

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

0020

Originating Office:

O.S.M.

625 Silver St., Suite 310

Albuquerque, NM 87102

Telephone Number: 505-766-1486

Number: X-92-02-370-002 TV 1

Ten-Day Notice to the State of

Utah

You are notified that, as a result of federal 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: Sunnyside Coal Co  
(Or Operator if No Permit)

County: Carbon

Surface

Mailing Address: P.O. Box 99, Sunnyside, UT 84539

Underground

Permit Number: ACT/007/007

Mine Name: Sunnyside

Other

NATURE OF VIOLATION AND LOCATION:

Failure to properly design and construct sedimentation ponds. Regarding principal and emergency spillways. Ponds: Twin shaft, Wash shaft 2A 2B Lower #2 and Upper #2 Dams.

Section of State Law, Regulation or Permit R645-301-742.223  
Condition believed to have been violated: + 743.130.

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: 5/3/92

Signature of Authorized Rep: [Signature]

Print Name and ID: MITCHELL S. ROLLINGS

cut receipt # P965 799 228



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

26. State Permit Number

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

ACT/007/007

920416

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 Partials

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

30a.  Number of Completes

30b.  Number of Partials

31. Has inspection frequency been met?

Yes No

Yes No

31a.   Completes

31b.   Partials

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

Ten-Day Notice No.

Notice of Violation No.

Cessation Order No.

Violation Codes

A

Authorizations to Operate

B

Signs and Markers

C

Backfilling and Grading

D

Highwall Elimination

E

Rills and Gullies

F

Improper Fills

G

Topsoil Handling

H

1 of 1

Sediment Ponds

I

Effluent Limits

J

Water Monitoring

K

Buffer Zones

L

Roads

M

Dams

N

Blasting

O

Revegetation

P

Spoil on the Downslope

Q

Mining Without Permit

R

Exceeding Permit Limits

S

Distance Prohibitions

T

Toxic Materials

U

Other Violations

33. Name of Authorized Representative (print or type)

MICHAEL S. ROLLINGS

Signature of Authorized Representative

Date

04 0

00 0

Signature of Reviewing Official

Date

16 0

08 0

Sunnyside Coal Co. (SCC)  
P.O. Box 99  
Sunnyside, UT 84539  
801-888-4421

**Sunnyside Mine**  
**ACT/007/007**

Complete inspection  
4/16/92

Mitchell S. Rollings, 370, OSM  
Henry Sauer, DOGM  
Pete Hess, Section Foreman, SCC  
Gary Gray, Mining Engineer, SCC

This inspection was done to compliment the inspection of 3/13/92, for the purpose of making a complete inspection. This inspection was considered an extension of the previous inspection and I did not review the south end of the mine since we visited some of this area during the 3/13/92, inspection. We reviewed the facilities area in Whitmore Canyon and the various portal areas.

#### Enforcement Actions

DOGM issued three Notice of Violations (NOV) as a result of this inspection. This does not include the four NOV's issued as a result of the 3/13/92, inspection. One Ten-Day Notice (TDN) was issued during this inspection; two were issued during the 3/13/92, inspection. The discussion below addresses the 4/15/92, inspection only. The 3/13/92, inspection was discussed in an earlier report.

DOGM NOV 92-32-7-1 cited R645-301-742.113 and was issued for, "Failure to minimize erosion to the extent possible". This addressed the erosion in the general area of the substation pad. There were not any ditches or other type of drainage controls in place, so the runoff from above the pad drained through the low spots and over the cut slope. A number of gullies formed on the cut slope and resulted in the fence around the substation being undercut. The NOV requires SCC to control drainage on the pad, backfill the gullies, and revegetate or otherwise stabilize the cut slope.

