

ACT/007/011  
# 7



SCOTT M. MATHESON  
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON  
Executive Director,  
NATURAL RESOURCES

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES

CHARLES R. HENDERSON  
Chairman

CLEON B. FEIGHT  
Director

DIVISION OF OIL, GAS, AND MINING

1588 West North Temple  
Salt Lake City, Utah 84116  
(801) 533-5771

JOHN L. BELL  
C. RAY JUVELIN  
THADIS W. BOX  
MAXILIAN A. FARBMAN  
EDWARD T. BECK  
E. STEELE McINTYRE

Modification of Notice or Order

To the Following Permittee or Operator:

Name U.S. FUEL CO.

Mailing Address HIAWATHA, UTAH 84527

State Permit No. ACT/007/OIL

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

Notice of Violation No. N 84-4-8-8 dated MAY 11, 1984.  
Y TV

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19\_\_\_\_.  
Y TV

Violation No. 1 is modified as follows:

*TIME FOR ABATEMENT: JULY 13, 1984*

The reason for this modification are as follows:

*PLANS MUST BE RECEIVED BY THE DIVISION BY THIS DATE*

Violation No. 2 is modified as follows:

The reasons for this modification are as follows:

Violation No. 8 is modified as follows:

The reasons for this modification are as follows:

Date of Service 6/25/84

*Joseph C. Helfreich*  
Signature of Authorized Representative

Time of Service or Mailing 4:00 a.m. X p.m.

JOSEPH C. HELFREICH #1  
Name and I.D. No.

ACT/007/04  
#7



SCOTT M. MATHESON  
Governor

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THADIS W. BOX  
MAXILIAN A. FARBMAN  
EDWARD T. BECK  
E. STEELE McINTYRE

Modification of Notice or Order

To the Following Permittee or Operator:

Name U.S. FUEL CO.

Mailing Address HIAWATHA, UT 84527

State Permit No. ACT/007/011

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

Notice of Violation No. N B4-4-8-8 Y TV dated MAY 11, 1984.

Cessation Order No. C \_\_\_\_\_ Y TV dated \_\_\_\_\_, 19\_\_\_\_.

Violation No. 4 is modified as follows:

*TIME FOR ABATEMENT: JUNE 29, 1984*

The reason for this modification are as follows:

*PLANS MUST BE RECEIVED BY THE DIVISION  
CW OR BEFORE THIS DATE*

Violation No. 6 is modified as follows:

The reasons for this modification are as follows:

Violation No. \_\_\_\_\_ is modified as follows:

The reasons for this modification are as follows:

Date of Service 6/25/84

*Joseph C. Helfrich*  
Signature of Authorized Representative

Time of Service or Mailing 4:00 a.m. X p.m.

JOSEPH C. HELFRICH #1  
Name and I.D. No.

FILE ACT/007/011  
Folder #7



SCOTT M. MATHESON  
Governor

OIL, GAS, AND MINING BOARD

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NATURAL RESOURCES

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(801) 533-5771

JOHN L. BELL  
C. RAY JUVELIN  
THADIS W. BOX  
MAXILIAN A. FARBMAN  
EDWARD T. BECK  
E. STEELE McINTYRE

Vacation or Termination of Notice or Order

To the Following Permittee or Operator:

Name U.S. FUEL CO.

Mailing Address HIKAWATHA, UTAH 84527

State Permit No. ACT/007/011

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

Notice of Violation No. N 84-4-8-8 Y TV dated MAY 11, 19 84.

Cessation Order No. C \_\_\_\_\_ Y TV dated \_\_\_\_\_, 19 \_\_\_\_\_.

Violation No. 3 is hereby X Terminated EFFECTIVE 5/21/84 \_\_\_\_\_ Vacated because:

Violation No. 5 is hereby X Terminated EFFECTIVE 5/2/84 \_\_\_\_\_ Vacated because:

Violation No. \_\_\_\_\_ is hereby \_\_\_\_\_ Terminated \_\_\_\_\_ Vacated because:

Date of Service JUNE 18, 1984 \_\_\_\_\_  
Signature of Authorized Representative David Lok #4

Time of Service or Mailing 12:30 a.m. X p.m. \_\_\_\_\_  
Name and I.D. No. DAVID LOK #4

FILE ACT/007/01  
FOLDER #7



SCOTT M. MATHESON  
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON  
Executive Director,  
NATURAL RESOURCES

STATE OF UTAH  
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THADIS W. BOX  
MAXILIAN A. FARBMAN  
EDWARD T. BECK  
E. STEELE McINTYRE

Vacation or Termination of Notice or Order

To the Following Permittee or Operator:

Name U. S. FUEL CO.

Mailing Address HIAWATHA, UT 84527

State Permit No. ACT/007/011

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

Notice of Violation No. N 84-4-9-1 Y TV dated JUNE 8, 1984.

Cessation Order No. C \_\_\_\_\_ Y TV dated \_\_\_\_\_, 19\_\_\_\_\_.

Violation No. 1 is hereby X Terminated \_\_\_\_\_ Vacated because:

Violation No. \_\_\_\_\_ is hereby \_\_\_\_\_ Terminated \_\_\_\_\_ Vacated because:

Violation No. \_\_\_\_\_ is hereby \_\_\_\_\_ Terminated \_\_\_\_\_ Vacated because:

Date of Service JUNE 8, 1984 David Lof  
Signature of Authorized Representative

Time of Service or Mailing 8:12 X a.m. \_\_\_\_\_ p.m. DAVID LOF #4  
Name and I.D. No.

FILE ACT/007/011  
FOLDER #7

DOGM/NOV-1

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS & MINING

1588 West North Temple  
Salt Lake City, Utah 84116  
Telephone: (801) 533-5771

NOTICE OF VIOLATION NO. N BA-4-9-1

From the STATE OF UTAH  
To the Following Permittee or Operator:

NAME U. S. FUEL Co.

MINE HIAWATHA COMPLEX  SURFACE  UNDERGROUND  OTHER \_\_\_\_\_

CATEGORY OF OWNERSHIP:  STATE  FEDERAL  FEE  MIXED

OSM MINE NO. \_\_\_\_\_ STATE PERMIT NO. ACT/007/011 MSHA I.D. NO. \_\_\_\_\_

COUNTY AND STATE CARBON COUNTY, UTAH TELEPHONE \_\_\_\_\_

MAILING ADDRESS: U. S. FUEL Co. HIAWATHA, UT 84527

DATE OF INSPECTION JUNE 7, 19 84

TIME OF INSPECTION: FROM 8:10  a.m. to 10:50  a.m.  
 p.m. to  p.m.

NAME OF OPERATOR (if other than permittee) \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

Under the authority of the Utah Coal Mining and Reclamation Act of 1979 (Sec. 40-10-1 et seq., Utah Code Annotated, 1953), the undersigned authorized representative of the Director and the Division of Oil, Gas & Mining has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the 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 minesite.

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

Date of Service JUNE 8, 1984 David Lof  
SIGNATURE OF AUTHORIZED REPRESENTATIVE

Time of Service 8:10  a.m.  p.m. DAVID LOF #1  
NAME AND I. D. NO.

Person Served with Notice JEAN SEMBORSKI  
PRINT NAME AND TITLE

Signature Jean Semborski

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE



STATE OF UTAH

Notice of Violation No. N 84-4-9-1

Violation No. 1 of 1

Nature of the Violation

FAILURE TO PLACE AND STORE NON-COAL WASTES IN SUCH A MANNER AS TO PREVENT FIRES

Provision(s) of the Regulations, Act, or Permit Violated

UMC 817.89 (a)

Portion of the Operation to which Notice Applies

THE ELECTRICAL CABLE BEING BURNED AT THE NORTH END OF THE UPPER COAL STOCKPILE YARD

Remedial Action Required (including interim steps, if any)

PUT OUT THE FIRE COMPLETELY AND DISPOSE OF THE MATERIAL IN AN APPROVED NONCOAL WASTE STORAGE AREA

Time for Abatement (including time for interim steps, if any)

JUNE 8, 1984; 5:00 p.m.



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

*File*

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

May 24, 1984

P 402 457 310  
REGISTERED RETURN RECEIPT REQUESTED

Ms. Jean Semborski, Engineer  
U. S. Fuel Company  
Hiawatha, Utah 84527

RE: Extension request for NOV  
N84-4-8-8  
Hiawatha Mine  
ACT/007/011, Folder #7  
Carbon County, Utah

Dear Ms. Semborski:

On May 18, 1984 the Division received a letter from U. S. Fuel Company requesting an extension of the time for abatement for NOV N84-4-8-8, #3 of 8. According to the letter the reason for requesting an extension was that U. S. Fuel Company's production schedule for the week did not allow for sufficient man hours to be dedicated to the problem to insure completion by May 18, 1984. The pertinent regulation governing the extension of the time set for abatement of a violation is UMC 843.12 (c) which reads as follows:

"The Director, Division or their authorized representative may extend the time set for abatement or for accomplishment of an interim step, if the failure to meet the time previously set was not caused by lack of diligence on the part of the person to whom it was issued."

Your request and the pertinent regulation were discussed with Division Director, Dianne Nielson, we agreed that an extension could not be granted because the operator had chosen to produce coal rather than comply with the remedial actions required for the Notice of Violation, thereby, indicating a lack of diligence on the part of the operator.

However, in further discussing the matter with Dr. Nielson, I indicated to her that I had initially meant for you, the operator, to have five working days in order to complete the remedial actions required and that since you had only had three working days that I felt an extension until May 23, 1984, 5:00 P.M. would be appropriate. Following my discussions with Dr. Nielson on May 18, 1984, I called your supervisor, Bob Eccli, and informed him of our decision.

Ms. Jean Semborski  
ACT/007/011  
May 24, 1984  
page 2

Please find enclosed, a Modification of Notice which modifies the time for abatement of NOV N84-4-8-8 which relates to that discussion. Since that conversation the Division has granted U. S. Fuel Company an extension until June 15, 1984 to prepare an appeal of NOV N84-4-8-8.

If you have any questions regarding this letter or the enclosed modification, please do not hesitate to call myself or Joe Helfrich, Field Supervisor.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Lof". The signature is written in dark ink and is positioned above the typed name and title.

David Lof  
Mining Field Specialist

DL:re

cc: Jodie Merriman, OSM  
Dianne Nielson, DOGM  
Joe Helfrich, DOGM  
90150



SCOTT M. MATHESON  
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON  
Executive Director,  
NATURAL RESOURCES

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple  
Salt Lake City, Utah 84116  
(801) 533-5771

CHARLES R. HENDERSON  
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C. RAY JUVELIN  
THADIS W. BOX  
MAXILIAN A. FARBMAN  
EDWARD T. BECK  
E. STEELE McINTYRE

CLEON B. FEIGHT  
Director

Modification of Notice or Order

To the Following Permittee or Operator:

Name U. S. FUEL CO. - HIAWATHA COMPLEX

Mailing Address HIAWATHA UTAH 84527

State Permit No. ACT/007/011

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

Notice of Violation No. N 84-4-8-8 dated MAY 11, 1984.  
Y TV

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19\_\_\_\_.  
Y TV

Violation No. 1 is modified as follows: TIME FOR ABATEMENT: JUNE 15, 1984

The reason for this modification are as follows:

Violation No. 3, 4 is modified as follows:

The reasons for this modification are as follows:

Violation No. 5, 6, 7, 8 is modified as follows:

The reasons for this modification are as follows:

Date of Service MAY 24, 1984

Signature of Authorized Representative

Time of Service or Mailing 1:50 a.m.  p.m.

DAVID LOEV #21

Name and I.D. No.

FILE ACT/007/011  
FOLDER #7



SCOTT M. MATHESON  
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON  
Executive Director,  
NATURAL RESOURCES

STATE OF UTAH  
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C. RAY JUVELIN  
THADIS W. BOX  
MAXILIAN A. FARBMAN  
EDWARD T. BECK  
E. STEELE McINTYRE

CLEON B. FEIGHT  
Director

Modification of Notice or Order

To the Following Permittee or Operator:

Name U. S. FUEZ CO. - HAWAITHA COMPLEX

Mailing Address HAWAITHA, UTAH 84527

State Permit No. ACT/007/011

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

Notice of Violation No. N 84-4-8-8 Y TV dated MAY 11, 1984.

Cessation Order No. C \_\_\_\_\_ Y TV dated \_\_\_\_\_, 19\_\_\_\_.

Violation No. 1, 2 is modified as follows: TIME FOR ABATEMENT: JUNE 15, 1984

The reason for this modification are as follows:

Violation No. 3, 4 is modified as follows:

The reasons for this modification are as follows:

Violation No. 5, 6, 7, 8 is modified as follows:

The reasons for this modification are as follows:

Date of Service MAY 22, 1984

David Loe  
Signature of Authorized Representative

Time of Service or Mailing 1:50 a.m.  p.m.

DAVID LOE #21  
Name and I.D. No.

To Dave L.  
FILE ACT/007/011  
FOLDER #7

# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

RECEIVED

MAY 18 1984

May 17, 1984

DIVISION OF OIL  
GAS & MINING

JIM

MAY 18 1984

Mr. James W. Smith, Jr. Coordinator of  
Mined Land Development  
State of Utah Natural Resources  
Division of Oil, Gas and Mining  
Salt Lake City, Utah 84114

RE: Extension request for  
NOV 84-4-8-8, 3 of 8

Dear Mr. Smith:

On Tuesday May 15, 1984 United State Fuel Company received Notice of Violation 84-4-8-8 issued by Dave Lof of the Division. We find however, on this date of Thursday May 17, 1984, that we will be unable to complete N84-4-8-8, #3 of 8 by the specified deadline of May 18, 1984.

Although the mine personnel responsible for correcting this problem have been working on the remedial action for abatement, our production schedule for this week did not allow for sufficient man hours to be dedicated to the problem to ensure completion by May 18, 1984. Hence, we request that the abatement deadline for this violation be extended to Friday May 25, 1984.

Thank you for your help with this matter.

Sincerely,

*Jean Semborski*

Jean Semborski  
Engineer

pc: E. Gardiner





STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

May 14, 1984

(B 52778616)  
EXPRESS MAIL

Ms. Jean Semborski  
U. S. Fuel Company  
Hiawatha, Utah 84527

RE: Notice of Violation N84-4-8-8  
Hiawatha Complex  
ACT/007/011, Folder No. 7  
Carbon County, Utah

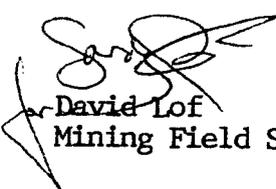
Dear Jean:

I am sorry I was not able to get back to you sooner following my May 1 inspection, but I have had a lot of research to do and several other pressing issues to resolve. Enclosed you will find Notice of Violation N84-4-8-8. I tried to telephone you several times Friday, May 11, 1984 in order to discuss these violations with you, but evidently you were out of the office. You will note that six of the violations have abatement deadlines of May 25, 1984; I am going to extend the deadlines for these violations to May 29, 1984 in order to give you a full two weeks to address them.

I am going to be attending a hydrology and sedimentology short course the week of May 14-18 and, therefore, it will be difficult to get a hold of me if you have any questions. If you have any questions, please call the Division and leave a message for me to call, I will be checking into the office daily and will return your phone call as soon as possible.

An extension of the time for abatement for any of these violations (other than the extension to May 29, 1984) will only be granted upon receipt of a written request for extension prior to the abatement deadline. Said extension request must be substantiated.

Sincerely,

  
David Lof  
Mining Field Specialist

DL/btb  
Enclosures  
cc: Jodie Merrimen, OSM  
Joe Helfrich, DCGM  
88350

FILE ACT/007/011  
FOLDER #7

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS & MINING

1588 West North Temple  
Salt Lake City, Utah 84116  
Telephone: (801) 533-5771

NOTICE OF VIOLATION NO. N 84-4-8-8

From the STATE OF UTAH  
To the Following Permittee or Operator:

NAME U.S. Fuel Co.  
 MINE Hawatha Complex  SURFACE  UNDERGROUND  OTHER \_\_\_\_\_  
 CATEGORY OF OWNERSHIP:  STATE  FEDERAL  FEE  MIXED  
 OSM MINE NO. \_\_\_\_\_ STATE PERMIT NO. Act/001/011 MSHA I.D. NO. \_\_\_\_\_  
 COUNTY AND STATE Carbon County, Utah TELEPHONE \_\_\_\_\_  
 MAILING ADDRESS: U.S. Fuel Co. Hawatha UT 84527  
 DATE OF INSPECTION 5/1, 19 84  
 TIME OF INSPECTION: FROM 10:30  a.m. to 4:30  a.m.  
 p.m. to  p.m.  
 NAME OF OPERATOR (if other than permittee) \_\_\_\_\_  
 MAILING ADDRESS: \_\_\_\_\_

Under the authority of the Utah Coal Mining and Reclamation Act of 1979 (Sec. 40-10-1 et seq., Utah Code Annotated, 1953), the undersigned authorized representative of the Director and the Division of Oil, Gas & Mining has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the 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 minesite.

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

Date of Service MAY 10, 1984 David Lof  
SIGNATURE OF AUTHORIZED REPRESENTATIVE

Time of Service 1:00  a.m.  p.m. DAVID LOF #4  
NAME AND I. D. NO.

Person Served with Notice JEAN SEMBORSKI  
PRINT NAME AND TITLE

Signature ISSUED FROM DIVISION OFFICE

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE



STATE OF UTAH

Notice of Violation No. N 84-4-8-8

Violation No. 1 of 8

Nature of the Violation

FAILURE TO MINE IN ACCORDANCE WITH AN APPROVED INTERIM PERMIT

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-22 (1)(c)  
UMC 771.19

Portion of the Operation to which Notice Applies

THE MILLER CK. STREAM CHANNEL DIVERSION ASSOCIATED WITH SLURRY IMPOUNDMENT  
#1

Remedial Action Required (including interim steps, if any)

- A. ~~REVIEW~~ REVIEW APPROVED PLANS AND ENSURE THAT THE STREAM CHANNEL DIVERSION  
IS CONSTRUCTED AS APPROVED (I.E., RIPRAP, SIDE SLOPES, ETC.)
- OR
- B. SUBMIT COMPLETE AND ADEQUATE PLANS TO THE DIVISION, MODIFYING  
THE APPROVED PLAN, WHICH ENSURE COMPLIANCE WITH UMC 817.44

Time for Abatement (including time for interim steps, if any)

~~MAY 15, 1984~~ MAY 25, 1984 AT 5:00 PM.  
D.L.



STATE OF UTAH

Notice of Violation No. N 84-4-8-8

Violation No. 2 of 8

Nature of the Violation

FAILURE TO ~~PRO~~ CONDUCT SURFACE COAL MINING OPERATIONS SO AS TO PREVENT, TO THE  
EXTENT POSSIBLE ADDITIONAL CONTRIBUTIONS OF SUSPENDED SOLIDS TO STREAMFLOW OR  
RUNOFF OUTSIDE THE PERMIT AREA

FAILURE TO MINE IN ACCORDANCE WITH AN APPROVED INTERIM PERMIT.

FAILURE TO PASS ALL DISTURBED AREA RUNOFF THROUGH A SEDIMENT POND OR TREATMENT  
FACILITY BEFORE LEAVING THE PERMIT AREA.

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-18 (2)(i)(i')

UCA 40-10-22 (1)(c)

UMC 771.19

UMC 817.42 (a)(1)

Portion of the Operation to which Notice Applies

THE CLASS I ROAD IN THE MIDDLE FORK FROM APPROXIMATELY STATION 150+00  
TO STATION 143+00 (SEE EXHIBIT XIII-2B, "MIDDLE FORK HAUL ROAD") AND IT'S ASSOCIATED  
ROAD SIDE DITCH

Remedial Action Required (including interim steps, if any)

SUBMIT COMPLETE AND ADEQUATE PLANS TO THE DIVISION FOR THE INSTALLATION  
OF A SLOTTED CROSS DRAW ACROSS THE ROAD AT APPROXIMATELY STATION 143+00  
IN ORDER TO ENSURE THAT ALL DISTURBED AREA RUNOFF PASSES THROUGH THE SEDIMENT  
POND IN ACCORDANCE WITH THE APPROVED INTERIM PERMIT.

Time for Abatement (including time for interim steps, if any)

MAY 25, 1984 AT 5:00 P.M.



STATE OF UTAH

Notice of Violation No. N 84-4-8-8

Violation No. 3 of 8

Nature of the Violation

FAILURE TO ~~BE~~ OPERATE IN ACCORDANCE WITH AN APPROVED INTERIM PERMIT  
FAILURE TO PASS ALL DISTURBED AREA RUNOFF THRU<sup>6</sup> A SEDIMENTATION POND OR TREATMENT  
FACILITY BEFORE LEAVING THE PERMIT AREA  
FAILURE TO MAINTAIN SEDIMENT CONTROL MEASURES TO PREVENT, TO THE EXTENT POSSIBLE,  
ADDITIONAL CONTRIBUTIONS OF SEDIMENT TO STREAMFLOW OR TO RUNOFF OUTSIDE THE PERMIT AREA.

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-22 (1) (c)  
LMC 771.19  
LMC 817.42(a)(1)  
LMC 817.45

Portion of the Operation to which Notice Applies

A. THE NORTH - EAST SIDE OF THE RAILROAD TRACKS FROM THE EXTREME NORTH END OF THE  
UPPER COAL STORAGE YARD TO APPROXIMATELY 400' EAST OF THE TRUCK MAINTENANCE SHOP  
B. THE 36" CROSS CULVERT, ~~FOR~~ UNDER THE RAILROAD, FOR THE UNDISTURBED AREA  
BETWEEN THE EXPLOSIVES MAGAZINE AREA AND THE UPPER COAL STORAGE YARD

Remedial Action Required (including interim steps, if any)

A. CONSTRUCT AND MAINTAIN A BERM (MINIMUM HEIGHT 2 FT.) ALONG THE NORTH - EAST  
SIDE OF THE RAILROAD TRACKS AS NECESSARY  
B. 1) EXTEND THE 36" CULVERT INLET TO THE WEST SEVERAL FEET AND PROVIDE  
ADEQUATE INLET CONTROLS 2) CONSTRUCT A BERM (MIN. HT. 2 FT.) ALONG THE  
WEST SIDE OF THE RAILROAD TRACKS TO PROTECT THE UNDISTURBED AREA FROM THE  
DISTURBED AREA ALONG THE RAILROAD

Time for Abatement (including time for interim steps, if any)

A. MAY 18, 1984  
B. MAY 18, 1984



STATE OF UTAH

Notice of Violation No. N 84-4-B-8

Violation No. 4 of 8

Nature of the Violation

FAILURE TO MINE IN ACCORDANCE WITH AN APPROVED INTERIM MINE PLAN.  
FAILURE TO PLACE AND STORE NON-COAL WASTE IN A DESIGNATED PORTION OF THE PERMIT  
AREA.  
FAILURE TO PASS ALL DISTURBED AREA RUNOFF THROUGH A SEDIMENT POND OR TREATMENT FACILITY  
BEFORE LEAVING THE PERMIT AREA.

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-22 (1)(c)  
UMC 8771.19  
UMC 817.89 (a)  
UMC 817.42(a)(1)

Portion of the Operation to which Notice Applies

THE EXPLOSIVES MAGAZINE AREA AND ASSOCIATED DISTURBED AREA

Remedial Action Required (including interim steps, if any)

A. MOVE THE EXPLOSIVES MAGAZINES TO ANOTHER SITE WITHIN THE APPROVED DISTURBED AREA  
B. REMOVE ALL NON-COAL WASTE FROM THE AREA AND DISPOSE OF IN A DESIGNATED PORTION  
OF THE PERMIT AREA  
C. ~~RECLAIM THE AREA~~ SUBMIT COMPLETE AND ADEQUATE PLANS TO THE DIVISION  
FOR THE IMMEDIATE RECLAMATION OF THE AREA

Time for Abatement (including time for interim steps, if any)

MAY 25, 1984 AT 5:00 P.M.



STATE OF UTAH

Notice of Violation No. N 84-48-8

Violation No. 5 of 8

Nature of the Violation

FAILURE TO MINE IN ACCORDANCE WITH AN APPROVED INTERIM PERMIT.  
FAILURE TO MAINTAIN A SEDIMENT POND TO PREVENT SHORT CIRCUITING TO THE  
EXTENT POSSIBLE.

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-22 (1) (c)  
UMC 771.19  
UMC 817.46 (c)

Portion of the Operation to which Notice Applies

MIDDLE FORK SEDIMENT POND DRAINAGE DEVICE OUTLET

Remedial Action Required (including interim steps, if any)

INSTALL 3" VITROLIC CLAMP WITH PLUG, ON THE END OF THE 3" STEEL PIPE AS PER  
"OUTLET STRUCTURE DETAIL" IN EXHIBIT VII-3 ENTITLED, "TYPICAL DETAILS AND SECTIONS  
FOR SEDIMENTATION PONDS"

Time for Abatement (including time for interim steps, if any)

MAY 18, 1984



STATE OF UTAH

Notice of Violation No. N 84-4-B-8

Violation No. 6 of 8

Nature of the Violation

FAILURE TO CONDUCT SURFACE COAL MINING OPERATIONS SO AS TO PREVENT, TO THE EXTENT POSSIBLE USING THE BEST TECHNOLOGY CURRENTLY AVAILABLE, ADDITIONAL CONTRIBUTIONS OF SUSPENDED SOLIDS TO STREAMFLOW OR RUNOFF OUTSIDE THE PERMIT AREA.  
FAILURE TO PASS ALL DISTURBED AREA RUNOFF THROUGH A SEDIMENT POND OR TREATMENT FACILITY BEFORE LEAVING THE PERMIT AREA  
FAILURE TO DESIGN, CONSTRUCT & MAINTAIN SEDIMENT CONTROL MEASURES TO PREVENT ADDITIONAL CONTRIBUTIONS OF SEDIMENT TO STREAMFLOW OR TO RUNOFF OUTSIDE THE PERMIT AREA  
Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-18(2)(i)(ii)

UMC 817.42(a)(1)

UMC 817.45

Portion of the Operation to which Notice Applies

A. SMALL TIMBER STORAGE AREA IMMEDIATELY BELOW THE MIDDLE FORK SEDIMENT POND ON THE NORTH SIDE OF THE ROAD

B. TIMBER STORAGE YARD ADJACENT TO THE MIDDLE FORK SEWAGE DRAIN FIELD

C. THE SALT & SLAG STORAGE AREA ON THE NORTH SIDE OF THE MIDDLE FORK ROAD JUST WEST OF WHERE THE ROAD PASSES OVER THE MIDDLE FORK OF MILLER CREEK

D. SMALL DISTURBED AREA EAST OF SLURRY POND #4'S SEDIMENT POND DIVERSION DITCH AND ADJACENT TO STATE HIGHWAY 122  
Remedial Action Required (including interim steps, if any)

A. SUBMIT COMPLETE AND ADEQUATE SEDIMENT CONTROL PLANS FOR ~~EACH AREA~~ AREA ~~IS~~ ~~TO~~ OR

B. SUBMIT COMPLETE AND ADEQUATE PLANS FOR THE RECLAMATION OF EACH AREA. RECLAMATION PLANS SHOULD INCLUDE SEDIMENT CONTROL PLANS TO COMPLY WITH UMC 817.42(a)(2)

Time for Abatement (including time for interim steps, if any)

PLANS MUST BE RECEIVED BY THE DIVISION BY MAY 28<sup>5<sup>th</sup></sup>, 1984, 5:00 AM.



STATE OF UTAH

Notice of Violation No. N 84-4-8-8

Violation No. 7 of 8

Nature of the Violation

FAILURE TO CONSTRUCT ADEQUATE SEDIMENT CONTROL MEASURES TO PREVENT, TO THE EXTENT POSSIBLE, ADDITIONAL CONTRIBUTIONS OF SEDIMENT TO STREAM FLOW OR TO RUNOFF OUTSIDE THE PERMIT AREA

Provision(s) of the Regulations, Act, or Permit Violated

UMC 817.45

Portion of the Operation to which Notice Applies

CULVERT No. 1 (AS DESIGNATED IN VAUGHN HANSEN ASSOCIATES' CULVERT ADEQUACY STUDY)

Remedial Action Required (including interim steps, if any)

REPLACE THE EXISTING 24" CULVERT WITH A 42" CULVERT

Time for Abatement (including time for interim steps, if any)

MAY 25, 1984 5:00 P.M.  
TR



STATE OF UTAH

Notice of Violation No. N 84-4-8-8

Violation No. 8 of 8

Nature of the Violation

FAILURE TO CONDUCT SURFACE COAL MINING OPERATIONS SO AS TO PREVENT, TO THE EXTENT POSSIBLE  
USING THE BEST TECHNOLOGY CURRENTLY AVAILABLE, ADDITIONAL CONTRIBUTIONS OF SUSPENDED  
SOLIDS TO STREAMFLOW OR RUNOFF OUTSIDE THE PERMIT AREA

FAILURE TO DESIGN AND CONSTRUCT CLASS I ROADS TO CONTROL OR MINIMIZE EROSION AND  
SILTATION AND TO PREVENT TO THE EXTENT POSSIBLE ADDITIONAL CONTRIBUTIONS OF SUSPENDED  
SOLIDS TO STREAMFLOW OR RUNOFF OUTSIDE THE PERMIT AREA,

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-18 (2)(i)(ii)

UMC 817.45

UMC 817.150 (a) AND (b)

UMC 817.153 (a)(1) & (2), (c)(i)(ii), (c)(2)(i)

Portion of the Operation to which Notice Applies

THE MIDDLE FORK ROAD

Remedial Action Required (including interim steps, if any)

SUBMIT A COMPLETE AND ADEQUATE DRAINAGE CONTROL PLAN TO COME INTO  
COMPLIANCE WITH UMC 817.153

Time for Abatement (including time for interim steps, if any)

MAY 25, 1984 AT 5:00 P.M.

April 9, 1984

Inspection Memo  
to Coal File:

RE: U. S. Fuel Company  
Hiawatha Complex  
ACT/007/011, Folder No. 7  
Carbon County, Utah

On January 6, 1984, the above-mentioned minesite was visited by Division Inspector David Lof. The purpose of the visit was to conduct a partial inspection. He was accompanied on the inspection by Bob Eccli of U. S. Fuel Company.

During an inspection of the South Fork Mine yard, I found no apparent problems; however, there was a concern regarding snow removal. During their snow removal activities, the operator had come very close to dumping some snow over the berm and down the slope into the undisturbed channel below. I told Mr. Eccli to speak with the surface foreman for the area and warn him to keep snow from the disturbed area away from the berm protecting the undisturbed channel. The only activities taking place in the South Fork Mine yard appeared to be some snow removal and maintenance .

Middle Fork Mine yard appeared to be in good condition. Mr. Eccli and I checked the cross culvert under the road to the mine pad to make sure that runoff from the mine pad was being properly conveyed into the diversion to the sediment pond. All disturbed area runoff in the loadout and sediment area appeared to be properly controlled. Mr. Eccli was reminded of the importance of maintaining the diversions in this particular area.

The truck yard area near the junction of the Middle Fork and South Fork roads was in good condition as was the sediment basin across the road from the truck yard.

The coal waste material being disposed of on the north side of the Slurry Pond #4 embankment had recently been graded. Mr. Eccli indicated that the grading takes place as often as is needed to maintain a 24-inch compacted lift.

The operator is still reclaiming slurry from Slurry Pond #5. According to Mr. Eccli, they are close to finishing the project. At the time of my inspection, trucks were lined up along the road to Mohrland waiting to be loaded by a front-end loader. The trucks, owned by Savage Brothers, were contracted by Co-op Mining Company to haul the slurry fines to Mohrland. The contractor who is contracted to reclaim the slurry pond is H. E. Lowdermilk.

INSPECTION MEMO TO COAL FILE  
ACT/007/011  
April 9, 1984  
Page 2

At the time of the inspection, I had the operator use a road grader to better direct the runoff from the Mohrland Road, in the area of Slurry Pond #5, into Slurry Pond #5's south sediment pond.

We inspected the construction of the new Slurry Pond #5 refuse berm. It appears that it is being constructed according to the regulations and their approved plan.

We observed runoff flowing down the north side of State Highway 122 from the railroad track vicinity and bypassing the cross culvert to the Slurry Pond # 5a. The runoff was then sheeting across the road below the cross culvert. The runoff was continuing down the road on the south side and off the permit area. The runoff was coming from the coal storage area on the east side of, and adjacent to, the railroad tracks. It was bypassing the cross culvert because of a build-up of snow and ice in the roadside ditch which normally would have conveyed it into the slurry pond. On the following Monday, January 9th, I called Mr. Eccli and he informed me that they had already had the road grader rework the roadside ditch cleaning out the snow and ice so that the runoff on the north side of the highway would go into the cross culvert and be conveyed into Slurry Pond # 5a.



David Lof  
Field Specialist

DL/btb

cc: Jodie Merriman, OSM  
Jean Semborksi, U. S. Fuel Company  
J. Helfrich, DOGM  
S. Linner, DOGM

Statistics:

See Starpoint Mines memo dated April 9, 1984  
83410

April 23, 1984

Inspection Memo  
to Coal File:

RE: U. S. Fuel Company  
Hiawatha Complex  
ACT/007/011, Folder #7  
Carbon County, Utah

On March 29, 1984 a partial inspection was conducted at the above mentioned mine site. I was accompanied on this inspection by Jean Semborski, of U. S. Fuel Company.

I reviewed the operator's sediment pond inspection reports from February 9, 1984 through March 23, 1984. The following information was given in the inspection reports:

|                   |  |
|-------------------|--|
| February 9, 1984  | Flow from Slurry Pond #5A was flowing into North Sediment Pond #5A, water level was fairly constant. All other sediment ponds were OK. |
| February 16, 1984 | Diversion cut to Slurry Pond #5, water level in North Sediment Pond #5 was dropping. All other sediment ponds were OK.                 |
| March 2, 1984     | All sediment ponds OK.   |
| March 9, 1984     | The standpipe for the decant system of North Sediment Pond #5 had been replaced. All other sediment ponds were OK.                     |
| March 16, 1984    | All ponds OK.  |
| March 23, 1984    | All ponds OK.  |

Slurry Pond inspection reports were reviewed for the period from February 9, 1984 through March 23, 1984 the following information was given in these reports:

|                  |   |
|------------------|---|
| February 9, 1984 | Slurry Pond #5A had 3.5 feet of freeboard, minor seepage was occurring from the northeast toe of the embankment, the water was clear, seepage was from dispersed points. Slurry Pond #4, had 8 feet of freeboard. Water flowing from Slurry Pond #4 to Slurry Pond #5A was clear. |
|------------------|---|

|                   |   |
|-------------------|---|
| February 16, 1984 | Diversion was cut to Slurry Pond #5 on February 13, 1984. The water level in Slurry Pond #5A was decreasing and seepage had stopped. There was no change in Slurry Pond #4. Slurry Pond #1 is inactive. |
| February 23, 1984 | Water level in Slurry Pond #5 was increasing. Slurry Pond #5A water level was decreasing. All other slurry ponds unchanged.   |
| March 2, 1984     | Unchanged.  |
| March 9, 1984     | There is no water in Slurry Pond #5A. All other slurry ponds unchanged.   |
| March 16, 1984    | There is 4.8 feet of freeboard in Slurry Pond #4, all other slurry ponds unchanged.   |
| March 23, 1984    | Water level in Slurry Pond #5 is still increasing. All other slurry ponds unchanged.  |

The northern diversion into Sediment Pond 5 North was bone dry as was the sediment pond. The emergency discharge channel appeared to be adequately sized. In looking at the height of the decant standpipe for the sediment pond, there was some question as to whether or not it would meet the State Health requirement of being three feet above the sediment storage level. Ms. Semborski was not sure whether or not this requirement needed to be met for this sediment pond.

The topsoil stockpile associated with the Slurry Pond #5 berm modification appeared to be stable. The ditch surrounding the stockpile appeared to be in good shape. Ms. Semborski said that the stockpile had been seeded and the seed raked in last fall. In addition she indicated that oats and western wheatgrass had been incorporated into the seed mixture to act as a nurse crop. At the time of the inspection there were no signs of germination on the topsoil stockpile.

The construction of the Slurry Pond #5 berm appeared to be coming along quite well. The berm was being constructed in two foot lifts and the operator had started grading the outside slopes to bring them to their proper grade. The disturbed area runoff diversion in this area was well maintained.

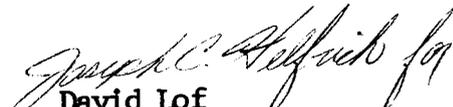
There was very little water standing in Slurry Pond #5A and there was no seepage from the toe of the embankment.

