

0004



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

INSPECTION REPORT

gph

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 84180-1200
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

Partial: XX Complete: Exploration:

Inspection Date & Time: 10-13-95/ 12:50a.m.-3:30p.m.

Date of Last Inspection: 9/20/95

Mine Name: Sunnyside Mine County: Carbon Permit Number: ACT/007/007

Permittee and/or Operator's Name: Ken Rushton, Trustee

Business Address: 99 West Main #202, P.O. Box 212, Lehi, Utah 84043

Type of Mining Activity: Underground Surface Prep. Plant Other XX

Company Official(s):

State Officials(s): Peter Hess Federal Official(s):

Weather Conditions: Cool/Sunny

Existing Acreage: Permitted- 14475 Disturbed-310 Regraded- Seeded- Bonded- 310

Increased/Decreased: Permitted- Disturbed- Regraded- Seeded- Bonded-

Status: Exploration/ Active/ XX 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: Item, EVALUATED, N/A, COMMENTS, NOV/ENF. Rows include items like PERMITS, CHANGE, TRANSFER, RENEWAL, SALE; SIGNS AND MARKERS; TOPSOIL; HYDROLOGIC BALANCE; EXPLOSIVES; DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES; COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS; PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES; SLIDES AND OTHER DAMAGE; CONTEMPORANEOUS RECLAMATION; BACKFILLING AND GRADING; REVEGETATION; SUBSIDENCE CONTROL; CESSATION OF OPERATIONS; ROADS; CONSTRUCTION/MAINTENANCE/SURFACING; DRAINAGE CONTROLS; OTHER TRANSPORTATION FACILITIES; SUPPORT FACILITIES/UTILITY INSTALLATIONS; AVS CHECK; AIR QUALITY PERMIT; BONDING & INSURANCE.



**INSPECTION REPORT**  
(Continuation sheet)

Page 2 of 2

PERMIT NUMBER: ACT/007/007

DATE OF INSPECTION: 10-13-95

(Comments are Numbered to Correspond with Topics Listed Above)

9. PROTECTION OF FISH, WILDLIFE, AND RELATED ENVIRONMENTAL VALUES

Based on a citizen's complaint voiced to Mr. Bill Malencik, Reclamation Specialist, DOGM-PFO, a partial inspection was conducted at the Sunnyside Mine site. The citizen, Mr. Clyde Wayman, of the Sunnyside, East Carbon area, indicated that the gates to the property were open allowing access to any hazards that may be associated with the site. Mr. Malencik aired this concern to this inspector at approximately 12:50 hours on 10/13/95.

Prior to traveling to the mine site, Mr. Lowell Braxton, Associate Director, SLC-DOGM, and Mr. Ken Rushton, Trustee of the site for the U. S. Bankruptcy Court, were informed of the complaint via voice mail.

Upon arrival at the site, all five of the gates which I had locked during a previous visit were inspected. **All of the gates were locked.** I am not exactly certain what hazards Mr. Wayman was referring to, but those that were observed during the September DOGM tour of the site have been taken care to the extent that the current financial situation here would permit. This should not be construed to indicate that other hazards do not exist. However, with security at the site being nonexistent with the exception of the East Carbon City Police Department, it is essentially impossible to protect the general public from themselves.

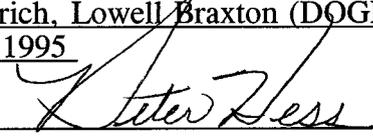
After leaving the site, I spoke with Mr. Bob Setzer, Officer for the E.C.C.P.D. Mr. Setzer indicated that the Department did patrol the mine gate's on a regular basis, and that they had chased some adolescents on ATV's off of the site. I requested to him, that at the request of Mr. Rushton and the DOGM that this practice be continued.

This concludes this inspection report.

**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: Ken Ruston (SCC) Clyde Wayman (Citizen) Bernie Freeman (OSM)  
Given to: Joe Helfrich, Lowell Braxton (DOGM) Filed to: Price Field Office  
Date: October 17, 1995

Inspector's Signature:  #46  
Peter Hess