type="checkbox"/>		<input type="checkbox"/>	Roads
<input type="checkbox"/>		<input type="checkbox"/>	Dams
<input type="checkbox"/>		<input type="checkbox"/>	Blasting
<input type="checkbox"/>		<input type="checkbox"/>	Revegetation
<input type="checkbox"/>		<input type="checkbox"/>	Spoil on the Downslope
<input type="checkbox"/>		<input type="checkbox"/>	Mining Without Permit
<input type="checkbox"/>		<input type="checkbox"/>	Exceeding Permit Limits
<input type="checkbox"/>		<input type="checkbox"/>	Distance Prohibitions
<input type="checkbox"/>		<input type="checkbox"/>	Toxic Materials
<input type="checkbox"/>		<input checked="" type="checkbox"/>	Other Violations

Permit conditions
certifications on waste & slurry (3 separate violations)

33. Name of Authorized Representative (print or type)

Gary Fritz

Signature of Authorized Representative

Date

03/04/91

Signature of Reviewing Official

Date

3/4/91

01 5
10 0
20 5
01 5

February 20-22, 1991

Sunnyside Coal Company
Highway 123; PO Box 99
Sunnyside, Utah

Ground and Weather Conditions During the Inspection: Snow packed on the shadow areas, wet and muddy on most of the areas; cool and dry

Personnel Present During the Inspection: Karl Housekeeper, Sunnyside Mining

Henry Sauer, Utah Division of Oil Gas & Mining (DOGMI)
Gary Fritz DSM/AFO #244

ENFORCEMENT ACTIONS

This was a complete oversight inspection. The State of Utah's Division of Oil Gas & Mining Inspector, Mr. Sauer, was able to meet me at the mine so we conducted a joint inspection. Mine records were at the minesite for review.

There was an outstanding State violation on the mine prior to this inspection. The operator was cited for the failure to identify and validate all alternative sediment control areas on the mine. They were working on the abatement measures required by the NOV but had not completed the work by the close of this inspection. Mr. Sauer was going to extend the time for abatement because they needed additional time to give more detail on the areas and other areas were identified during this inspection.

Mr. Sauer issued the operator two additional violations following this inspection. One for drainage management on the waste pile which included the bench drainage, crest drainage and the 100 year six hour diversion around the perimeter of the pile. The mine benches were not graded in such a manner so as to provide positive drainage. Measurements on one of them as well as a visual observation of the rest indicated that they were not draining. In addition to the need for field modifications to the benches, I would expect that the mine plan will also have to be modified to show what the drainage requirement is for these areas because we were unable to find a grading standard other than the need for a 10 foot wide bench with a one percent slope back into the pile.

The crest of the pile also does not have positive drainage. MSHA has required the operator to place a berm at the outside toe of the bench on the crest to prevent truck operators from running off of the face of the pile. That also serves as a barrier that prevents drainage from going out over the face of the pile, which is good but in addition to that the operator was dumping piles of waste with trucks on both ends of the crest. Those piles blocked surface flows from the disturbed area from going to the approved drain structure on the

north side of the pile. They will have to re-arrange their disposal pattern on the crest to leave drainage open for flows off of the pile to the north.

The diversion around the north side of the pile has not been brought up to the present lift. There was remnants of a ditch on the lower portion of the pile but they also appeared to be below standard.

The second violation from the State DOGM was for the operators failure to maintain a culvert that was part of the diversion system for overland flow of processing slurry. The last culvert in the system before disposal into the slurry cells one and two was plugged. Steps were taken immediately by the operator to open up the flow because slurry was bypassing the system and flowing overland to an unpermitted disposal area, a stockwater pond for an irrigated field below the mine. Fortunately for the company, the area was still within the permit perimeter. The culvert was opened, re-establishing flow into the cells before the end of the day. Damage from the uncontrolled slurry is restricted to channels leading up to the pond so the pond needs to be drained and the system should be flushed to clear it of the waste.

I issued a six part Ten Day Notice for violations noted during the inspection. The State was made aware of the violations through their inspector on the site and followup phone conversations with that same inspector after the inspection. I was not able to issue the TDN on the site due to transportation scheduling conflicts. The TDN was roughed out in the field and finished in the Albuquerque Field Office on the Monday following the inspection.

The first violation was for the failure to place coal mine waste so as to prevent combustion of the material in the disposal area. Smoke and visual signs of burning, cracks and waste that was not the same color as the rest on the face of the pile, were noted as we crossed the face of the pile in between the 2nd and 3rd lifts. As to the extent of the fire, I was unable to determine how much was affected but would estimate that it was at least an acre in size on the surface.