Culvert #1 which conveys slurry water and disturbed area runoff from the preparation plant area to Slurry Pond #5 is a 24 inch culvert. The outlet end of the culvert was severely damaged, apparently the damage occurred when the operator cut the new diversion to Slurry Pond #5. I asked Ms. Semborski to have the outlet repaired immediately.

Inspection Memo to Coal File  
ACT/007/011  
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Page 3

Culvert #2 in the Hiawatha preparation plant/train yard area conveys undisturbed runoff from the small water shed above the extreme south end of the town of Hiawatha and disturbed area runoff from the train yard, under the railroad tracks to Culvert #1. The disturbed area runoff from the train yard enters the culvert via a drop inlet on the north side of the road which runs along the north side of the railroad tracks from the preparation plant to State Highway 122. The undisturbed runoff enters the culvert's extreme western end. At the time of my inspection there was no trash rack at the inlet to the culvert and there was no runoff in the channel. However, I could hear water flowing inside the culvert, closer inspection found that a 5 to 6 inch ceramic pipe was connected into the side of the culvert approximately 3 to 4 feet inside of the culvert. Water was flowing from the ceramic pipe at about 5 gallons per minute. The water smelled like raw sewage. A sample was taken of the water and taken to State Health Laboratories for analysis. I am presently awaiting the receipt of the water analysis from State Health and upon receiving them I will contact Steve McNeal of the Utah Bureau of Water Pollution if necessary.

The culvert which diverts undisturbed runoff under the King #6 Mine yard sediment pond is a 36 inch culvert. The culvert has a concrete headwall which extends approximately 4 feet above the top of the 36 inch culvert, and concrete wingwalls. The trash rack for the culvert consists of 4 foot roof bolts.

  
David Lof  
Mining Field Specialist

DL:re

cc: Jodie Merriman, OSM  
Jean Semborski, US Fuel Company  
Joe Helfrich, DOGM  
Sue Linner, DOGM

Statistics: See Consolidation Coal memo dated April 23, 1984  
85310-2

April 9, 1984

Inspection Memo  
to Coal File:

RE: U. S. Fuel Company  
Hiawatha Complex  
ACT/007/011, Folder No. 7  
Carbon County, Utah

DATE: December 7 and 8, 1983  
TIME: 11:30 a.m. - 3:50 p.m.; 9:30 - 11:15 a.m., respectively  
WEATHER: Cold and Partly Cloudy, Snow Depth Greater than One Foot  
in Much of the Area  
COMPANY OFFICIALS: Jean Semborski and Marv Adams  
STATE OFFICIAL: David Lof  
ENFORCEMENT ACTION: None

Compliance with Permanent Performance Standards

UMC 771 et al Permits

The following permits and approvals were reviewed at the operator's mine office.

1. A letter from the Division dated May 11, 1978 granting interim approval of the operator's mine permit based on their USGS 211 mine plan.
2. An April 18, 1983 letter from the Division approving the modification of Slurry Pond #1. Because of concerns that were raised regarding topsoil on the southwest embankment of the slurry pond, a May 10, 1983 letter was sent by the Division to the operator. The letter stated that all topsoil on the west slope (east facing slope) must be removed and that prior to the removal of the materials, plans have to be submitted to the Division for approval. U. S. Fuel Company responded to the Division in a letter dated June 7, 1983 stating that they had chosen to leave Slurry Pond #1 inactive and that they would instead reactivate Slurry Pond #5.
3. Reactivation of Slurry Pond #5 required the operator to construct a berm along the outside of the slurry pond embankment. A September 9, 1983 letter of approval from the Division approved the slurry pond expansion project. Attached to this approval were two conditions. One regarding topsoil removal and the other regarding diversion sizing. Both of the conditions attached to the approval have been met.

UMC 817.11 Signs and Markers

Since my last complete inspection, the operator had moved the mine identification sign which had been located near the tipple down to a point where Utah State Highway 122 intercepts the permit area boundary just east of Slurry Pond #4. The operator has another mine identification sign posted along the road to Mohrland.

UMC 817.41-.52 Hydrologic Balance

I informed Ms. Semborski of UMC 817.46(t) which requires that the operator conduct weekly inspections of their sediment ponds in accordance with 30 CFR 77.216-3. I told Ms. Semborski that I would be looking for their sediment pond inspection log during my next monthly inspection.

I asked Ms. Semborski to provide me with the sedimentation ponds certifications as required by UMC 817.46(r). She was not able to locate them therefore, I asked her to have them available for me during my next inspection.

UMC 817.52 Surface and Ground Water Monitoring

The operator currently holds NPDES permit #UT-0023094 which expires on June 30, 1987. As part of the requirements for abatement of Notice of Violation N83-4-9-2, #2 of 2, the operator sent an August 30, 1983 letter to EPA and State Health informing them of the emergency discharge point for the mine water diversion pipe from Mohrland. In addition, the letter requested guidance from them in regards to any permitting of the discharge point which may be necessary (i.e., NPDES permits). The EPA responded in a letter dated October 26, 1983, which stated that the discharge point should be included in their NPDES permit. On November 2, 1983, U. S. Fuel submitted to the EPA a revised area map showing the new outfall point number 012. On November 15, 1983, the EPA responded to U. S. Fuel's latest submission authorizing discharge from outfall 012 subject to the effluent limitations in Part I.A. of their permit. In addition, the response stated that the operator was not required to monitor the outfall since the same water is monitored at two other points.

The operator's third quarter water monitoring data for the NPDES permit indicated there were no problems meeting the effluent limitations. Surface and ground water monitoring data were available through October of 1983. Again, there were no apparent problems.

UMC 817.91-.93 Coal Processing Waste: Dams and Embankments

The most recent slurry pond inspection reports the operator had available, were for November 4, 1983. These reports indicated that Slurry Pond #1 was inactive, Slurry Pond #4 was active with approximately two feet of

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Page 3

freeboard and Slurry Pond #5 was inactive, but they had started to build the berm for Slurry Pond #5 the week of October 31st. I asked Ms. Semborski why there were no inspection reports since November 4, 1983, she told me that they had conducted inspections, but had not written a report because there had been no change in the condition of the slurry ponds. I informed her that she had to have written reports for each weekly inspection of the slurry ponds.

The operator was disposing of some coal processing waste from their preparation plant on the north side of the #4 slurry pond embankment in old Slurry Pond #2. According to Ms. Semborski, materials being disposed of here are an extension of the Slurry Pond #4 embankment and that the extension was approved by MSHA. Also according to Ms. Semborski, materials are being spread and compacted in lifts of no more than 24 inches in depth.

The Slurry Pond #4 embankment appeared to be all right. The operator had breached the berm on the west side in order to divert slurry into the slurry distribution diversion which will convey it to Slurry Pond #5a. Most of the suspended solids in the slurry had dropped out in Slurry Pond #4 so that the water going to Slurry Pond #5a was fairly clear. The reason for passing the water through Slurry Pond #4 and then diverting in to Slurry Pond #5a was to try and use as much of the capacity of Slurry Pond #4 as possible.

The embankments for Slurry Ponds 5 and 5A appeared to be all right. The operator is currently constructing a berm on the south and east side of slurry pond 5 to better stabilize the slurry pond embankment. At the time of my inspection, a road grader was clearing snow from the refuse berm construction area in order to keep frozen materials from being incorporated into the berm. The operator is still working on the reclamation of slurry fines from Slurry Pond #5. The amount of freeboard in Slurry Pond #5a at the time of my inspection was greater than three feet.

#### UMC 817.121-.126 Subsidence Control

The operator has an agreement with the U. S. Forest Service (USFS) to have aerial photographs taken of the permit area for the purpose of subsidence monitoring. This agreement was entered upon on August 28, 1981. According to the operator the USFS has the data which has been gleaned from the aerial photographs taken so far.



David Lof  
Field Specialist

DL/btb

cc: Jodie Merriman, OSM  
Jean Semborski, U. S. Fuel Company  
J. Helfrich, DOGM  
S. Linner, DOGM

Statistics:

See Starpoint Mine memo dated April 5, 1984

83380

April 9, 1984

Inspection Memo  
to Coal File:

RE: U. S. Fuel Company  
Hiawatha Complex  
ACT/007/011, Folder No. 7  
Carbon County, Utah

On February 8, 1984, the above-mentioned minesite was visited by Division Inspector David Lof. The purpose of the visit was to conduct a partial inspection. He was accompanied on the inspection by Jean Semborski of U. S. Fuel Company.

On January 25, 1984, the operator was sent a letter from the Division granting conditional approval of the Middle Fork ventilation breakout. There were four stipulations attached to the conditional approval. In a January 27, 1984 letter to the Division, the operator accepted the conditions of the four stipulations attached to the approval. As of the time of this inspection, the operator had not broken-out and Ms. Semborski informed me that they were going to have to install steel sets in the breakout; therefore, it was going to take them more time to actually breakout the portal.

The operator had weekly inspection reports for their sediment ponds available from December 14, 1983 through February 1, 1984. The following conditions were reported in the weekly inspection reports: December 14, 1983--all sediment ponds in good condition; December 20, 1983--all sediment ponds in good condition; January 9, 1984, the inspection indicated water seeping from the northeast toe of Slurry Pond #5A and flowing into the north sediment pond for Slurry Pond #5. Water depth in the sediment pond was given as one foot flow the inlet to the decant; January 19, 1984--seepage from Slurry Pond #5A to the north sediment pond for Slurry Pond #5 was continuing. The freeboard in the sediment pond was approximately 2.5 feet. All other ponds were O.K.; January 26, 1984--seepage was continuing from Slurry Pond #5A into the north sediment pond for Slurry Pond #5, freeboard was greater than five feet. All other sediment ponds were O.K.; February 1, 1984--water was still seeping from Slurry Pond #5A into the north sediment pond. The water level in the sediment pond was maintaining a fairly constant level, the existing embankment freeboard was approximately two feet. All other sediment ponds were O.K.

At the time of my inspection, I estimated the seepage from the northeast toe of the Slurry Pond #5A embankment at approximately 250 gpm. According to Ms. Semborski, the flow rate varies with the operational status of the preparation plant. However, if this was a continuous flow, it would equate to .57 cfs or 1.12 ac-ft/day. Because of the seepage from the slurry pond, several problems became evident: (1) the sediment pond was designed to handle disturbed area runoff for approximately 12.1 acres. It was not designed to handle the additional inflow of the seepage from the slurry pond; (2) because of the amount of water from the slurry pond which was accumulating, it was

questionable whether, or not, the sediment pond could store the runoff from a 10-year, 24-hour event; (3) because of the additional inflow into the sediment pond, it was questionable whether, or not, the emergency spillway for the 25-year, 6-hour event would meet the one foot freeboard requirement if a 25-year, 6-hour event occurred. Because of these concerns, Notice of Violation N84-4-5-3, #1 of 3 was issued. It reads as follows:

Nature of the Violation:

Failure to mine in accordance with an approved interim permit.

Provisions of the Regulations, Act or Permit Violated:

UMC 771.13(b) (3)  
UMC 771.19

Portion of the Operation to Which Notice Applies:

Slurry Pond #5's north sediment pond.

Remedial Action Required:

- A. Stop the discharge of all waters into Slurry Pond #5A.
- B. Submit plans to the Division for approval of the reconstruction of the Slurry Pond #5A embankment which detail how seepage from embankment will be stopped or submit plans to the Division for approval to discharge water from Slurry Pond #5A into Slurry Pond #5's north sediment pond.

Time for Abatement:

- A. Immediately.
- B. Plans due by 5:00 p.m., March 2, 1984.

The violation was issued on February 15, 1984. Plans for abatement of the NOV were received by the Division on March 5, 1984. On that same day, plans were given to Special Permits Supervisor, D. Wayne Hedberg.

I reviewed the coal waste impoundment inspection reports from December 23, 1983 through February 1, 1984. Slurry Pond #5 was indicated as being inactive throughout this entire period. Slurry Pond #4 was active with an eight-foot freeboard being maintained throughout the period. In addition, clear water was flowing into the slurry distribution ditch to Slurry Pond #5A. The December 23, 1983 report was the first report to mention seepage from the northeast toe of Slurry Pond #5A embankment. The inspection report indicated a seepage of approximately 6 gpm. The water flowing from the seep

area was clear and the area involved was approximately 50 feet by 5 feet. According to the reports, there was no apparent change in the flow rate from the seepage, or in the quality of the water. The reports also indicated throughout this entire period that the freeboard for Slurry Pond #5A was approximately 3.5 feet.

Through further inspection and review of the operator's Mining and Reclamation Plan (MRP), I found that the operator was using Slurry Pond #5A to contain slurry from their preparation plant and as a sediment control structure for an area in excess of 146 acres, of both disturbed and undisturbed land. If a 10-year, 24-hour precipitation event occurred there would be enough storage volume in the slurry pond to contain the event, given that there is 3.5 feet of freeboard in the slurry pond. However, because of the amount of runoff stored in the slurry pond, there would be less than one foot of freeboard left. According to UMC 817.93(a)(1) a design freeboard of not less than three feet is supposed to be maintained for all coal processing waste embankments.

I discussed the potential problems which could occur if the operator had less than one foot of freeboard with Division Engineer's Shannon Storrud and Randy Harden. They indicated to me that because of the lack of adequate freeboard, there would be a concern that wave action could erode the top of the embankment or overtop the embankment leading to massive erosion and failure of the embankment. In addition, if there was that much water being impounded, there would be a substantial effect on the phreatic surface within the embankment. The phreatic surface is directly related to the stability of the embankment. A change in phreatic surface could possibly drop the safety factor of the embankment to below the minimum safety factor of 1.5 which is required by UMC 817.93(a)(2). If a storm greater than the 10-year, 24-hour event occurred, the slurry pond could not hold the runoff. In addition, there is no emergency spillway designed and built into the structure. Because of the above-mentioned problems, Notice of Violation N84-4-5-3, #2 of 3, was issued. It reads as follows:

Nature of the Violation:

Failure to operate in accordance with an approved interim permit.

Provisions of the Regulations, Act or Permit Violated:

UMC 771.13(b)(3)  
UMC 771.19

Portion of the Operation to Which Notice Applies:

Slurry Pond #5A.

Remedial Action Required:

Redirect the disturbed area runoff from the Hiawatha yard area to Slurry Pond #5.

Time for Abatement:

Immediately.

The violation was issued on February 15, 1984. The operator was informed of the impending Notice of Violation and the remedial action required during my inspection on February 10, 1984. On February 15, 1984, the operator called to inform me that the runoff had been redirected to Slurry Pond #5 on February 13, 1984. This was verified by an on-site inspection by Ken Wyatt on February 15, 1984. Therefore, the violation was terminated on March 12, 1984, effective February 13, 1984.

While writing the Inspector's Statement for the Notice of Violation, I found that the operator was not actually failing to operate in accordance with an approved interim permit, but rather they had failed to design and maintain a freeboard of not less than three feet for a coal processing waste embankment. Therefore, on March 12, 1984, the "Nature of the Violation" and the "Provisions of the Regulations, Act or Permit Violated" for NOV N84-4-5-3, #2 of 3 was modified to read as follows:

Nature of the Violation:

Failure to design and maintain a coal processing waste embankment to insure a design freeboard of not less than three feet.

Provisions of the Regulations, Act or Permit Violated:

UMC 817.93(a)(1)

During a complete inspection conducted on September 8, 1983, I told the operator to have the sediment ponds' certifications available during my next inspection. These certifications were not asked for until December 7, 1983, at which time the operator did not have them. I did not ask again for the certifications until this inspection. When I asked Ms. Semborski to see certifications by a Registered Professional Engineer for all of their sediment ponds, she showed me a document on U. S. Fuel letterhead stating that the ponds "had been constructed to meet design requirements." The letter was signed and stamped by Arther D. Wise, Registered Land Surveyor, State of Utah, #4683. Obviously, a Registered Land Surveyor is not the same as a Registered Professional Engineer and I sincerely doubt that Mr. Wise was on-site during the construction of the ponds to insure proper embankment construction. Therefore, I issued Notice of Violation N84-4-5-3, #3 of 3. It reads as follows:

Nature of the Violation:

Failure to have sediment ponds certified after construction by a Registered Professional Engineer.

Provisions of the Regulations, Act or Permit Violated:

UMC 817.46(r)

Portion of the Operation to Which Notice Applies:

All sediment ponds.

Remedial Action Required:

Have all of the sediment ponds certified by a Registered Professional Engineer in accordance with UMC 817.46(r) and submit the certifications to the Division.

Time for Abatement:

March 2, 1984.

The violation was issued on February 15, 1984. Certification of the sediment ponds was submitted to the Division on March 5, 1984. The sediment ponds were certified by Charles Jahne, Registered Professional Engineer, State of Utah. The violation was terminated on March 12, 1984, effective March 5, 1984.

I asked Ms. Semborski for certification of the slurry ponds by a Registered Professional Engineer and she showed me a report submitted to MSHA in 1983 stamped by Charles Jahne, Registered Professional Engineer, State of Utah, certifying that the slurry ponds were in compliance with their approved design and the regulations.

  
David Lof  
Field Specialist

DL/btb

cc: Jodie Merriman, OSM  
Jean Semborksi, U. S. Fuel Company  
J. Helfrich, DOGM  
S. Linner, DOGM

Statistics:

See Trail Mountain Mine memo dated April 5, 1984  
83430



April 6, 1984

Mr. Robert Eccli  
Senior Mining Engineer  
U. S. Fuel Company  
Hiawatha, Utah 84527

RE: Abatement Plans for NOV  
N84-4-5-3, #1 of 3  
Slurry Pond #5A Embankment  
Discharge  
Hiawatha Complex  
ACT/007/011, Folder No. 7  
Carbon County, Utah

Dear Mr. Eccli:

The Division has reviewed U. S. Fuel Company's latest abatement plan (received March 5, 1984) to address NOV N84-4-5-3, #1 of 3 issued February 15, 1984 by Inspector David Lof.

The plans cannot be approved at this time due to several deficiencies.

The proposal to utilize the sediment storage volume of Sediment Pond 5 North to contain excess seepage from Slurry Pond # 5A is not consistent with UMC 817.46(b) which requires a sediment storage volume be provided in the design of all ponds. Before the Division can consider the viability of this proposal, certain information must be provided.

1. The operator must provide the supporting average seepage volume calculations for Slurry Pond # 5A and the sediment volume calculations for Sediment Pond 5 North. This information will allow the Division to determine if the seepage can be adequately contained within the sediment pond as proposed in addition to the design storm runoff volume.
2. To what depth can slurry fines be deposited in the slurry pond before seepage occurs? The operator states that slurry will not be allowed to exceed this depth in the impoundment. This depth must be indicated through installation of a marker(s) indicating the critical depth which slurry must not exceed, if this proposal is approved.
3. When was the stability analysis performed on the slurry impoundment embankment? The latest response mentions that the stability analysis takes into account pore water pressure and seepage through embankments. Did the analysis take into account conditions similar to those encountered at the time of the recent field inspection?

Mr. Robert Eccli  
ACT/007/011  
April 6, 1984  
Page 2

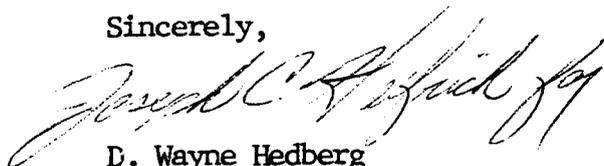
Rough field measurements by the issuing DOGM inspector of flow into the sediment pond indicated a seepage from the slurry pond of approximately 250 gallons per minute. Assuming that this estimate is somewhat reflective of actual conditions, this would hardly be considered seepage.

The Division understands that the Coal Mine Safety and Health Administration (MSHA) has ultimate regulatory authority for those embankments which meet the criteria of 30 CFR 77.216 and consequently have solicited their advise and input in this issue. Mr. Jensen Bishop of the Price MSHA office was contacted on March 23, 1984 to discuss the problem. He committed to looking into the matter and notifying the Division as to the measures their office will implement, if determined necessary.

4. As an alternative, if the operator demonstrates that the embankment will remain stable and the seepage discharging through the slurry pond embankment will meet all applicable water quality effluent limitations, then the Division would consider approving a controlled discharge of seepage. This could involve diverting the seepage flow through a preliminary settling basin, rather than Sediment Pond 5 North, to minimize off-site sediment losses. However, this type of proposal would possibly require a change in the existing NPDES discharge permit in effect for the Hiawatha Mine Complex.

Please direct any questions or comments to myself or Rick Summers of the technical staff.

Sincerely,



D. Wayne Hedberg  
Reclamation Hydrologist/  
Special Permits Supervisor

DWH/btb

cc: Jodie Merriman, OSM, Albuquerque  
Allen Klein, OSM, Denver  
Jensen Bishop, MSHA, Price  
D. Lof, DOGM  
J. Helfrich, DOGM  
R. Summers, DOGM

82990

Project U.S. Euc. - Hiawatha: NOV 84-4-5-3, #1 of 3  
Date: 3/14/84  
Reviewer: R. Summers

Background

The applicants proposal to allow the seepage (hardly seepage @ 250 gpm!) to accumulate in the sediment pond 5 North thus, using the proposed sediment volume of that pond for seepage storage is not approvable. UMC 817.46 (b) requires sediment volume be provided in the design of all ponds.

even so! The applicant has failed to provide calculations of the seepage volume and available sediment volume in pond 5N to allow the Division to check if the available volume is indeed adequate for seepage flow.

Additionally, the applicant should state to what depth the slurry can be deposited before seepage occurs (see last paragraph), before determinations concerning the continued use of the pond as slurry storage can be made.

When were the stability analysis done? Perhaps if a new analysis was done during a period of seepage (i.e. not weekends, see paragraph 6 of the submittal) and the stability factor shown to be greater than 1.5 (UMC 817.49(c)), then perhaps this will be approvable.

Summary:

Recommended points for language:

- 1) Sed. volume required in POND 5N (UMC 817.46(b))
- 2) If slurry pond is to be reactivated, more details are needed:
  - a) New stability analysis during seepage
  - b) Max. proposed depth for filling before seepage
  - c) marker showing that depth
  - d) letter of MSHA concurrence (i.e. BANK 720)

MRP REVISION/NOV TRACKING FORM

Type of proposal:

COAL  NON-COAL

Exploration  
 NOV abatement, NOV # 84-4-5-3, Abatement deadline 3-2-84 (plans, due to 100gm)  
 MRP revision #1 of 3

Issuing inspector David Lof

Title of proposal: Plan to discharge water from Slurry Pond 5A to Sed Pond 5-North

Company name: U.S. Fuel Company Mine name: Hicawatha Complex

File # (PRO/ACT): 007/011 Acreage (Fed/State/Fee): 1/1/1

Assigned reviewers: R. Summers (Hydrology) Review 2 hrs, 1 discussion  
" " (Wildlife/Veg.) Time (hrs): inspector  
" " (Engineering)  
" " (Soils)  
" " (Geology)

DATES:

- (a) INITIAL PLAN RECEIVED 3/5/84 (dwt received 3/6/84)  
Tech review due 3/20/84  
" " complete 3/14/84
- (b) OPERATOR RESUBMISSION \_\_\_\_\_  
Tech review due \_\_\_\_\_  
" " complete \_\_\_\_\_
- (c) FINAL APPROVAL \_\_\_\_\_  
Stipulations due \_\_\_\_\_  
" received \_\_\_\_\_
- (d) NOV TERMINATION \_\_\_\_\_
- (e) BOND REVISION \_\_\_\_\_  
Amount (\$) \_\_\_\_\_

COMMENTS: Response Comment on deficiencies were delayed pending discussions w/MSHA and waiting for their on-site inspection notification.

NOTE (INSPECTORS): Please attach a copy of the NOV issued to the abatement plan when received from the operator.

NOTE (REVIEWERS): Please prepare review comments in a format referencing the appropriate regulation or statute. State the deficiency as well as minimum requirement necessary to demonstrate compliance (when possible). Also fill in the number of hours spent in review by discipline. Return the revision/NOV abatement to the Special Permit Supervisor when review is complete.

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS & MINING

1588 West North Temple  
Salt Lake City, Utah 84116  
Telephone: (801) 533-5771

NOTICE OF VIOLATION NO. N 84-4-5-3

From the STATE OF UTAH  
To the Following Permittee or Operator:

NAME U.S. FUEL CO.

MINE HIAWATHA COMPLEX  SURFACE  UNDERGROUND  OTHER \_\_\_\_\_

CATEGORY OF OWNERSHIP:  STATE  FEDERAL  FEE  MIXED

OSM MINE NO. \_\_\_\_\_ STATE PERMIT NO. ACT/007/011 MSHA I.D. NO. \_\_\_\_\_

COUNTY AND STATE CARBON COUNTY, UT TELEPHONE \_\_\_\_\_

MAILING ADDRESS: U.S. FUEL CO. HIAWATHA UT 84527

DATE OF INSPECTION FEB. 8 1984

TIME OF INSPECTION: FROM 11:50-4:30 p.m.  a.m. to 11:15-2:30 p.m.  a.m.  
 p.m. to  p.m.

NAME OF OPERATOR (if other than permittee) \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

Under the authority of the Utah Coal Mining and Reclamation Act of 1979 (Sec. 40-10-1 et seq., Utah Code Annotated, 1953), the undersigned authorized representative of the Director and the Division of Oil, Gas & Mining has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the 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 minesite.

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

Date of Service FEB. 15, 1984 [Signature]  
SIGNATURE OF AUTHORIZED REPRESENTATIVE

Time of Service 2:30  a.m. DAVID LOE #4  
 p.m. NAME AND I. D. NO.

Person Served with Notice JEAN SEMBORSKI  
PRINT NAME AND TITLE

Signature ISSUED FROM DIVISION OFFICES

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

STATE OF UTAH

Notice of Violation No. N 84-4-5-3

Violation No. 1 of 3

Nature of the Violation

FAILURE TO MAINE IN ACCORDANCE WITH AN APPROVED INTERIM PERMIT

Provision(s) of the Regulations, Act, or Permit Violated

UMC 771.13(6)(3)

UMC 771.19

Portion of the Operation to which Notice Applies

SLURRY POND 5'S NORTH SEDIMENT POND

Remedial Action Required (including interim steps, if any)

A. STOP THE DISCHARGE OF ALL WATERS INTO SLURRY POND 5A

B. SUBMIT PLANS TO THE DIVISION FOR APPROVAL OF THE RECONSTRUCTION OF THE SLURRY POND 5A EMBANKMENT WHICH DETAIL HOW SEDIMENT FROM THE EMBANKMENT WILL BE STORED.

OR,

SUBMIT PLANS TO THE DIVISION FOR APPROVAL TO DISCHARGE WATER FROM SLURRY POND 5A INTO SLURRY POND 5'S NORTH SEDIMENT POND

Time for Abatement (including time for interim steps, if any)

A. IMMEDIATELY

B. PLANS DUE BY 5:00 P.M. FEB 2, 1984 MARCH 2, 1984

To Wayne

# UNITED STATES FUEL COMPANY

JIM

MAR 05 1984

HIAWATHA, UTAH 84527

February 29, 1984

RECEIVED  
MAR 5 1984

Mr. James W. Smith  
Coordinator of Mined Land Development  
State of Utah, Division of Oil, Gas  
and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

DIVISION OF  
OIL, GAS & MINING

Re: Plan to discharge water  
from Slurry Pond 5A to  
Sediment Pond 5-North

Dear Mr. Smith:

On February 15, 1984 U.S. Fuel Company was issued a violation (84-4-5-3, 1 of 3) relating to water seeping from the toe of the embankment of Slurry Pond No. 5A. Remedial actions required by the notice are as follows:

- a) Stop the discharge of all waters into Slurry Pond 5A.
- b) Submit plans to the Division for approval of the reconstruction of Slurry Pond 5A embankment which detail how seepage from the embankment will be stopped.

or

Submit plans to the Division for approval to discharge waters from Slurry Pond 5A into Slurry Pond 5's north sediment pond.

On February 13, 1984 all slurry discharge was diverted from Pond 5A into Slurry Pond No. 5. Pond No. 5 has recently been excavated of coal fines and will be an active storage facility for coal processing slurry until it is once again filled with sediment.

Slurry ponds are vital to U.S. Fuel's coal processing operations. All ponds including 5A have been geotechnically tested for stability and approved for continued use by the Coal Mine Safety and Health Administration. The stability analysis takes into account pore water pressure and the possibility of seepage through the embankments.



In most cases, water discharged into the ponds is dissipated by evaporation and seepage through the bottom of the ponds. On some occasions, seepage does result on the surface near the outside toe. All existing ponds are surrounded by runoff containment ditches and protected with sediment ponds. Any surface seepage that might occur will be contained in the sediment ponds.

Slurry Pond 5A was constructed in 1973. Sediment Pond 5-North was built downslope to the east of Pond 5A in 1979. All slurry ponds and related sediment ponds are inspected on a weekly basis. At no time since its construction has sediment pond 5-North been observed to contain seepage water in excess of its sediment storage volume. In so far as the sediment storage volume is not occupied by sediment, U.S. Fuel would like to utilize this excess volume to contain seepage water from Slurry Pond 5A.

As mentioned above, slurry is no longer being discharged into Pond 5A and none is proposed to be discharged until some future date when the existing coal fines are removed and marketed. Experience has shown that surface seepage from the toe of 5A does not occur until slurry within the pond reaches sufficient depth to produce the required pore pressure in the embankment. The pond can be utilized to store slurry up to a given depth without producing any seepage from the toe. Another point that should be mentioned is that when seepage does result, it flows in close relationship to the slurry being discharged. Seeps from 5A have been noted to cease or decrease substantially during weekends and on days when the processing plant is not operating. Once slurry discharge is stopped seepage from the embankment diminishes rather quickly.

U.S. Fuel Company's plan, therefore, is to eventually recover the coal fines in pond 5A and reactivate it to store slurry once again, at least to an elevation which does not produce seepage. With the Division's approval U.S. Fuel would like to continue to utilize it, even with seepage, so long as seepage water does not exceed the depth of the sediment storage volume of sediment pond 5-North. Since the sediment storage volume, when not filled with sediment, is excess capacity, it would seem that this could be approved.

Yours truly

*Robert Eccli*

Robert Eccli  
Sr. Mining Engineer

RE:lj

250 gpm  
↳ seep.

- 1) no control of flow in sed. pond N.
- 2) sed. volume is req'd.
- 3) 40' of 50' bins ⇒ pressure great enough to pipe?



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

April 2, 1984

Ms. Jean Semborski, Engineer  
United States Fuel Company  
Hiawatha, Utah 84527

RE: Pond Certification  
NOV N84-4-5-3, #3 of 3  
Hiawatha Complex  
ACT/007/011, #4 & #7  
Carbon County, Utah

Dear Jean:

The Division has received U. S. Fuel Company's March 5, 1984 abatement plan for Notice of Violation N84-4-5-3 issued February 15, 1984. The plan contains an inspection and certification statement from Charles J. Jahne (registered professional engineer) that all ponds at the U. S. Fuel Company property at Hiawatha, Utah, have been constructed according to the approved design plans.

The abatement plans are adequate to satisfy the technical requirements of NOV N84-4-5-3, #3 of 3.

Should you have any questions, please call or direct further correspondence to me.

Sincerely,

Joseph C. Helfrich  
Field Supervisor

JCH/DWH:btb

cc: Allen Klein, OSM, Denver  
Jodie Merriman, OSM, Albuquerque  
D. Wayne Hedberg, DOGM  
D. Lof, DOGM  
J. Smith, DOGM

81960



STATE OF UTAH  
 NATURAL RESOURCES  
 Oil, Gas & Mining

Scott M. Matheson, Governor  
 Temple A. Reynolds, Executive Director  
 Dianne R. Nielson, Ph.D., Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

April 2, 1984

*Please file  
 ACT/007/011  
 #7*

*TX.*

Ms. Jean Semborski, Engineer  
 United States Fuel Company  
 Hiawatha, Utah 84527

RE: Pond Certification  
 NOV N84-4-5-3, #3 of 3  
 Hiawatha Complex  
 ACT/007/011, #4 & #7  
 Carbon County, Utah

Dear Jean:

The Division has received U. S. Fuel Company's March 5, 1984 abatement plan for Notice of Violation N84-4-5-3 issued February 15, 1984. The plan contains an inspection and certification statement from Charles J. Jahne (registered professional engineer) that all ponds at the U. S. Fuel Company property at Hiawatha, Utah, have been constructed according to the approved design plans.

The abatement plans are adequate to satisfy the technical requirements of NOV N84-4-5-3, #3 of 3.

Should you have any questions, please call or direct further correspondence to me.

Sincerely,

Joseph C. Helfrich  
 Field Supervisor

JCH/DWH:btb

cc: Allen Klein, OSM, Denver  
 Jodie Merriman, OSM, Albuquerque  
 D. Wayne Hedberg, DOGM  
 D. Lof, DOGM  
 J. Smith, DOGM

81960

MRP REVISION/NOV TRACKING FORM

Type of proposal:

COAL       NON-COAL

Exploration  
 NOV abatement, NOV # 84-4-5-3, Abatement deadline March 2/84  
 MRP revision # 3 of 3 Issuing inspector DAVE LOF

Title of proposal: Sedimentation Pond certification

Company name: U.S. Fuel Company Mine name: Hiawatha Complex

File # (PRO/ACT): 007/011 Acreage (Fed/State/Fee): 1 1 (NA)

Assigned reviewers: DWH (Hydrology) Review Time (hrs): 0.5 hrs. (review draft letter)  
\_\_\_\_ (Wildlife/Veg.) \_\_\_\_\_  
\_\_\_\_ (Engineering) \_\_\_\_\_  
\_\_\_\_ (Soils) \_\_\_\_\_  
\_\_\_\_ (Geology) \_\_\_\_\_

DATES:

- DWH received 3/6/84*
- (a) INITIAL PLAN RECEIVED 3/5/84 (d) NOV TERMINATION \_\_\_\_\_  
     Tech review due 3/26/84  
     " " complete 3/30/84
  - (b) OPERATOR RESUBMISSION \_\_\_\_\_ (e) BOND REVISION \_\_\_\_\_  
     Tech review due \_\_\_\_\_ Amount (\$) \_\_\_\_\_  
     " " complete \_\_\_\_\_
  - (c) FINAL APPROVAL April 2/84  
     Stipulations due \_\_\_\_\_  
     " received \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE (INSPECTORS): Please attach a copy of the NOV issued to the abatement plan when received from the operator.

NOTE (REVIEWERS): Please prepare review comments in a format referencing the appropriate regulation or statute. State the deficiency as well as minimum requirement necessary to demonstrate compliance (when possible). Also fill in the number of hours spent in review by discipline. Return the revision/NOV abatement to the Special Permit Supervisor when review is complete.

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS & MINING

1588 West North Temple  
Salt Lake City, Utah 84116  
Telephone: (801) 533-5771

NOTICE OF VIOLATION NO. N 84-4-5-3

From the STATE OF UTAH  
To the Following Permittee or Operator:

NAME U.S. FUEL CO.

MINE HIAWATHA COMPLEX  SURFACE  UNDERGROUND  OTHER \_\_\_\_\_

CATEGORY OF OWNERSHIP:  STATE  FEDERAL  FEE  MIXED

OSM MINE NO. \_\_\_\_\_ STATE PERMIT NO. ACT/001/001 MSHA I.D. NO. \_\_\_\_\_

COUNTY AND STATE CARBON COUNTY, UT TELEPHONE \_\_\_\_\_

MAILING ADDRESS: U.S. FUEL CO. HIAWATHA, UT 84527

DATE OF INSPECTION FEB. 8 1984

TIME OF INSPECTION: FROM 11:50-4:30 p.m.  a.m. to 11:15-2:30 p.m.  a.m.  
 p.m. to  p.m.

NAME OF OPERATOR (if other than permittee) \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

Under the authority of the Utah Coal Mining and Reclamation Act of 1979 (Sec. 40-10-1 et seq., Utah Code Annotated, 1953), the undersigned authorized representative of the Director and the Division of Oil, Gas & Mining has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the 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 minesite.

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

Date of Service FEB. 15, 1984 David Loe  
SIGNATURE OF AUTHORIZED REPRESENTATIVE

Time of Service 2:30  a.m.  p.m. DAVID LOE #4  
NAME AND I. D. NO.

Person Served with Notice JEAN SEMBORSKI  
PRINT NAME AND TITLE

Signature ISSUED FROM DIVISION OFFICES

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

STATE OF UTAH

Notice of Violation No. N 83-4-5-3

Violation No. 3 of 3

Nature of the Violation

FAILURE TO HAVE SEDIMENT PONDS CERTIFIED AFTER CONSTRUCTION BY A REGISTERED PROFESSIONAL ENGINEER

Provision(s) of the Regulations, Act, or Permit Violated

UMC 817.46 (c)

Portion of the Operation to which Notice Applies

ALL SEDIMENT PONDS

Remedial Action Required (including interim steps, if any)

HAVE ALL OF THE SEDIMENT PONDS CERTIFIED BY A REGISTERED PROFESSIONAL ENGINEER IN ACCORDANCE WITH UMC 817.46 (c) AND SUBMIT THE CERTIFICATIONS TO THE DIVISION.

