

0025



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

Thin file

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

February 11, 1994

TO: Lowell P. Braxton, Associate Director, Mining
FROM: Pamela Grubaugh-Littig, Permit Supervisor *pgl*
Re: Chronology of Water Canyon, Sunnyside Coal Company,
Sunnyside Mine, ACT/007/007, Folder #2, Carbon County,
Utah

Pursuant to your request, I have compiled the chronology associated with the deletion of Water Canyon from Title V jurisdiction and transferred to Title IV. I have attached the appropriate documents related to the permitting actions.

February 13, 1989

Memo to Water Canyon Site File From Chris Rohrer.

Jim Fricke notified AML of a pre-Act coal refuse pile in Water Canyon located inside the Sunnyside Mine permit area. Plate III-23 in Sunnyside Mine plan shows all disturbance in both forks of Water Canyon as being post-law disturbance. Declared ineligible for AMR Funding because it is active and there is a "continuing reclamation responsibility". It is concluded that the Water Canyon site will no longer be considered for reclamation as part of the Book Cliffs Project.

March 13, 1992

OSM Oversight inspection.

As a result of this inspection, violation #N92-32-4-1 was issued on March 16, 1992 for "failure to extinguish coal mine waste fires in accordance with the plan approved by the Division and MSHA" on the Coarse Refuse Pile and Water Canyon Refuse Pile. This violation was terminated on September 21, 1992.

Violation #N92-32-5-1 was also issued on March 16, 1992 for "failure to pass disturbed area drainage through a siltation control treatment structure(s)" on the Water Canyon Refuse Pile. This violation was terminated on May 12, 1992 because "the



operator has submitted plans and designs for sediment control around the Water Canyon Refuse Pile. The operator must implement the approved abatement measures no later than 15 days after Division approval of amendment ACT/007/007-92D". (NOTE: This amendment was denied August 7, 1992.)

April 28, 1992

Sunnyside Coal Company submits an amendment (ACT/007/007-92D) for sediment control on the Water Canyon Refuse Pile.

August 7, 1992

Amendment ACT/007/007-92D is denied.

January 25, 1993

Amendment ACT/007/007-92D, is resubmitted for the disturbed area in Water Canyon. The permittee proposes to redefine the disturbed area to delete the refuse pile due to its pre-law nature. The proposal includes the history of the Water Canyon Refuse and divides the activity into four periods:

- 1) Early 1920's through 1952, refuse pile was actually created,
- 2) 1952 through August 1973, all material from the No.2 Mine was transported by belt to cars which were hoisted from the mine by the Fan Canyon hoist--cars were transported underground to the preparation plant, emerging from one portal and entering the opposite portal, crossing the trestle across Water Canyon,
- 3) September 1973 to 1989, no refuse was removed through the Water Canyon portals, and
- 4) June to October 1985, two small areas of the No. 2 Mine were being worked, but no refuse material was removed through the Water Canyon portals.

Permittee maintains that the disturbed area markers have been erroneously placed to include the refuse pile.

April 29, 1993

Memo to Pamela Grubaugh-Littig from Jesse Kelley.

This memo recommends that the permittee be allowed to redefine the disturbed area boundary in Water Canyon.

Chronology of Water Canyon
Sunnyside Coal Company
ACT/007/007
Page 3

May 17, 1993

Memo to Lowell Braxton from Pamela Grubaugh-Littig.

This memo requests a signoff from AML to take responsibility for the pre-law pile before Title V releases the liability.

May 25, 1993

Luci Malin and Henry Sauer toured the Water Canyon Area.

July 28, 1993

Priscilla Burton and Luci Malin toured the Water Canyon Area.

September 22, 1993

Henry Sauer, Jess Kelley, Lowell Braxton, Mary Ann Wright, Luci Malin, Gary Gray and Peter Hess discussed the eligibility of the refuse pile for AML consideration on site. It was decided that the road alignment, if the road continued in a straight line until the cliff face was intercepted, would be the line between Title IV and Title V. The area to the south of that line had not been used for coal mining activities since approximately 1953, except for the placement of soil material over burning coal spoil to control the fire. The area north of the road is Title V.

cc: Mary Ann Wright

May 17, 1993

Memo to Lowell Braxton from Pamela Grubaugh-Littig.

This memo requests a signoff from AML to take responsibility for the pre-law pile before Title V releases the liability.