The 2nd violation of the TDN was for the operators failure to use their designed discharge system on slurry cells one and two. The certified design for the spillways shows a drop inlet with coke breeze around the riser. The design did not show how the riser would dewater through the breeze filter but the operator found that it was not functional as designed so the spillways were cut along the horizontal section of the pipe connecting the riser to the outfall. Evidently they work because there is no sign of an effluent violation in their NPDES records but the short circuit needs to be corrected or designs modified accordingly.

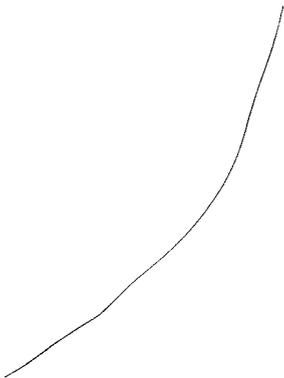
The 3rd violation in the TDN was for the failure to remove topsoil from the face of the undisturbed embankment on the top lift of the waste disposal area. There was also organic material on the soil that was not removed, sagebrush and grasses.

The 4th and 5th violation of the TDN were for certification requirements on the waste disposal area. Certification records at the mine did not address compaction which will affect the fire potential in the waste if it is not covered. The DQGM record requirement for a certification by a registered professional engineer for the quarterly inspections of waste disposal to be at their office in Salt Lake City was also ignored by the operator.

The 6th violation of the TDN was also a reporting requirement for the submission of the certifications for the slurry impoundments by a registered professional engineer on an annual basis to the DQGM. Records indicated that those were not done for calendar years '89 and '90.

CLOSING COMMENT

I question the size of the slurry impoundments and the requirement for weekly inspection of each should they reach or exceed MSHA sizing limitations for those. I was unable to determine if they were 20 acre feet in size or the embankment was 10 feet or more but would comment that the question should be resolved and addressed if necessary. There a couple of inactive impoundments on the mine that have not been used by the current operator. I would make the judgement that these are within this realm for inspections but due to inactivity may not be required. If that is the case, I would make that clear via written correspondence.



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

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

Number: X - 91 - 02 - 304 - 5 TV 6

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>Sunnyside Coal Company</u> <small>(Or Operator if No Permit)</small>	County: <u>Carbon</u>	<input type="checkbox"/> Surface
Mailing Address: <u>Highway 123, P.O. Box 99</u> <u>Sunnyside, Utah</u>		<input checked="" type="checkbox"/> Underground
Permit Number: <u>ACT/007/007</u>	Mine Name: <u>Sunnyside</u>	<input type="checkbox"/> Other

NATURE OF VIOLATION AND LOCATION: Failure to place coal mine waste in a controlled manner to prevent combustion

Five in white pile between 2nd & 3rd 1.5ft Section of State Law, Regulation or Permit Condition believed to have been violated: 614-301-536 23

NATURE OF VIOLATION AND LOCATION: Failure of the permittee to comply with the terms and conditions of the permit

#1 and #2 Slurry cell inlet outlet (structure was been bypassed) Section of State Law, Regulation or Permit Condition believed to have been violated: 614-300-143

NATURE OF VIOLATION AND LOCATION: Failure to remove topsoil as a separate layer from the area to be disturbed

topsoil on 4th 1.5ft of refuse pile Section of State Law, Regulation or Permit Condition believed to have been violated: 614-301-232

Remarks or Recommendations: _____

Date of Notice: 2/26/91 Signature of Authorized Rep.: Gary L Fritz
Certified mail P 965 799 365 Print Name and ID: Gary Fritz #244

UNITED STATES DEPARTMENT OF THE INTERIOR

Office of Surface Mining
Reclamation and Enforcement
TEN-DAY NOTICE
(Continuation Sheet)

Original Office: Surface Mining
Albuquerque Field Office
605 San Antonio Street, SW
Allbuquerque, New Mexico
Telephone Number: 505-766-1486

Number X- 91 - 02 - 244 - 2 TV 6

Ten-Day Notice to the State of Utah

NATURE OF VIOLATION AND LOCATION: Failure to submit a certified report by a qualified registered professional engineer of the refuse pile promptly to the Regulatory Authority

All quarters in 1990

Section of State Law, Regulation or Permit Condition believed to have been violated: R 614-301-514.230

NATURE OF VIOLATION AND LOCATION: Failure to inspect the refuse pile on a quarterly basis for construction and maintenance as designed and in accordance with the approved plan.