Time for Abatement (including time for interim steps, if any)

MARCH 2, 1984

To Wayne

# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

JIM

MAR 05 1984

March 1, 1984

Mr. James W. Smith Jr.  
Coordinator of Mined Land Development  
State of Utah  
Division of Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

RECEIVED  
MAR 5 1984

DIVISION OF  
OIL, GAS & MINING

Dear Mr. Smith:

On February 15, 1984 Inspector Dave Lof issued Violation #84-4-5-3 from your office. We received the Notice of Violation on February 21, 1984. Violation #3 of 3 pertained to sediment pond certification. It appears that an after construction certification by a registered, certified professional engineer is required.

Therefore, in order to comply with regulation UMC 817.46 (r) we have obtained the certification for all of our sediment ponds. The inspection and certification was conducted by a registered, certified professional engineer. We are enclosing a copy of the certification, which was issued on February 25, 1984, for your records.

Sincerely,

*Jean Semborski*

Jean Semborski  
Engineer

Enclosure



CHARLES J. JAHNE P.E.  
4214 Shanna Street  
Salt Lake City, Utah 84124

February 25, 1984

STATE OF UTAH  
NATURAL RESOURCES  
DIV. OF OIL, GAS AND MINING  
4241 State Office Building  
Salt Lake City, Utah 84114

RE: UMC 817.46 (r)  
U.S. Fuel Company  
Sedimentation Pond  
Certification.

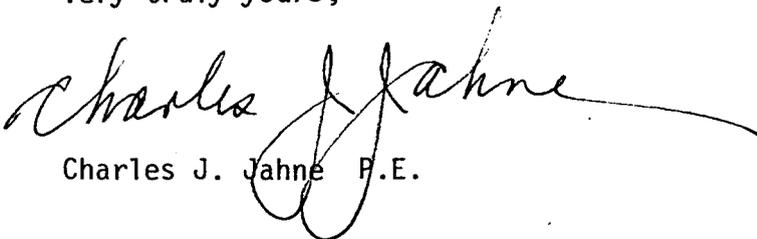
Attention: Mr. James W. Smith  
Coordinator of Mined Land Development

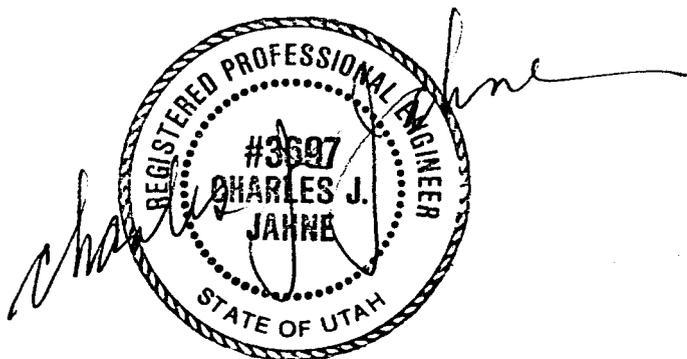
Dear Mr. Smith:

I have reviewed the design plans and inspected the sediment ponds at the United States Fuel Company property at Hiawatha, Utah. As a result of these reviews and inspections, I certify that all ponds have been built according to the plans and designs approved by the Utah Division of Oil, Gas and Mining.

c.c. R. Eccli  
J. Semborski

Very truly yours,

  
Charles J. Jahne P.E.



March 26, 1984

Inspection Memo  
to Coal File:

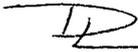
RE: U. S. Fuel Company  
Hiawatha Complex  
ACT/007/011, Folder #7  
Carbon County, Utah

On November 9, 1983 a partial inspection was conducted at the above mentioned mine site. I was accompanied on the inspection by Jean Semborski of U. S. Fuel Company.

The undisturbed diversion culvert extension for abatement of Notice of Violation N83-4-6-2, #2 of 2, had been completed and the access road up to the culvert had been seeded. The violation was terminated on December 1, 1984, effective October 5, 1984.

The culvert extension for the mine water pipe emergency discharge, which was required for the abatement of Notice of Violation N83-4-9-2, #2 of 2, had been completed. The culvert had been installed and the gully backfilled. According to Ms. Semborski, H.E. Lowdermilk Company had done the actual construction work and U. S. Fuel Company had paid for the work.

The new topsoil stockpile east of Slurry Pond #5 had been seeded and a topsoil sign posted. The operator had also finished construction of the disturbed area runoff diversion to the northern sediment pond for Slurry Pond #5.

  
David Lof  
Field Specialist

DL:re  
cc: Jodie Merriman, OSM  
Jean Semborski, U. S. Fuel Company  
Joe Helfrich, DOGM  
Sue Linner, DOGM

Statistics: See Starpoint Mine memo dated March 23, 1984  
81030

March 15, 1984

Inspection Memo  
to Coal File:

RE: U.S. Fuel Company  
Hiawatha Complex  
ACT/007/011, Folder # 7  
Carbon County, Utah

On February 16, 1984 a partial inspection of the above mentioned mine site was conducted by Ken Wyatt, Field Specialist for the Division. This inspection was prompted upon request from Dave Lof, Field Specialist. No U. S. Fuel personnel were contacted due to the lateness of this inspection.

The purpose of the inspection was to determine if the diversion of influent water from Slurry Pond 5A to 5 had been conducted. At this time water was flowing in the drainage and was being channeled into pond #5. No compliance problems were encountered.

Ken Wyatt *KW*  
Field Specialist

KW:re

cc: Tom Ehmett, OSM  
Jean Semborski, U. S. Fuel Company  
Joe Helfrich, DOGM  
Sue Linner, DOGM

Statistics: See UP&L Deer Creek Mine memo dated March 15, 1984  
78960

FILE ACT/007/011  
FOLDER #7



SCOTT M. MATHESON  
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON  
Executive Director,  
NATURAL RESOURCES

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple  
Salt Lake City, Utah 84116  
(801) 533-5771

CHARLES R. HENDERSON  
Chairman

JOHN L. BELL  
C. RAY JUVELIN  
THADIS W. BOX  
MAXILIAN A. FARBMAN  
EDWARD T. BECK  
E. STEELE McINTYRE

CLEON B. FEIGHT  
Director

Vacation or Termination of Notice or Order

To the Following Permittee or Operator:

Name U.S. FUEL CO. - HIAWATHA COMPLEX

Mailing Address HIAWATHA, UT 84527

State Permit No. ACT/007/011

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

Notice of Violation No. N 84-4-5-3 Y TV dated FEB. 15, 19 84.

Cessation Order No. C \_\_\_\_\_ Y TV dated \_\_\_\_\_, 19 \_\_\_\_\_.

|                                  |  |                          |                  |
|----------------------------------|--|--------------------------|------------------|
| Violation No. <u>1</u> is hereby | <input checked="" type="checkbox"/> Terminated | <u>EFFECTIVE 3/5/84</u>  | Vacated because: |
| Violation No. <u>2</u> is hereby | <input checked="" type="checkbox"/> Terminated | <u>EFFECTIVE 2/13/84</u> | Vacated because: |
| Violation No. <u>3</u> is hereby | <input checked="" type="checkbox"/> Terminated | <u>EFFECTIVE 3/5/84</u>  | Vacated because: |

Date of Service MARCH 12, 1984 David Lof  
Signature of Authorized Representative

Time of Service or Mailing 8:45  a.m. \_\_\_\_\_ p.m. DAVID LOF #1  
Name and I.D. No.

VIOLATION No. 2 - OPERATOR CALLED ON 2/15/84 TO INFORM ME THAT THE VIOLATION HAD BEEN ABATED ON 2/13/84. THIS WAS VERIFIED ON 2/16/84 BY KEN WYATT OF THE DIVISION

FILE ACT/007/011  
FOLDER #7



SCOTT M. MATHESON  
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON  
Executive Director,  
NATURAL RESOURCES

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES

CHARLES R. HENDERSON  
Chairman

CLEON B. FEIGHT  
Director

DIVISION OF OIL, GAS, AND MINING

1588 West North Temple  
Salt Lake City, Utah 84116  
(801) 533-5771

JOHN L. BELL  
C. RAY JUVELIN  
THADIS W. BOX  
MAXILIAN A. FARBMAN  
EDWARD T. BECK  
E. STEELE McINTYRE

Modification of Notice or Order

To the Following Permittee or Operator:

Name U.S. FUEL CO.

Mailing Address HIAWATHA, UT 84527

State Permit No. ACT/007/011

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

Notice of Violation No. N 84-4-5-3 Y TV dated 2/15, 19 84.

Cessation Order No. C \_\_\_\_\_ Y TV dated \_\_\_\_\_, 19 \_\_\_\_\_.

Violation No. 2 is modified as follows: "NATURE OF VIOLATION" IS CHANGED TO READ;  
FAILURE TO DESIGN AND MAINTAIN A COAL PROCESSING  
The reason for this modification are as follows: WASTE EMBANKMENT TO ENSURE A DESIGN  
FREEBOARD OF NOT LESS THAN 3 FEET

Violation No. \_\_\_\_\_ is modified as follows: "PROVISIONS) OF THE REGULATIONS, ACT, OR PERMIT VIOLATED"  
The reasons for this modification are as follows: IS CHANGED TO READ; UMC 817.93 (a)(i)

Violation No. \_\_\_\_\_ is modified as follows:

The reasons for this modification are as follows:

Date of Service MARCH 12, 1984

David Loe #4  
Signature of Authorized Representative

Time of Service or Mailing 8:30 X a.m. \_\_\_\_\_ p.m.

DAVID LOE #4  
Name and I.D. No.



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

February 16, 1984

EXPRESS MAIL #B58692540  
CERTIFIED RETURN RECEIPT REQUESTED

Ms. Jean Semborski  
U. S. Fuel Company  
Hiawatha, Utah 84527

RE: Notice of Violation N84-4-5-3  
Hiawatha Complex  
ACT/007/011, Folder No. 7  
Carbon County, Utah

Dear Jean:

Please find enclosed the above mentioned documents. Please note that the time for abatement for Violation #1 of 3, Part A, and Violation #2 of 3 is immediately. The time for abatement for Violation #1 of 3, Part B and Violation #3 of 3 is March 2, 1984. An extension of the time for abatement for any of these violations will only be granted upon receipt of a written request for extension prior to the abatement deadline. Said extension must be substantiated.

Should you have any questions concerning this letter or the enclosed notices, please do not hesitate to call me or Joseph C. Helfrich.

Sincerely,

David Lof  
Field Specialist

DL/btb

Enclosures

cc: Jodie Merriman, OSM  
J. Helfrich, DOGM

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS & MINING

1588 West North Temple  
Salt Lake City, Utah 84116  
Telephone: (801) 533-5771

NOTICE OF VIOLATION NO. N 84-4-5-3

From the STATE OF UTAH  
To the Following Permittee or Operator:

NAME U.S. FUEL CO.

MINE HIAWATHA COMPLEX  SURFACE  UNDERGROUND  OTHER

CATEGORY OF OWNERSHIP:  STATE  FEDERAL  FEE  MIXED

OSM MINE NO. \_\_\_\_\_ STATE PERMIT NO. ACT/007/011 MSHA I.D. NO. \_\_\_\_\_

COUNTY AND STATE CARSON COUNTY, UT. TELEPHONE \_\_\_\_\_

MAILING ADDRESS: U.S. FUEL CO. HIAWATHA, UT 84527

DATE OF INSPECTION FEB. 84 10, 1984

TIME OF INSPECTION: FROM 11:50-4:30 p.m.  a.m. to 11:15-2:30 p.m. RESPECTIVELY  a.m.  
 p.m. to  p.m.

NAME OF OPERATOR (if other than permittee) \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

Under the authority of the Utah Coal Mining and Reclamation Act of 1979 (Sec. 40-10-1 et seq., Utah Code Annotated, 1953), the undersigned authorized representative of the Director and the Division of Oil, Gas & Mining has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the 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 minesite.

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

Date of Service FEB. 15, 1984 David Lof  
SIGNATURE OF AUTHORIZED REPRESENTATIVE

Time of Service 2:30  a.m.  p.m. DAVID LOF #4  
NAME AND I. D. NO.

Person Served with Notice JEAN SEMBORSKI  
PRINT NAME AND TITLE

Signature ISSUED FROM DIVISION OFFICES

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

STATE OF UTAH

Notice of Violation No. N 84-4-5-3

Violation No. 1 of 3

Nature of the Violation

FAILURE TO MINE IN ACCORDANCE WITH AN APPROVED INTERIM PERMIT

Provision(s) of the Regulations, Act, or Permit Violated

UMC 771.13(6)(3)

UMC 771.19

Portion of the Operation to which Notice Applies

SLURRY POND 5'S NORTH SEDIMENT POND

Remedial Action Required (including interim steps, if any)

A. STOP THE DISCHARGE OF ALL WATERS INTO SLURRY POND 5A

B. SUBMIT PLANS TO THE DIVISION FOR APPROVAL OF THE RECONSTRUCTION OF THE  
SLURRY POND 5A EMBANKMENT WHICH DETAIL HOW SEEPAGE FROM THE EMBANKMENT WILL BE STOPPED

OR,

SUBMIT PLANS TO THE DIVISION FOR APPROVAL TO DISCHARGE WATER FROM SLURRY  
POND 5A INTO SLURRY POND 5'S NORTH SEDIMENT POND

Time for Abatement (including time for interim steps, if any)

A. IMMEDIATELY

B. PLANS DUE BY 5:00 P.M. ~~FEB 2, 1984~~ MARCH 2, 1984



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

STATE OF UTAH

Notice of Violation No. N 84-4-5-3

Violation No. 2 of 3

Nature of the Violation

FAILURE TO OPERATE IN ACCORDANCE WITH AN APPROVED INTERIM PERMIT

Provision(s) of the Regulations, Act, or Permit Violated

UMC 771.13 (b)(3)  
UMC 771.19

Portion of the Operation to which Notice Applies

SLURRY POND 5A

Remedial Action Required (including interim steps, if any)

REDIRECT THE DISTURBED AREA RUNOFF FROM THE HIAWATHA YARD AREA TO SLURRY POND 5 AS APPROVED,

Time for Abatement (including time for interim steps, if any)

IMMEDIATELY



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

STATE OF UTAH

Notice of Violation No. N 83-4-5-3

Violation No. 3 of 3

Nature of the Violation

FAILURE TO HAVE SEDIMENT PONDS CERTIFIED AFTER CONSTRUCTION BY  
A REGISTERED PROFESSIONAL ENGINEER

Provision(s) of the Regulations, Act, or Permit Violated

UMC 817.46 (r)

Portion of the Operation to which Notice Applies

ALL SEDIMENT PONDS

Remedial Action Required (including interim steps, if any)

HAVE ALL OF THE SEDIMENT PONDS CERTIFIED BY A REGISTERED  
PROFESSIONAL ENGINEER IN ACCORDANCE WITH UMC 817.46 (r) AND  
SUBMIT THE CERTIFICATIONS TO THE DIVISION.

Time for Abatement (including time for interim steps, if any)

MARCH 2, 1984

January 18, 1983

Inspection Memo  
to Coal File:

RE: U. S. Fuel Company  
Hiawatha Complex  
ACT/007/011, Folder #7  
Carbon County, Utah

DATE: September 8 and 30, 1983  
TIME: 10:00 a.m. - 4:20 p.m. and 11:25 a.m.-  
4:00 p.m. respectively  
WEATHER: Warm and clear, and cool with rainshowers respectively  
COMPANY OFFICIAL: Jean Semborski  
STATE OFFICIAL: David Lof

Compliance with Permanent Performance Standards

UMC 771 et al Permits

The following letters of approval from the Division were reviewed in the operators mine office.

1. A September 7, 1983 letter from the Division approving the abatement plans for NOV N83-4-6-2, No. 2 of 2. These plans dealt with the completion of the undisturbed diversion in the left fork of the Middle Fork of Miller Creek. Attached to the approval letter were three concerns which were to be followed during the implementation of the plans.
2. A September 9, 1983 letter of approval from the Division for the Slurry Pond No. 5 expansion project, attached to this approval were two conditions; the first condition was in regard to topsoil and subsoil removal, and the second condition dealt with the sizing of the proposed diversion ditches.
3. A September 21, 1983 letter of approval from the Division for the plans for the abatement of NOV N83-4-9-2, No. 2 of 2 these plans dealt with the discharge structure for the emergency discharge point along the mine water diversion pipe from Mohrland to the Hiawatha water tanks.

### UMC 817.11 Signs & Markers

The operator has two mine identification signs posted, one adjacent to Slurry Pond No. 5 on the road to Mohrland and the other along the main road to Hiawatha where it passes by the tipple area. I asked the operator to have the sign located near the tipple moved down to the point where Utah State Highway 122 intercepts the permit area boundary east of Slurry Pond No. 4.

### UMC 817.21-.25 Topsoil

At the time of my inspection the operator was in the process of removing the topsoil from the east side of Slurry Pond No. 5. A condition attached to the September 9, 1983 approval for the Slurry Pond expansion project directed U. S. Fuel Company to salvage as much of the upper three feet of topsoil/subsoil medium as possible during the topsoil removal activities, while at the same time avoiding the incorporation of excessive rock material into the subsoil stockpile. The operator had grubbed all the brush and trees from the area and then pushed aside the thin layer of coal fines which had accumulated. The operator has been able to remove anywhere from one to two feet of topsoil depending upon the underlaying rock material. At this time they have three temporary stockpiles of topsoil in the area which will be consolidated and moved to one central location just to the south of the northern sediment pond for Slurry Pond No. 5.

When U. S. Fuels dug their soil pits in order to determine the nature of the soil materials in the Slurry Pond No. 5 area, they dug three pits to a depth greater than three feet. In each pit they were able to delineate three separate horizons. The top two horizons were each approximately one foot thick. The top horizon was a silty clay with very few rock fragments and contained roots and other organic material. The second horizon was a silty sand with a large amount of partially weathered sandstone fragments one quarter inch to three inches, it was an off white color. The third horizon was described as being mostly white in color with large rocks greater than twelve inches in diameter and weathered sandstone fragments. At the time of my inspection I looked at two of the soil pits and found that the operator had described the horizons very accurately. It was apparent that the first horizon was definitely worth recovering and could be done quite easily, the second horizon was highly cemented with a high percentage of small rock fragments. Some of this material would be worth removing and some not. The third layer was made up of quite large rocks with extensive cementation of the rocks and was not worth removing. U. S. Fuels has done a good job removing the soil and should be commended for their efforts. During the inspection Ms. Semborski also informed me that they will not have to disturb as much area on the south side of Slurry Pond No. 5 as originally anticipated so that the soil volumes may be lower than those stated in their approved plan. On September 30, 1983 when I returned to complete my inspection I found that the topsoil had been consolidated and placed in its temporary storage location south of the north sediment pond and a diversion had been dug around the topsoil stockpile. The operator was reminded of the necessity to seed the stockpile this fall.

### UMC 817.41-.52 Hydrologic Balance

An inspection of the coal preparation plant tipple area did not turn up any evident problems. The operator was in the process of constructing some concrete pads and cross culverts under the tipple in-order to try and keep this area from being a quagmire as it usually is during the winter and spring.

When I returned to the mine later in the month, the operator was implementing the plans which had been submitted for the abatement of NOV N83-4-6-2, No. 2 of 2 on the middle fork undisturbed diversion. The operator had dug the trench for the culvert and was compacting the bottom and sides of the trench. The culvert itself was on site ready to be installed. According to Ms. Semborski, the operator completed the construction on October 5, 1983 a Termination of Notice was served on December 1, 1983 with the effective termination date being October 5, 1983.

The operator was also working on the undisturbed diversion in the right fork of the Middle Fork of Miller Creek. This diversion had been eroded where the crossing to the substation is located. The operator had cleaned out the diversion and was planning on installing eight to ten inch diameter riprap in the diversion.

### UMC 817.52 Surface and Groundwater Monitoring

The operator currently holds NPDES Permit No. UT-0023094 which expires on June 30, 1987. The operators monitoring report for the second quarter of 1983 was reviewed. The report indicated that the Mohrland minewater discharge (Pt. 001) was O.K. except for TDS which averaged 722 mg/l, the operators permit requires 720 mg/l. Discharge from the Hiawatha water tank overflow (Pt. 002) met the effluent limitations. There was no discharge from Pt. 003 to 009. The discharge from the King No. 4 vent tunnel in North Fork (Pt. 010) is suppose to be sampled on a monthly basis, but because of inaccessibility it was only sampled in June. The single sample did not indicate any problems. There was no discharge from the South Fork loadout sediment pond (Pt. 011).

Surface water monitoring data was available for the first two quarters of 1983. The data indicated that none of the springs were accessible in the first quarter and that a number of stream flow monitoring points were also inaccessible. There were no apparent problems with the data which was available except for the high TDS level at point ST-3 which could not be explained. Most of the sites were accessible during the second quarter of 1983 with the exception of ST-2 and ST-2A in April and May. The available data appeared to be O.K. except once again the problem with high TDS at ST-3. The only spring which monitoring data was available for, for the second quarter of 1983 was SP-8 the other springs were still inaccessible.

Inspection Memo to Coal File  
ACT/007/011  
January 18, 1984  
Page 4

UMC 817.71-.73 Disposal of Underground Development Waste and Excess Spoil and  
Non-Acid and Non-Toxic Coal Processing Waste

The operator has a refuse pile located to the north and east of the preparation plant. This refuse pile is recognized by MSHA and has MSHA I. D. #1211-UT-9-007. Materials disposed of in the refuse pile are to be compacted in two foot layers. According to a letter from the operator to MSHA dated March 9, 1976, the outslopes are not to be any greater than 27 degrees,

UMC 817.81-.93 Coal Processing Waste

The operator is currently using Slurry Pond No. 4 and reclaiming Slurry Pond No. 5. Slurry Ponds are being inspected periodically and coal waste embankment reports were available through August 1983. The reports did not indicate any apparent problems.

UMC 817.100 Contemporaneous Reclamation

Just above where the Middle Fork Class I road crosses the middle fork of Miller Creek there is a small area on the north side of the road where the operator used to store coal fines and slag chips that they spread on the road during the winter. This area is no longer used for this purpose, and the operator is planning on reseeding it this fall.

Miscellaneous

The operator is currently in the process of obtaining a certificate certifying their public liability insurance policy.



David Lof  
Field Specialist

DL:re

cc: Jodie Merriman, OSM  
Jean Semborski, U. S. Fuels  
Joe Helfrich, DOGM

Statistics:

Vehicle: EX 49611 - 400 miles  
Per Diem: 1 person X 1 day, 9.5 hours = \$67.16  
Grant: A&E



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

*File*

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

January 20, 1984

P 396 996 730  
REGISTERED RETURN RECEIPT REQUESTED

Ms. Jean Semborski, Engineer # 1  
United States Fuel Company  
Hiawatha, Utah 84527

RE: Finalized Assessment for  
State Violation No. N83-4-9-2  
ACT/007/011, Folder No. 7  
Carbon County, Utah

Dear Ms. Semborski:

The civil penalty for the Violation No. N83-4-9-2 has been finalized in the amount shown in the attached assessment conference report. This assessment is finalized as a result of the meeting, discussion or letter described on the reassessment form.

Any appeal to the Board of Oil, Gas and Mining must be made in writing within fifteen (15) days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division within a maximum of 30 days of receipt of this letter but in all cases prior to the Board Hearing. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

If no appeal or an untimely, improper appeal is made, the assessed civil penalties must be tendered to the Division within thirty (30) days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

Ronald W. Daniels  
Acting Assessment Officer

RWD/re

cc: Jodie Merriman, OSM, Albuquerque  
Joe Helfrich, DGM  
Barbara Roberts, Atty

ASSESSMENT CONFERENCE REPORT  
 Utah Division of Oil, Gas & Mining  
 4241 State Office Building  
 Salt Lake City, Utah 84114

NOV/CO No. N83-4-9-2

Location of Conference: Salt Lake City, Utah

Date of Conference: December 1, 1983

Company Name/Mine Name: U. S. Fuel / Hiawatha complex ACT/007/011

| <u>Persons in Attendance</u> | <u>Representing</u>                 |
|------------------------------|-------------------------------------|
| <u>Jean Semborski</u>        | <u>U. S. Fuel Company</u>           |
| <u>Dave Lof</u>              | <u>Division Oil, Gas and Mining</u> |
| <u>Ron Daniels</u>           | <u>Division Oil, Gas and Mining</u> |

| <u>Violation No.</u> | <u>Amount of Assessment<br/>As Revised</u> |
|----------------------|--|
| <u>1 of 2</u>        | <u>\$ 600.00</u>                           |
| <u>2 of 2</u>        | <u>460.00</u>                              |
| _____                | _____                                      |
| _____                | _____                                      |
| _____                | _____                                      |
| <u>TOTAL DUE</u>     | <u>\$ 1060.00</u>                          |

Approved: *RW Daniels* Date: 1/20/84  
 (Signature of Conference Officer)

This assessment has been set as a result of an informal conference held by the assessment officer. Should the Company desire a review in a more formal proceeding before the Board of Oil, Gas & Mining, a hearing can be requested within 30 days of receipt of this report.

ASSESSMENT CONFERENCE REPORT  
(continued)

1. Notice of Violation/Cessation Order No. N83-4-9-2

Violation 1 of 2

- (a) Nature of violation: Failure to maintain diversions
- (b) Date of termination: August 11, 1983

| 2. Conference Result          | <u>Proposed<br/>Assessment</u> | <u>Conference<br/>Assessment</u> |
|-------------------------------|--------------------------------|----------------------------------|
| (a) History/Prev. Vio.        | <u>5</u>                       | <u>5</u>                         |
| (b) Seriousness               |                                |                                  |
| (1) Probability of Occurrence | <u>17</u>                      | <u>7</u>                         |
| Extent of Damage              | <u>16</u>                      | <u>16</u>                        |
| (2) Obstr. to Enforcement     | <u>-</u>                       | <u>-</u>                         |
| (c) Negligence                | <u>12</u>                      | <u>12</u>                        |
| (d) Good Faith                | <u>-</u>                       | <u>-</u>                         |
| (e) Acreage                   | <u>-</u>                       | <u>-</u>                         |
| TOTAL                         | <u>50</u>                      | <u>40</u>                        |

3. Narrative:  
(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Probability of occurrence points are reduced due to the inspector's comment at the conference that the event was unlikely to have happened.

ASSESSMENT CONFERENCE REPORT  
(continued)1. Notice of Violation/Cessation Order No. N83-4-9-2Violation 2 of 2(a) Nature of violation: Failure to design and construct sediment control measures(b) Date of termination: October 20, 1983

| 2. Conference Result          | <u>Proposed Assessment</u> | <u>Conference Assessment</u> |
|-------------------------------|----------------------------|------------------------------|
| (a) History/Prev. Vio.        | <u>5</u>                   | <u>5</u>                     |
| (b) Seriousness               |                            |                              |
| (1) Probability of Occurrence | <u>7</u>                   | <u>12</u>                    |
| Extent of Damage              | <u>16</u>                  | <u>12</u>                    |
| (2) Obstr. to Enforcement     | <u>-</u>                   | <u>-</u>                     |
| (c) Negligence                | <u>8</u>                   | <u>8</u>                     |
| (d) Good Faith                | <u>-</u>                   | <u>4</u>                     |
| (e) Acreage                   | <u>-</u>                   | <u>-</u>                     |
| TOTAL                         | <u>36</u>                  | <u>33</u>                    |

## 3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Probability is increased per inspector conference comment that event was more likely to have occurred. Damage is reduced due to inspector comment that damage was less than average. Good faith is awarded for abatement work at a normal rate in the difficult category.



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

*File*

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

January 20, 1984

P 396 996 730  
REGISTERED RETURN RECEIPT REQUESTED

Ms. Jean Semborski, Engineer No. 1  
United States Fuel Company  
Hiawatha, Utah 84527

RE: Finalized Assessment for  
State Violation No. N83-4-6-2  
ACT/007/011, Folder No. 7  
Carbon County, Utah

Dear Ms. Semborski:

The civil penalty for the Violation No. N83-4-6-2 has been finalized in the amount shown in the attached assessment conference report. This assessment is finalized as a result of the meeting, discussion or letter described on the reassessment form.

Any appeal to the Board of Oil, Gas and Mining must be made in writing within fifteen (15) days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division within a maximum of 30 days of receipt of this letter but in all cases prior to the Board Hearing. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

If no appeal or an untimely, improper appeal is made, the assessed civil penalties must be tendered to the Division within thirty (30) days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

RONALD W. DANIELS  
ACTING ASSESSMENT OFFICER

RWD/re

cc: Jodie Merriman, OSM, Albuquerque  
Joe Helfrich, DOGM  
Barbara Roberts, Atty

ASSESSMENT CONFERENCE REPORT  
 Utah Division of Oil, Gas & Mining  
 4241 State Office Building  
 Salt Lake City, Utah 84114

NOV/CO No. N83-4-6-2

Location of Conference: Salt Lake City, Utah  
 Date of Conference: December 1, 1983  
 Company Name/Mine Name: U. S. Fuel/ Hiawatha Complex/ ACT/007/011

| <u>Persons in Attendance</u> | <u>Representing</u>                    |
|------------------------------|--|
| <u>Jean Semborski</u>        | <u>U. S. Fuel Company</u>              |
| <u>Dave Lof</u>              | <u>Division of Oil, Gas and Mining</u> |
| <u>Ron Daniels</u>           | <u>Division of Oil, Gas and Mining</u> |

| <u>Violation No.</u> | <u>Amount of Assessment<br/>As Revised</u> |
|----------------------|--|
| <u>1 of 2</u>        | <u>\$ 540.00</u>                           |
| <u>2 of 2</u>        | <u>760.00</u>                              |
| <u> </u>             | <u> </u>                                   |
| <u> </u>             | <u>\$ 1300.00</u>                          |

Approved: *RW Daniels* Date: 1/20/84  
 (Signature of Conference Officer)

This assessment has been set as a result of an informal conference held by the assessment officer. Should the Company desire a review in a more formal proceeding before the Board of Oil, Gas & Mining, a hearing can be requested within 30 days of receipt of this report.

ASSESSMENT CONFERENCE REPORT  
(continued)1. Notice of Violation/Cessation Order No. N83-4-6-2Violation 1 of 2(a) Nature of violation: Failure to mine in accordance with the approved plan, maintenance of sediment controls.(b) Date of termination: July 22, 1983

| 2. Conference Result          | <u>Proposed Assessment</u> | <u>Conference Assessment</u> |
|-------------------------------|----------------------------|------------------------------|
| (a) History/Prev. Vio.        | <u>5</u>                   | <u>5</u>                     |
| (b) Seriousness               |                            |                              |
| (1) Probability of Occurrence | <u>12</u>                  | <u>12</u>                    |
| Extent of Damage              | <u>12</u>                  | <u>12</u>                    |
| (2) Obstr. to Enforcement     | <u>-</u>                   | <u>-</u>                     |
| (c) Negligence                | <u>8</u>                   | <u>8</u>                     |
| (d) Good Faith                | <u>-</u>                   | <u>-</u>                     |
| (e) Acreage                   | <u>-</u>                   | <u>-</u>                     |
| TOTAL                         | <u>37</u>                  | <u>37</u>                    |

3. Narrative:  
(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Non Applicable

ASSESSMENT CONFERENCE REPORT  
(continued)

1. Notice of Violation/Cessation Order No. N83-4-6-2

Violation 2 of 2

(a) Nature of violation: Failure to follow approved plan and failure to prevent sediment entering stream flow

(b) Date of termination: October 5, 1983

| 2. Conference Result          | <u>Proposed<br/>Assessment</u> | <u>Conference<br/>Assessment</u> |
|-------------------------------|--------------------------------|----------------------------------|
| (a) History/Prev. Vio.        | <u>5</u>                       | <u>5</u>                         |
| (b) Seriousness               |                                |                                  |
| (1) Probability of Occurrence | <u>17</u>                      | <u>15</u>                        |
| Extent of Damage              | <u>16</u>                      | <u>12</u>                        |
| (2) Obstr. to Enforcement     | <u>-</u>                       | <u>-</u>                         |
| (c) Negligence                | <u>12</u>                      | <u>12</u>                        |
| (d) Good Faith                | <u>-</u>                       | <u>-</u>                         |
| (e) Acreage                   | <u>-</u>                       | <u>-</u>                         |
| TOTAL                         | <u>50</u>                      | <u>44</u>                        |

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Seriousness points are reduced due to the inspector's opinion at the conferecne that damage was low and that damage potential was high.

FILE ACT/007/011  
FOLDER #7



SCOTT M. MATHESON  
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON  
Executive Director,  
NATURAL RESOURCES

STATE OF UTAH

CHARLES R. HENDERSON  
Chairman

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF OIL, GAS, AND MINING

CLEON B. FEIGHT  
Director

1588 West North Temple  
Salt Lake City, Utah 84116  
(801) 533-5771

JOHN L. BELL  
C. RAY JUVELIN  
THADIS W. BOX  
MAXILIAN A. FARBMAN  
EDWARD T. BECK  
E. STEELE McINTYRE

Vacation or Termination of Notice or Order

To the Following Permittee or Operator:

Name U.S. FUEL CO.

Mailing Address \_\_\_\_\_

State Permit No. ACT/007/011

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

Notice of Violation No. N 83-4-9-2 Y TV dated AUG. 4, 19 83.

Cessation Order No. C \_\_\_\_\_ Y TV dated \_\_\_\_\_, 19 \_\_\_\_\_.

Violation No. 2 is hereby  Terminated EFFECTIVE 10/20/83 \_\_\_\_\_ Vacated because:

Violation No. \_\_\_\_\_ is hereby \_\_\_\_\_ Terminated \_\_\_\_\_ Vacated because:

Violation No. \_\_\_\_\_ is hereby \_\_\_\_\_ Terminated \_\_\_\_\_ Vacated because:

Date of Service DEC. 1, 1983 David Loe  
Signature of Authorized Representative

Time of Service or Mailing 3:30 a.m.  p.m. DAVID LOE #41  
Name and I.D. No.

THE COMPLETION OF THE REMEDIAL ACTIONS REQUIRED FOR ABATEMENT OF THE VIOLATION WAS VERIFIED DURING A NOV. 9, 1983 PARTIAL INSPECTION

ACT/007/011  
FOLDER #7



SCOTT M. MATHESON  
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON  
Executive Director,  
NATURAL RESOURCES

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple  
Salt Lake City, Utah 84116  
(801) 533-5771

CHARLES R. HENDERSON  
Chairman

JOHN L. BELL  
C. RAY JUVELIN  
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MAXILIAN A. FARBMAN  
EDWARD T. BECK  
E. STEELE McINTYRE

CLEON B. FEIGHT  
Director

Vacation or Termination of Notice or Order

To the Following Permittee or Operator:

Name U. S. FUEL CO.

Mailing Address \_\_\_\_\_

State Permit No. ACT/007/011

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

Notice of Violation No. N 83-4-6-2 Y TV dated JULY 1, 1983.

Cessation Order No. C \_\_\_\_\_ Y TV dated \_\_\_\_\_, 19\_\_\_\_.

Violation No. 2 is hereby X Terminated EFFECTIVE 10/5/83 \_\_\_\_\_ Vacated because:

Violation No. \_\_\_\_\_ is hereby \_\_\_\_\_ Terminated \_\_\_\_\_ Vacated because:

Violation No. \_\_\_\_\_ is hereby \_\_\_\_\_ Terminated \_\_\_\_\_ Vacated because:

Date of Service DEC. 1, 1983 David Loe  
Signature of Authorized Representative

Time of Service or Mailing 2:50 a.m. X p.m. DAVID LOE #4  
Name and I.D. No.

THE VIOLATION WAS RECEIVED BY THE OPERATOR ON 7/7/83.  
THE SITE WAS INSPELTED BY MYSELF ON 9/30/83 AT WHICH TIME  
THE OPERATOR WAS IMPLEMENTING THE APPROVED ABATEMENT PLANS.  
ACCORDING TO THE OPERATOR CONSTRUCTION WAS COMPLETED ON 10/5/83

October 11, 1983

Inspection Memo  
to Coal File:

RE: U. S. Fuel Company  
Hiawatha Mine  
ACT/007/011, Folder No. 7  
Carbon County, Utah

DATE: June 9, 10 & 17, 1983  
TIME: 9:00 a.m.-12:10 p.m.; 9:20 a.m.-4:15p.m.; 1:00-4:20 p.m.,  
respectively  
WEATHER: Sunny & warm  
COMPANY OFFICIALS: Jean Semborski  
STATE OFFICIALS: David Lof  
ENFORCEMENT ACTION: Notice of Violation N83-4-6-2

Compliance With Permanent Performance Standards

UMC 771 et al Permits

The following permits and approvals were reviewed at the operator's mine office.