May 25, 1993

Luci Malin and Henry Sauer toured the Water Canyon Area.

July 28, 1993

Priscilla Burton and Luci Malin toured the Water Canyon Area.

September 22, 1993

Henry Sauer, Jess Kelley, Lowell Braxton, Mary Ann Wright, Luci Malin, Gary Gray and Peter Hess discussed the eligibility of the refuse pile for AML consideration on site. It was decided that the road alignment, if the road continued in a straight line until the cliff face was intercepted, would be the line between Title IV and Title V. The area to the south of that line had not been used for coal mining activities since approximately 1953, except for the placement of soil material over burning coal spoil to control the fire. The area north of the road is Title V.

cc: Mary Ann Wright

AMRP

*Site Water Canyon Site File
Carbon County
AMR/007/031*

February 13, 1989

TO: Water Canyon Site File
AMR/007/031

Book Cliffs Project Legal File
AMR/007/913/L

FROM: Chris Rohrer *CR*
Reclamation Specialist

RE: Active Status of Site

Jim Fricke told me last October 28 of a pre-Act coal refuse pile in Water Canyon (T15S, R14E, Sec 5 SE¼ or Sec 8 NW¼) inside the Kaiser Sunnyside permit area. On January 31 I telephoned Jim, who described the pile as partially revegetated, eroding, and "pretty good sized." He had made Kaiser do some drainage control work to prevent erosion. On February 6, still unclear on the status of the pile after looking through the Kaiser MRP, I asked John Whitehead what he knew. John said he would assign someone to investigate pile.

Pam Grubaugh-Littig today showed me what she found out about the status of the Water Canyon pile. The pile is inside the Kaiser Mine permit area. Although the pile is not specifically identified on the map, Plate III-23 of the Kaiser MRP (Current vegetation and pre-law disturbed areas) shows all disturbance in both forks of Water Canyon as being post-law disturbance. Reclamation of the refuse pile (burial with imported soil) is included in Kaiser's bond estimate for the Water Canyon area, along with portal closures. From this it appears that the area is ineligible for Abandoned Mine Reclamation Funds as it is active and there is a "continuing reclamation responsibility," namely the Kaiser Mine under SMCRA. The Water Canyon site will no longer be considered for reclamation as part of the Book Cliffs Project.

jcr
AM68/5

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

For Office Use Only

1a	1b	1c
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Y	Batch	Report

2. Name of Permittee
SUNNYSIDE COAL CO

9. MSHA Number
42-00094-

10. Date of Inspection (Y Y M M D D)
9 20 3 1 3

3. Street Address
PO BOX 99

11. State Permit Number
ACT/007/007

4. City
SUNNYSIDE

5. State
UT

12. Name of Mine
SUNNYSIDE

6. Zip Code
84539

7. Area Code
801

8. Telephone Number
800-4421

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.

20. Type of Inspection (Code)
P

21. Joint Inspection
Yes No

22. Inspector's ID No.
370

23. Status

A 01

Type of Permit

B A

Mine Status (Code)

C 20

Type of Facility (Code)

D 14475.0

Number of Permitted Acres

E 00310.0

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

B Mining Within Permit Boundaries

N Backfilling and Grading

C 1 Signs and Markers

O Following Reclamation Schedule

D 1 Sediment Control Measures

P Revegetation Requirements

E Design and Certification Requirements—Sediment Control

Q Disposal of Excess Spoil

F 1 Effluent Limits

R Handling of Acid or Toxic Materials

G 1 Surface Water Monitoring

S Highwall Elimination

H 1 Ground Water Monitoring

T Downslope Spoil Disposal

I Blasting Procedures

U Post Mining Land Use

J Haul/Access Road Design and Maintenance

V Cessation of Operations: Temporary

K 2 Refuse Impoundments

W Other Concurrent operations

L Other: Specify

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

26. State Permit Number

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

ACT/1007/1007

920313

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?