DOGM NOV 92-32-8-1 cited R645-301-742.211 and was issued for, "Failure to prevent to the extent possible additional contributions of sediment to stream flow or to runoff outside the permit area". This addressed the undisturbed area drainage channel that runs through No. 2 canyon from the confluence of Grassy Trail Creek to the outlet of the Hoist House sedimentation pond. The sides of the channel in this location were not revegetated and were covered with coal dust from the conveyor that ran overhead or from the yard area. SCC is to submit a plan to address the prevention of coal fines deposition in the channel. Once the plan is approved, SCC is to implement this within thirty days.

DOGM NOV 92-32-9-1 cited R645-301-542.741 and was issued for, "Failure (to) place and store noncoal waste in a designated portion of the permit area". This addressed the noncoal waste that has been placed in the undisturbed area drainage ditch on the south side of No. 2 Canyon. There is a temporary noncoal waste area that abuts the ditch and the material has also been placed in the ditch. SCC must clean the noncoal waste out of the ditch.

OSM TDN 92-02-370-001, TV 1, was issued for "Failure to properly design and construct sedimentation ponds". The TDN cites R645-301-742.223 and 743.130, and specifies the following ponds: Twinshafts, Manshaft, 2A, 2B, Lower #2 Canyon, and the Upper #2 Canyon ponds. These ponds do not have a combination of two spillways as required. This TDN addresses one of the issues of TDN 92-02-370-001, 2 of 2, issued during the 3/13/92, inspection. This report is being issued late in part because that TDN response was being reviewed by AFO. If the TDN was withdrawn as requested by DOGM, then this TDN would not have been necessary. As it stands, TDN 92-02-370-001, 2 of-2, was validly issued (DOGM's response was found appropriate though) and and this TDN must be issued as determined by the FOD. AFO assumes that DOGM's response will be the same as in the previous TDN.

#### General Observations

The road to the Twin Shafts area needs to be graded and/or surfaced. Additional rock would be best, but grading may suffice depending on the amount and timing of use.

There is a lot of aluminum pipe below the pond for the Manshaft area that should be picked up.

SCC and DOGM identified the road through Whitmore Canyon as a county road. This apparently goes to a reservoir up canyon. There is a lot of erosion on the out slopes of this road and some of the ditches are blocked, but that is apparently county maintenance.

The Whitmore substation area is an ASCA. The substation consists of six PCB contaminated transformers. SCC built a containment berm around the substation prior to the end of the inspection. I was not sure what the requirements were for PCB's, but we all agreed that silt fence alone was not sufficient.

The Whitmore ponds (2A & 2B) were discharging. Pond 2B is the outfall pond. DOGM took a grab sample for analysis. The results are not available at this time. These are to be analyzed for oil and grease, metals, TDS, and SS. The flow was about 247 gpm.

The Pole Canyon shaft has been covered but there is still a strong air flow out of the shaft. The pad is revegetated but is not considered reclaimed since the highwall still exists.

The ditch north of the thickener pond area and below the emulsion house needs to be graded and/or lined.

There are numerous pipes and culverts at the facilities area for which it was hard to ascertain a purpose or outfall. Some of the pipes and culverts have been plugged. Two of the lines apparently run down to the city of Sunnyside for irrigation.

The wing wall and CMP at the tipple shack need to be repaired. A vehicle apparently backed into this and deformed the CMP.

The temporary coarse refuse storage area drains through a silt fence until such a time as a pipe can be laid under the railroad tracks to direct this runoff to the sedimentation pond.

DOGM is currently reviewing the bonding situation for this permit. There are about 312 disturbed acres at this site, but the bond only reflects about 290 acres being covered. SCC said that this is because the bond calculations do not include the railroad right-of-way or the permanent roads. The permanent roads were identified as Whitmore, West Ridge, and No. 2 Canyon. I told DOGM that the bond would have to include the roads even if they are listed as permanent. The bond is apparently a combination of real property assets and water rights. The bonding documents will be sent to OSM's Western Support Center for review.