1. A May 11, 1978 letter from the Division granting interim approval of the operator's mine permit based upon their USGS 211 Mine Plan.
2. An April 18, 1983 letter from the Division approving the modification of Slurry Impoundment No. 1. Prior to and following the approval of the modification plan for Slurry Impoundment No. 1 a great deal of correspondence passed between the Division and the operator concerning topsoil on the southwest embankment of the Slurry Impoundment which would be inundated attendant to the rise of the slurry level. On May 10, 1983 the Division sent to the operator a letter stating that all topsoil on the west slope (east facing slope) must be removed and that prior to removal plans must be submitted to and approved by the Division. In a letter dated June 7, 1983, U. S. Fuel Company informed the Division that they had chosen to leave Slurry Impoundment No. 1 in an inactive state until fines can be recovered from the pond and would instead reactivate Slurry Impoundment No. 5B.

3. A March 21, 1983 letter from the Division approved the conceptual plans for the catchment basin for the small disturbed area at the South Fork - Middle Fork road split. The operator has constructed a riprapped overflow structure and installed sediment depth stakes as suggested in the approval letter.

#### UMC 817.11 Signs & Markers

On the north side of the South Fork loadout coal stockpile the coal had been stockpiled in such a manner that it was starting to encroach upon an undisturbed area. The operator was asked to pull the stockpile back away from the undisturbed area and to post perimeter markers in order to better delineate the undisturbed area from the allowable coal stockpile area.

#### UMC 817.41-.52 Hydrologic Balance

##### South Fork

The operator was asked to extend the berm which protects the inlet to the mine yard undisturbed drainage bypass culvert, so as to provide better protection for the undisturbed bypass.

The undisturbed drainage diversion located on the hillside above the South Fork loadout was not properly maintained and did not meet the design specifications which were approved. Several low areas had been filled in with sediment and portions of the associated berm were broken down, because of this Notice of Violation N83-4-6-2, #1 of 2 was issued on July 1, 1983 it reads as follows:

##### Nature of Violation:

Failure to mine in accordance with an approved interim permit.  
Failure to maintain sediment control measures.

##### Provisions of the Regulations, Act or Permit Violated:

UMC 771.13(b)(3)  
UMC 771.19  
UMC 817.45

##### Portion of the Operation which Notice Applies:

The undisturbed diversion located above South Fork of Miller Creek loadout area.

Remedial Action Required

- A. Maintain the diversion in accordance with the approved design specifications

or

- B. Submit plans modifying the approved design. Implement said plans immediately upon Division approval.

Time for Abatement:

- A. 30 days from the date of receipt of this notice.  
B. Plans submitted within 30 days of receipt and implementation completed within 60 days of receipt.

The operator received the violation on July 7, 1983.

Middle Fork

Upon inspecting the inlet area of the Left Fork of the Middle Fork of Miller Creek undisturbed diversion, I noticed that there were several seeps coming out of the slope above and to the left of the channel. Through further inspection I found that the natural stream channel had never been diverted into the new channel to the bypass culvert. The natural stream channel is located above and to the left of the new channel to the bypass, it empties on to an old access road which conveys runoff into the mine yard area.

Water was flowing in the natural channel above the point where it should have been diverted into the new channel at a rate of approximately 10 GPM. It was continuing down the natural channel and then eventually disappearing into the channel prior to emptying onto the access road, and apparently reappearing as seeps in the slope on the left side of the new channel. If there had been enough flow, the runoff could have passed onto the mine yard.

It was apparent that at some point prior to this inspection water had made it to the end of the natural channel and somebody had dug a small diversion, by hand, across the old access road to the edge of the slope above the new channel. This water had caused erosion on the down slope to the new channel displacing materials into the channel. It was apparent that if a large enough precipitation event had occurred it could have caused severe erosion in the mine yard and short circuited the sediment pond. The sediment pond is designed to handle 23 acres of disturbed area runoff, however, because of the undisturbed diversion being improperly constructed an additional 188 acres of undisturbed area could have contributed runoff to the sediment pond. Therefore, Notice of Violation N83-4-6-2, #2 of 2 was issued on July 1, 1983. It reads as follows:

Nature of Violation:

Failure to mine in accordance with an approved interim permit. Failure to conduct mining operations so as to prevent additional contribution of suspended solids to stream flow or runoff outside the permit area. Failure to construct a temporary diversion in such a manner as to safely bypass the peak runoff from a 10-year, 24-hour precipitation event past the sedimentation pond as designed.

Provision of the Regulations, Act or Permit Violated:

UMC 771.13(b) (3)  
UMC 771.19  
UCA 40-10-18(2) (i) (ii)  
UMC 817.43(a) & (c)  
UMC 817.45

Portion of the Operation to Which Notice Applies:

The Left Fork of the Middle Fork of Miller Creek undisturbed diversion.

Remedial Action Required:

- A. Submit complete and adequate plans to the Division detailing how the diversion will be completed so that runoff will safely bypass sedimentation pond as designed.
- B. Implement said plans immediately upon Division approval.

Time for Abatement

- A. 30 days from date of receipt of this notice.
- B. 60 days from date of receipt of this notice, implementation of said plans shall be completed.

The operator received the notice on July 7, 1983.

The Right Fork of the Middle Fork of Miller Creek was flowing at approximately 50 gpm. This caused the access to the substation, above the inlet to the bypass culvert, to be washed out. The operator agreed to re-riprap this area later in the summer when flows are lower. The old stream channel, above and below the washed out access to the substation, looked to be in good condition. There were no signs of erosion and the stream was flowing clear.

INSPECTION MEMO TO COAL FILE  
ACT/007/011  
October 11, 1983  
Page

### North Fork

During the construction of the North Fork intake portal some groundwater was intercepted at a sandstone/colluvium interface located approximately 145 feet inside the portal. It was beyond this point that the tunnel connects with the coal seam. The intercepted groundwater flows from the portal at a rate of approximately 8 gpm, it then passes across the portal pad, through some strawbale filters and, then into the Left Fork of the North Fork of Miller Creek. The strawbale filters cause the water to pond on the pad, this ponding appears to be counter productive. On random occasions the intake portal is visited by mine personnel for various reasons and they need the portal pad in order to turn their vehicles around. Because of the ponding and the need to turn their vehicles around a mud hole is often times created. I briefly discussed with the operator the possibility of installing a riprapped diversion channel for the groundwater discharge from the tunnel. This would alleviate the ponding problem on the pad and the operator could still treat the water, if necessary, by passing it through a straw filter rather than trying to pass it through straw bales which do not readily let water pass through.

The operator has a diversion dam on the Left Fork of the North Fork of Miller Creek just above where the access road to the ventilation portal crosses the creek. The dam is used to divert water to an underground storage reservoir, in the old Hiawatha #2 Mine. At the time of the inspection, water was overflowing the diversion dam at a rate of several cubic feet per second. The dam does have a spillway on its north side which some of the overflow is passing through. However, the flow was so great that it was also passing over the top of the diversion dam in the middle of the embankment and on the extreme south side of the embankment. The overflow was causing a great deal of erosion on the embankment slopes. The operator indicated that they were planning on reconstructing the diversion dam later in the summer during low flow.

The disturbed area runoff sediment controls in the North Fork coal stockpile yard appeared to be functioning as designed.

### UMC 817.52 Surface and Groundwater Monitoring

The operator had available at the mine office a copy of their NPDES permit, #UT-0023094. This permit expires on June 30, 1987. There are 11 point sources covered by this permit, they are listed below:

- 001 Mine water discharge, moreland
- 002 Hiawatha water tank overflow
- 003 Slurry pond No. 1 sediment pond
- 004 Slurry pond No. 1 embankment
- 005 Slurry pond No. 4 sediment pond
- 006 Slurry pond No. 5 south sediment pond

INSPECTION MEMO TO COAL FILE

ACT/007/011

October 11, 1983

Page 6

- 007 Slurry pond No. 5 north sediment pond
- 008 Middle Fork sediment pond
- 009 South Fork Mine yard sediment pond
- 010 King No. 4 vent tunnel (North Fork)
- 011 South Fork loadout sediment pond

I reviewed their monitoring report for the first quarter of 1983. The only samples taken were those from 001 and 002 this data appeared to be okay. There was no discharge from points 003 - 009 and 011, point 010 was inaccessible.

On July 25, 1980 the Division received from OSM review comments on U. S. Fuels initial surface and groundwater monitoring plan. This letter was forwarded to U. S. Fuels by the Division on October 15, 1980. The operator responded by revising their surface and groundwater monitoring plan and submitted this along with a letter dated December 23, 1980, to summarize OSM comments and recommendations and U. S. Fuels response as incorporated into the revised plan. On January 16, 1981 the Division sent two copies of U. S. Fuels revised plan to OSM. I have not been able to find any additional information on file as to whether or not OSM reviewed the revised plan or if the operator finally received approval. In any case the operator said that they are monitoring ground water and surface water in accordance with their revised plan. Ten springs are currently monitored nine of which are monitored twice a year and one is monitored once each month. Thirteen stream sampling points are monitored on a monthly basis. I reviewed the water monitoring data for the first quarter 1983. The data indicated that none of the springs were accessible in the first quarter and that a number of the stream flow monitoring points were also inaccessible. There were no apparent problems with the data which was available, except for the high TDS reading at point ST-3 which could not be explained.

UMC 817.81-.93 Coal Processing Waste

As it is discussed in the permitting section, the operators plans to use Slurry Pond No. 1 have been postponed in favor of modifying Slurry Pond No. 5B. The modification of Slurry Pond No. 5B will require a new diversion to a sediment pond and some topsoil removal. At the time of my inspection the operator was using Slurry Pond No. 4 and there was no water in Slurry Pond No. 1. Coal Waste impoundment reports for Slurry Ponds No. 1, 4 & 5 were available through June 6, 1983.

UMC 817.121-.126 Subsidence Control

The operator has an agreement with the U. S. Forest Service to have aerial photographs taken of the permit area for the purpose of subsidence monitoring. This agreement was entered upon on August 28, 1981.

INSPECTION MEMO TO COAL FILE  
ACT/007/011  
October 11, 1983  
Page 7

UMC 817.131 Cessation of Operations

On May 4th and May 6th, 1983 the Division received letters from the operator notifying the Division of temporary cessation of the King No. 4 & 5 Mines in the Middle Fork of Miller Creek.

UMC 817.150-.176 Roads

There is a small area along the Class III access road to the North Fork ventilation portal where water was ponding. The operator was asked to regrade this portion of the road to ensure proper drainage.

DAVID LOF   
FIELD SPECIALIST

DL/jvb

cc: Tom Ehmett, OSM  
Jean Semborski, U. S. Fuel  
Joe Helfrich, DOGM

Statistics:

See Natomas Trail Mountain Coal memo dated September 21, 1983



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

October 12, 1983

Mr. Robert Eccli  
U. S. Fuel Company  
Hiawatha, Utah 84527

RE: Pattern of Violations  
Hiawatha Complex  
ACT/007/011, Folder No. 7  
Carbon County, Utah

Dear Mr. Eccli:

It has been determined by the Division of Oil, Gas and Mining (DOGM) that there have been three or more violations written on your operation which are of the same or similar nature and which have occurred within a twelve (12) month period. DOGM has set this month of October to meet with inspectors and operators in an informal, fact-gathering setting at the DOGM offices in Salt Lake City.

All information gathered at this meeting will be used to make a final determination as to whether a pattern of violations exists for the operation. To that end, please be prepared to discuss the following violations:

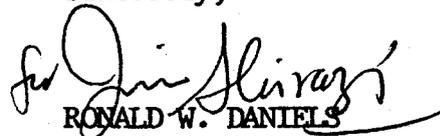
Topsoil Pattern:

N81-1-8-7, #2 and #3  
C81-3-3-1  
N81-3-22-3, #2  
N81-3-9-2, #2

October 19, 1983 has been set for this meeting; we will notify you of a time.

If you have any questions, please contact Ron Daniels at 533-5771 or Barbara Roberts at 533-6684.

Sincerely,

  
RONALD W. DANIELS  
DEPUTY DIRECTOR

RWD/btb



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

October 12, 1983

Mr. Robert Eccli  
U. S. Fuel Company  
Hiawatha, Utah 84527

RE: Pattern of Violations  
Hiawatha Complex  
ACT/007/011, Folder No. 7  
Carbon County, Utah

Dear Mr. Eccli:

It has been determined by the Division of Oil, Gas and Mining (DOGM) that there have been three or more violations written on your operation which are of the same or similar nature and which have occurred within a twelve (12) month period. DOGM has set this month of October to meet with inspectors and operators in an informal, fact-gathering setting at the DOGM offices in Salt Lake City.

All information gathered at this meeting will be used to make a final determination as to whether a pattern of violations exists for the operation. To that end, please be prepared to discuss the following violations:

Hydrology Pattern:

N81-1-8-7, #4 and #6  
N82-7-2-1  
N81-3-9-2, #2  
N82-2-6-1  
N82-2-5-1

October 19, 1983 has been set for this meeting; we will notify you of a time.

If you have any questions, please contact Ron Daniels at 533-5771 or Barbara Roberts at 533-6684.

Sincerely,

  
RONALD W. DANIELS  
DEPUTY DIRECTOR

RWD/btb

October 19, 1983

Inspection Memo  
to Coal File:

RE: U. S. Fuel Company  
Hiawatha Complex  
ACT/007/011, Folder No. 7  
Carbon County, Utah

On August 25, 1983, the above-mentioned operation was visited by Division Inspector David Lof. The purpose of the visit was to conduct a partial inspection and to follow-up on Notices of Violation N83-4-6-2 and N83-4-9-2. He was accompanied on the inspection by Bob Eccli of U. S. Fuel Company.

A Termination of Notice for NOV N83-4-6-2, #1 of 2, was served on August 5, 1983 following the July 29, 1983 partial inspection. The effective termination date was July 22, 1983. At the time of this inspection, the operator was in the process of receiving approval for plans submitted for the abatement of NOV N83-4-6-2, #2 of 2.

The disturbed area runoff diversion ditch to the north sediment pond for Slurry Pond #5 was properly maintained as required by the remedial actions for NOV N83-4-9-2, #1 of 2. A Termination of Notice for the violation was given to the operator following the inspection. The effective date of termination was August 11, 1983 which was the date Mr. Eccli said the work had been completed.

The abatement for NOV N83-4-9-2, #2 of 2, required that the operator submit plans to the Division one week from the date of the receipt of the notice. The operator requested a time extension on the abatement period in a letter to the Division dated August 9, 1983. The operator was given a one week extension of the abatement deadline in a letter from the Division dated August 17, 1983. On August 19, 1983, the Division received a letter from the operator discussing their proposed plans for the abatement of the violation. At the time of the inspection, the Division was reviewing the operator's plans.

The actual implementation of the abatement plans for NOV N83-4-9-2, #2 of 2, were discussed with Mr. Eccli during the inspection. U. S. Fuel Company's plan for abatement called for a modification of the 36 inch culvert under the railroad and extending the culvert down to the bottom channel. Mr. Eccli explained that this would not only solve the erosion problem created by the emergency discharge point in their mine water pipeline, but would also eliminate any erosion problem caused by the runoff contributing to the 36 inch culvert from the area above the railroad. He further explained that since the 36 inch culvert is a Utah Railway Company structure, that the Utah Railway

INSPECTION MEMO TO COAL FILE  
ACT/007/011  
October 19, 1983  
Page 2

Company did not want U. S. Fuel Company to modify the structure, but that they, Utah Railway Company, would want to do the actual modification work. I discussed briefly with Mr. Eccli the possibility of modifying the four inch mine water pipeline instead of the culvert. In other words, extending the four inch pipe from the discharge point through the culvert and down to the bottom of the channel where the discharge could be passed through some sort of energy dissipator. Since this would not actually require the modification of the culvert, the Utah Railway Company would not actually need to become involved with the project. Mr. Eccli indicated that this method would require extensive bracing in order to control the torque caused by the force of the water in the pipeline so that it would not break the valve and that this method would cost approximately the same amount as the extension of the 36 inch culvert. Mr. Eccli also informed me that Sharon Steel, the parent company of U. S. Fuel Company, is also the parent company of Utah Railway Company.

The #5 Mine breakout into the Left Fork of the South Fork is a single portal. There is a "Danger - Authorized Personnel Only" sign posted, however, the portal is not fenced. A very good job was done on the breakout, there is no debris on the downslopes. There is no mine water discharged from the breakout as was alluded to in the operator's 211 plan. The #5 Mine which the breakout serves is basically dry. According to Mr. Eccli, the water in the mine which discharges through Mohrland is from the Bear Canyon fault where it is intercepted in the #4 Mine. Since the #4 and #5 mines are not connected at all, water doesn't cause a problem in the #5 Mine. Roof supports in the portal are positioned in such a manner as to prevent access to the opening by mine equipment.



DAVID LOF  
OIL, GAS AND MINING  
FIELD SPECIALIST

DL/btb

cc: Tom Ehmett, OSM  
J. Helfrich, DOGM  
Jean Semborski, U. S. Fuel Company

Statistics:

Vehicle: #EX 45428--522 miles  
Per Diem: 1 person X 2 days, 12 hours - \$105.99  
Grant: A & E

October 19, 1983

Inspection Memo  
to Coal File:

RE: U. S. Fuel Company  
Hiawatha Complex  
ACT/007/011, Folder No. 7  
Carbon County, Utah

On July 29, 1983, the above-mentioned coal mine was visited by Division Inspector David Lof. The purpose of the visit was to conduct a partial inspection and to follow-up on the abatement of Notice of Violation N83-4-6-2. I was accompanied on the inspection by Jean Semborski of U. S. Fuel Company.

Following the June complete inspection, I issued NOV N83-4-6-2. The operator received the notice on July 7, 1983. Violation #1 of 2 was for failure to maintain the undisturbed diversion located above the South Fork of Miller Creek loadout area. The operator was given the choice of either maintaining the diversion in accordance with the approved design specifications or to submit plans modifying the approved design and implementing the plans immediately upon Division approval. The operator chose to maintain the diversion and, therefore, had 30 days from the date of receipt of the notice in order to abate the violation. At the time of my inspection, the diversion had been properly maintained. Ms. Semborski indicated that they had completed work on the diversion on July 22, 1983. A Termination of Notice was issued on August 5, 1983 with the effective termination date being July 22, 1983.

Violation #2 of 2 was issued for failure to construct the Left Fork of the Middle Fork of Miller Creek undisturbed diversion in such a manner as safely bypass the peak runoff from a 10-year, 24-hour precipitation event pass the sedimentation pond as designed. Remedial action required the operator to submit plans to the Division detailing how the diversion would be completed so that runoff would safely bypass the sediment pond, and to implement these plans immediately upon Division approval. The operator was given 30 days from the date of receipt of the notice to submit the plans and then 60 days from the date of receipt to implement the plans. The plans were submitted by the operator to the Division on July 25, 1983.

In my inspection memo for the June complete inspection, I noted that there was a problem at the South Fork loadout with the coal stockpile encroaching upon the undisturbed area. The operator has still not addressed this area at the time of this inspection.

The operator had extended the berm protecting the upper inlet of the undisturbed diversion in the South Fork mine yard area as requested during the June complete inspection.

I asked Ms. Semborski whether or not the operator had regraded the road up North Fork of Miller Creek and if they had done any work on the North Fork diversion dam since my complete inspection and she indicated that they had not done any work on either the road or the diversion dam.

While inspecting the disturbed area runoff diversion around Slurry Pond #5, I found that it was in good condition, except for one area along the northern diversion to the north sediment pond. The berm had been breached and it was evident that disturbed area runoff had left the permit area. Because of this, NOV N83-4-9-2, #1 of 2, was issued on August 4, 1983. It reads as follows:

Nature of the Violation:

Failure to maintain diversions in a manner which prevents additional contributions of suspended solids to stream flow and to runoff outside the permit area. Failure to pass all disturbed area runoff through the sedimentation pond prior to leaving the permit area.

Provisions of the Regulations, Act or Permit Violated:

UCA 40-10-18(2)(i)(ii)  
UMC 817.43(c)  
UMC 817.42(a)(1)  
UMC 817.45

Portion of the Operation to Which Notice Applies:

The disturbed area runoff diversion which conveys runoff from the north side of Slurry Pond #5 to Sediment Pond 5 North.

Remedial Action Required:

Maintain the diversion so that it properly conveys all disturbed area runoff to the sediment pond.

Time for Abatement:

One week from date of receipt of this notice.

The operator received the violation on August 9, 1983.

The operator's mine water diversion pipe from Mohrland to the water tanks above the town of Hiawatha is located along the Utah Railroad's right-of-way and runs parallel to the tracks. Approximately 1,700 feet south of where Utah Highway 122 crosses the tracks, there is an emergency discharge point for the diversion pipe. The discharge point is located at the inlet of a 36 inch culvert which was designed to pass natural runoff under the railroad, it is also the low point in the pipeline between Mohrland and the water tanks.

There is a valve which allows the operator to bleed the water from the diversion pipe so that the pipe can be emptied when repairs need to be made on the pipe. A large amount of erosion (several hundred cubic yards) had taken place at the outlet of the culvert. The erosion is due in part to the high velocity (90 feet per second at the beginning of the discharge), high volume (7.8 cfs at the beginning of the discharge) discharges which occur on an intermittent basis from the mine water pipe and from discharges from the 36 inch culvert associated with precipitation events. Because of the large amount of erosion, NOV N83-4-9-2, #2 of 2 was issued. It reads as follows:

Nature of the Violation:

Failure to design and construct appropriate sediment control measures to prevent to the extent possible additional contributions of sediment to stream flow or to runoff outside the permit area and minimize erosion to the extent possible. Failure to control diversion discharges in order to reduce erosion, to prevent deepening or enlargement of stream channels and to minimize disturbance to the hydrologic balance.

Provisions of the Regulations, Act or Permit Violated:

UCA 40-10-18(2) (i) (ii)  
UMC 817.45  
UMC 817.47

Portion of the Operation to Which Notice Applies:

The emergency discharge point for the mine water diversion pipe from Mohrland, approximately 1700 feet southeast of Utah Highway 122 along the Utah Railroad tracks.

Remedial Action Required:

- A. Submit to the Division complete and adequate plans showing how the discharge structure will be designed and constructed to conform with standard engineering procedures.
- B. Implement approved plan.

Time for Abatement:

- A. One week from date of receipt of this notice.

INSPECTION MEMO TO COAL FILE  
ACT/007/011  
October 19, 1983  
Page 4

B. Immediately upon receipt of the approval letter.

The operator received the notice on August 9, 1983.

  
DAVID LOF  
OIL, GAS AND MINING  
FIELD SPECIALIST

DL/btb

cc: Tom Ehmett, OSM  
J. Helfrich, DOGM  
Jean Semborski, U. S. Fuel Company

Statistics:

Vehicle: #EX 49611--693 miles  
Per Diem: 1 person X 3 days, 9 hours = \$151.02  
Grant: A & E



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

September 21, 1983

P396-996-815  
CERTIFIED RETURN RECEIPT REQUESTED

Ms. Jean Semborski, Engineer  
U. S. Fuel Company  
Hiawatha, Utah 84527

RE: Approval of Abatement Plan  
for NOV N83-4-9-2, 2 of 2  
Hiawatha Complex  
ACT/007/011, Folder No. 4 & 7  
Carbon County, Utah

Dear Ms. Semborski:

The additional information supplied for abatement of NOV N83-4-9-2, 2 of 2 in your September 12, 1983 letter has been reviewed. Based on the information supplied by U. S. Fuel, Division approval is hereby granted for the abatement plan regarding NOV N83-4-9-2, 2 of 2. Due to the unproven performance of the railroad tie methodology proposed for energy dissipation at the culvert outlet, it is recommended that flow velocity measurements be made at the discharge point. Additionally, monthly monitoring of the effectiveness of the erosion protection provided by the ties is recommended to ensure that further erosion is prevented. Should the railroad tie configuration prove ineffective, please be aware that an alternate means of controlling the discharge in accordance with UMC 817.47 will be required.

Should any questions arise concerning this letter, please feel free to contact myself, John Whitehead or David Lof.

Sincerely,

JAMES W. SMITH, JR.  
COORDINATOR OF MINED  
LAND DEVELOPMENT

JWS/JJW/jvb

cc: Allen Klein, OSM  
Tom Ehmett, OSM  
J. Whitehead, DOGM  
W. Hedberg, DOGM  
D. Lof, DOGM

# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

September 12, 1983

(O'Day)  
File ACT/OO/TOL  
Folders 3 7  
MRP  
copy to Dave L

JIM

SEP 13 1983

Mr. James W. Smith, Jr.  
Corrd. of Mined Land Development  
State of Utah, Div. of Oil, Gas & Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

Re: Additional Information for  
Abatement Plans on NOV 83-4-9-2,  
2 of 2.

Dear Mr. Smith:

This submittal is in reply to Mr. David Lof's letter of September 2, 1983 requesting additional information relating to abatement plans for NOV 83-4-9-2, 2 of 2. We received his letter on September 7, 1983.

In response to the five items requested in Mr. Lof's letter, please find the following information enclosed:

- 1) Calculations showing the velocity and discharge rates of outflow from the four inch water line. Assumptions and calculations are given in Figure 5. Figures 6, 7 and 8 give charts showing the relationships of velocity vs head, discharge rates vs head and head vs time. These charts are derived from equations given in Figure 5.
- 2) The drainage area and factors contributing to runoff entering the 36 inch culvert are given in Figure 1. Calculations relating to runoff from a 10-year, 24-hour storm are given in Table 1.
- 3) The use of railroad ties as energy dissipators was not derived from any literature or other documentation, but was proposed as a practical method utilizing readily available material. Please note that the railroad ties are proposed only as a secondary means of energy dissipation. The two culvert elbows will be the primary energy dissipators. Also, the four inch gate valve can be regulated to limit outflow to any desired rate.
4. Utah Railway has indicated to us that they prefer to install the culvert and bill U.S. Fuel Co. for the work. They intend to backfill the project with material from their own property.



5. A copy of the letter sent to the EPA and the State Department of Health is enclosed. Please refer to the enclosure for details.

Sincerely,

*Jean Semborski*

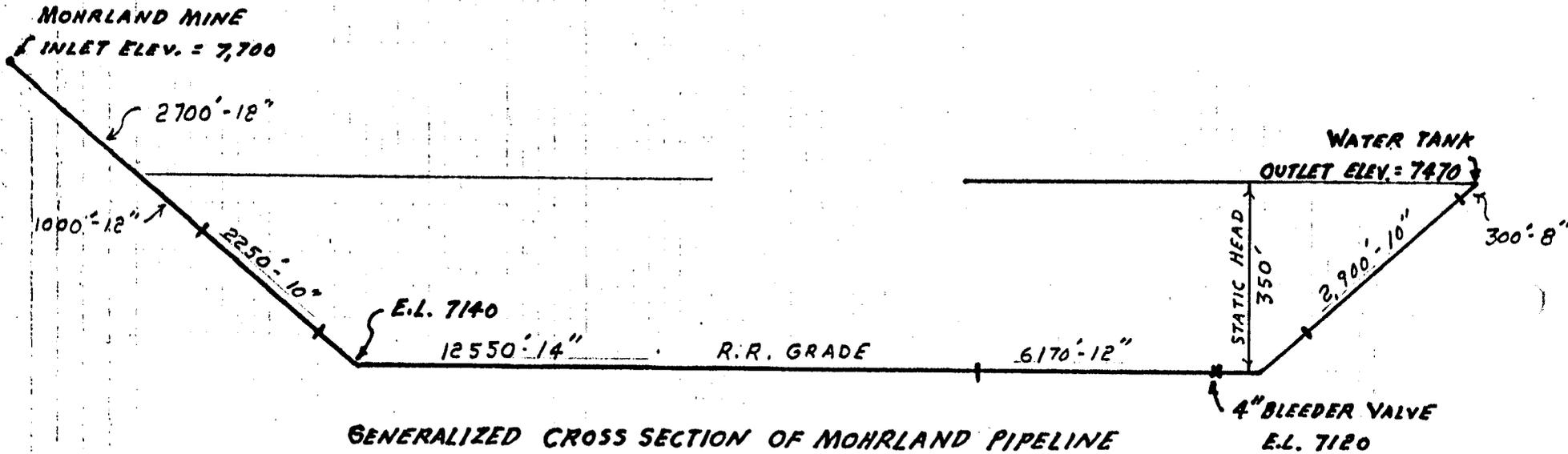
Jean Semborski  
Engineer I

JS:lj

Enclosures

cc: Errol Gardiner  
Dan Martin

FIGURE 5



GENERALIZED CROSS SECTION OF MOHRLAND PIPELINE

NOTES:

- 1/ WATER IS DIVERTED FROM PIPELINE INLET PRIOR TO OPENING BLEEDER VALVE.
- 2/ WATER REMAINING IN PIPELINE IS DRAINED OFF THROUGH 4" BLEEDER VALVE.

| PIPE DIAMETER | LENGTH OF PIPE | VOLUME OF PIPE              |
|---------------|----------------|-----------------------------|
| 8"            | 300'           | 105 FT <sup>3</sup>         |
| 10"           | 5150'          | 2809                        |
| 12"           | 7170'          | 5631                        |
| 14"           | 12550'         | 13416 FT <sup>3</sup>       |
|               | <u>25170'</u>  | <u>21961 FT<sup>3</sup></u> |

VELOCITY THROUGH BLEEDER VALVE =  $V = C\sqrt{2gh}$

DISCHARGE THROUGH BLEEDER VALVE =  $Q = C a \sqrt{2gh}$

TIME REQUIRED TO EMPTY VESSEL OF UNIFORM CROSS-SECTION =  $t(\text{sec}) = \frac{2A(\sqrt{H} - \sqrt{h})}{C a \sqrt{2g}}$

- A = CROSS SECTIONAL AREA OF VESSEL (FT.<sup>2</sup>)
- a = CROSS SECTIONAL AREA OF ORIFICE (FT.<sup>2</sup>)
- H = INITIAL HEAD ON ORIFICE (FT.)
- h = FINAL HEAD ON ORIFICE (FT.)
- C = COEFF. OF DISCHARGE = 0.605
- g = ACCELERATION DUE TO GRAVITY = 32.2 FT/SEC<sup>2</sup>
- t = TIME (SEC.)

EQUVALENT CROSS-SECTIONAL AREA OF PIPELINE (VESSEL) =  $A = \frac{\text{VOLUME OF PIPELINE}}{\text{STATIC HEAD}} = \frac{21,961 \text{ FT}^3}{350 \text{ FT.}} = 62.75 \text{ FT}^2$



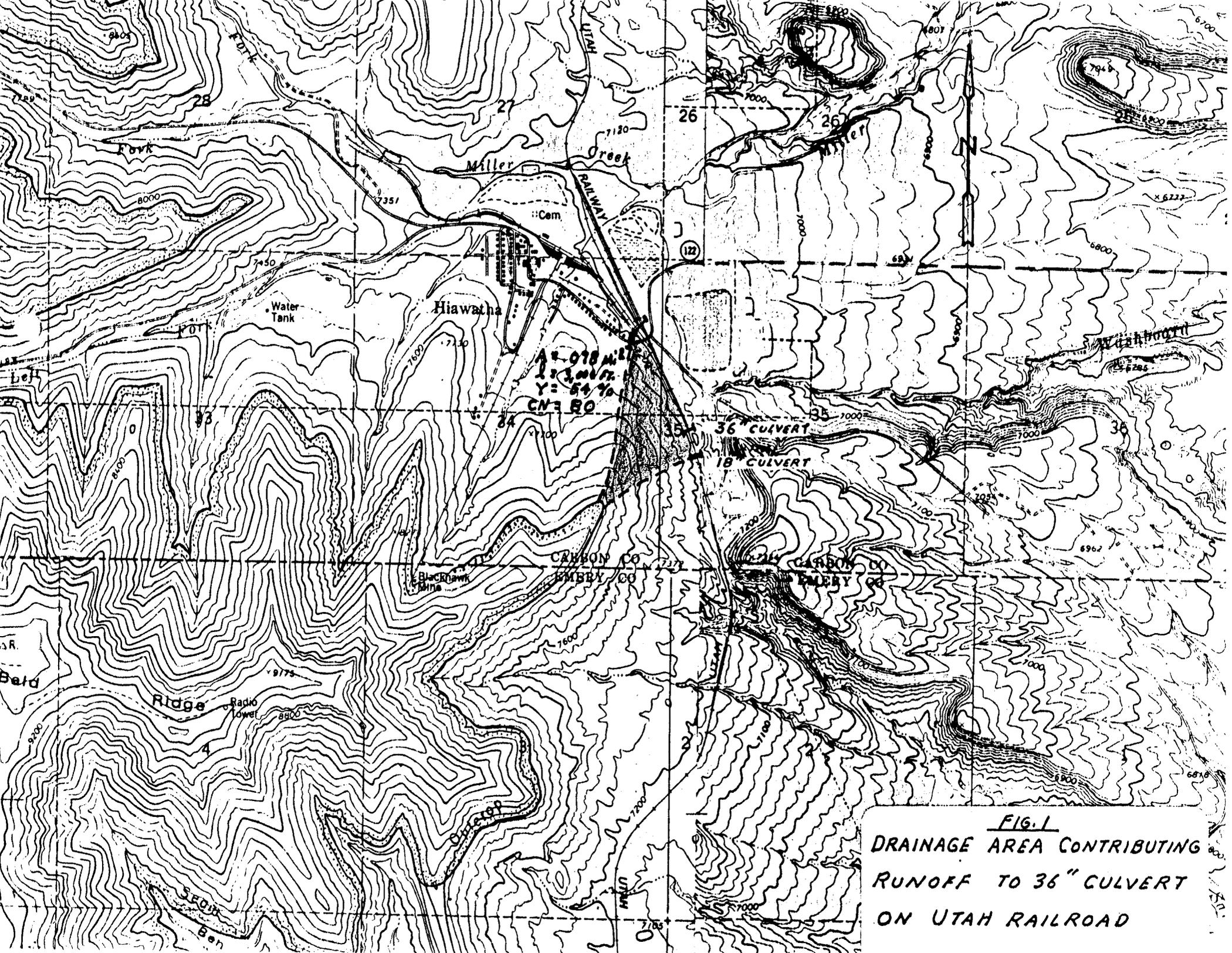


FIG. 1  
DRAINAGE AREA CONTRIBUTING  
RUNOFF TO 36" CULVERT  
ON UTAH RAILROAD



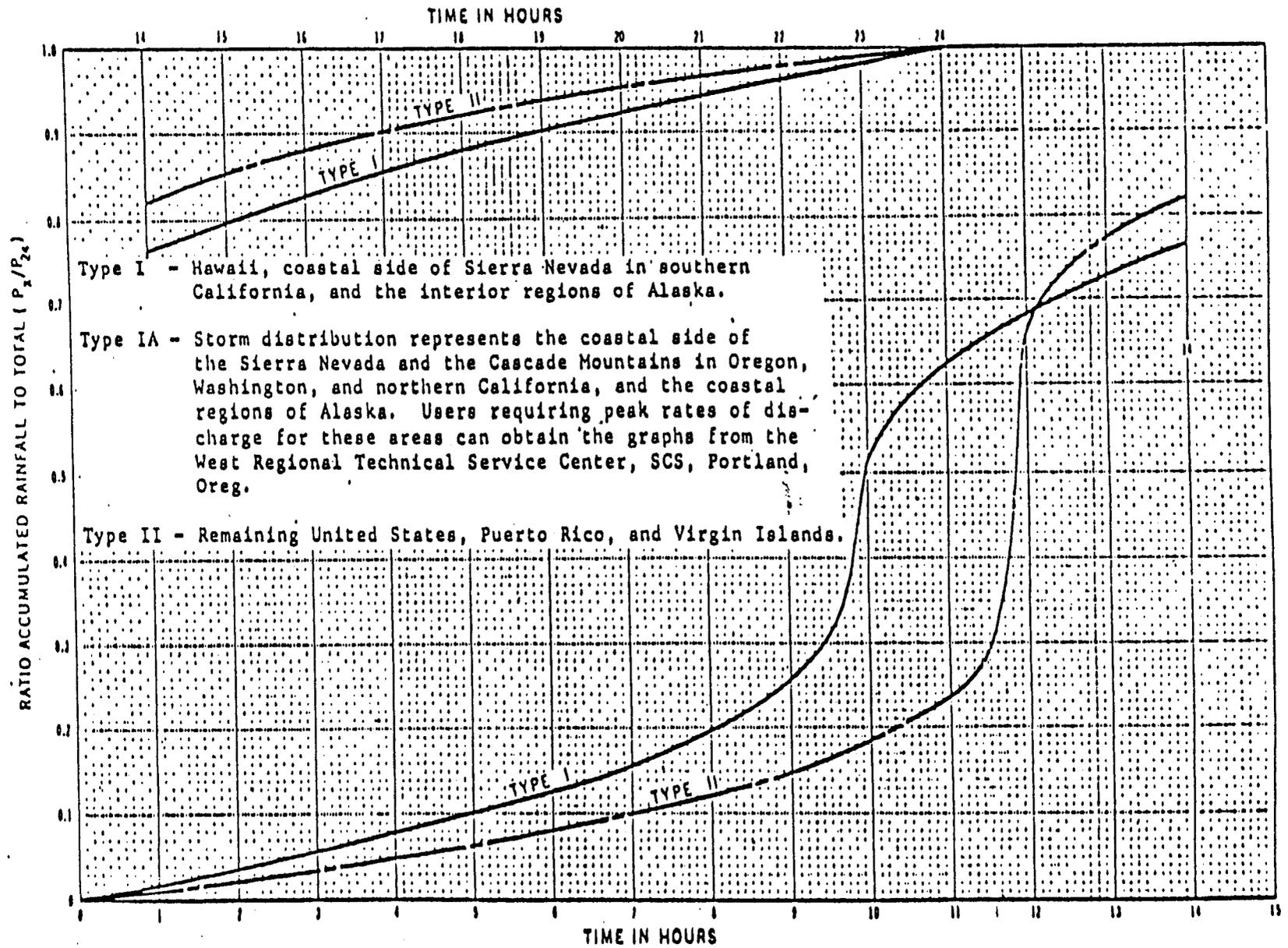
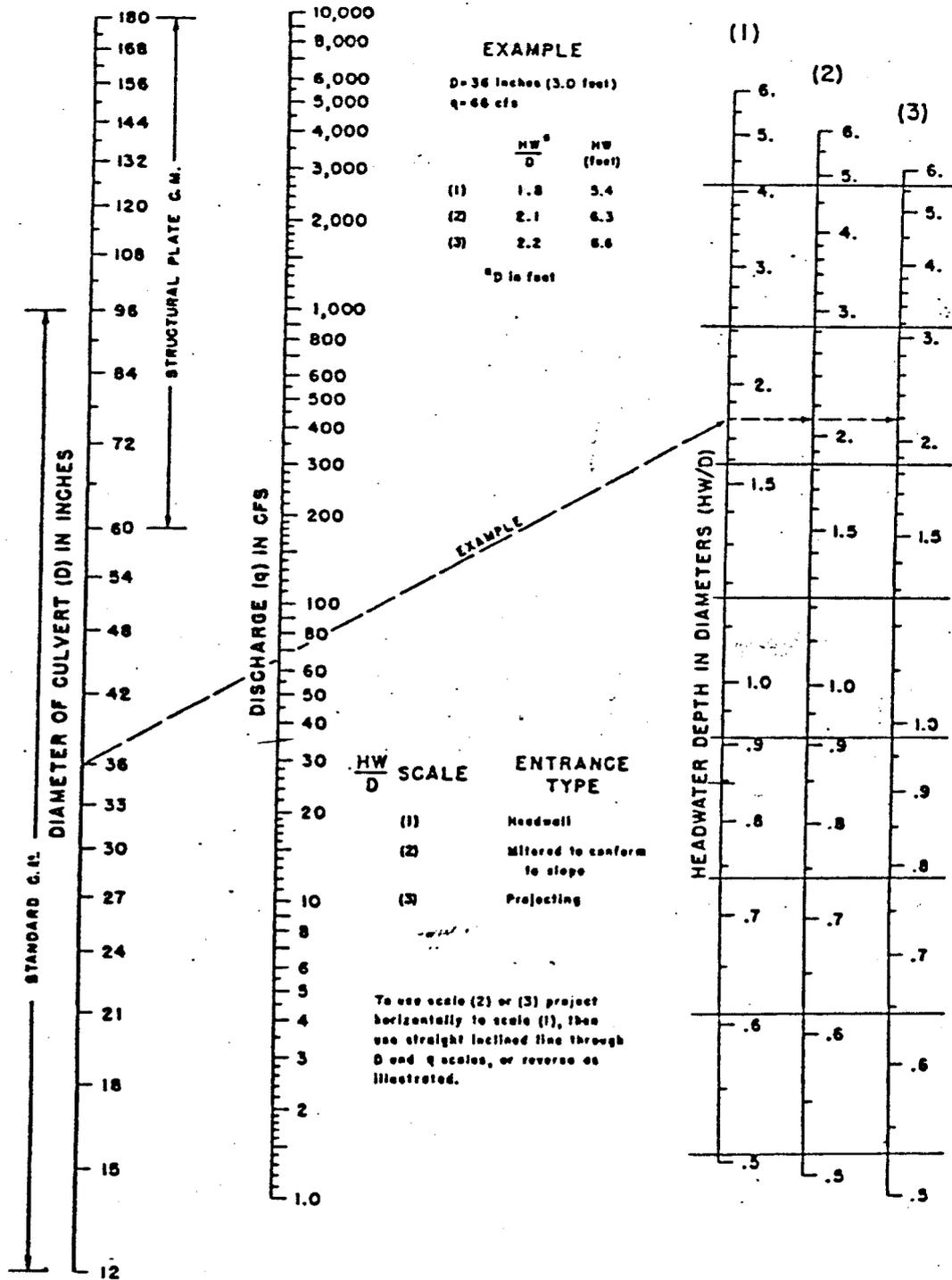


Figure 5.1-2. Twenty-four-hour rainfall distributions (from Kent, 1973).