31a. Yes No Completes

31b. Yes No 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
92-02-370-001			
A <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Authorizations to Operate
B <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signs and Markers
C <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Backfilling and Grading
D <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Highwall Elimination
E <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rills and Gullies
F <input checked="" type="checkbox"/> 1 of 2	<input type="checkbox"/>	<input type="checkbox"/>	Improper Fills
G <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Topsoil Handling
H <input checked="" type="checkbox"/> 2 of 2	<input type="checkbox"/>	<input type="checkbox"/>	Sediment Ponds
I <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Effluent Limits
J <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water Monitoring
K <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Buffer Zones
L <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Roads
M <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dams
N <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Blasting
O <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Revegetation
P <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Spoil on the Downslope
Q <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mining Without Permit
R <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exceeding Permit Limits
S <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Distance Prohibitions
T <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Toxic Materials
U <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other Violations

33. Name of Authorized Representative (print or type)

MICHAEL S. ROLLINGS

Signature of Authorized Representative

Signature of Reviewing Official

Date

3/17/92

Date

3/20/92

34. Administrative Information

- a 08.00 Permit Review (Hours)
- b 00.00 Travel Time (Hours)
- c 22.00 Inspection Time (Hours)
- d 08.00 Report Writing Time (Hours)

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

Sunnyside Mine
ACT/007/007

Partial inspection
3/13/92

Mitchell S. Rollings, 370, OSM
Henry Sauer, DOGM
Karl Houskeeper, SCC
Gary Gray, SCC

This was a partial oversight inspection. The number and nature of the violations observed limited the time available for an inspection and as a result SCC and DOGM estimated that we only saw about ten percent of the mine. The areas that we inspected or partially inspected were the Coarse Refuse Pile (CRP), the slurry impoundments, Water Canyon portal area (reclaimed), and the Fan Canyon portal area.

ENFORCEMENT ACTIONS

DOGM issued four Notice of Violations (NOV). NOV 92-32-2-1 cites R645-301-553.100 and 553.130. This NOV was issued to address a sinkhole that had formed in Water Canyon. The portals on the SE side of the disturbed area in this canyon ran parallel to the canyon bottom and were only slightly offset to the S from the intermittent channel. N and E of the portals were stockpiles of soil and equipment from development work. The portals have been sealed, backfilled, and reclaimed. A sinkhole has formed in the bottom of the canyon in the intermittent channel. We could see down about ten feet and could see a roof bolt and a piece of twisted track. Our initial impressions were that the entry had subsided inby the portal seal. The next day, one of the SCC personnel climbed down into the hole. He said that he could not see the coal seam and it appeared that the water coming into the hole was running to the W under the stream channel. Because of this, we were unsure whether or not the water was actually entering the mine. SCC believes that there was a void in the material stockpiled adjacent to the portals and this is what has subsided. In any event, SCC will excavate to the extent of the void to see exactly what is happening. Depending on what is encountered, SCC will backfill the void area if it was just in the stockpiled material or will reseal the entry inby the void and then backfill. If the entry has subsided and the water is entering the mine, SCC will notify MSHA.

NOV 92-32-3-1 cites R645-301-742.113 for erosion on the CRP, Fan Canyon and the access road, and the face of the East Slurry Cell. The CRP had two deep gullies that were in violation. One was from the lowest terrace elevation to the road at the toe of the CRP and the other was on the S side of the third terrace from the bottom. SCC will regrade and control the runoff. The S face of the East Slurry Cell had a number of rills that were in violation and had not been revegetated. SCC will probably regrade, cover the refuse material that the embankment is made from with borrow area material, and revegetate the area. Fan Canyon and the access road had three gullies that were in violation. Two extended down from the substation pad to the access road. These had resulted from a breeched berm. The third was from the access road to the canyon bottom, slightly down the access road from the two mentioned above. We felt the best way to eliminate the problems in this canyon was to reclaim the disturbed area. The portals are sealed and the useable equipment taken off.

NOV 92-32-4-1 cites R645-301-528.323 for coal mine waste fires in both the CRP and the Water Canyon refuse pile. We did not walk around the fires very much or too closely because of the dangers these can create. There is documentation that the CRP has had fire problems as far back as 1976, and OSM issued a TDN for fire in the CRP in February 1991. The fire stretched across the face of the CRP at about the third terrace elevation with smoke also evident above and below this terrace. A plan generated to address MSHA concerns about the fires in 1976, calls for the pile to be covered with two feet of non-combustible material. The Water Canyon refuse pile was on fire in a couple of locations from about the middle of the pile to the east end. This was the first time that the DOGM inspector saw smoke. He had previously only smelled the fire. This fire could be troublesome since refuse material may have been stacked against the mineable coal seam. The abatement measures are to extinguish the fires and eliminate the conditions that create a fire hazard.