All quarters in 1990 for 90% compaction

Section of State Law, Regulation or Permit Condition believed to have been violated: R 614-301-514.230

NATURE OF VIOLATION AND LOCATION: Failure to submit a certified report on an annual basis for slurry impoundments by a qualified registered professional engineer promptly to the regulatory authority.

1989 & 1990

Section of State Law, Regulation or Permit Condition believed to have been violated: R 614-301-514.312

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: 2/26/91

Signature of Authorized Rep: Gary Feltz

Certified mail #
P 965 799 365

Print Name and ID: Gary Feltz #244

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
RANDOM SAMPLE MEIR SUPPLEMENT

1. Permittee Sunnyside Coal Co 5. Days since Last State Complete Inspection (LSCI) 28
 2. Permit Number ACT/007/007 6. Block 25 Categories in NON-COMPLIANCE this RSI 5
 3. Joint Inspection Y Y/N 4. Date 02-22-91 7. Total Violations this RSI 9

8. List (only once) all violations:
 1) where State enforcement was required and taken during the LSCI;
 2) recorded in the LSCI report but the State failed to take enforcement;
 3) observed during this RSI which clearly existed during the LSCI but the State failed to take enforcement; and;
 4) existing during this RSI which are not already listed under one of the categories above.

LAW	A SPECIFIC STATE REGULATION VIOLATED	B BLOCK 25 CATEGORY	C ABATED (y/n)	D STATE ACTION	E REASON IF UNCITED	F CAUSE	G SERIOUSNESS PEO	H IMPACT	I OSMRE ACTION	J	K OPTIONAL
1.	614 / 301 / ⁵³⁶ / 2301	L	N			4	3	3	2		
Description: <u>fire in waste</u>											
2.	614 / 300 / 143 /	K	N			4	3	1	2		
Description: <u>Permit conditions by pass outlets on slurry</u>											
3.	614 / 301 / 2321 /	M	N			4	3	3	2		
Description: <u>topsoil removal on waste pile</u>											
4.	614 / 301 / 514 / 2301	W	N			4	3	2	2		
Description: <u>no report submittal for 1/4 inspections on waste</u>											
5.	614 / 301 / 514 / 2301	W	N			4	3	3	2		
Description: <u>failure to inspect waste for construction & maintenance</u>											
6.	614 / 301 / 514 / 312 /	W	N			4	1	7	2		
Description: <u>annual certifications on waste pile to DGM</u>											
7.	614 / 301 / 500 / 521 /	D		1		4	1	4	4		
Description: <u>map deficiencies & permit data for ASCA's (pending State NOV)</u>											
8.	614 / 301 / 742 / 110 / 614 300 143	L		4		4	3	3	1		
Description: <u>Slurry ditch breach & plugged culverts (State NOV)</u>											
9.	614 / 301 / 746 / 212 /	L		2		4	3	3	1		
Description: <u>drainage on coarse refuse (State NOV)</u>											
10.	/ / / /										
Description: _____											

- STATE ACTION
 1) Existed on LSCI, cited
 2) Existed on LSCI, not cited
 3) Cited Prior to LSCI, Abatement Pending
 4) Occurred since LSCI

- STATE'S REASON FOR NOT CITING VIOLATION
 (AFTER DISCUSSION WITH THE STATE)
 1) Not a Violation
 2) Precluded by State Policy
 3) Not included under State Program
 4) Warning given in lieu of a Citation
 5) Violation not recognized (missed)
 6) Practice allowed under approved Permit
 7) Too minor to cite
 8) Working with Operator to Correct
 9) Other: _____

- CAUSES
 1) Permit Defect
 2) Unusual Weather Conditions
 3) Unofficial Waiver
 4) Operator Negligence
 5) Other: _____

- PROBABILITY OF
 EVENT OCCURRENCE
 1) None or Unlikely
 2) Likely
 3) Occurred

- IMPACT
 Damage Remains Within the Permit Area
 1) None or Minor
 2) Moderate
 3) Considerable
 Damage Extends Beyond the Permit Area
 4) None or Minor
 5) Moderate
 6) Considerable
 Obstruction to Enforcement
 7) None or Minor
 8) Moderate

- OSMRE ACTION
 1) Deferred to State Action
 2) TDM issued
 3) IN-CD issued
 4) Previously Cited, Abatement Pending
 5) Abated during or before OSMRE inspection