BUREAU OF PUBLIC ROADS JAN. 1963

Exhibit 14-9. Headwater depth for C. M. pipe culverts with inlet control.

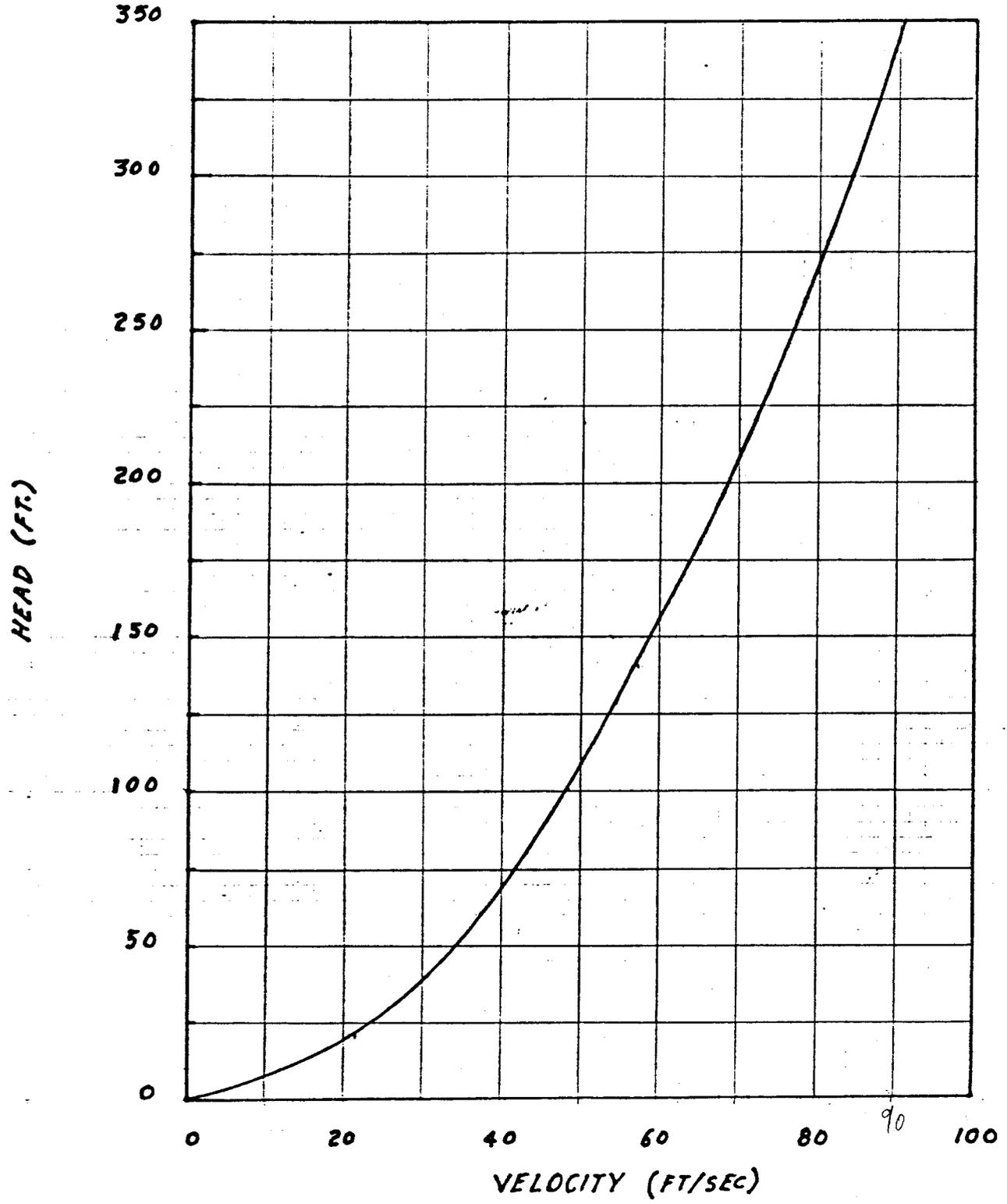
NEH Notice 4-102, August 1972

INDEX No. \_\_\_\_\_ SHEET No. \_\_\_\_\_  
 PLACE \_\_\_\_\_  
 JOB \_\_\_\_\_  
 DATE 9-9-83  
 COMPUTED BY R.E.  
 CHECKED BY \_\_\_\_\_  
 REVISED \_\_\_\_\_

UNITED STATES FUEL COMPANY  
ENGINEERING DEPT., HIAWATHA, UTAH

COMPUTATION FOR MOHRLAND PIPELINE  
CHART SHOWING VELOCITY THROUGH 4" BLEEDER  
VALVE VS. HEAD PRESSURE (VALVE FULLY OPEN)  
 REF. DRAWING \_\_\_\_\_

FIGURE 6

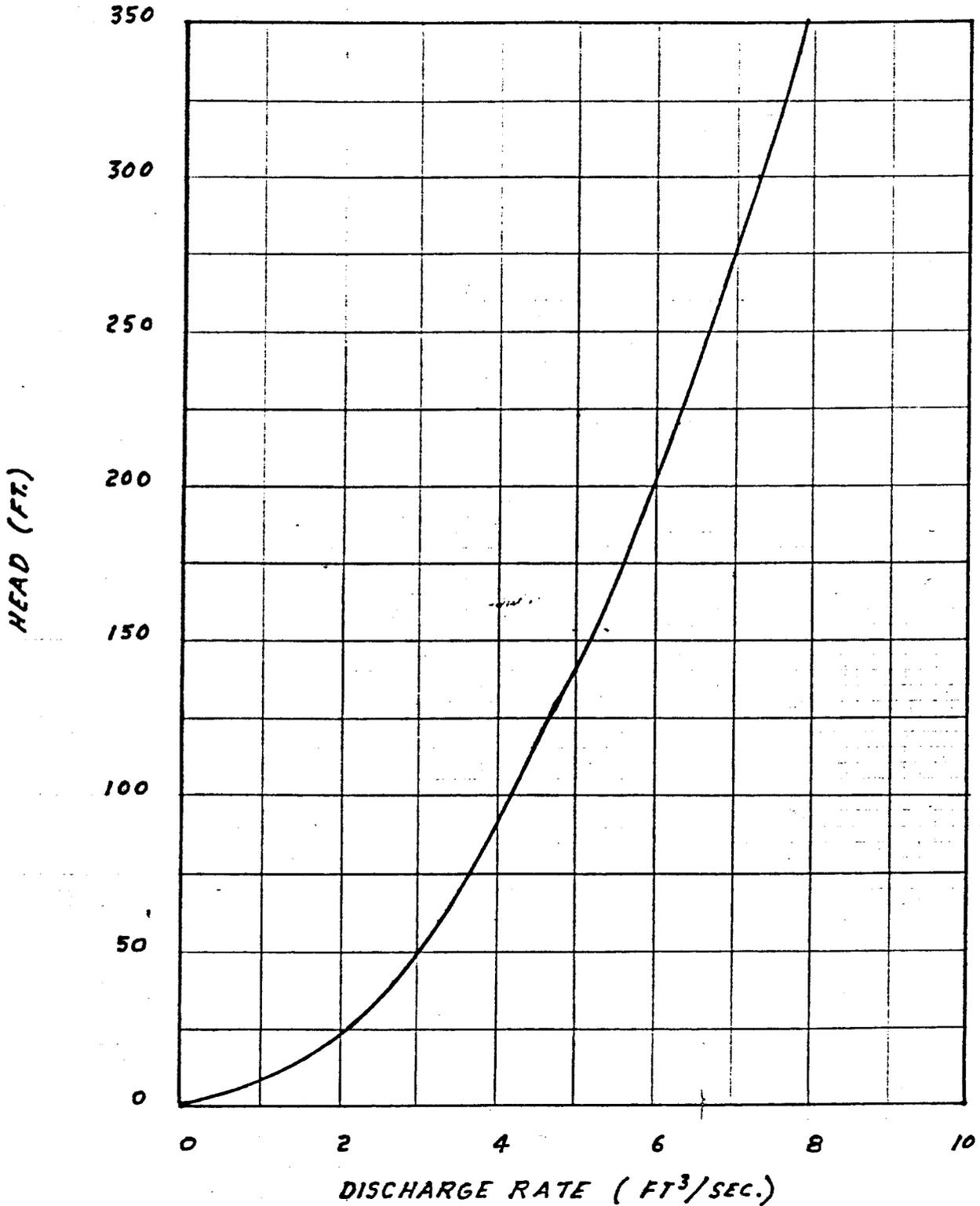


INDEX \_\_\_\_\_ SHEET NO. \_\_\_\_\_  
 PLACE \_\_\_\_\_  
 JOB \_\_\_\_\_  
 DATE 9-9-83  
 COMPUTED BY R.E.  
 CHECKED BY \_\_\_\_\_  
 REVISED \_\_\_\_\_

UNITED STATES FUEL COMPANY  
ENGINEERING DEPT., HIAWATHA, UTAH

COMPUTATION FOR MOHRLAND PIPELINE  
CHART SHOWING DISCHARGE RATE THROUGH  
4" BLEEDER VALVE VS. HEAD PRESSURE  
 REF. DRAWING (VALVE FULLY OPEN)

FIGURE 7



CALCULATION SHEET

INDEX \_\_\_\_\_ SHEET No \_\_\_\_\_

UNITED STATES FUEL COMPANY  
ENGINEERING DEPT., HIAWATHA, UTAH

PLACE \_\_\_\_\_

COMPUTATION FOR MOHRLAND PIPELINE  
CHART SHOWING HEAD VS. TIME FOR  
DISCHARGE THROUGH 4" BLEEDER VALVE  
REF. DRAWING (VALVE FULLY OPEN)

JOB \_\_\_\_\_

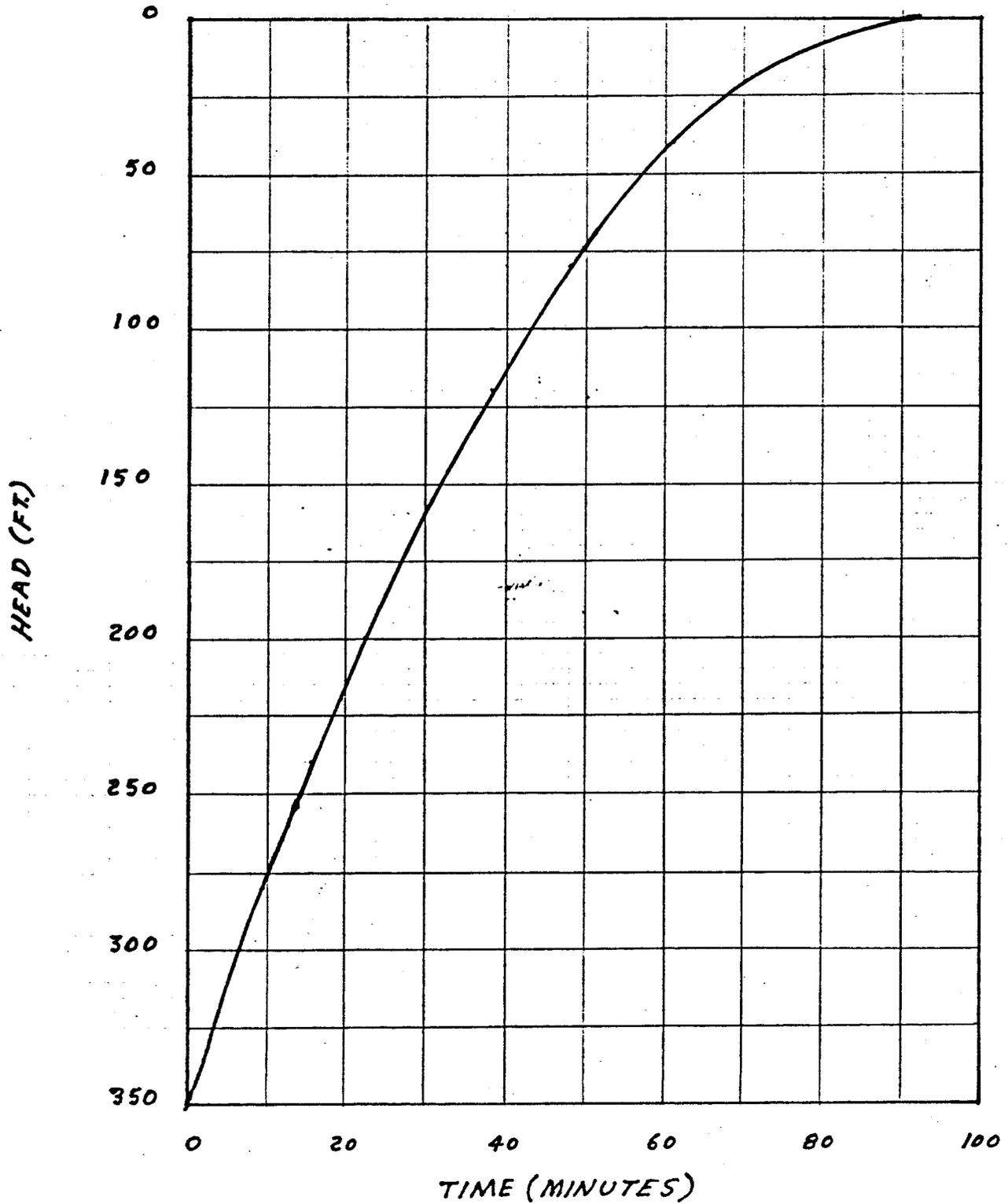
DATE 9-12-83

COMPUTED BY R.E.

CHECKED BY \_\_\_\_\_

REVISED \_\_\_\_\_

FIGURE 8



# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

August 30, 1983

Max H. Dodson, Acting Director  
United States Environment Protection Agency  
Region VIII  
1860 Lincoln Street  
Denver, Colorado 80295

Re: NPDES PERMIT  
No. UT-0023094

Dear Mr. Dodson;

Recently, United States Fuel Company was requested by the Utah Division of Oil, Gas and Mining to contact you concerning an emergency discharge we have.

The emergency discharge consists of a valve in the water pipeline from Mohrland to Hiawatha and is located along the railroad tracks 1700' south of the railroad crossing leading into the town of Hiawatha. On occasion, about 2 to 3 times per year, pipeline repairs require that the emergency discharge be used in order to repair a leak in the line.

Water in this pipeline is already being monitored at two locations on a monthly basis. Water is monitored at a mine discharge point near Mohrland (D001) where it enters the pipeline and at a water tank near Hiawatha (D002) where it leaves the pipeline.

Also, the discharge valve is used very infrequently and then only for a short duration, (less than 8 hours).

Since this same water is currently monitored at the inlet and outlet of the pipeline, United States Fuel Company would like to know if it is necessary that the emergency discharge be included in the mines discharge permit.

Sincerely,

Robert Eccli  
Senior Mining Engineer

RE:lj

cc: Utah Dept. of Health



File A41007/011  
Folder No. 3, 7  
Copy to Wayne  
Ron D.  
Dave L.

# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

September 12, 1983

James W. Smith, Jr., Coordinator of  
Mined Land Development  
State of Utah, Division of Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

RE: Request of extension of time  
on NOV 83-4-6-2, 2 of 2.

Dear Mr. Smith:

On July 1, 1983 Mr. Dave Lof inspected United States Fuel Company's property and noted areas that concerned him. U.S. Fuel Company, on July 7, 1983 received NOV 83-4-6-2. The interim step for abatement of the violation 2 of 2 in this group required us to submit plans to the Division detailing how we intended to abate this violation. The plan was due within 30 days of our receipt of the NOV.

Our plan containing the details for the abatement of this violation was sent to the Division on July 20, 1983, within the 30 day time limit. We received a response from the Division on August 17 which indicated that the plan was basically acceptable but a request for additional information was made.

We returned a response to their questions on August 22, 1983. It was at this time that Mr. Hedberg expressed his concern over our method of calculating hydrologic flows. He and Mr. Eccli debated over the appropriate method to be used for this situation. A period of perhaps a week elapsed after he received our response while the methods of calculation were being analyzed and compared.



We received approval to begin the construction on the diversion system on Sept. 7, 1983, 62 days after the violation was received. This was also two days past the allocated abatement period for completion of the work. Construction could not possibly have begun before approval was granted and still have been within the time constraint.

United States Fuel Company feels that we have been diligent and timely in responding to this violation. When we believed, from telephone conversations with Mr. Hedberg, that final approval was imminent, we went ahead and ordered and have received the materials necessary to construct the project. Also, we arranged with the contractor, on Sept. 8, to begin work on the project as soon as equipment became available. Work should begin the week of Sept. 12, 1983 as soon as the equipment can be moved to Hiawatha.

We had hoped, like the Division, for the project to be completed by the original deadline date. However, it is difficult to estimate how much time the technical review will take. In this case, the review period did not match the abatement date initially scheduled.

In view of the time remaining, we should be able to complete the project within the 90 day abatement period. United States Fuel Company requests that an extension of two weeks be added onto the past deadline date of 60 days so that we may have a chance to complete the work without being in a failure to abate situation. We feel that the work can be completed by Sept. 23, 1983 unless problems occur over which we have no control.

We hope you find our request to be reasonable. Construction of this diversion system will begin as soon as possible.

Sincerely,



Jean Semborski  
Engineer

pc: E. Gardiner



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

September 7, 1983

Ms. Jean Semborski, Engineer  
U. S. Fuel Company  
Hiawatha, Utah 84527

RE: Abatement Plan Adequacy  
N83-4-6-2, No. 2 of 2  
Middle Fork Mine Yard  
Hiawatha Complex  
ACT/007/011, Folder No. 3 & 7  
Carbon County, Utah

Dear Jean:

The Division has completed the review of the additional information submitted by U. S. Fuel Company to abate NOV N83-4-6-2, 2 of 2. The plans have been determined adequate to abate the violation. The following concerns should be followed during implementation:

1. A trash rack should be provided at the inlet to the culvert to prevent the possibility of debris clogging the pipe internally.
2. The culvert should be securely anchored to prevent movement and possible separation at any joints. This could be accomplished by burial, securing with bolts to concrete footings or through other standard engineering practice. The elbow proposed for the discharge end should receive particular attention.
3. The outlet to the proposed culvert should not be placed too close to the by-pass culvert so as to restrict the normal flow of drainage originating from the adjacent area(s).

The Division appreciates the rapid responses and cooperation which U. S. Fuel Co. has provided regarding recent proposals and modifications. Please call should any questions arise concerning this review.

Sincerely,

D. WAYNE HEDBERG  
RECLAMATION HYDROLOGIST

DWH/jvb

cc: Jodie Merriman, OSM, Albuquerque  
Sarah Branson, OSM, Denver  
Jim Smith, DOGM  
Dave Lof, DOGM  
John Whitehead, DOGM



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

September 2, 1983

9324 - 743 - 384  
REGISTERED RETURN RECEIPT REQUESTED

Jean Semborski, Engineer  
U. S. Fuel Company  
Hiawatha, Utah 84527

RE: Abatement Plans NOV83-4-9-2,  
2 of 2  
Hiawatha Complex  
ACT/007/011, Folder No. 3 & 7  
Carbon County, Utah

Dear Ms. Semborski;

The abatement plans dated August 19, 1983 and submitted in response to NOV83-4-9-2, 2 of 2 have been reviewed by John Whitehead (Reclamation Hydrologist) and the following additional information is requested in order to fully analyze the plan.

1. Calculations showing the velocity and discharge rates of outflow from the 4 inch water line.
2. Ten year 24 hour discharge rate entering the 36 inch culvert from the contributing drainage area supported by calculations, drainage areas methodology and any assumptions used .
3. Literature citations and/or any other documentation supporting use of railroad ties as energy dissipators.
4. Clarification of where the proposed fill material will come from and an explanation of how this will not cause any additional disturbance.
5. A copy of a letter to EPA and State Health informing them of the emergency discharge point and requesting guidance from them in regards to any permitting of the discharge point which may be necessary (i.e. NPDES).

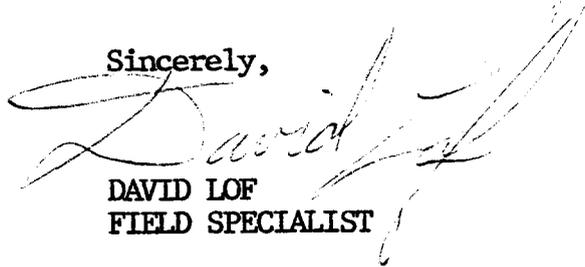
The additional information requested must be submitted to the Division no later than one week from the date of receipt of this letter, in accordance with the enclosed modification.

Ms. Jean Semborski  
ACT/007/011  
September 2, 1983  
Page 2

As a reminder, the Notice of Violation requires that upon receipt of an approval letter for your proposed plan, the plan shall be implemented immediately. Failure to comply with the Notice of Violation within the time set for abatement will result in the issuance of a cessation order in accordance with UMC 843.11(b). As you and Mr. Jensen have been notified in previous correspondence, an extension of the time set for abatement will only be considered if, said extension is requested in writing prior to the abatement deadline and the request is substantiated.

Should you have any questions concerning this letter please do not hesitate to call us.

Sincerely,



DAVID LOF  
FIELD SPECIALIST

JJW/jvb

Enclosure

cc: Tom Emmett, OSM, Albuquerque  
Allen Klein, OSM, Denver  
John Whitehead, DOGM  
Joe Helfrich, DOGM  
Wayne Hedberg, DOGM



SCOTT M. MATHESON  
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON  
Executive Director,  
NATURAL RESOURCES

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple  
Salt Lake City, Utah 84116  
(801) 533-5771

CHARLES R. HENDERSON  
Chairman

JOHN L. BELL  
C. RAY JUVELIN  
THADIS W. BOX  
MAXILIAN A. FARBMAN  
EDWARD T. BECK  
E. STEELE McINTYRE

CLEON B. FEIGHT  
Director

Modification of Notice or Order

To the Following Permittee or Operator:

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

State Permit No. \_\_\_\_\_

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

Notice of Violation No. N \_\_\_\_\_ Y TV dated \_\_\_\_\_, 19\_\_\_\_.

Cessation Order No. C \_\_\_\_\_ Y TV dated \_\_\_\_\_, 19\_\_\_\_.

Violation No. \_\_\_\_\_ is modified as follows:

The reason for this modification are as follows:

Violation No. \_\_\_\_\_ is modified as follows:

The reasons for this modification are as follows:

Violation No. \_\_\_\_\_ is modified as follows:

The reasons for this modification are as follows:

Date of Service \_\_\_\_\_

Signature of Authorized Representative

Time of Service or Mailing \_\_\_\_\_ a.m. \_\_\_\_\_ p.m.

Name and I.D. No.

FILE ACT/007/011  
FOLDER #7



SCOTT M. MATHESON  
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON  
Executive Director,  
NATURAL RESOURCES

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES

CHARLES R. HENDERSON  
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EDWARD T. BECK  
E. STEELE McINTYRE

CLEON B. FEIGHT  
Director

DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple  
Salt Lake City, Utah 84116  
(801) 533-5771

Modification of Notice or Order

To the Following Permittee or Operator:

Name U.S. FUEL Co.  
Mailing Address U.S. FUEL Co. KANAB, UT 841527  
State Permit No. ACT/007/011

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

Notice of Violation No. N 83-4-9-2 Y TV dated Aug 1, 19 83.

Cessation Order No. C \_\_\_\_\_ Y TV dated \_\_\_\_\_, 19 \_\_\_\_\_.

Violation No. 2 is modified as follows: REMEDIAL ACTION REQUIRED:  
The reason for this modification are as follows: ADD PART A.1. RESPOND TO <sup>ALL</sup> DIVISION REQUESTS  
FOR ADDITIONAL INFORMATION

Violation No. \_\_\_\_\_ is modified as follows: TIME FOR ABATEMENT:  
The reasons for this modification are as follows: ADD PART A.1. ONE WEEK FROM DATE OF RECEIPT  
Violation No. \_\_\_\_\_ is modified as follows: OF LETTER REQUESTING INFORMATION

The reasons for this modification are as follows:  
Date of Service SEPT. 1, 1983  
Signature of Authorized Representative David Lof

Time of Service or Mailing 4:00 a.m.  p.m. DAVID LOF #41  
Name and I.D. No.

FILE ACT/007/011  
FOLDER #7



SCOTT M. MATHESON  
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON  
Executive Director,  
NATURAL RESOURCES

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple  
Salt Lake City, Utah 84116  
(801) 533-5771

CHARLES R. HENDERSON  
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C. RAY JUVELIN  
THADIS W. BOX  
MAXILIAN A. FARBMAN  
EDWARD T. BECK  
E. STEELE McINTYRE

CLEON B. FEIGHT  
Director

Vacation or Termination of Notice or Order

To the Following Permittee or Operator:

Name U.S. FUEL CO. - HIAWATHA COMPLEX  
Mailing Address U.S. FUEL CO. HIAWATHA, UT 84527  
State Permit No. ACT/007/011

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

Notice of Violation No. N 83-4-9-2 Y  TV  dated Aug 4, 1983.

Cessation Order No. C \_\_\_\_\_ Y  TV  dated \_\_\_\_\_, 19\_\_\_\_.

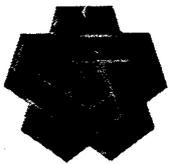
Violation No. 1 is hereby X Terminated EFFECTIVE 8/11/83 Vacated because:

Violation No. \_\_\_\_\_ is hereby \_\_\_\_\_ Terminated \_\_\_\_\_ Vacated because:

Violation No. \_\_\_\_\_ is hereby \_\_\_\_\_ Terminated \_\_\_\_\_ Vacated because:

Date of Service Aug 25, 1983 David Loe  
Signature of Authorized Representative

Time of Service or Mailing 4:25 a.m. X p.m. DAVID LOE #4  
Name and I.D. No.



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

August 23, 1983

REGISTERED RETURN RECEIPT REQUESTED

P 396-996-659

Mr. James T. Jensen  
Jensen Law Offices  
190 North Carbon Avenue  
Price, Utah 84501

RE: Notice of Violation 83-4-9-2,  
2 of 2  
Hiawatha Complex  
ACT/007/011, Folder No. 7  
Carbon County, Utah

Dear Mr. Jensen:

This letter is written in response to your August 16, 1983, letter to the Division concerning the above mentioned violation. In your letter you state, "To the best of my knowledge U. S. Fuel Company has no right either by contract or by law, to go onto Utah Railway Company Property." As I discussed with you during our August 15, 1983 phone conversation U. S. Fuel Company must provide the Division with legal documents, i.e. contracts and/or easements between U. S. Fuel Company and Utah Railway Company, which substantiate this claim.

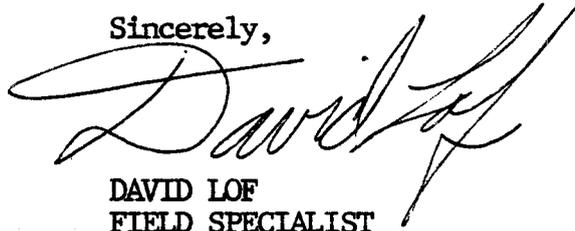
In addition, you also stated that, "Any abatement action taken by U. S. Fuel Company will first require that the permission of Utah Railway Company be obtained and second that any plans for abatement be approved by Utah Railway Company prior to submission thereof to the Division." Once again U. S. Fuel Company needs to submit legal documents which verify this statement.

In regards to your request for modification of the time for abatement of the violation I would refer you to an August 17, 1983, letter from the Division to Mr. E. M. Gardiner and the modification attached to said letter.

Mr. Jensen  
August 23, 1983  
Page 2

I appreciate the information which you have provided in regards to this matter, however, as I stated legal documentation needs to be provided to the Division. If you have any questions do not hesitate to contact myself or Joe Helfrich.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Lof". The signature is written in black ink and is positioned above the typed name and title.

DAVID LOF  
FIELD SPECIALIST

DL/jvb

cc: Tom Ehmett, OSM  
Joe Helfrich, DOGM  
Jean Semborski, U. S. Fuel Co.

file ACT/007/011  
Folder No. 73  
Copy to Dave L.  
Wayne, John  
Also, put in  
Revisions Binder

# UNITED STATES FUEL COMPANY Joe, Ron

HIAWATHA, UTAH 84527

August 19, 1983

AUG 19 1983

Mr. James W. Smith, Jr.  
Coordinator of Mined Land Development  
State of Utah, Natural Resources  
Division of Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

DIVISION OF  
OIL GAS & MINING  
JIM

AUG 22 1983

Re: Plan to Abate  
NOV 83-4-9-2, 2 of 2

Dear Mr. Smith;

The following letter responses to Mr. Lof's letter and modification notice dated August 17, 1983. Enclosed is a copy for your reference.

United States Fuel Co. has recieved the Modification of Notice for NOV 83-4-9-2, 2 of 2. We feel a two week interim abatement deadline is more reasonable in this situation. Again, we restate our objection to the policy of a one week abatement and request to know if this is a policy of the Division's entire inspection staff and if is enforced similarly on other operators. The regulations set no specific time limit (other than 90 days) but state, "A reasonable time for abatement, which may include time for acomplishment of interim steps". The lack of fixed abatement period seems to recognize the fact that all abatements can not be handled the same. It appears quite unreasonable to make the operator react within a week when it takes the Division several weeks or a month to review the submitted plan. If abatements have not been made efficiently in the past perhaps the time shortening needs to occur in the Division as well as the operators.

Perhaps it was not made clear that the members of our staff that handle compliance matters were both gone for portions or th entire week. Upon receiving the violation Tuesday moring, it was realized that there was insufficient time to appropriately address this issue. A letter for an extension was written that day and sent. Vacations had been scheduled prior to the receipt or knowledge of this violation. We had hoped this would be viewed as a reasonable request for an extension of time rather than a lack of diligence.



Also, we feel it should have been our responsibility to contact the other party and not Mr. Lof's. Our attorney was first consulted as to the Company's legal position and obligations.

Next, we felt it best to have developed some type of plan to present to Mr Martin. The one day, for the staff members return to work to when Mr. Martin was contacted, in reasonable terms, does not display a gross lack of diligence.

Contact was made by United States Fuel Co. with the Division on August 16 not for initial guidance but to reaffirm previous verbal guidance. Our experience has been that this is sometimes subject to change. The intent of the conversation was to make a comparison of our plan with any later suggestions Mr. Lof may have had.

Last of all, the legal issues involved are of prime concern. Both Mr. Lof, when he made his initial inspection and us, when we reviewed the situation in the field were trespassers and depending on the circumstances then or in the future, could be prosecuted.

The following portion of this letter relays our plan to abate this violation and will be implemented if and when the railroad permits us to do so.

Presently a 4" diameter waterline valve lies very close to the 36" railroad culvert inlet. In order to minimize erosion and sediment disturbance when this emergency release valve is activated United States Fuel Co. proposes to install a culvert turn down on the outlet of this 36" culvert. The turn down will be followed by a section of pipe approximately 15' long in order to convey the drainage to the bottom of the channel. Another elbow will be attached to this drop pipe along with a length of pipe sufficient in length to outlet the drainage in a location where an energy dissipator can be employed. Construction of the dissipator will utilize materials already present in the channel, i.e. railroad ties. The ties will be emplaced perpendicularly to the direction of water flow in the channel below the culvert outlet and will be lashed together. (See enclosed topographic map - schematic diagram for visual details of the project). Dirt from beside the channel will be used to cover and stabilize the culvert lengths and elbows.