NOV 92-32-5-1 cites R645-301-742 and 752. This violation addresses the lack of siltation controls for the Water Canyon refuse piles. The portal area disturbance in this canyon drains to an approved ASCA (a silt fence) but the refuse pile does not have any drainage controls.

I originally wrote a three part TDN to deliver to DOGM-SLC, but Mr. Lowell Braxton requested that I not deliver it to him because he would like DOGM to address the coal waste fires that were included in the TDN. DOGM faxed copies of the last two NOV's referenced above that addressed two parts of the original TDN. When I met Mr. Braxton I indicated that another TDN for slurry impoundment designs may also be issued pending discussions with AFO. As such, a two part TDN is now being issued. The contemporaneous reclamation of the CRP is the outstanding issue from the initial TDN that was not delivered, and the slurry impoundment designs is being issued after my discussions with AFO.

TDN 92-02-370-001 TV2 is issued with this report for; 1 of 2 - Failure to contemporaneously reclaim the coarse refuse pile. This applies from the level of the second terrace (counted from the bottom of the pile up) to the level of the fifth terrace. The NOV cites R645-300-143, R645-301-352, and R645-301-553.252. The CRP has five completed lifts. The sixth is the uppermost and still considered active. For purposes of this report, a lift is the area between terraces, approximately fifty vertical feet. Lift is not used to indicate the two foot compacted fill. The two lower lifts were reclaimed during the pre-law period; though some erosion problems and potential vegetation problems exist. The other three completed lifts are post-law and have not had four feet of non-toxic and non-combustible material put over them. The material to do this will come from borrow pits approved by DOGM. There are both environmental and safety concerns that have arisen largely because the pile has not been covered. Fires have been a problem in the CRP at least since 1976. There is potential for burned-out voids to exist after a sixteen year history of fire, that we know of, in the face of the CRP. A seep below the toe of the CRP has a record of some Fe exceedances and there is a typical orange stain from Fe precipitate. A spring close to this seep but on the other side of the canyon does not have the Fe stain. In-mine analyses show strata with a potential for acid-forming materials and for selenium toxicity. The CRP itself has not been analyzed for acid or toxic-forming materials.

Environmental Power Corporation (EPC) plans to re-mine the refuse pile for their cogeneration plant that is under construction nearby. However, SCC is still using the CRP, it's own permit does not address the cogeneration plant and the effects of the plant on the SCC permitted area, and EPC has not even submitted an application to re-mine the refuse pile yet. Given these circumstances, I told DOGM and SCC that I could not even consider what may or may not occur with EPC.

2 of 2 - Failure to properly design and construct impounding structures constructed of coal mine waste. The TDN cites R645-301-743.100, 746.311, 746.312, and 746.340. The only approved designs that SCC could provide were a geotechnical investigation and compaction studies. There are not any approved designs with regard to containment, spillways, dewatering methods, etc. SCC and DOGM indicated that some of this information, but not all, has been submitted for a permit review that is in progress. This TDN is a combination of a permit defect and performance standards violations.

GENERAL OBSERVATIONS

The operator fixed two problems during the inspection. The first was a silt fence at the old CRT pond location and the other was a silt fence at the Fan Canyon portal area. Both were reestablished.

Water Canyon has been partially reclaimed. The portals and the majority of the highwalls have all been backfilled. SCC is scheduled to go back in there this summer and finish. The remaining walls will be reclaimed and a stream channel reestablished. A tributary drainage to Water Canyon had started eroding through some reclamation and SCC will establish a protected channel through there this summer.

All ponds are inspected and certified quarterly. The CRP is also certified quarterly. The roads are certified.

There were a couple of other conditions that show a potential for being in violation. DOGM should investigate these to determine if they are in compliance or not.

The old road to the CRP was constructed during the pre-law period and is made out of refuse material. The embankments of this road are black and essentially the only vegetation are scarce annuals. I suspect that this material may be acid- or toxic-forming since the only volunteer vegetation after all these years are annuals. Some of this material has washed down onto the undisturbed area.

The approved bond calculations reflect 287 disturbed acres. There are about 310 acres currently disturbed. SCC believed the difference is because the permanent roads are not counted in the bond calculations since they will not have to be reclaimed.