#### Part 25 Explanation

The MSEIR from the 3/13/92 inspection was incomplete with regards to Part 25 codes. This report is complete. The following is an explanation of the Part 25's out of compliance:

25 D - DOGM NOV's 92-32-3-1, 92-32-5-1, 92-32-7-1, and 92-32-8-1

25 E - OSM TDN 92-02-370-001, TV 1

25 K - OSM TDN 92-02-370-001, Part 2 of 2

25 L - DOGM NOV 92-32-4-1

25 N - DOGM NOV 92-32-2-1

25 O - OSM TDN 92-02-370-001, Part 1 of 2

25 W - DOGM NOV 92-32-9-1

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT  
RANDOM SAMPLE MEIR SUPPLEMENT

1. Permittee Summitville Col. Co. 5. Days since Last State Complete Inspection (LSCI) 49 2/27/92

2. Permit Number ACT/007/007 6. Block 25 Categories in NON-COMPLIANCE this RSI 2

3. Joint Inspection Y Y/N Y 4. Date 4-16-92 7. Total Violations this RSI 10

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.

OSM ID	STATE ACTION	PERMIT NUMBER	DATE	VIOLATION	OSM ID	STATE ACTION	PERMIT NUMBER	DATE	VIOLATION
92-32-2-1	1. Existed on LSCI, cited	ACT/007/007	4-16-92	Block 25 Category 1	92-32-2-1	1. Existed on LSCI, cited	ACT/007/007	4-16-92	Block 25 Category 1
92-32-3-1	2. Existed on LSCI, not cited				92-32-3-1	2. Existed on LSCI, not cited			
92-32-4-1	3. Cited prior to LSCI, Abatement Pending				92-32-4-1	3. Cited prior to LSCI, Abatement Pending			
92-32-5-1	4. Occurred since LSCI				92-32-5-1	4. Occurred since LSCI			
92-32-7-1	5. Permitted defect				92-32-7-1	5. Permitted defect			
92-32-8-1	6. Existed on LSCI, cited				92-32-8-1	6. Existed on LSCI, cited			
92-32-9-1	7. Existed on LSCI, not cited				92-32-9-1	7. Existed on LSCI, not cited			
OSM TDU'S	8. Abatement Pending				OSM TDU'S	8. Abatement Pending			
92-2-370-1	9. Occurred since LSCI				92-2-370-1	9. Occurred since LSCI			
92-2-370-2	10. Permitted defect				92-2-370-2	10. Permitted defect			

STATE ACTION

1) Existed on LSCI, cited  
 2) Existed on LSCI, not cited  
 3) Cited prior to LSCI, Abatement Pending  
 4) Occurred since LSCI  
 5) Permitted defect

REASON FOR NOT CITING VIOLATION

1) Not a Violation  
 2) Precluded by State Policy  
 3) Not Included under State Program  
 4) Reporting given in lieu of a Citation  
 5) Violation not recognized (released)  
 6) Prohibited allowed under approved Permit  
 7) Too minor to cite  
 8) Noting with Operator to Correct  
 9) Other

CLASS

1) Permit Defect  
 2) Weather Conditions  
 3) Unofficial Balance  
 4) Operator Negligence  
 5) Other

PROBABILITY OF REPEAT OCCURRENCE

1) None or Unlikely  
 2) Likely  
 3) Occurred

DAMAGE BEYOND THE PERMIT AREA

1) None or Minor  
 2) Moderate  
 3) Considerable  
 4) None or Minor  
 5) Moderate  
 6) Considerable  
 7) None or Minor  
 8) Moderate  
 9) Considerable

DAMAGE EXTENDING BEYOND THE PERMIT AREA

1) None or Minor  
 2) Moderate  
 3) Considerable  
 4) None or Minor  
 5) Moderate  
 6) Considerable  
 7) None or Minor  
 8) Moderate  
 9) Considerable

OSM ACTION

1) Deferred to State Action  
 2) TDU Issued  
 3) In-CO Issued  
 4) Pre-qualify Cited, Abatement Pending  
 5) Abated during or before OSM Inspection  
 6) TDU Issued, Abatement Pending  
 7) TDU Issued, Permit Defect  
 8) TDU Issued, Permit Defect