We feel this follows Mr. Lof's initial guidance and should satisfactorily abate this violation.

Sincerely,



Jean Semborski  
Engineer I

JS:lj

Enclosure

cc: Errol M. Gardiner



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

August 17, 1983

Mr. E. M. Gardiner  
Vice President and General Manager  
United States Fuel Company  
Hiawatha, Utah 84527

RE: Extension of NOV 83-4-9-2,  
2 of 2  
Hiawatha Complex  
ACT/007/011, Folder #7  
Carbon County, Utah

Dear Mr. Gardiner;

Please find enclosed a Modification of Notice for NOV 83-4-9-2, 2 of 2. The violation's "Time for Abatement" has been modified to extend the abatement deadline one week as discussed with Ms. Jean Semborski on August 16, 1983. This extension is not based upon the merits of your August 9, 1983 letter to the Division.

In your letter you made several statements which I would like to address:

1. That "A one week abatement deadline is unfair because it assumes all violations are equal."

The reason for giving a short initial abatement deadline is to expedite compliance with the time constraints of the act and regulations. Once a violation has been received the operator needs to address the matter immediately, a short abatement deadline helps to bring an operator back into compliance expeditiously. If an operator substantiates in writing that he has been diligent in his effort to address the remedial actions required then the time set for abatement may be extended (UMC 843.12 (c)).

2. "Plans can not be developed until we inform the other party" (Utah Railway Co.).

On Tuesday August 16, 1983, I telephoned Mr. Dan Martin, the Utah Railway Superintendent in Helper, Utah. I explained the nature of your problem to him and he seemed to be willing to help you correct the situation as soon as possible. In addition I found out that your company had not attempted to contact Utah Railway Co. concerning the problem until that same afternoon. If

Mr. Gardiner  
ACT/007/011  
August 17, 1983  
Page 2

the plans could not be developed until you informed "the other party," why did you, the operator, wait until the afternoon of August 16, 1983 (the initial abatement deadline) to contact "the other party?" Was this a diligent effort to address the remedial actions required?

3. "This violation did not consider the legal issues that may be involved."

The legal issues involved have very little bearing, if any, on the development of plans to correct the problem. The legal issues may however effect the actual implementation of said plans.

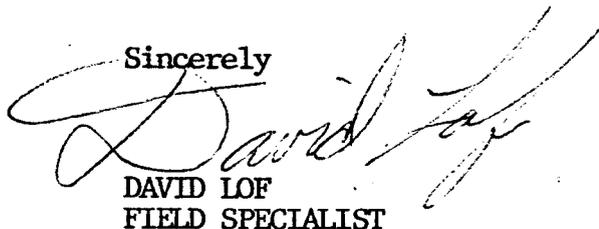
4. Mr. Robert Eccli has been on vacation this past week and will return on August 15, 1983. It is necessary for Mr. Eccli to review any design or construction.

I discussed the violation in full with Ms. Semborski on August 5, 1983, this would have given your staff ten days in order to develop plans, to correct a seemingly simple problem, so that Mr. Eccli could have reviewed the design on August 15 & 16. However, it wasn't until August 16 that Ms. Semborski called me, to ask once again, what I would suggest to do in order to correct the problem. Why did you, the operator, wait until August 16 to call the Division to ask for further guidance in developing plans to correct the problem?

In conclusion I do not feel that you, the operator, have been diligent in your effort to come into compliance with the act and regulations. You have been granted a one week extension of your abatement deadline, however, due to your lack of diligence no more extensions will be granted for Part A. of NOV 83-4-9-2, 2 of 2. If plans are not received by the Division by August 23, 1983 a cessation order will be issued in accordance with UMC 843.12 (d).

Please do not hesitate to call me or Joe Helfrich if you have any questions concerning this matter.

Sincerely



DAVID LOF  
FIELD SPECIALIST

DL/jvb

Enclosure

cc: Tom Ehmett, OSM  
Joe Helfrich, DOGM  
Jean Semborski, U.S. Fuel Co.

File ACT/007/011  
Folder No. 317  
Copy to Wayne  
John,  
Dave L.,

MRP  
Revisions Binder

# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

Mr. James W. Smith, Jr., Coordinator of Mined  
Land Development  
State of Utah, Natural Resources  
Division of Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

August 17, 1983  
**RECEIVED**

JIM

AUG 19 1983

AUG 22 1983

DIVISION OF  
GAS & MINING

RE: Stream modification-  
North Fork Pad

Dear Mr. Smith:

United States Fuel Company would like to obtain permission to modify a channelway present on the North Fork Intake Pad. This modification was recommended to United States Fuel Company by OSM during their annual inspection conducted this past July and also by members of the Division's inspection staff.

Presently a small stream of water flows from an air intake portal on this pad. The portal is used only as an airway. The areal extent of the intake pad is .2 acre. The small stream, averaging eight gallons per minute, runs directly through the yard, about fifty feet wide, and into a natural stream course to the left fork of the north fork of Miller Creek.

Over a 22 month period, the small stream has been monitored and sampled. Quality and quantity have remained relatively constant. The quality of the water issuing from the intake tunnel is quite good and has always met discharge effluent limitations.

The water is derived from a sandstone-colluvium interface located 145 feet in the tunnel. It is in this area that the tunnel connects with the coal seam. The tunnel supports a passageway through the side



Quotations subject to immediate acceptance. Coal will be sold and invoiced at price in effect on date of shipment, at mine weights f.o.b. cars at place of shipment, unless otherwise specifically agreed in writing. Agreements are contingent upon causes of delay beyond our control, including strikes, accidents, riots, acts of God, lockouts, fire, flood, inability to secure cars or transportation.

slope colluvium to the coal seam.

Presently, water runs from the air intake tunnel to the surface pad. The water coming out of the tunnel does not come from the mine workings further in the mine. Progressing in the tunnel and past the tunnel-coal connection the floor level rises five feet in elevation before it starts sloping back into the main mine workings. The slope of 2° to the southwest would prevent any water in the mine sections from flowing out the air intake portal. Water flowing out the intake air tunnel is exclusively that from the coal-colluvium interface 145 feet within the tunnel.

The tunnel drainage is impounded on this pad by a straw bale filter system at the end of the yard. This bale filter system, we feel, is unnecessary, troublesome and counter-effective. We concur with outside opinions that this stream might best be served by an open, rip rapped channelway to convey the tunnel drainage to the natural stream course.

We have found several problems with the present drainage design. First, as the pad is very small, a vehicle usually needs to cross this small stream in order to turn around. In doing so, it churns up the soft bottom in the ponded water. Although very few vehicles have a reason to drive to this location, it is used on occasion by the mine, as an emergency escapeway and for inspections by DOGM and OSM. A properly sized, rip rapped channel, or stream ford, in this yard could eliminate the turbidity. Also, cows and wildlife walk through the ponded water, churning it and sometimes leaving excrement which causes the water to turn green, smell and deteriorate in quality.

Maintenance of the filtration berm is also a problem. Cows and wildlife destroy and displace the bales. Water seeps under and around the bales. Due to the remoteness of this location, trips are seldom made unless called for by a specific purpose.

The discharge from the portal is covered under our NPDES permit.

3.

The quality of the discharge easily meets and has always met discharge effluent limitations even without the straw bale filter system.

The situation, as it presently exists and is interpreted by inspectors, is not much more than a set up for a surface, hydrologic violation when no violation is warranted. We feel discharge requirements can be met adequately using a rip rapped stream channel 50 feet long across the pad. We request that our plan be reviewed and a small area exemption be granted.

Our request is justifiable under UMC 817.50. As the coal seam is not acid or iron producing and the drainage satisfies effluent limitations and all applicable State and Federal quality standards, the gravity discharge from this intake air portal may be allowed.

An adequately sized channel has been designed for this drainage. It also takes into consideration the runoff in this area from a 10 yr., 24 hr. storm. Refer to the enclosed topographic map to determine drainage boundaries and also to the enclosed calculation sheet for ditch dimensions. The ditch will contain an adequate amount of rip rap to avoid erosion or disturbance.

As we intend to complete this work before the weather and roads become bad, we hope your response can be made quickly.

Sincerely,



Jean Semborski  
Engineer I

JS

Enclosure

NORTH FORK VENT TUNNEL YARD

$$S = \frac{1000}{CN} - 10 = 2.5''$$

$$Q = \frac{(P - 0.2 S)^2}{P + 0.8 S} = 0.959''$$

$$L = \frac{(I^{0.8})(S+1)^{0.7}}{1900 \gamma^{0.5}} = 0.018 \text{ hr.}$$

$$T_p = 1.17 L = 0.021$$

$$q_p = \frac{484 A Q}{T_p} = 6.629 \text{ cu ft/sec}$$

$$\text{mine discharge} = 0.027 \text{ cu ft/sec}$$

$$\text{Total} = 6.656 \text{ cu ft/sec}$$

$$CN = 80$$

$$P = 2.6''$$

25 year

$$I = 85'$$

$$\gamma = 5.88$$

$$A = 0.0003$$

sq. miles

Ditch calculations

$$v = \frac{1.486 R^{0.67} S^{0.5}}{n}$$

$$R = 0.75'$$

$$q = v A$$

$$A = \frac{q}{v} = 2.219 \text{ sq. ft.}$$

$$R = 0.5 \text{ r}$$

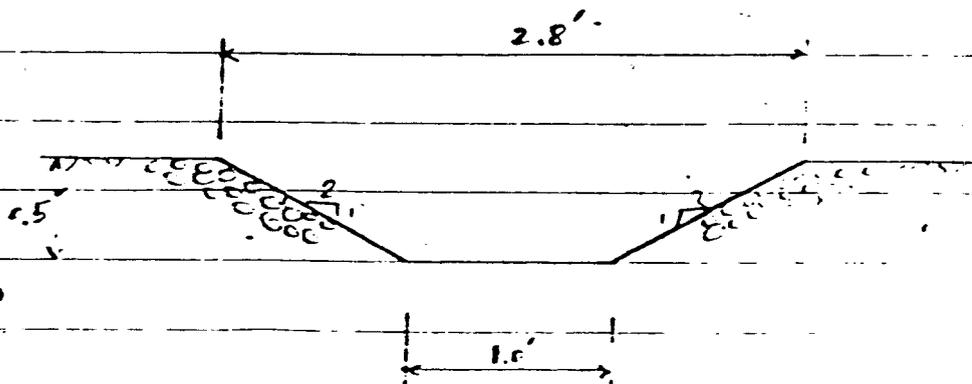
$$r = 1.5'$$

$$A = 0.5 p r$$

p wetted perimeter

$$= 2.959'$$

$$= 3.0'$$



$$v = 3 \text{ ft/sec}$$

$$n = 0.1$$

$$S = 0.059$$

feet/foot

4

NORTH FORK VENT TUNNEL YARD

$$S = \frac{1000}{CN} - 10 = 2.5''$$

$$Q = \frac{(P - 0.2S)^2}{P + 0.8S} = 0.959''$$

$$L = \frac{(I^{0.8})(S+1)^{0.7}}{1900 Y^{0.5}} = 0.018 \text{ hr.}$$

$$T_p = 1.17 L = 0.021$$

|                             |   |              |                  |
|-----------------------------|---|--------------|------------------|
| $q_p = \frac{484 A Q}{T_p}$ | = | 6.629        | cu ft/sec        |
| mine discharge              | + | 0.027        | cu ft/sec        |
| <b>Total</b>                |   | <b>6.656</b> | <b>cu ft/sec</b> |

CN = 80

P = 2.6''

25 year return

I = 85'

Y = 5.887

A = 0.0003

sq. miles

Ditch calculations

$$V = \frac{1.486}{n} R^{0.67} S^{0.5}$$

$$\therefore R = 0.75'$$

$$q_p = V A$$

$$\therefore A = \frac{q_p}{V} = 2.219 \text{ sq. ft.}$$

V = 3 ft/sec

n = 0.1

S = 0.059

feet/foot

R = 0.5 r

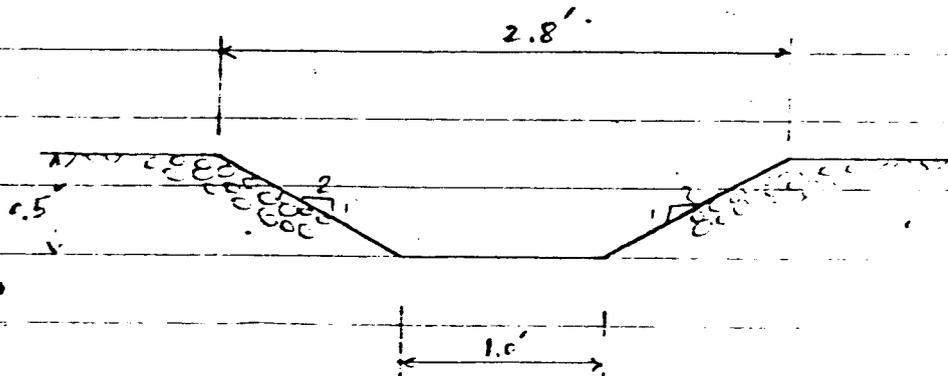
r = 1.5'

A = 0.5 p r

p = wetted perimeter

= 2.959'

≈ 3.0'









STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

August 16, 1983

Ms. Jean Semborski, Engineer  
U. S. Fuel Company  
Hiawatha, Utah 84527

RE: Abatement Plans for NOV  
N83-4-6-2, #2 of 2  
Middle Fork Mine Yard  
Hiawatha Complex  
ACT/007/011, Folder Nos. 3 & 7  
Carbon County, Utah

Dear Jean:

The Division has completed the review of the abatement plans submitted by U. S. Fuel Company in response to NOV N83-4-6-2, #2 of 2 issued by Inspector David Lof. The plans as provided are deficient in the following areas:

1. A narrative and/or design plan for controlling erosion at the inlet to the proposed culvert must be proposed.
2. Specific design plans for controlling erosion and dissipating exit velocities at the discharge end of the same culvert must be indicated.
3. The peak flow (qp) generated by the operator is questionable (13.9 cfs). It is assumed that the operator utilized the SCS - National Engineering Handbook, Section 4, Hydrology, Chapter 21 in sizing the culvert. The Division has cross-checked the operator's calculations utilizing this method and computed a peak discharge (qp) of 20 cfs for the 190+ acre watershed.

Several of the assumptions and input values used by the operator were not included with the write-up and the Division was unable to verify the accuracy of those figures. Consequently, the values computed by the Division for  $T_o$ ,  $T_o/T_p$ , the revised  $T_p$  and  $q_p$  are different from those provided by the operator.

Ms. Jean Semborski  
ACT/007/011  
August 16, 1983  
Page 2

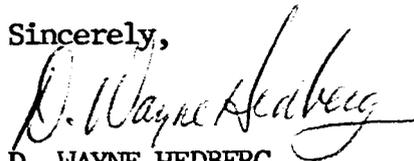
It is very important to provide all design calculations, methodologies and references when submitting a plan or modification to the Division for review and approval. This not only aids the Division in comprehending how a structure was designed, but also speeds up the review process significantly.

In order to maintain a manageable head water depth of 1, it is recommended that the operator provide an invert slope for the 24 inch culvert of at least .03 (ft/ft). The natural embankment slope should be more than adequate to provide this slope gradient.

Once these deficiencies have been addressed, the proposal should be approvable.

Should any questions arise, please feel free to call me.

Sincerely,



D. WAYNE HEDBERG  
RECLAMATION HYDROLOGIST

DWH/btb

cc: Walter Swain, OSM, Denver  
Jodie Merriman, OSM, Albuquerque  
D. Lof, DOGM  
J. Whitehead, DOGM

FILE ACT/007/011  
FOLDER #7



SCOTT M. MATHESON  
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON  
Executive Director,  
NATURAL RESOURCES

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple  
Salt Lake City, Utah 84116  
(801) 533-5771

CHARLES R. HENDERSON  
Chairman

CLEON B. FEIGHT  
Director

JOHN L. BELL  
C. RAY JUVELIN  
THADIS W. BOX  
MAXILIAN A. FARBMAN  
EDWARD T. BECK  
E. STEELE McINTYRE

Modification of Notice or Order

To the Following Permittee or Operator:

Name U.S. FUEL CO. - HAWAIIA COMPLEX

Mailing Address U.S. FUEL CO. HAWAIIA, UT 84527

State Permit No. ACT/007/011

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

Notice of Violation No. N 83-4-9-2 Y TV dated Aug. 4, 19 83.

Cessation Order No. C \_\_\_\_\_ Y TV dated \_\_\_\_\_, 19 \_\_\_\_\_.

Violation No. 2 is modified as follows: TIME FOR ABATEMENT:

The reason for this modification are as follows: PART A. TWO (2) WEEKS FROM DATE OF RECEIPT OF THE NOTICE OF VIOLATION

Violation No. \_\_\_\_\_ is modified as follows:

The reasons for this modification are as follows: NOTE: ALL OTHER PARTS OF THE VIOLATION REMAIN UNCHANGED

Violation No. \_\_\_\_\_ is modified as follows:

The reasons for this modification are as follows:

Date of Service AUGUST 16, 1983 David Loh  
Signature of Authorized Representative

Time of Service or Mailing 3:00 a.m.  p.m. DAVID LOH #4  
Name and I.D. No.

FILE NET/007/011  
FOLDER #7

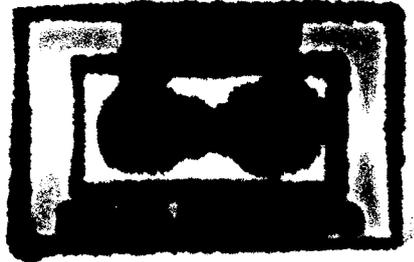
JENSEN LAW OFFICES

190 NORTH CARBON AVENUE  
PRICE, UTAH 84501

THERALD N. JENSEN  
JAMES T. JENSEN  
MICHAEL J. VAN WAGENEN  
GEORGE M. HARMOND, JR.

TELEPHONE  
(801) 637-1542  
TELECOPIER  
(801) 637-4498

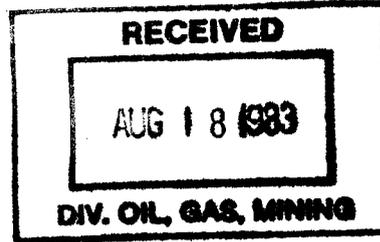
August 16, 1983



Division of Oil, Gas and Mining  
State Office Building  
Salt Lake City, Utah

Attn: David Lof

Re: U.S. Fuel Company  
NOV 83-4-9-2  
August 4, 1983



This letter will confirm my telephone conversation with you on August 15, 1983 wherein I advised you that with respect to the above violation it is not possible for U.S. Fuel Company to submit or implement plans to abate the violation within the time frame proposed by you.

The most immediate problem is that the area where the violation occurred is owned or otherwise controlled by Utah Railway Company. The railroad right-of-way is 200 feet wide (100 feet on each side of centerline). For your information, I enclose a copy of a topographic map showing the Utah Railway Company outlined in green and the approximate area in which the violation occurred marked in red.

To the best of my knowledge U.S. Fuel Company has no right, either by contract or by law, to go onto Utah Railway Company property. Any abatement action taken by U.S. Fuel Company will first require that the permission of Utah Railway Company be obtained and second that any plans for abatement be approved by Utah Railway Company prior to submission thereof to the Division.

Can you tell me whether or not in your opinion the area in which the violation took place was limited to the Utah Railway Company right-of-way or whether other areas were also involved? If other areas were involved can you identify the extent of such other area?

In the meantime I will appreciate your extending the time for abatement without date until we can get some answers to and a better handle on the situation.

Also, even though I have referred to a violation and the problems in abating the same, I do not want you to construe this letter as an acknowledgement at this time that U.S. Fuel Company agrees that a violation occurred or that it has a duty to take any abatement action. This does not mean however that U.S. Fuel Company and I will not use our best efforts to work with you and the Division to reach a satisfactory resolution of the problem.

If you have any further questions concerning this matter please contact me.

A handwritten signature in black ink that reads "James T. Jensen". The signature is written in a cursive style with a long horizontal flourish extending to the right.

James T. Jensen

JTJ:bmo

cc: Jean Semborski

D-31/151



File ACT/007/011  
Folder No. 7  
Copy to Joe H.,  
Dave L.,  
Ron D.  
Wayne  
JIM

# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

August 9, 1983

AUG 15 1983

James W. Smith, Jr.  
State of Utah Natural Resources  
Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

Re: Request for Extension of  
NOV #83-4-9-2, 2 of 2

Dear Mr. Smith;

U.S. Fuel Company requests a time extension on the abatement period for NOV #83-4-9-2, 2 of 2. This violation issued on August 4 by Dave Lof, currently carries a one week deadline for the interim step which will be August 16, 1983. The policy of applying a one week abatement is unfair because it assumes all violations are equal in severity and correctability.

The case of the violation 2 of 2 is particularly difficult because we are dealing with a situation where we are asked to perform work on another company's property. Plans can not be developed until we inform the other party. This violation did not consider the legal issues that may be involved.

Also, our Chief Engineer, Mr. Robert Eccli has been on vacation this past week. Any necessary design or construction will need to be reviewed by him. He will return on August 15, 1983.

Sincerely,



E.M. Gardiner  
Vice President and General Manager

EMG:JS:lj

cc: Jean Semborski

RECEIVED  
AUG 11 1983



DIVISION OF  
OIL, GAS & MINING



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

August 8, 1983

# 996 855

CERTIFIED  
RETURN RECEIPT REQUESTED

Ms. Jean Semborski  
U. S. Fuel Company  
Hiawatha, Utah 84527

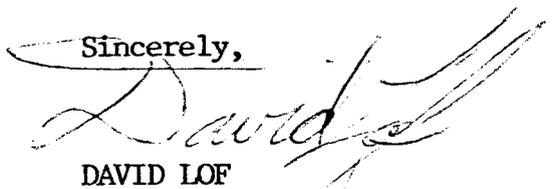
RE: Notice of Violation N83-4-9-2  
and Termination of Notice of  
Violation N83-4-6-2, 1 of 2  
Hiawatha Complex  
ACT/007/011, Folder #7  
Carbon County, Utah

Dear Jean:

Please find enclosed the above-mentioned documents, which were discussed with you during our phone conversation on August 5, 1983. As was mentioned at that time, both violations have an abatement deadline of one week from the date of receipt of this letter. An extension will only be granted upon receipt of a written request for extension prior to the abatement deadline. Said extension must be substantiated.

Should you have any questions concerning this letter or the enclosed Notices, please do not hesitate to call me or Joe Helfrich.

Sincerely,

  
DAVID LOF  
FIELD SPECIALIST

DL:gl

Enclosures

cc: Tom Emmett, OSM  
Joe Helfrich, DOGM

FILE ACT/007/011  
FOLDER #7



SCOTT M. MATHESON  
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON  
Executive Director,  
NATURAL RESOURCES

STATE OF UTAH

CHARLES R. HENDERSON  
Chairman

DEPARTMENT OF NATURAL RESOURCES

CLEON B. FEIGHT  
Director

DIVISION OF OIL, GAS, AND MINING

1588 West North Temple  
Salt Lake City, Utah 84116  
(801) 533-5771

JOHN L. BELL  
C. RAY JUVELIN  
THADIS W. BOX  
MAXILIAN A. FARBMAN  
EDWARD T. BECK  
E. STEELE McINTYRE

Vacation or Termination of Notice or Order

To the Following Permittee or Operator:

Name U.S. FUEL CO. - HIAWATHA COMPLEX

Mailing Address U.S. FUEL CO. HIAWATHA, UT 84527

State Permit No. ACT/007/011

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

Notice of Violation No. N 83-4-6-2 Y TV dated JULY 1, 19 83.

Cessation Order No. C \_\_\_\_\_ Y TV dated \_\_\_\_\_, 19 \_\_\_\_\_.

Violation No. 1 is hereby  Terminated EFFECTIVE 7/22/83 \_\_\_\_\_ Vacated because:

Violation No. \_\_\_\_\_ is hereby \_\_\_\_\_ Terminated \_\_\_\_\_ Vacated because:

Violation No. \_\_\_\_\_ is hereby \_\_\_\_\_ Terminated \_\_\_\_\_ Vacated because:

Date of Service AUG. 5, 1983 \_\_\_\_\_  
Signature of Authorized Representative David Lof

Time of Service or Mailing 4:00 a.m.  p.m. \_\_\_\_\_  
Name and I.D. No. DAVID LOF #1

THE SITE WAS INSPECTED TO CONFIRM THE COMPLETION OF THE REMEDIAL  
ACTIONS REQUIRED ON 7/29/83. THE OPERATOR INDICATED THAT THE WORK  
HAD BEEN COMPLETED ON 7/22/83

FILE NOT/007/011

DOG/M/NOV-1

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS & MINING

1588 West North Temple  
Salt Lake City, Utah 84116  
Telephone: (801) 533-5771

NOTICE OF VIOLATION NO. N 83-4-9-2

From the STATE OF UTAH  
To the Following Permittee or Operator:

NAME U.S. FUEL CO.

MINE HIWATHA COMPLEX  SURFACE  UNDERGROUND  OTHER

CATEGORY OF OWNERSHIP:  STATE  FEDERAL  FEE  MIXED

OSM MINE NO. \_\_\_\_\_ STATE PERMIT NO. ACT/007/011 MSHA I.D. NO. \_\_\_\_\_

COUNTY AND STATE CARBON COUNTY, UTAH TELEPHONE \_\_\_\_\_

MAILING ADDRESS: U.S. FUEL CO., HIWATHA, UT 84527

DATE OF INSPECTION JULY 29, 19 83.

TIME OF INSPECTION: FROM 1:30  a.m. to 4:30  a.m.  
 p.m. to  p.m.

NAME OF OPERATOR (if other than permittee) \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

Under the authority of the Utah Coal Mining and Reclamation Act of 1979 (Sec. 40-10-1 et seq., Utah Code Annotated, 1953), the undersigned authorized representative of the Director and the Division of Oil, Gas & Mining has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the 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 minesite.

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

Date of Service Aug. 4, 1983 David Loe  
SIGNATURE OF AUTHORIZED REPRESENTATIVE

Time of Service 3:00  a.m.  p.m. DAVID LOE #1  
NAME AND I. D. NO.

Person Served with Notice JEAN SEMBORSKI  
PRINT NAME AND TITLE

Signature ISSUED FROM THE OFFICE

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

56 64 16

STATE OF UTAH

Notice of Violation No. N 83-4-9-2

Violation No. 1 of 2

Nature of the Violation

FAILURE TO MAINTAIN DIVERSIONS IN A MANNER WHICH PREVENTS  
ADDITIONAL CONTRIBUTIONS OF SUSPENDED SOLIDS TO STREAMFLOW AND TO  
RUNOFF OUTSIDE THE PERMIT AREA.  
FAILURE TO PASS ALL DISTURBED AREA RUNOFF THROUGH A SEDIMENTATION  
POND PRIOR TO LEAVING THE PERMIT AREA

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-18(2)(i)(ii)  
UMC 817.43 (c)  
UMC 817.42 (a)(1)  
UMC 817.45

Portion of the Operation to which Notice Applies

THE DISTURBED AREA RUNOFF DIVERSION WHICH CONVEYS RUNOFF FROM  
THE NORTH SIDE OF SLURRY POND #5 TO SEDIMENT POND 5 NORTH.

Remedial Action Required (including interim steps, if any)

MAINTAIN THE DIVERSION SO THAT IT PROPERLY CONVEYS ALL  
DISTURBED AREA RUNOFF TO THE SEDIMENT POND

Time for Abatement (including time for interim steps, if any)

ONE WEEK FROM DATE OF RECEIPT OF THIS NOTICE



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

STATE OF UTAH

Notice of Violation No. N 83-4-9-2

Violation No. 2 of 2

Nature of the Violation

FAILURE TO DESIGN AND CONSTRUCT APPROPRIATE SEDIMENT CONTROL MEASURES TO PREVENT, TO THE EXTENT POSSIBLE, ADDITIONAL CONTRIBUTIONS OF SEDIMENT TO STREAM FLOW OR TO RUNOFF OUTSIDE THE PERMIT AREA AND MINIMIZE EROSION TO THE EXTENT POSSIBLE.

FAILURE TO CONTROL DIVERSION DISCHARGES IN ORDER TO REDUCE EROSION TO PREVENT DEEPENING OR ENLARGEMENT OF STREAM CHANNELS AND TO MINIMIZE DISTURBANCE TO THE HYDROLOGIC BALANCE

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-18 (2)(i)(ii)

UMC 817.45

UMC 817.47

Portion of the Operation to which Notice Applies

EMERGENCY DISCHARGE POINT FOR ~~DANISH~~ MINE WATER DIVERSION PIPE FROM MOUNTAIN, APPROXIMATELY 1700' SOUTHEAST OF UTAH HIGHWAY 122 ALONG THE UTAH RAILROAD TRACKS

Remedial Action Required (including interim steps, if any)

A. SUBMIT TO THE DIVISION COMPLETE AND ADEQUATE PLANS SHOWING HOW THE DISCHARGE STRUCTURE WILL BE DESIGNED AND CONSTRUCTED TO CONFORM WITH STANDARD ENGINEERING PROCEDURES

B. IMPLEMENT APPROVED PLAN

Time for Abatement (including time for interim steps, if any)

A. ONE WEEK FROM DATE OF RECEIPT OF THIS NOTICE

B. IMMEDIATELY UPON RECEIPT OF THE APPROVAL LETTER

July 28, 1983

Memo to Coal File

RE: U.S. Fuel Company  
Hiawatha Complex  
ACT/007/011, Folders #3 & #7  
Carbon County, Utah

On July 19, 1983, Division technical staff, Tom Portle and D. Wayne Hedberg met with Ms. Jean Semborski of U.S. Fuel Company at the Hiawatha mine site.

The purpose of the trip was to look over an area to be impacted by a proposed modification to an existing coal slurry pond #5.

Plans had been submitted by the Company previously for the proposed modification which were found deficient by the Division. The preliminary review comments were delivered and discussed with Ms. Semborski on site.

It was the staff members' opinion, after site inspection, that some of the deficiencies initially identified in the proposal by the Division would not necessarily hinder the planned construction schedule, however, other items would require further detail prior to final approval for construction initiation.

Another area was observed while at the mine site via Ms. Semborski's request. The Middlefork Yard (King IV Mine) had an undisturbed area drainage problem which had resulted in the issuance of an NOV by David Lof. Ms. Semborski related the company's tentative plans for abatement of this violation and solicited the technical staff's opinion on the viability of the proposals.

U.S. Fuel Company will develop a response to the Division's comments promptly, in order that the pond modification may be approved in the very near future.

D. WAYNE HEDBERG *DWH*  
RECLAMATION HYDROLOGIST

DWH:gl

cc: Jean Semborski, U.S. Fuel Company  
Tom Portle, DOGM  
Dave Lof, DOGM  
Jodie Merriman, OSM

July 26, 1983

Memo to Coal File

RE: U. S. Fuel Company  
Hiawatha Mine  
ACT/007/011, Folder #7  
Carbon County, Utah

On May 19 and 20, 1983, the above-mentioned mine site was visited by Division Inspector David Lof. The purpose of the visit was to perform a partial inspection. I was accompanied on the inspection by Jean Semborski of U. S. Fuel Company.

Since the last monthly inspection, the operator had regraded the diversion along the north side of the middle fork sediment pond and created an inlet near the pond's overflow structure for this disturbed area runoff off the haul road and tipple area. I asked the operator to extend the berm which was directing the runoff into the sediment pond out to the road and reminded them of their responsibility to maintain these structures.

The operator has not disturbed the southwest corner of slurry pond #1 where a question concerning the removal of topsoil has arisen. During my inspection of the area, I took several pictures of the site to document the present level of the pond in relation to the undisturbed area. I also asked the operator to install signs along the south side of the area in order to prevent the dumping of materials adjacent to the undisturbed area.

I walked the perimeters of slurry ponds #1, 2, 3, and 4 in order to determine the status of the disturbed area runoff diversions along their perimeters. The diversions were in good working order. One question did arise as to the adequacy of the diversions at the extreme northeast corner of

MEMO TO COAL FILE  
ACT/007/011, Folder #7  
July 22, 1983  
Page Two

the rail yard by Miller Creek. I suggested to the operator that they survey the area to make sure that the runoff would drain in the proper direction. I also reminded them that they were responsible to insure the protection of Miller Creek. We also briefly discussed the possibility of seeding the diversion ditch on the east side of slurry pond #4 from State Highway 122 to the sediment pond associated with slurry pond #4 this fall.

  
DAVID LOF  
FIELD SPECIALIST

DL:gl

cc: Tom Ehmett, OSM  
Joe Helfrich, DOGM  
Jean Semborski, U. S. Fuel

Statistics: See Deer Creek Mine memo dated July 18, 1983

File ALT/007/alt  
Folder No. 317  
Copy to Wayne

# UNITED STATES FUEL COMPANY Dave L.,

John  
JIM

HIAWATHA, UTAH 84527

July 20, 1983

JUL 27 1983

Mr. James W. Smith, Jr., Coordinator of Mined  
Land Development  
State of Utah, Natural Resources  
Division of Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

Dear Mr. Smith:

During a recent inspection of the United State Fuel Co. property by inspector Dave Lof, Violation #83-4-6-2, 2 of 2 was issued on the left fork drainage above the Middle Fork mine yard. The undisturbed drainage channel way from above the mine was not directly connected with the undisturbed drainage bypass culvert channel which lies approximately across from the King 4 fan at the elevation of the mine yard pad.

United States Fuel Co. presents the following plan and justifications in order to abate this violation.

The undisturbed drainage from above the mine yard presently would flow down a natural channel just inside the tree line along the southwest perimeter of the mineyard (as indicated in yellow on the accompanying diagram). We propose to continue to utilize this channel but to install a cross drain drop culvert to intercept the water before it exits the channel. The drainage would be picked up by a 24" corrugated metal pipe at the perimeter of the tree line and culverted across and down to the bypass culvert as indicated by the dashed blue line on the diagram.

An alternate route discussed would require the channel to be breached at the tree line. Drainage would then flow down a longer path into the bypass. This route is less preferred for several reasons:

- 1) The greater length equals a greater cost in materials,
- 2) Culverting down the hillside would be impractical due to seeps which occur in this area,
- 3) To use rip rap for an open channel way would mean disturbance of established vegetation along this route.

During a recent inspection by an OSM officer, it was recommended to U.S. Fuel Co. by that officer that we use the route being proposed in this plan, i.e. to use the existing channel in conjunction with a culverted drain



down to the existing bypass.

Work could be completed on this route the most expeditiously due to a lower labor factor. The cost of culvert in this area would be less than rip rap for the second consideration and also more substantial.

Wayne Hedberg visited this site on July 19, 1983. In his visual evaluation of the situation he expected this proposal to adequately address the situation. He also mentioned that erosion protection should be employed at the drop culvert outlet.

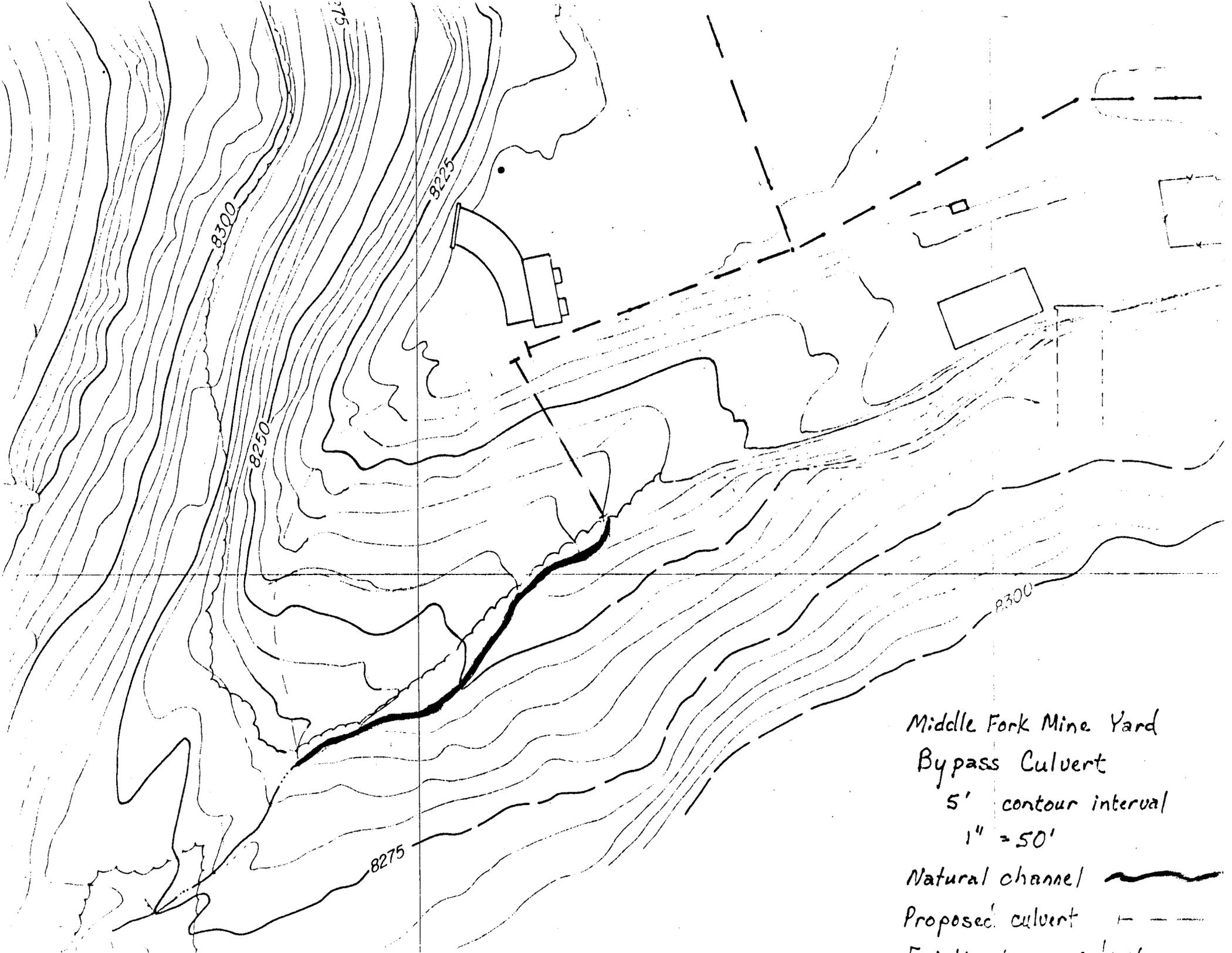
United States Fuel Company will begin construction of this drop drain bypass system upon approval by the Division.