A bond calculation approved by DOGM in 11/89, requires \$2,708,024 in bond. The permit issued on 1/20/91, states that SCC has posted a bond for \$2,639,088. This indicates a shortfall of \$68,936. The permit states that the bond is in the form of a First Deed of Trust for Undisturbed Lands and Water Rights. However, SCC showed me a CD for about \$78,000 that DOGM is listed on. SCC also showed me an assessment for the water rights that showed their value at around \$6,000,000. From the information provided, I could not tell if there was adequate bond posted since the permit states \$2,639,088 is posted, but there are documents that indicate more assets have been devoted to DOGM.

The categories marked as in compliance on the MSEIR are only for those areas observed, not for the entire mine.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
RANDOM SAMPLE MEIR SUPPLEMENT

1. Permittee Sunnyside Coal Co.
 2. Permit Number ACT/007/007
 3. Joint Inspection | Y | Y/N
 4. Date 5 13 92 4-16-92
 5. Days since Last State Complete Inspection (LSCI) 49 2/27/92
 6. Block 25 Categories in NON-COMPLIANCE this RSI 7
 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.

	A SPECIFIC STATE LAW/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 OPTIONAL	K
Dr N&N's 92-32-2-1	1. R645-301-553.100+130	N	N	4		4	1	1	1		
	Description: Sinkhole in Water Canyon										
92-32-3-1	2. R645-301-742.113	N	N	4		4	1	1	1		
	Description: Posing										
92-32-4-1	3. R645-301-528.323	L	N	2		4	2	2	1		
	Description: Coal mine waste fire										
92-32-5-1	4. R645-301-742+752	D	N	2		4	2	1	1		
	Description: failure to pass										
92-32-7-1	5. R645-301-742.113	N	N	4		4	1	1	1		
	Description: Posing										
92-32-8-1	6. R645-301-742.211	D	N	4		4	2	4	1		
	Description: additional contr.										
14-32-9-1	7. R645-301-542.741	W	N	4		4	1	1	1		
	Description: mineral waste										
OSM TDN's 92-2-370-1	8. R645-301-352+553.252	O	N	2		4	1	1	2		
	Description: Contemporaneous recl.										
242	9. R645-301-746.311, 743.100, 746.312, 746.346	K	N	2	9	4	1	1	2		
	Description: Coal mine waste impoundments										
92-2-370-2 TVI	10. R645-301-742.223, 742.130	E	N	2	9	4	1	1	2		
	Description: pond spillway										

- 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) Permit defect

- 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: Discipline Order issued

- 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
 9) Considerable

- OSMRE ACTION
 1) Deferred to State Action
 2) TDN issued
 3) IH-CD issued
 4) Previously Cited, Abatement Pending
 5) Abated during or before OSMRE Inspection
 6) TDN issued
 7) TDN Issued for Permit Defect



psf/gm

VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name SUNNYSIDE COAL COMPANY

Mailing Address P.O. Box 99, SUNNYSIDE, UT. 84539

State Permit No. ACT/007/007

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 92-32-5-1 dated 3/16, 19 92.

Cessation Order No. C _____ dated _____, 19 ____.

Part 1 of 1 is vacated terminated because the operator has submitted plans and designs for sediment control around the Water Canyon Refuse Pile. The operator must implement the approved abatement measures no later

Part _____ of _____ is vacated terminated because than 15 days after Division approval of Amendment # C/007/007-92D.

Part _____ of _____ is vacated terminated because _____

Date of service (mailing) 5/12/92 Time of service (mailing) 3:00 a.m. p.m.

Joe Fielder
Permittee/Operator representative

Title

Signature

HENRY SAUER
Division of Oil, Gas & Mining

SENIOR RECLAMATION SOILS SPECIALIST
Title

Henry Sauer
Signature



pgf

NO. N 92-32-5-1

notice of violation

To the following Permittee or Operator:

Name SUNNYSIDE COAL COMPANY

Mine SUNNYSIDE MINES Surface Underground Other

County CARBON State UT. Telephone 888-4421

Mailing Address P.O. Box 99, SUNNYSIDE 84539

State Permit No. ACT/007/007

Ownership Category State Federal Fee Mixed

Date of inspection 3/10-12/92, 1992

Time of inspection 3/10: 10:00 A.M. a.m. p.m. to 3/11: 5:00 a.m. p.m.
3/11: 8:00 A.M. a.m. p.m. to 3/12: 2:00 a.m. p.m.

Operator Name (other than Permittee) _____

Mailing Address _____

Under authority of the Utah Coal Mining and Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas & Mining has conducted an inspection of above mine on above date and has found violation(s) of the act, regulations or required permit condition(s) listed in attachment(s). This notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that **cessation of mining** is is not expressly or in practical effect required by this notice. For this purpose, "mining" means extracting coal from the earth or a waste pile, and transporting it within or from the mine site.

This notice shall remain in effect until it expires as provided on reverse side of this form, or is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas & Mining. Time for abatement may be extended by authorized representative for good cause, if a request is made within a reasonable time before the end of abatement period.

Date of service (mailing) 3/16/92 Time of service (mailing) _____ a.m. p.m.

KARL HOUSEKEEPER Environmental Coordinator
Permittee/Operator representative Title

Signature HENRY SAUER Senior Reclamation File Specialist
Division of Oil, Gas & Mining representative Title

Signature Henry Sauer #32
Identification Number

SEE REVERSE SIDE **CERTIFIED RECEIPT** P 074 979 200

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



NOTICE OF VIOLATION NO. N 92-32-5-1

Violation No. 1 of 1

Nature of violation

Failure to pass disturbed area drainage through
a ~~siltation~~ control treatment structure(s).
siltation

Provisions of act, regulations or permit violated

RG45-301-742
RG45-301-752

Portion of operation to which notice applies

WATER CANYON REFUSE PILE

Remedial action required (including any interim steps)

sign + Construct appropriate sediment control measures.

Abatement time (including interim steps)

No LATER THAN 5:00 P.M. APRIL 17, 1992



pgl

NO. N 92-32-4-1

notice of violation

To the following Permittee or Operator:

Name SUNNYSIDE COAL COMPANY

Mine SUNNYSIDE MINES Surface Underground Other

County CARBON State UT. Telephone 888-4421

Mailing Address P.O. BOX 99, SUNNYSIDE 84539

State Permit No. ACT/007/007

Ownership Category State Federal Fee Mixed

Date of inspection 3/10-12/92, 1992

Time of inspection 3/10 : 10:00 A.M. a.m. p.m. to 3/10 3:00 a.m. p.m.
3/11 : 8:00 A.M. a.m. p.m. to 3/11 5:00 a.m. p.m.

Operator Name (other than Permittee) 3/12 : 8:00 A.M. 3/12 2:00

Mailing Address _____

Under authority of the Utah Coal Mining and Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas & Mining has conducted an inspection of above mine on above date and has found violation(s) of the act, regulations or required permit condition(s) listed in attachment(s). This notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that **cessation of mining is** **is not** expressly or in practical effect required by this notice. For this purpose, "mining" means extracting coal from the earth or a waste pile, and transporting it within or from the mine site.

This notice shall remain in effect until it expires as provided on reverse side of this form, or is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas & Mining. Time for abatement may be extended by authorized representative for good cause, if a request is made within a reasonable time before the end of abatement period.

Date of ~~service~~ (mailing) 3/16/92

Time of service, (mailing) a.m. p.m.

KARL HOUSEKEEPER
Permittee/Operator representative

Environmental Coordinator
Title

Signature

HENRY SAUER
Division of Oil, Gas & Mining representative

Senior Reclamation File Specialist
Title

Henry Sauer
Signature

#32
Identification Number

SEE REVERSE SIDE
WHITE-DOG M YELLOW-OSM PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE

CERTIFIED RECEIPT P 074 979 200



NOTICE OF VIOLATION NO. N 92-32-4-1

Violation No. 1 of 1

Nature of violation

Failure to extinguish coal mine waste fires in accordance with the plan approved by the Division and MSHA.

Provisions of act, regulations or permit violated

RC45-301-528.323

UCA 40-10-18 (2)(h)

Portion of operation to which notice applies

COARSE REFUSE PILE

WATER CANYON REFUSE PILE

Remedial action required (including any interim steps)

EXTINGUISH COAL MINE WASTE FIRES and ELIMINATE CONDITIONS WHICH CONSTITUTE A FIRE HAZARD

Abatement time (including interim steps)

NO LATER THAN 5:00 P.M. APRIL 17, 1992



[Handwritten initials]

VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name SUNNYSIDE COAL COMPANY

Mailing Address P.O. BOX 99, HIGHWAY 123, SUNNYSIDE, UT. 84539

State Permit No. ACT/007/007

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., Utah Code Annotated (1953):

Notice of Violation No. N 92-32-4-1 dated 3/12, 19 92.

Cessation Order No. C _____ dated _____, 19 ____.