Sincerely,

*Jean Semborski*

Jean Semborski  
Engineer

Enclosures



STORM RUNOFF CALCULATIONS

DESIGN STORM 10 YEAR, 24 HR.

LOCATION LEFT FORK OF MIDDLE FORK

| CULVERT NO. | A     | CN | l     | Y  | Computed Tp | HYDRO. FAMILY NO. | P    | Q     | To   | To/Tp    |      | REVISED Tp | 484AQ REV. Tp | q    |
|-------------|-------|----|-------|----|-------------|-------------------|------|-------|------|----------|------|------------|---------------|------|
|             |       |    |       |    |             |                   |      |       |      | Computed | Used |            |               |      |
|             | 0.303 | 75 | 4,500 | 70 | 0.172       | 4                 | 2.25 | 0.511 | 12.5 | 72.7     | 50   | 0.250      | 299.8         | 13.9 |
|             |       |    |       |    |             |                   |      |       |      |          |      |            |               |      |
|             |       |    |       |    |             |                   |      |       |      |          |      |            |               |      |
|             |       |    |       |    |             |                   |      |       |      |          |      |            |               |      |
|             |       |    |       |    |             |                   |      |       |      |          |      |            |               |      |
|             |       |    |       |    |             |                   |      |       |      |          |      |            |               |      |
|             |       |    |       |    |             |                   |      |       |      |          |      |            |               |      |
|             |       |    |       |    |             |                   |      |       |      |          |      |            |               |      |
|             |       |    |       |    |             |                   |      |       |      |          |      |            |               |      |
|             |       |    |       |    |             |                   |      |       |      |          |      |            |               |      |
|             |       |    |       |    |             |                   |      |       |      |          |      |            |               |      |
|             |       |    |       |    |             |                   |      |       |      |          |      |            |               |      |
|             |       |    |       |    |             |                   |      |       |      |          |      |            |               |      |
|             |       |    |       |    |             |                   |      |       |      |          |      |            |               |      |
|             |       |    |       |    |             |                   |      |       |      |          |      |            |               |      |
|             |       |    |       |    |             |                   |      |       |      |          |      |            |               |      |
|             |       |    |       |    |             |                   |      |       |      |          |      |            |               |      |
|             |       |    |       |    |             |                   |      |       |      |          |      |            |               |      |
|             |       |    |       |    |             |                   |      |       |      |          |      |            |               |      |
|             |       |    |       |    |             |                   |      |       |      |          |      |            |               |      |

A = AREA (MI.<sup>2</sup>)

CN = RUNOFF CURVE NUMBER

l = HYDROLOGIC LENGTH OF BASIN (FT.)

Y = AVERAGE SLOPE (%)

L = WATERSHED LAG (HRS.)

$$L = \frac{(l^{0.8})(S+1)^{0.7}}{1900 Y^{0.5}}$$

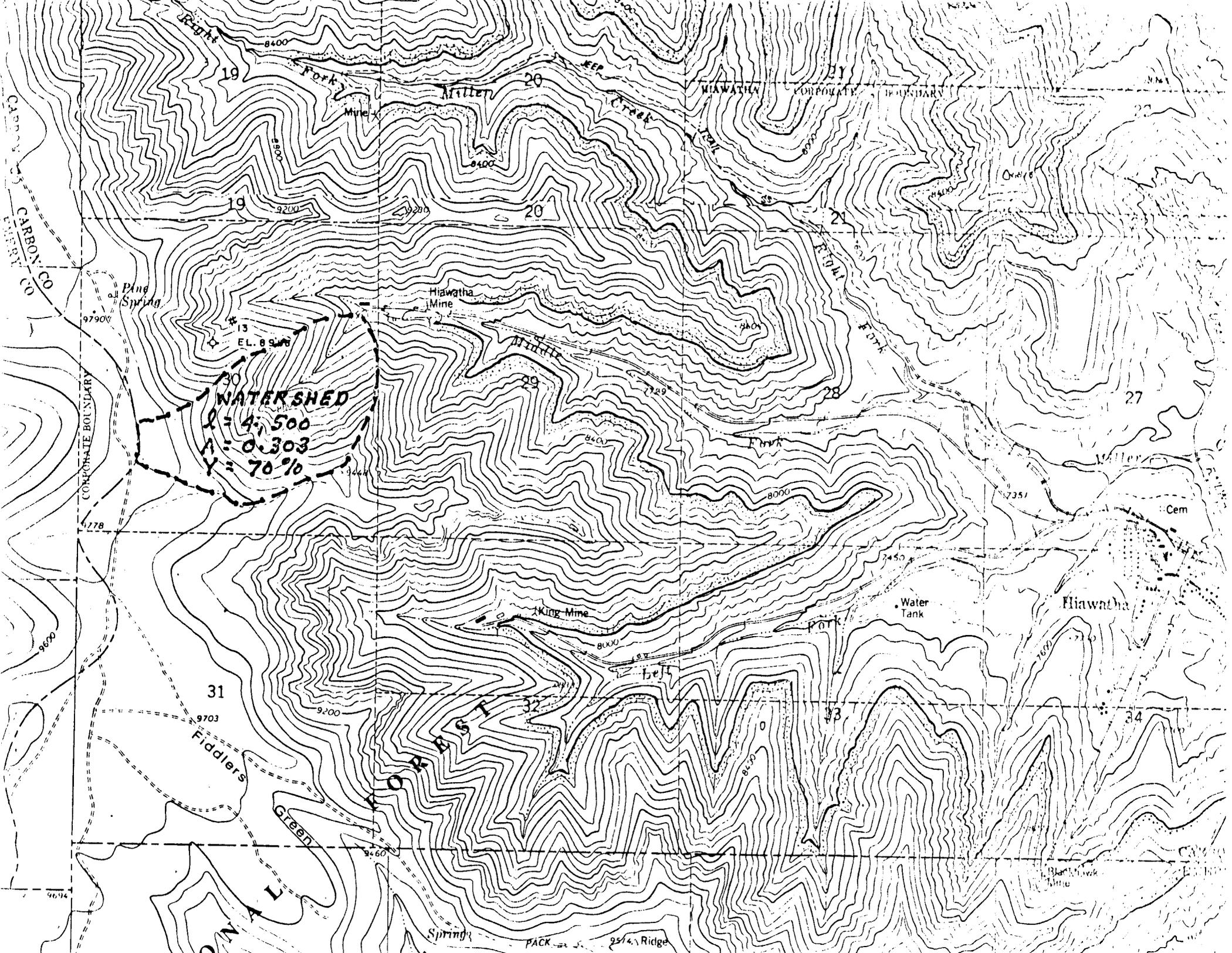
S =  $\frac{1000}{CN} - 10$

P = PRECIPITATION DEPTH (IN.)

Q = RUNOFF VOLUME (IN.)

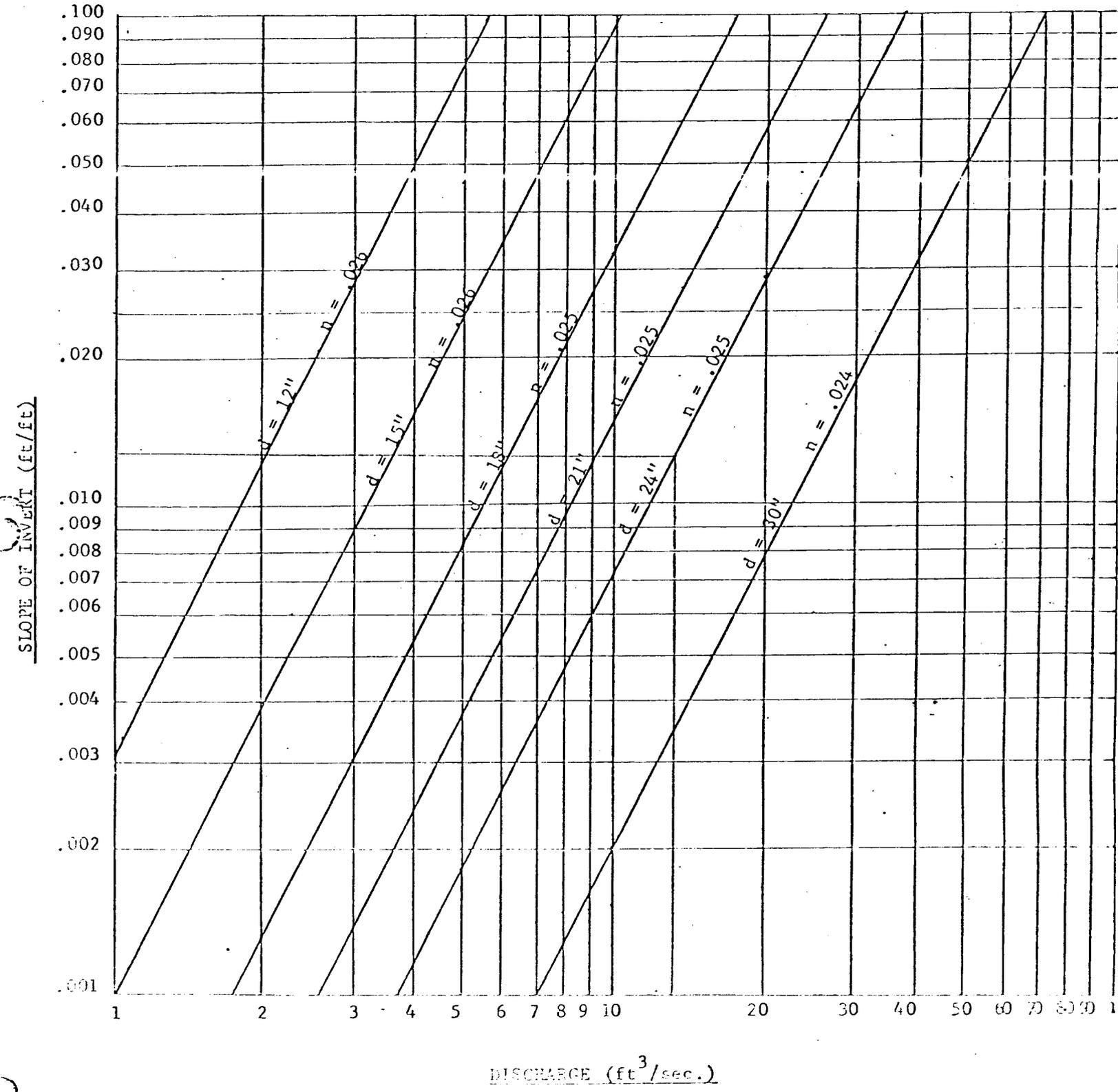
To = DURATION OF EXCESS RAINFALL (HRS.)

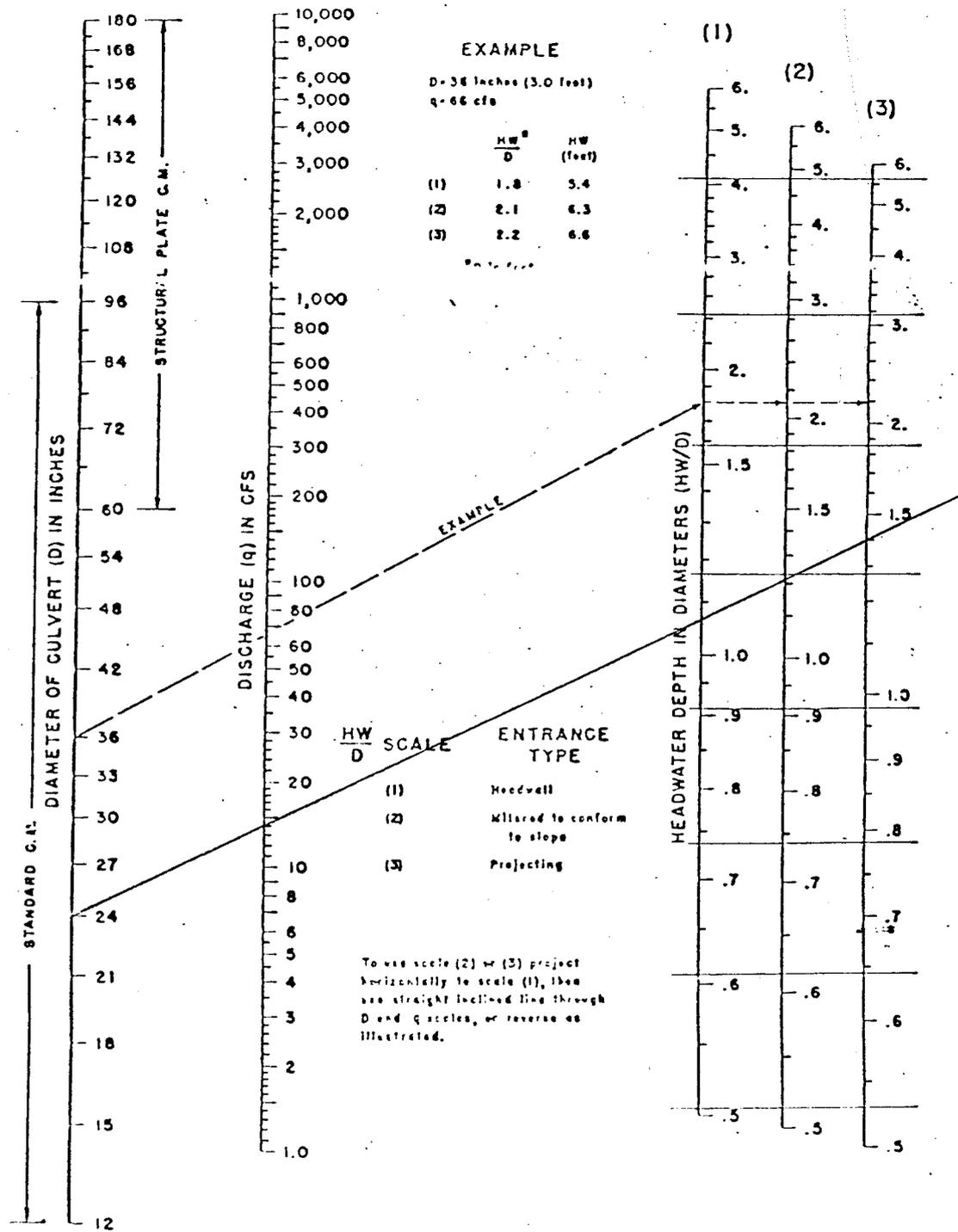
q = PEAK FLOW (CFS)



ALUMINUM RIVETED PIPE  
 (1/2 x 2-2/3 Corrugations)

Discharge based on "Manning's Equation" at full flow





BUREAU OF PUBLIC ROADS, JAN. 1963

Exhibit 14-9. Headwater depth for C. M. pipe culverts with inlet control.

FILE ACT/007/01  
FOLDER #7

# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

July 20, 1983

Mr. Dave Lof  
State of Utah, Natural Resources  
Division of Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

Dear Mr. Lof:

In regard to Violation #83-4-6-2, 1 of 2, the drawing SK-1, revision 2 provides the most recent details on the South Fork truck turn around diversion ditch. The ditch was built to these design specifications as best as subsurface materials would permit.

After the diversion construction was completed, several members of the Division reviewed the field design. Concern was expressed that the ditch itself might suffer from erosion so rip rap was placed along the bottom for the length of the ditch. Later, a warning was issued by Sandy Pruitt to encourage completion of the diversion system by installing the white, 15" irrigation pipe from the dam to the outlet point below the turn around. This work was completed before the deadline date and the system was then in operating condition.

We realize that this, like other structures subject to hydrologic impact, have maintenance requirements. The ditch will be maintained in accordance with the design specifications. Such action should then abate violation 1 of 2.

Violation 2 of 2 is being addressed under a separate submittal to James Smith. In the submittal we explain the action to be taken in order to achieve a total bypass of undisturbed drainage.

RECEIVED  
JUL 22 1983

DIVISION OF  
OIL, GAS & MINING

Sincerely,  
*Jean Semborski*  
Jean Semborski  
Engineer



FILE ACT/007/011  
FOLDER #7

Office of Surface Mining  
MINE SITE EVALUATION INSPECTION REPORT

INSPECTOR NUMBER 0242 INSPECTION DATE 07/13/83

I. MINE SITE

- 1. Permittee U. S. Fuel, Co.
- 2. Permittee Address  
Hiawatha, UT 84527
- 3. Location of Mine
  - a. County CARBON
  - b. State UTAH
- 4. Name of Mine HIAWATHA
- 5. Telephone \_\_\_\_\_
- 6. Date of Last State Inspection on file 4/6/83
- 7. Permit No. ACT/007/011  
MSHA No. \_\_\_\_\_  
OSM No. ACT/007/011
- 8. Status (check one)
  - a.  Active
  - b.  In reclamation
  - c.  Inactive
  - d.  Abandoned
- 9. Type of Facility
  - a.  Surface
  - b.  Underground
  - c.  Other -  
Specify prep plant
- 10. Steep Slope
  - Yes \_\_\_\_\_
  - No X
- 11. Mountain Top Removal
  - Yes \_\_\_\_\_
  - No X
- 12. Prime Farm Land
  - Yes \_\_\_\_\_
  - No X

II. TYPE OF OSM INSPECTION

- A. Complete Inspection: Check appropriate box
  - 1.  Statistical Sample Inspection
  - 2.  Others (citizen complaint inspections or second phase/ assistance inspections - specify.)  
\_\_\_\_\_
- B. Other-Than-Complete-Inspection: Check appropriate box and reason for inspection.
  - 1.  Statistical Sample Follow-up (date of Complete Inspection \_\_\_\_\_.)

- (a)  10-Day Notice follow-up (State failed to notify OSM or to take appropriate action).
- (b)  Federal NOV follow-up.
- (c)  Federal CO follow-up.
- (d)  Others - Specify \_\_\_\_\_

2.  Citizen Complaint Inspections

- (a)  Citizen's Complaint - imminent hazard or harm to public or to environment.
- (b)  Citizen's Complaint - 10-Day Notice follow-up (State failed to notify OSM or take appropriate action).
- (c)  Citizen's Complaint - 10-Day Notice follow-up (sample).
- (d)  Other - Specify \_\_\_\_\_

III. COMPLIANCE INFORMATION

Indicate the appropriate number for each performance standard (See instructions for clarification of the numbering system):

- 1. In compliance,
- 2. Not in compliance (State took action),
- 3. Not in compliance (State has not taken action),
- 4. Not in compliance (other),
- 5. Not applicable.

A. Performance standards that limit the effects of surface mining to the permit area:

|              |                                    |              |                            |
|--------------|------------------------------------|--------------|----------------------------|
| <u>  2  </u> | 1. Run-off control                 | <u>  1  </u> | 6. Ground water monitoring |
| <u>  1  </u> | 2. Surface water monitoring        | <u>  1  </u> | 7. Haul road maintenance   |
| <u>  1  </u> | 3. Mining within permit boundaries | <u>  1  </u> | 8. Refuse impoundment      |
| <u>  1  </u> | 4. Blasting procedures             | <u>  1  </u> | 9. Signs and markers       |
| <u>  1  </u> | 5. Effluent limits                 | <u>  1  </u> |                            |

\*See comments and recommendations.

B. Performance standards that assure reclamation quality and timeliness:

|          |  |          |                             |
|----------|--|----------|-----------------------------|
| <u>1</u> | 1. Topsoil handling                    | <u>1</u> | 7. Timing of revegetation   |
| <u>1</u> | 2. Backfilling & grading               | -        | 8. Highwall elimination     |
| <u>1</u> | 3. Timing of reclamation               | <u>1</u> | 9. Downslope spoil disposal |
| <u>1</u> | 4. Success of revegetation             | <u>1</u> | 10. Post mining land use    |
| <u>1</u> | 5. Disposal of excess spoil            |          |                             |
| <u>1</u> | 6. Handling of acid or toxic materials | <u>1</u> |                             |

C. For each standard marked (2), what action(s) has the State taken to cause the violation to be corrected?

NOV 83-4-6-2 was issued on 7/1/83. Violation 1 of 2, was failure to maintain sediment control measures for the undisturbed diversion above the south fork of Miller Creek loadout. The company has 30 days to either maintain the diversion as approved to to submit new plans. Violation 2 of 2 was for failure to construct a temporary diversion so as to safely bypass runoff from a ten-year 24-hour event. The diversion under violation is the undisturbed diversion for the left fork of the Middle Fork of Miller Creek. The company has 30 days to submit plans and 60 days to implement plans upon division approval. It appears that abatement of this violation could take over 90 days.

D. For each standard marked (3), indicate what action(s) the State should have taken.

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E. For each standard marked (4), explain why it is unknown whether or not the State has failed to take appropriate action.

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F. Does the mining and reclamation plan for the permit comply with the approved State Program? yes X no \_\_\_\_\_.

If no, explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do conditions exist that are not adequately addressed in the permit? yes \_\_\_\_\_ no X.

If yes, explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

G. Indicate State inspection frequency for this annual review period.

Number of completes None received for period May 1, 1983-  
April 30, 2984

Number of partials \_\_\_\_\_

H. Comments and recommendations Both diversions which received violations were inspected. The North Fork of Miller Creek has been reclaimed. The portal is still being used for air intake. A small amount of water is being discharged out of the portal and into the creek. Although this water is not being passed through a pond or any filtering devices the quality appeared to be very good and no erosion was evident. According to company records, this discharge has always met effluent limitations. The source of water is an underground sandstone seep. UMC requires that underground water must meet effluent limitations. If the Division classifies this discharge as disturbed surface drainage, because it crosses a small disturbed area, then a small area exemption is needed as well as the requirement to meet effluent limitations. I advised Ms. Semborski to discuss these options with the Division.

The ditch around the eastern edge of the refuse disposal area, along slurry pond 5-B is in need of maintenance. The company submitted plans for expansion of the refuse pile to the Division on 6-17-83. These plans call for a stabilization berm 50' wide and 20' high for this area. If these plans are approved and can be implemented within two weeks, cleaning of the present ditch may not be needed. If not, this ditch should be carefully monitored and cleaned, if necessary, in order to assure that disturbed area runoff will not by-pass the sediment pond.

IV. ENFORCEMENT INFORMATION - FEDERAL

- 1. 10-Day Notice Number \_\_\_\_\_
- 2. NOV Number \_\_\_\_\_
- 3. CO Number \_\_\_\_\_

V. VIOLATION CODES

ATO SM BG HE·RG IF TH SP EL WM BZ RD DM BL RVG SD MWP EP DP OV

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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VI. ADMINISTRATION INFORMATION

- 2   1. Hours travel to and from site
- 250\* 2. Acreage of permit \*approximately 250 disturbed)
- 9 hrs 3. Inspection time (on site)
- 6   4. Permit review time  
(4 hrs in office and 2 hrs at mine)
- 3   5. Report-writing time

Jodie Merriman  
Signature

8-16-83  
Date

Jodie Merriman  
Print Name of Authorized Representative

Thomas E. Glantz  
Reviewed By

8-16-83  
Date

July 7, 1983

Memo to Coal File:

RE: U. S. Fuel Company  
Hiawatha Complex  
ACT/007/011  
Emery County, Utah

On April 13, 1983, a partial inspection was conducted at the above mentioned mine site. I was accompanied on the inspection by John Lind, and Jean Semborski of U.S. Fuel Company.

Upon arriving at the mine site, I found that the operator was burning non-coal waste in the preparation plant area, west of the depot and north northeast of the prep plant. The material being burned was old electrical cable. The operator was burning off the wire insulation so that they could salvage the copper. I asked the operator if they had a burning permit, and they said that they were not aware that one was needed. I informed them that they must acquire a burning permit from the State Bureau of Air Quality and in order to do so, the Bureau would require them to have an incinerator. The operator immediately extinguished the fire upon my request.

#### South Fork

The conveyor from the mine yard to the loadout, and its associated electrical conduit, had been raised in two areas where sections of the guardrail along the road had been removed, as required, in order to create passageways under the conveyor for deer. A cursory inspection of the mine yard and loadout indicated that the sediment control structures were operating as designed.

While discussing the sediment basin at the barrow area with the operator, we briefly discussed the installation of an overflow structure and I asked the operator how they were planning on monitoring the sediment volume in the basin. Ms. Semborski indicated that they were going to periodically survey the basin to determine the of volume sediment. I suggested that instead, they survey in a couple of markers so that they might have an easier method for determining the volume of sediment.

#### Middle Fork

A very small amount of runoff was by-passing the sediment pond via the mine access road and associated roadside ditch. Mr. Lind had mine personnel breach the berm between the roadside ditch and sediment pond, and place the berm perpendicular to the road in order to direct the runoff from the ditch into the sediment pond. I suggested to him that in the future should this

MEMO TO COAL FILE  
ACT/007/011  
July 7, 1983  
Page Two

means of controlling the runoff be difficult to maintain, that they may consider installing a slotted cross-drain across the road, or some other means of controlling the runoff which can potentially leave the mine yard/loadout area via the access road.

The topsoil from the runaway truck ramp has been placed in an isolated area and a berm constructed around its perimeter.

Slurry Ponds

Due to modification of slurry pond #1, a question concerning the removal of topsoil in the southwest corner of the slurry pond has arisen. The soil material is in a narrow strip on a 2:1 slope immediately above the present slurry pond level. The slope is vegetated with a pinyon-juniper vegetation type and it would probably require the use of a drag line or some similar heavy equipment to recover the soil. I informed the operator that I would discuss with the technical staff what I had observed on site and that since the matter had not been resolved, that they were absolutely not to disturb the area until such time as the question could be resolved.

David Lof   
Field Specialist

DL/gl

cc: Tom Ehmett, OSM  
Joe Helfrich, DOGM  
Jean Semborski, U. S. Fuel

Statistics: See Natomas Trail Mountain memo dated April 28, 1983.

FILE ACT/007/011  
FOLDER #7

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS & MINING

1588 West North Temple  
Salt Lake City, Utah 84116  
Telephone: (801) 533-5771

NOTICE OF VIOLATION NO. N 83-4-62

From the STATE OF UTAH  
To the Following Permittee or Operator:

NAME U.S. FUEL CO.

MINE ALANATHA COMPLEX  SURFACE  UNDERGROUND  OTHER

CATEGORY OF OWNERSHIP:  STATE  FEDERAL  FEE  MIXED

OSM MINE NO. \_\_\_\_\_ STATE PERMIT NO. ACT/007/011 MSHA I.D. NO. \_\_\_\_\_

COUNTY AND STATE CARBON COUNTY, UTAH TELEPHONE \_\_\_\_\_

MAILING ADDRESS: U.S. FUEL CO., ALANATHA, UT 84527

DATE OF INSPECTION JUNE 9, 10 & 17, 19 83

TIME OF INSPECTION: FROM 9 AM - 12:10 AM, 9:20 AM  to 4:15 P.M. AND 1 P.M. - 4:20 P.M.

NAME OF OPERATOR (if other than permittee) \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

Under the authority of the Utah Coal Mining and Reclamation Act of 1979 (Sec. 40-10-1 et seq., Utah Code Annotated, 1953), the undersigned authorized representative of the Director and the Division of Oil, Gas & Mining has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the 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 minesite.

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

Date of Service JULY 1, 1983 David Lae  
SIGNATURE OF AUTHORIZED REPRESENTATIVE

Time of Service 11:00  a.m.  p.m. DAVID LAE #4  
NAME AND I. D. NO.

Person Served with Notice JEAN SEMBORSKI  
PRINT NAME AND TITLE

Signature ISSUED FROM THE OFFICE

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

STATE OF UTAH

Notice of Violation No. N 83-4-6-2Violation No. 1 of 2Nature of the Violation

FAILURE TO MINE IN ACCORDANCE WITH AN APPROVED INTERIM PERMIT.  
FAILURE TO ~~AND~~ MAINTAIN SEDIMENT CONTROL MEASURES

Provision(s) of the Regulations, Act, or Permit Violated

UMC 77.13(b)(3)  
UMC 77.19  
UMC 81.7.45

Portion of the Operation to which Notice Applies

THE UNDISTURBED DIVERSION LOCATED ABOVE THE SOUTH FORK OF MILLER CREEK LOAD OUT AREA.

Remedial Action Required (including interim steps, if any)

A. MAINTAIN THE DIVERSION IN ACCORDANCE WITH THE APPROVED DESIGN SPECIFICATIONS.

OR

B. SUBMIT PLANS MODIFYING THE APPROVED DESIGN AND IMPLEMENT SAID PLANS IMMEDIATELY UPON DIVISION APPROVAL

Time for Abatement (including time for interim steps, if any)

A. 30 DAYS FROM THE DATE OF RECEIPT OF THIS NOTICE

B. PLANS SUBMITTED WITHIN 30 DAYS OF RECEIPT AND IMPLEMENTATION COMPLETED WITHIN 60 DAYS OF RECEIPT



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

STATE OF UTAH

Notice of Violation No. N 83-4-6-2

Violation No. 2 of 2

Nature of the Violation

FAILURE TO MINE IN ACCORDANCE WITH AN ~~APPROVED~~ APPROVED INTERIM PERMIT. FAILURE TO CONDUCT MINING OPERATIONS SO AS TO PREVENT ADDITIONAL CONTRIBUTIONS OF SUSPENDED SOLIDS TO STREAM FLOW OR RUNOFF OUTSIDE THE PERMIT AREA. FAILURE TO CONSTRUCT A TEMPORARY DIVERSION IN SUCH A MANNER AS TO SAFELY BYPASS THE PEAK RUNOFF FROM A 10-YEAR, 24-HOUR PRECIP. EVENT PAST A SEDIMENTATION POND AS DESIGNED  
Provision(s) of the Regulations, Act, or Permit Violated

- UMC 771.13(b)(3)
- UMC 771.19
- UCA 40-10-18(2)(i)(ii)
- UMC 817.43 ~~(a)~~ (a) AND ~~(c)~~ (c)
- UMC 817.45

Portion of the Operation to which Notice Applies

THE LEFT FORK, OF THE MIDDLE FORK OF MILLER CREEK, UNDISTURBED DIVERSION

Remedial Action Required (including interim steps, if any)

- A. SUBMIT COMPLETE AND ADEQUATE PLANS TO THE DIVISION DETAILING HOW THE ~~THE~~ DIVERSION WILL BE COMPLETED ~~IN ORDER~~ SO THAT ~~THE~~ RUNOFF WILL SAFELY BYPASS THE SEDIMENTATION POND AS DESIGNED.
- B. IMPLEMENT SAID PLANS IMMEDIATELY UPON DIVISION APPROVAL

Time for Abatement (including time for interim steps, if any)

- A. 30 DAYS FROM DATE OF RECEIPT OF THIS NOTICE
- B. 60 DAYS FROM DATE OF RECEIPT OF THIS NOTICE IMPLEMENTATION OF SAID PLANS SHALL BE COMPLETED



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

July 1, 1983

REGISTERED RETURN RECEIPT REQUESTED

Ms. Jean Semborski  
U. S. Fuel Company  
Hiawatha, Utah 84527

RE: Notice of Violation NOV  
83-4-6-2  
Hiawatha Complex  
ACT/007/011  
Folder No. 7  
Carbon County, Utah

Dear Jean:

Please find enclosed a copy of Notice of Violation N83-4-6-2 as discussed with you during our phone conversation on June 27, 1983. If you have any questions concerning this notice please do not hesitate to call me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'David Lof', written over a horizontal line.

DAVID LOF  
FIELD SPECIALIST

DL/lm

cc: Tom Emmett, OSM

enclosure



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

June 14, 1983

Ms. Jean Semborski  
U. S. Fuel Company  
Hiawatha Complex  
Hiawatha, Utah 84527

RE: Soil Data from April 21, 1983  
Tour of Slurry Pond #1 and  
Attendant Disturbance  
Hiawatha Complex  
ACT/007/011  
Folder No. 's 3 & 7  
Carbon County, Utah

Dear Jean:

Pursuant to your May 17, 1983 request please find the soils data (item 3) which has recently been returned from the Utah State soils laboratory.

Judging from this data there appears to be no restrictive properties which might enter into decision making with regard to topsoil salvaging. Soil texture, organic matter and high CEC all affirm the viability of this material.

Please keep us posted with regard to your development plans for this area so we might coordinate with you in having a representative present during actual soil removal.

Sincerely,

THOMAS L. PORTLE  
RECLAMATION SOILS SPECIALIST

TLP/lm

cc: Sandy Pruitt, DOGM  
Dave Lof, DOGM

enclosure



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

May 10, 1983

Ms. Jean Semborski  
U. S. Fuel Company  
Hiawatha Complex  
Hiawatha, Utah 84527

RE: Request for Plans and Partial  
Exemption for Topsoil Removal  
Pursuant to Slurry Expansion  
U. S. Fuel Company  
Hiawatha Complex  
ACT/007/011  
Folder No.'s 3 & 7  
Carbon County, Utah

Dear Jean:

Thank you for accompanying me on our April 21, 1983 tour of the areas to be inundated attendant to the rise of the slurry level in slurry pond #1. The tour was most helpful in meshing the details which appear in the correspondence relative to this matter with the field reality.

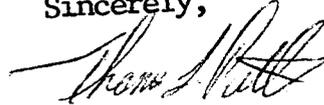
This letter conveys the Divisions conclusions as a result of the tour.

1. Since U. S. Fuel does not have an approved plan for the Miller Creek borrow area or any other borrow area thus the assertion that soil lost in this area can be covered by surplus from another will not be considered.
2. Even if an approved borrow area was in existence and surplus topsoil or substitute material were available we would not be able to approve the sacrifice of soil in this area as it is not within the context of UMC 817.22.
3. The Division does, however, agree that safety would be a major concern for equipment operators on the north slope and that the area would be left more stable due to good vegetative growth on this steep slope. Thus the Division grants an exemption to topsoil removal on this slope pursuant to UMC 817.22 (g)(1).
4. All topsoil on the west slope must be removed. Prior to removal, plans must be submitted to and approved by the Division. This should be done as soon as possible.

Ms. Jean Semborski  
ACT/007/011  
May 10, 1983  
Page Two

A memo dated April 28, 1983 (enclosed) addresses other items in your April 11, 1983 letter to Sandy Pruitt. Also, as you recall, we discussed sampling requirements for defining the potential for the use of the Miller Creek area for substitute materials. Please find the attached guide to sampling.

Sincerely,



THOMAS L. PORTLE  
RECLAMATION SOILS SPECIALIST

TLP/lm

cc: Sandy Pruitt, DOGM  
David Lof, DOGM

Enclosures

## SAMPLING

The number of samples necessary to adequately delineate the quality and quantity of the soil substitute material in question depends largely on the probable variability of the material in question. The goal generally is to obtain samples that are representative of the area. Also, it is of interest to: (1) show that no physical or chemical characteristics exist which would adversely affect the capability of the substitute material to support vegetation; and, (2) determine the nutrient levels of the material to serve a baseline function.