Part 1 of 1 is vacated terminated because abatement requirements
(ie. covering the entire surface of the lower lift of the Cross Pit as filed in
non-compliant material) have been fulfilled.

Part _____ of _____ is vacated terminated because _____

Part _____ of _____ is vacated terminated because _____

Date of service/ mailing 9/21/92

Time of service/ mailing 3:00 a.m. p.m.

PETER HESS
Permittee/Operator representative

Environmental Coordinator
Title

Signature
HENRY SAUER
Division of Oil, Gas & Mining

[Signature]
Title

Signature
[Signature]

ACT/007/007 92D
2:5

Sunnyside Coal Company

Operations • Highway 123 • P.O. Box 99 • Sunnyside, Utah 84539

April 28, 1992

Mr. Henry Sauer
Senior Reclamation Soils Specialist
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

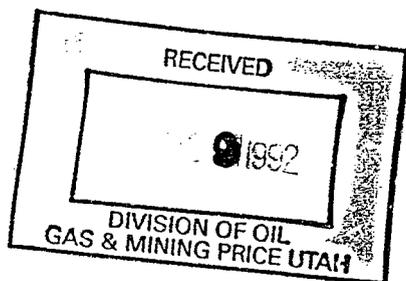
Dear Henry,

Re: Design Information - Water Canyon Refuse Pile
Sediment Control

Sunnyside Mine is providing additional information supporting the design and installation of the silt fence for the Water Canyon Refuse Pile. The silt fence installation abates NOV 92-32-5-1.

The silt fence is located in the drainage channel for the runoff from the refuse pile and is V-shaped for a total length of 11 feet. The 5-foot leg spans the bottom of the downstream channel to the canyon wall and the 6-foot leg spans to the road on the other side of the drainage channel. The silt fence, as-built, passes both the 25-year, 6-hour and the 10-year, 24-hour precipitation events.

The silt fence will be inspected and maintained as described in the approved permit.



Sincerely,

Gary Gray
Chief Mine Engineer

cc: J. Fielder - SCC
M. Elder - JMeco
File

Corporate Offices
The Registry
1113 Spruce Street
Boulder, CO 80302
303-938-1506
FAX: 303-938-5050

Sales Office
1350 17th Street
Suite 350
Denver, CO 80202
303-534-3348
FAX: 303-825-8626

West Coast Division
1345 Astoria Drive
Fairfield, CA 94533
707-425-4506

Operations
Highway 123
P.O. Box 99
Sunnyside, UT 84539
801-888-4421
FAX: 801-888-2581



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
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 84180-1203
801-538-5340

August 7, 1992

Mr. Joe Fielder, General Manager
Sunnyside Coal Company
P.O. Box 99
Sunnyside, Utah 84539

Dear Mr. Fielder:

Re: Water Canyon Refuse Pile Sediment Control, Sunnyside Coal Company, Sunnyside Mine, ACT/007/007-92D, Folder #2, Carbon County, Utah

The submittal, dated April 28, 1992, regarding this proposal is denied. Please resubmit this proposal with the necessary information for runoff from a refuse pile by September 15, 1992. If you have any questions, please call me or Hugh Klein.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Grubaugh-Littig".

Pamela Grubaugh-Littig
Permit Supervisor

pgl

92D

Sunnyside Coal Company

Operations • Highway 123 • P.O. Box 99 • Sunnyside, Utah 84539

RECEIVED

JAN 25 1993

January 21, 1993

DIVISION OF
GAS, OIL & MINING

Ms. Pamela Grubaugh-Littig
Division of Gas, Oil & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

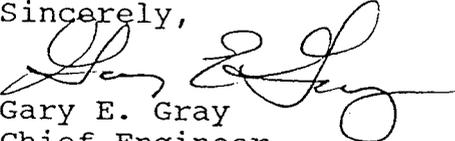
Dear Pam:

Re: Permit Amendment for Water Canyon Refuse Area Disturbed Area
Boundary and Sediment Control

Attached is an application to amend the permit, removing a part of
the Water Canyon Refuse Area as Pre-Law and revising the sediment
controls for the area.

We appreciate your review of this amendment. Please call if you
have any questions.

Sincerely,


Gary E. Gray
Chief Engineer

Corporate Offices
The Registry
1113 Spruce Street
Boulder, CO 80302
303-938-1506
FAX: 303-938-5050

Sales Office
1350 17th Street
Suite 350
Denver, CO 80202
303-534-3348
FAX: 303-825-8626

West Coast Division
1345 Astoria Drive
Fairfield, CA 94533
707-425-4506

Operations
Highway 123
P.O. Box 99
Sunnyside, UT 84539
801-888-4421
FAX: 801-888-2581



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

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

April 29, 1993

TO: Pamela Grubaugh-Littig, Permit Supervisor

FROM: Jess Kelley, Reclamation Engineer *JK*

RE: Amendment for Removal of Water Canyon Refuse Pile from Disturbed Area, Sunnyside Coal Company, Sunnyside Mine, ACT/007/007-92D, Folder #2, Carbon County, Utah

SYNOPSIS

It is the permittee's intention to remove the Water Canyon refuse pile from the disturbed area as a prelaw structure. To this end, on January 25, 1993, the permittee submitted Amendment 92D for Division approval. Exhibit B, "Water Canyon Disturbed Area Boundary Map," shows the disturbed area in Water Canyon as the permittee intends to redefine it.

ANALYSIS

The permittee has divided the history of the Water Canyon refuse pile into four periods. Mining activities which took place during these periods are shown on Exhibit A, "No. 2 Mine Material Extraction History," which the permittee has included as part of the submittal.

The first period was from the early 1920s through 1952. It was during this period that the refuse pile was actually created. Refuse material was removed from the mine by hoist through the Water Canyon portal and placed in the refuse pile. Placement of material in the refuse pile ceased in 1952 when the preparation plant was built.

The second period was from 1952 through August of 1973. During this period, all material from the No. 2 Mine was transported by belt to cars which were hoisted from the mine by the Fan Canyon hoist. The cars were transported underground to the preparation plant, emerging from one portal and entering the



Page 2
Amendment Memo
ACT/007/007-92D
April 29, 1993

opposite portal, crossing the trestle across Water Canyon. Refuse material went to the rotary dump at the preparation plant.

The third period was from September of 1973 to 1989. During this period, all material was removed from the mine by belt up the No. 3 slope and went directly to the preparation plant. No refuse was removed through the Water Canyon portals. Management and fire bosses with motors, on their way to inspect the No. 2 Mine, were the only traffic to cross the Water Canyon trestle from portal to portal.

The fourth period was from June to October of 1985, when two small areas of the No. 2 Mine were being worked. Material removed from these areas went by belt down dip to 19th left and up the No. 3 slope to the preparation plant. As in the two previous periods, no refuse material was removed through the Water Canyon portals.

According to the permittee, Water Canyon has seen, since 1973, only occasional surface inspections, occasional cleanout of sediment accumulated beneath the trestle, the capping of fires outside the designated refuse pile area, and occasional use of the trestle and track for transportation of workers and material. The permittee further maintains that the disturbed area markers have been erroneously placed to include the refuse pile. From the material in the submittal, from my conversations with other Division staff members, and from my familiarity with the Water Canyon area, the permittee's chronology appears to be correct. There appears to be no reason why the Water Canyon refuse pile should not be removed from the disturbed area and, thus, from the permittee's reclamation responsibility.

RECOMMENDATIONS

It is recommended that Amendment 92D be approved and that the permittee be allowed to redefine the disturbed area boundary in Water Canyon as shown in Exhibit B of the submittal.

SSWRF.MEM



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

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

May 17, 1993

To: Lowell P. Braxton, Associate Director, Mining

From: Pamela Grubaugh-Littig, Permit Supervisor. *pal*

Re: Signoff from AML for Removal of Water Canyon Refuse Pile from the Disturbed Area, Sunnyside Coal Company, Sunnyside Mine, ACT/007/007-92D, Folder #2, Carbon County, Utah

Sunnyside Coal Company (SCC) has proposed to remove the Water Canyon refuse pile from the disturbed area as a prelaw structure. The initial proposal was denied on August 7, 1992 and the permittee resubmitted information on January 25, 1993 that has been reviewed by Jesse Kelley, see attached memo.

Before this amendment can be approved, a letter from AML taking responsibility for the pre-law pile is probably in order, i.e. before the liability is released from Title V the liability should be shifted to Title IV. This pile was included in the disturbed area in the original permit, but has not been reaffected by post law mining, which is the argument of the permittee for releasing the pile from the disturbed area. *V*

I have attached information relative to the amendment for your review. Please let me know how I should proceed with this issue. Thank you.