In this case sampling must be done at depth intervals. All analysis should be done for each depth increment. It is recommended that sampling be done by soil horizon where possible and that at a minimum that every 12 inches should be sampled independently. Probably at least 15 - 20 samples should be taken. Compositing of these samples would be more economical and probably be more representative by obtaining a homogeneous mix of each soil depth interval from composited soil from all the sample points in adequate volume for the purpose of analysis. Send paired samples to the lab.

| <u>Test to be performed</u> | <u>Reported As</u> | <u>Suggested Methods*</u>  |
|-----------------------------|--------------------|--|
| Soil texture                | % sand, silt, clay | Hydrometer method. Black et al. 1965. Methods of Soil analysis. ASA Mono No. 9, Part 1, method 43-45: 562-566. |
| pH                          | units              | U.S.D.A. Handbook 60, method (2a) page 102.  |
| Organic matter              | %                  | Walkely-Black Method. Black et al. 1965. ASA Mono. No. 9, part 2, method 90 - 3.2, pp 1374 - 1376.             |
| Saturation percentage       | %                  | U.S.D.A. Handbook No. 60, Method (27a & b), p 107.   |
| Carbonates                  | meq/100g           | U.S.D.A. Handbook #60 Method (236), pp 105.  |
| Cation Exchange Capacity    | meq/100g           | U.S.D.A. Handbook 525, No. 5B, p. 8 & 9.   |
| Electrical Conductivity     | mmhos/cm@ 25° C    | U.S.D.A. Handbook 60 pp 84 - 90.   |

|  |   |   |
|--|---|---|
| Sodium Absorbtion Ratio                  | SAR calculated from soluble Ca, Mg & Na | Jurinak, J.J. 1980. Salt affected soils. Utah State University, Logan, Utah: 40 - 41.   |
| Total Nitrogen                           | ppm                                     | Kjeldahl digestion ammonia distillation. USDA Handbook 525 No. 10, p 14 - 16.   |
| Available Nitrogen                       | ppm                                     | Extraction By A.S.A. Mono No. 9 Part 2, Method 84-85. 3.3, p 1216.  |
| Available Phosphorus                     | ppm                                     | Estimation of available phosphorus in soils by extraction with sodium bicarbonate. U.S.D.A. Handbook 525, No. 9, pp 13 - 14, Watanabe and Olsen (1965). |
| Potassium, calcium, magnesium and sodium | ppm and meq/100g                        | U.S.D.A. Handbook 60, Method 2 and 3a, p 84.  |

\*These are suggested methods, other equivalent methods may be used if desired as long as they can be justified upon request.

April 28, 1983

Memo to Coal File:

RE: Soil Removal and Slurry  
Expansion  
U. S. Fuel Company  
Hiawatha Complex  
ACT/007/011  
Folder No.'s 3 & 7  
Carbon County, Utah

On April 21, 1983 Thomas L. Portle, Reclamation Soils Specialist visited the above mentioned minesite. He was accompanied by Jean Semborski of U. S. Fuel. The objective was to view areas which will be inundated with the rise of the slurry level in Slurry Pond #1. (Refer to DOGM letter of March 30, 1983 and U. S. Fuel letter of April 11, 1983.)

The question as to the fate of topsoil in the aforementioned area resulted in a debate in which U. S. Fuels maintains that:

1. Access precludes topsoil stripping;
2. if topsoil were stripped instability to the area would result due to loss of vegetation with attendant erosion;
3. if access were attempted safety hazards would result;
4. excessive costs would be incurred considering relative area and amount of soil loss; and,
5. a Miller Creek borrow area would be used to make up lost materials.

The validity of each of these points was examined.

Although access was a noteworthy consideration it was mainly relevant to the north embankment. The Division would agree that due to the steepness of the north slope and good vegetative cover (which is sure to be adversely affected to attain access) it would be best to leave the soil on the north slope. However, access would not be as difficult on the less steep west slope. In fact, a road could be built using refuse in place immediately adjacent to the west slope. Use of a cat and/or backhoe in this area would

MEMO TO COAL FILE  
ACT/007/011  
April 28, 1983  
Page 2

result in the salvaging of a worthwhile quantity of soil without any safety hazard. Vegetation above the lower 10 - 15 foot area to be stripped could be left in place to prevent erosion and retain stability. For these reasons every attempt should be made to retrieve all soil in this area.

In response to the cost concern, the Division's primary goal is environmental protection. While we, of course, favor the most cost effective method of achieving this goal cost in and of itself is not an overriding consideration.

Soil samples were taken to assess the quality of the material. Judging from the growth it supported and on-site observation it appeared to be very good quality material.

With regard to the Miller Creek borrow area, it is still in the permitting process. DOGM has, in fact, been given indications that this area may not be used if sufficient excess material can be obtained from the Mohrland development.

The operator has been requested to submit plans for soil removal in this area.

THOMAS L. PORTLE *TLP*  
RECLAMATION SOILS SPECIALIST

TLP/lm

cc: Sandy Pruitt, DOGM  
David Lof, DOGM



STATE OF UTAH  
NATURAL RESOURCES & ENERGY  
Wildlife Resources

1596 West North Temple • Salt Lake City, UT 84116 • 801-533-9333

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Douglas F. Day, Division Director

FILE ACT/007/011  
Folders # 3! # 7

April 19, 1983

Mr. Jim Shirazi, Director  
Utah Division of Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, UT 84114

Attention: Mary Boucek and Sandy Pruitt

Dear Jim:

The Division on April 8, 1983, inspected the modification to the U.S. Fuel Company's King 6 conveyor. The modifications made by the company relative to passage of deer are appropriate and considered to be complete. The conveyor now does not represent a barrier to deer movement.

Thank you for the cooperation and assistance provided by your staff.

Sincerely,

Douglas F. Day  
Director

RECEIVED

APR 20 1983

DIVISION OF  
OIL, GAS & MINING



SCOTT M. MATHESON  
Governor

file # 7  
OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON  
Executive Director,  
NATURAL RESOURCES

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple  
Salt Lake City, Utah 84116  
(801) 533-5771

CHARLES R. HENDERSON  
Chairman

JOHN L. BELL  
C. RAY JUVELIN  
THADIS W. BOX  
MAXILIAN A. FARBMAN  
EDWARD T. BECK  
E. STEELE McINTYRE

CLEON B. FEIGHT  
Director

Vacation or Termination of Notice or Order

To the Following Permittee or Operator:

Name US Fuel Co. - Hiawatha Complex  
Mailing Address Hiawatha UT 84527  
State Permit No. ACT/007/011

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

Notice of Violation No. N 83-2-2-1 83 1 dated 4/4, 1983.  
Y TV

Cessation Order No. C \_\_\_\_\_ Y TV dated \_\_\_\_\_, 19\_\_\_\_.

Violation No. 1 is hereby Terminated effective 4/12/83 Vacated because:

Violation No. \_\_\_\_\_ is hereby \_\_\_\_\_ Terminated \_\_\_\_\_ Vacated because:

Violation No. \_\_\_\_\_ is hereby \_\_\_\_\_ Terminated \_\_\_\_\_ Vacated because:

Date of Service 4/14/83 \_\_\_\_\_  
Signature of Authorized Representative Sandy Smith

Time of Service or Mailing 5:00 a.m. X p.m. \_\_\_\_\_  
Name and I.D. No. Sandy Smith # 2

April 13, 1983

Inspection Memo  
to Coal File:

RE: Hiawatha Complex  
U. S. Fuel Company  
ACT/007/011  
Folder No. 7  
Carbon County, Utah

A follow up inspection was conducted by Sandy Pruitt on April 6, 1983 being accompanied by Jean Semborski of U. S. Fuel. The purpose of the inspection was to examine the catch basin for the barrow area completed on March 17, 1983 in abatement to NOV #1 of 1, (N83-2-1-1). At the time of this inspection the catch basin was adequately containing runoff water from the barrow area. A sediment marker had not been posted and an overflow spillway was not constructed in the embankment as recommended by Wayne Hedberg to ensure optimum effectiveness of the sediment control structure. Drainage into the catch basin is eroding the west bank. Once a channel is established, energy dissipators should be implemented for erosion control as required by UMC 817.45. NOV #1 of 1 (N83-2-1-1) was terminated as a result of this inspection.

SANDY PRUITT  
FIELD SPECIALIST

SP/lm

cc: Tom Ehmett, OSM  
Jean Semboraki, U.S. Fuel  
Joe Helfrich, DOGM  
Dave Lof, DOGM

Statistics:

Vehicle: EX #45424 - 541 miles  
Per Diem: 1 person x 2 days, 5.5 hours = \$95.56  
Grant: A & E

April 13, 1983

Inspection Memo to  
Coal File:

RE: Hiawatha Complex  
U. S. Fuel Company  
ACT/007/011  
Folder No. 7  
Carbon County, Utah

DATE: March 2, 1983  
TIME: 11:00 A.M. - 4:30 P.M.  
WEATHER: Cool, rain and snow  
COMPANY OFFICIAL: Jean Semborski  
STATE OFFICIALS: Sandy Pruitt, Doug Maier, Shannon Storrud  
ENFORCEMENT ACTION: None

Compliance with Permanent Performance Standards

UMC 771 et al Permits

All mining permits, correspondence and inspection memos are available at the mine office. MSHA approved plans (dated June 1st, August 3rd and October 6, 1982) on January 11, 1983 for raising the embankment of slurry pond #1. The embankment is to be raised about 20 feet with refuse. The operation started in December of 1982 under an interim MSHA approval. Although MSHA has approved and certified these plans, the plans should also be submitted for DOGM approval. As of April 1, 1983 these plans had not been submitted to DOGM as required by UMC 817.93 (a), UMC 817.49 (i) and UCA 40-10-9 so NOV #1 of 1 (N82-2-2-1) was issued for operating without a permit. The remedial action requires the submittal of plans that are complete and adequately address all the requirements of UMC 817.93 within two weeks or no later than April 18, 1983.

UMC 817.11 Signs and Markers

It has been recommended that U. S. Fuel post perimeter markers around all presently unaffected areas to minimize unauthorized activities on these areas and provide protection to undisturbed topsoil. Several of these areas are isolated within the disturbed area. DOGM inspectors should assist U. S. Fuel in designating the perimeter of all permitted affected areas.

All topsoil stockpiles are clearly marked as required.

UMC 817.21 - .25 Topsoil

U. S. Fuel removed topsoil from a runaway truck strip (located across the road from the turnoff to North Fork Canyon) in November in order to avert a

INSPECTION MEMO TO COAL FILE

ACT/007/011

April 13, 1983

Page 2

strike following a runaway truck accident. The topsoil is stockpiled on a level area next to the turnoff to North Fork Canyon. A topsoil marker was placed on the stockpile following this inspection. A ditch along the down dip side of the stockpile is inadequate erosion protection. A berm should be constructed around the base of the stockpile to divert runoff away from the stockpile and to retain all topsoil eroded off the stockpile. The topsoil stockpile should be seeded as soon as possible this spring. A seed mix has been recommended to U. S. Fuel (refer to memo dated April 1, 1983).

As the slurry pond level rises up the raised embankment of slurry pond #1, vegetation and topsoil on an undisturbed section of the south bank will be covered with slurry. This potential was pointed out to U. S. Fuel. Following this inspection U. S. Fuel was required to salvage topsoil from the southwest bank before it is affected by the slurry pond level or any surface operations (refer to letter dated March 30, 1983 and inspection memo dated April 1, 1983). DOGM inspectors or a soils specialist should be available to assist U. S. Fuel in determining the topsoil removal depth and in locating a stable topsoil storage site.

According to 1980 inspection memos, topsoil was removed from the sediment pond sites prior to construction and was redistributed on the outslopes of the ponds. Adequate vegetative cover should be established on the pond outslopes to minimize erosion of this topsoil. The disturbed area runoff diversion ditches to the east of the railroad loadout and slurry ponds were also constructed in 1980. Topsoil removed from the ditches was stored along the outside of the ditches, it appears that some topsoil was stockpiled beside the ditches also. This topsoil is inadequately protected from erosion and is contaminated with coal fines. Maintenance of the diversion ditches will seriously impact the topsoil stored along the diversion ditches. Unless U. S. Fuel can provide evidence that contradicts the 1980 inspection reports the topsoil stored on the outslopes of the sediment ponds and along the runoff diversion ditches should be more adequately protected from wind and water erosion, unnecessary compaction and contaminants as required by UMC 817.23.

UMC 817.41 - .57 Hydrologic Balance

In abatement to NOV #N83-2-1-1, snow was retrieved from the outslope of the Western Coal Carrier's yard and stockpiled near the catch basin. Straw bales were placed along the toe of the slope, just above the creek, to filter residual snow melt. These bales should be staked down to be effective. The Middle Fork loadout road has been graded since the last inspection and culvert inlets were clear. Runoff would still flow down the road though because the surface had not been graded all the way to the edge of the road and the tires tracks act as a conveyance. Ms. Semborski showed the inspectors brief plans for excavating a .75 acre foot catch basin to treat runoff from the barrow area located near the mouth of South Fork Canyon. At the time of this inspection a straw bale had been replaced in the drainage course but runoff short-circuited under the bale. A water sample taken below the bale contained 5,190 ppm/TSS (compared to 428 ppm/TSS in a sample taken at the inlet to the drop drain on February 16, 1983). The catch basin was to be completed no later than March 19, 1983 for abatement of the NOV.

INSPECTION MEMO TO COAL FILE

ACT/007/011

April 13, 1983

Page 3

Drainage control for the South Fork Canyon facilities was adequate. The berm around the gravel storage area (about half way up the canyon) was poorly maintained. Drainage flowed off the pad and into a vegetated depression below. The potential for any stream pollution was very slight, therefore no compliance action was required here.

Inspection reports for the slurry ponds were available for inspection as required. There were no stability or maintenance problems reported.

Water monitoring data was only available up to the last quarter of 1982 and most of the mine area sample points were either dry or inaccessible. All of the available data appeared in compliance. 1982 water quality data was reviewed for the entire year. Most surface water monitoring points were only sampled from May through October. Water quality was poorest in May and June with significant increases in TSS levels from above the minesites to below. Several runoff control problems were detected during that period in 1982. Water sampled at stations ST4 and ST5 also contained high levels of TSS. Inspectors should closely scrutinize runoff control measures along the lower perimeters of the complex during this runoff season to insure proper maintenance and allow for early detection of pollution sources.

UMC 817.81 - .93 Coal Processing Waste

Coal refuse is being disposed on the north embankment of slurry pond #4 and well into the abandoned slurry pond #2. Drainage of the bank flows into the depression of slurry pond #2 before draining into the sediment pond. Coal refuse fires in the old refuse piles east of slurry pond #1 are being allowed to self-extinguish since they are allegedly pre-act refuse piles.

The water level in slurry ponds #1 and #5 is nearly to high to provide the 3 foot freeboard required by UMC 817.93 (a)(1). The embankment of pond #1 is being raised to address this problem. No plans were submitted for DOGM review and approval of the design and construction methods. Compliance with UMC 817.49 and UMC 817.93 could not be verified so NOV #N83-2-2-1 was issued (refer above). In the ACR dated November 8, 1982 DOGM has requested hydrologic computations demonstrating that slurry pond 5a is adequate to contain all disturbed area runoff from the Hiawatha preparation plant and loadout facilities and from the town of Hiawatha. If insufficient freeboard is detected in future inspections these computations may be necessary to insure compliance.

UMC 817.100 Contemporaneous Reclamation

The Middle Fork leachfield area located just west of the main timber storage yard was reclaimed in fall following reconstruction that summer.

The area (approximately 1/2 acre) northeast of slurry pond #4 was used as a truck scale years ago. This winter a dozer and scraper used by a contractor in reclamation of the slurry ponds was temporarily parked on this site. As there is no projected use for this area it should be considered for contemporaneous reclamation in accordance with UMC 817.100.

INSPECTION MEMO TO COAL FILE  
ACT/007/011  
April 13, 1983  
Page 4

UMC 817.150 - .176 Roads

Road drainage off the section of the access road below the inlet to slurry pond #5 does not meet effluent limitations for TSS as required by UMC 817.160 (b). November 19, 1982 water samples indicate that it may contain more than 5,000 ppm/TSS. The drainage is diverted onto a sageflat below the pond where the sedimentation of coal fines is evident but it is unlikely that the road drainage would reach a stream course.

The culvert spacing and paved surface of the access/haul roads to the mine yard may provide sufficient sediment control. It would be appropriate to stake straw bales down in the drainage ditches for additional sediment control and compliance with UMC 817.150 (b).

  
SANDY PRUITT  
FIELD SPECIALIST

SP/lm

cc: Tom Ehmett, OSM  
Jean Semborski, U.S. Fuel  
Joe Helfrich, DOGM  
Wayne Hedberg, DOGM  
Dave Lof, DOGM

Statistics:

See J. B. King memo dated March 3, 1983.

ACT/007/011  
#7

# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

April 11, 1983

Ms. Sandy Pruitt  
State of Utah, Natural Resources and Energy  
Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

Dear Sandy:

Please find enclosed a copy of the Slurry Pond #1 Modification Plan as submitted and approved by MSHA in January 1983.

Submittal of this plan should then abate Violation #82-2-2-1.

Sincerely,

*Jean Semborski*

Jean Semborski  
Engineer

c.c.: E. Gardiner  
J. Lind

Enclosure

**RECEIVED**  
APR 12 1983

**DIVISION OF  
OIL, GAS & MINING**



ACT/002/011 #2

# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

April 11, 1983

Ms. Sandy Pruitt  
State of Utah, Natural Resources and Energy  
Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

**RECEIVED**  
APR 13 1983

**DIVISION OF  
OIL, GAS & MINING**

Dear Sandy:

After reviewing your March 30, 1983 letter concerning the southwest embankment of slurry pond #1, United States Fuel Company feels the request set forth in that letter is excessive in view of the relative area ultimately affected. The required action, while achieving a point in principle, will promote effects contrary to the Division's goal i.e. minimizing disturbance to vegetation and wildlife, controlling erosion and promoting vegetative growth and cover.

Slurry pond #1 has existed since early in the 1940's. It was inactive from the early 1950's to when plans for reconstruction of the pond were approved by the Division in April of 1979. The pond embankment was at an elevation of 7165 until United States Fuel Company was granted permission by MSHA's technical staff in January of 1983 to raise the embankment to 7185 as the maximum elevation MSHA will ever approve. As of April 1983, the embankment elevation stood at 7175 and slurry level at 7164.5. The slurry level could potentially rise fifteen feet should the pond be built to the maximum elevation of 7185.

Access to this location will be difficult as the point is rocky and steep. Roadways would need to be built to recover any material from the slope. The operations will be hazardous due to the deep, soft slurry impounded below the slope. Loose material and even equipment could slide down into it.

Removal of any material from this slope will create instability and erosion. If United States Fuel Company is forced into stripping all the vegetative material (trees, shrubs etc.) from this point won't they also be forced to control erosion on these slopes even though devegetation was against their wishes?

Cost estimates, based on one cat (for one day) one dragline and one truck (for two days) , run over \$5000.00. In our opinion the costs, risks and quality of the material to be recovered make this an unreasonable request. At a time where we are laying off people and shutting down mines,



all costs are carefully scrutinized before being approved and only the most essential are being allowed.

You stated that United States Fuel Company's proposal to provide suitable substitute topsoil is a fabrication. You also implied that DOGM has made fruitless efforts to have United States Fuel Company provide soil survey results from proposed borrow areas. We find both of these statements to be superfluous and offensive. To set the record straight, United States Fuel Company was given the impression by Tom Portle that the Division needed to determine if the area adjacent to Miller creek could even be considered by United States Fuel Company as a borrow area. The only written request we have received was in the Apparent Completeness Review. Also, our supportive evidence seems to be the same as yours, i.e. vegetation indicates a growth medium.

We still maintain that better material can be obtained from the proposed borrow area. In this way we can avoid destroying a whole acre of vegetation in order to obtain at a high cost and considerable difficulty a rather small strip of only fair quality topsoil. See the enclosed map for additional details and dimensions.

In new areas of disturbance we fully intend to remove and stockpile topsoil. This particular case however is complicated by the fact that disturbance prior to the Act has now made it difficult to access this remnant. The point though is far from the only item in this situation. We propose to just not disturb more than we have to in order to minimize later reclamation efforts which will be large enough themselves.

United States Fuel Company requests that the material, both in the proposed borrow area and southwest bank of slurry pond #1 be viewed in the field by appropriate members of the technical staff before a decision is made concerning the removal of any material.

Thank you. We hope this matter can be worked out satisfactorily to both parties.

Sincerely,



Jean Semborski  
Engineer

c.c.: E. Gardiner  
J. Lind  
Jim Smith DOGM

**RECEIVED**

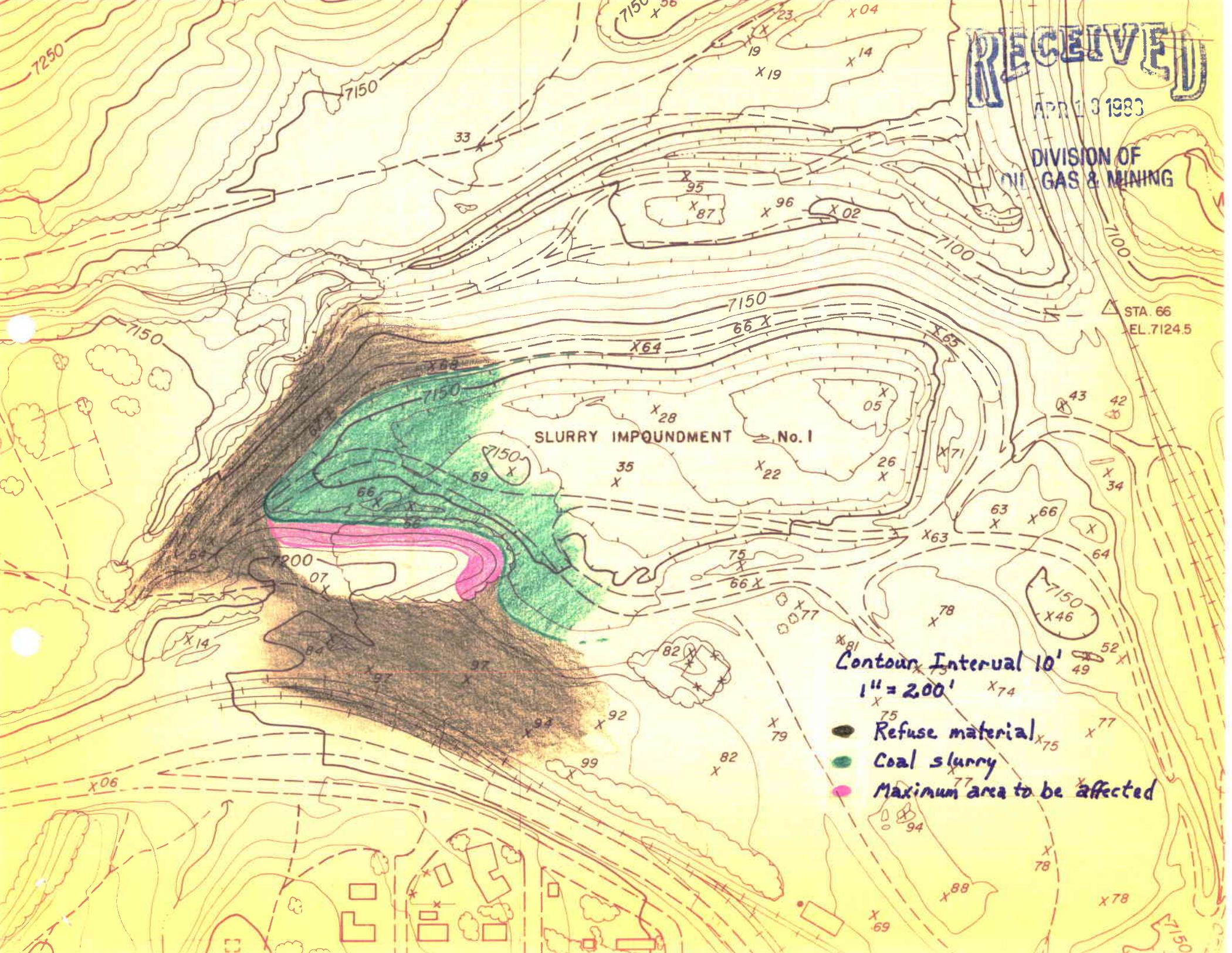
APR 13 1983

DIVISION OF  
OIL, GAS & MINING

STA. 66  
EL. 7124.5

SLURRY IMPOUNDMENT No. 1

- Contour Interval 10'  
1" = 200'
- Refuse material
  - Coal slurry
  - Maximum area to be affected



file ACT/007/011 #7



SCOTT M. MATHESON  
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON  
Executive Director,  
NATURAL RESOURCES

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES

CHARLES R. HENDERSON  
Chairman

CLEON B. FEIGHT  
Director

DIVISION OF OIL, GAS, AND MINING

1588 West North Temple  
Salt Lake City, Utah 84116  
(801) 533-5771

JOHN L. BELL  
C. RAY JUVELIN  
THADIS W. BOX  
MAXILIAN A. FARBMAN  
EDWARD T. BECK  
E. STEELE McINTYRE

Vacation or Termination of Notice or Order

To the Following Permittee or Operator:

Name US Fuel Co. - Hiawatha Complex

Mailing Address Hiawatha UT 84527

State Permit No. ACT/007/011

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

Notice of Violation No. N. 83-2-1-1 83 1 dated 2/17, 19 83  
Y TV

Cessation Order No. C \_\_\_\_\_ Y TV dated \_\_\_\_\_, 19 \_\_\_\_\_

Violation No. 1 is hereby  Terminated effective 3/17/83.  Vacated because:

Violation No. \_\_\_\_\_ is hereby  Terminated  Vacated because:

Violation No. \_\_\_\_\_ is hereby  Terminated  Vacated because:

Date of Service 4/6/83 \_\_\_\_\_  
Signature of Authorized Representative [Signature]

Time of Service or Mailing 3:30 a.m.  p.m. \_\_\_\_\_  
Name and I.D. No. Sandy Pruitt



STATE OF UTAH  
NATURAL RESOURCES & ENERGY  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

April 6, 1983

Mr. Richard Graeme  
U. S. Fuel Company  
Hiawatha, Utah 84527

RE: Pattern of Violations  
Hiawatha Complex  
ACT/007/011  
Folder No. 7  
Carbon County, Utah

Dear Mr. Graeme:

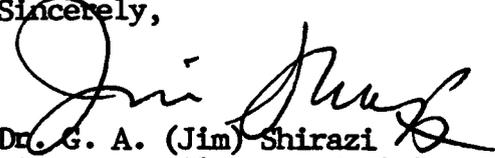
The Division has scheduled a public meeting to be held in the Carbon County Courthouse large courtroom at 10:00 A.M. on April 13, 1983. The purpose of the meeting is threefold:

1. To hold a Division public meeting in Price in response to the request by the Utah Coal Operators Association with asked for a Board meeting in Price relative to the alleged patterns of violations;
2. To allow those operators who are alleged to have developed a pattern the opportunity to describe the circumstances surrounding the alleged pattern; and,
3. To discuss the policies and procedures for defining whether a pattern exists and what constitutes a pattern of violations.

Please try to attend this public meeting. Your time reserved for discussion is reserved for 10:00 A.M. and will last for 45 minutes.

At the regular monthly meeting of the Board of Oil, Gas and Mining there will again be an opportunity to discuss item number 3 above.

Sincerely,

  
Dr. G. A. (Jim) Shirazi  
Director, Oil Gas and Mining

JS/RWD:lm



STATE OF UTAH  
NATURAL RESOURCES & ENERGY  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

April 4, 1983

REGISTERED RETURN RECEIPT REQUESTED POS 707544

Ms. Jean Semborski  
U. S. Fuel Company  
Hiawatha Complex  
Hiawatha, Utah 84527

RE: NOV 82-2-2-1  
ACT/007/011  
Folder No. 7  
Carbon County, Utah

Dear Jean:

In reviewing the DOGM files of Hiawatha Mine permits and correspondence I cannot find any notification or plans submitted for DOGM approval of the modification to the slurry pond #1 embankment. This is a requirement of UMC 817.83 (a) and UMC 817.49 (i). Enclosed is a Notice of Violation (N82-2-2-1) which requires submittal of the design and construction plans currently being used in raising the embankment of slurry pond #1. These plans should be submitted to DOGM by April 18, 1983 for abatement of the NOV.

Sorry about the bad news.

Sincerely,

SANDY PRUITT  
FIELD SPECIALIST

SP/lm

Enclosure

cc: Tom Ehmett, OSM  
Wayne Hedberg, DOGM

ACT/002/011  
#7

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS & MINING

1588 West North Temple  
Salt Lake City, Utah 84116  
Telephone: (801) 533-5771

NOTICE OF VIOLATION NO. N 83-2-2-1

From the STATE OF UTAH  
To the Following Permittee or Operator:

NAME US Fuel Co.

MINE Hawatha Complex  SURFACE  UNDERGROUND  OTHER

CATEGORY OF OWNERSHIP:  STATE  FEDERAL  FEE  MIXED

OSM MINE NO. \_\_\_\_\_ STATE PERMIT NO. ACT/002/011 MSHA I.D. NO. \_\_\_\_\_

COUNTY AND STATE Carbon UT TELEPHONE 637-2253

MAILING ADDRESS: Hawatha UT 84527

DATE OF INSPECTION \_\_\_\_\_, 19 \_\_\_\_.

TIME OF INSPECTION: FROM \_\_\_\_\_  a.m. to \_\_\_\_\_  a.m.  
 p.m. to \_\_\_\_\_  p.m.

NAME OF OPERATOR (if other than permittee) \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

Under the authority of the Utah Coal Mining and Reclamation Act of 1979 (Sec. 40-10-1 et seq., Utah Code Annotated, 1953), the undersigned authorized representative of the Director and the Division of Oil, Gas & Mining has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the 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 minesite.

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

Date of Service April 4, 1983 \_\_\_\_\_  
SIGNATURE OF AUTHORIZED REPRESENTATIVE [Signature]

Time of Service 12:00  a.m.  p.m. \_\_\_\_\_  
NAME AND I.D. NO. Sandy Pruitt #2

Person Served with Notice Jean Semboriski \_\_\_\_\_  
PRINT NAME AND TITLE Engineering Assistant  
by Registered Mail

Signature \_\_\_\_\_

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

56 64 16

STATE OF UTAH

Notice of Violation No. N 83-2-2-1

Violation No. 1 of 1

Nature of the Violation

Operating without a permit.

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-9 (i)  
UCA 40-10-22 (c)  
UMC 817.93 (a)  
UMC 817.49 (i)

Portion of the Operation to which Notice Applies

North & West embankment of slurry pond #1

Remedial Action Required (including interim steps, if any)

Submit plans that are complete & adequately address all requirements of UMC 817.93.

Time for Abatement (including time for interim steps, if any)

2 weeks or no later than April 18, 1983.

April 1, 1983

Inspection Memo  
to Coal File:

RE: Hiawatha Complex  
U. S. Fuel Company  
ACT/007/011  
Folder No. 7  
Carbon County, Utah

A partial inspection of the above mentioned mine operation was conducted on March 16, 1983 by Sandy Pruitt of DOGM and Jean Semborski, U. S. Fuel. The purpose of this inspection was in follow up to concerns noted during the last complete inspection conducted March 2, 1983.

In abatement to NOV #83-2-1-1, U. S. Fuel submitted brief plans (March 2 and 16, 1983) for the construction of a catchment basin to treat disturbed area runoff from the borrow area at the base of South Fork Canyon. Wayne Hedberg of DOGM reviewed the plans and determined that a .75 acre foot catchment basin would be sufficient to contain runoff for a ten year, 24 hour storm with an adequate amount of sediment storage. He recommended that an emergency dewatering device be provided to protect the integrity of the structure and minimize erosion. He has also recommended that some means be provided to determine when the maximum sediment storage level is reached (refer to letter dated March 21, 1983). This catch basin was nearly complete at the time of this inspection, a more uniform grade was to be established on the inslopes and bottom of the basin. Another follow up inspection will be conducted to insure completion of this structure before the NOV is terminated.

Topsoil removed from the runaway truck strip was stockpiled near the junction of the road to the upper coal storage yard, a topsoil sign is posted on the stockpile. A berm should be constructed around the base of the stockpile to minimize water erosion. The stockpile should be seeded as soon as possible this spring. Two grass species should be selected from the list below (recommended by Lynn Kunzler):

| <u>GRASS</u>                                       | <u>LBS/ACRE (PLS)</u> |
|--|-----------------------|
| Western Wheatgrass<br><u>Agropyron smithii</u>     | 4.0                   |
| Slender Wheatgrass<br><u>Agropyron trachycalum</u> | 3.5                   |
| Great Basin Wildrye<br><u>Elymus cinereus</u>      | 4.5                   |
| Needle and Thread Grass<br><u>Stipa viridula</u>   | 4.0                   |

Two of the above listed grass species should be combined in a mix with:

|   |     |
|---|-----|
| Yellow Sweet Clover<br><u>Melilotus officinalis</u> | 3.0 |
|---|-----|

U. S. Fuel obtained approval from MSHA on January 11, 1983 to raise the embankment of slurry pond #1 20 feet to provide more freeboard at the west end of the pond. The topsoil on the undisturbed bank at the southwest end of slurry pond #1 is in jeopardy of contamination and loss due to the rising slurry pond level after the embankment is completed (it was about 75% complete at the time of this inspection). This concern was discussed with Jean Semborski and Bob Eccli NAOC #1 of 1 (83-2-2-1) was issued during this inspection topsoil protection on the undisturbed bank on the southwest end of slurry pond #1. Compliance Required: remove topsoil from the areas to be affected by the rising slurry pond level resulting from raising the pond embankment OR (as was proposed by U. S. Fuel) submit plans for DOGM approval of a topsoil substitute in accordance with UMC 817.22(e). The NAOC further required that perimeter markers be posted around the disturbed area to provide adequate protection from unauthorized disturbances to any undisturbed topsoil remaining intact which is not to be affected by the slurry pond level. A deadline agreed to is March 15, 1983.

In response to this warning U. S. Fuel intended to submit plans to provide for a substitute topsoil material to be obtained from the north side of Miller Creek. They requested that I discuss these plans with Tom Portle, Soil Scientist, and inform them of the minimum requirements for complete and adequate plans. In discussion it was decided that due to the limited amount of topsoil currently available for reclamation of the entire Hiawatha Complex the topsoil on the southwest bank of slurry pond #1 should be removed to minimize the topsoil deficit as much as possible. Plans for providing substitute topsoil material in lieu of removing the viable topsoil on the southwest bank would not be approved. By a letter dated March 30, 1983 NAOC 83-2-2-1 was revoked.

INSPECTION MEMO TO COAL FILE  
ACT/007/011  
April 1, 1983  
Page 3

U. S. Fuel is now required to remove all topsoil from areas on the southwest bank of slurry pond #1 prior to any disturbance by surface operations or the rising slurry pond level. It was requested that a DOGM staff member be present during topsoil removal operations to determine the depth of topsoil removal. Topsoil should be stockpiled away from active operations and adequate protection should be provided. The topsoil stockpile should also be seeded during the first favorable conditions using the above mentioned seed mix.

SANDY PRUITT  
FIELD SPECIALIST

SP/lm

cc: Tom Ehmett, OSM  
Jean Semborski, U. S. Fuel (RRRR)  
Joe Helfrich, DOGM

Statistics:

See Genwal memo dated March 30, 1983.



STATE OF UTAH  
NATURAL RESOURCES & ENERGY  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

March 30, 1983

REGISTERED RETURN RECEIPT REQUESTED { 324 743 177

Ms. Jean Semborski  
U. S. Fuel Company  
Hiawatha Complex  
Hiawatha, Utah 84527

RE: NAOC 83-2-2-1  
ACT/007/011  
Folder No. 7  
Carbon County, Utah

Dear Jean:

I have discussed my concerns of topsoil protection on the southwest bank of slurry pond #1 with Tom Portle. As you requested I have informed him of U. S. Fuel's stated intent to provide substitute topsoil material (to be obtained from the north side of Miller Creek) for reclamation of this site in lieu of topsoil removal. He has decided that 1) the extremely limited amount of topsoil currently available for reclamation of the Hiawatha Complex; and, 2) the absence of an approved plan addressing the aforementioned borrow area, negates any alternative to topsoil removal. Further, the vegetative cover on the southwest bank indicates that the topsoil is viable plant support material and it is unlikely that an extensive soil survey would prove otherwise. The terrain does not present a serious problem to removal operations if planned appropriately. For these reasons the removal of all topsoil on the southwest bank of slurry pond #1 is required. It should be clearly understood that the removal of topsoil from all previously undisturbed areas has been and will continue to be a requirement.

U. S. Fuel's proposal to provide suitable substitute topsoil material from a borrow area on the north side of Miller Creek appears to be a fabrication used without supportive evidence to avoid topsoil removal. Previous efforts, by DOGM, to have U. S. Fuel provide soil survey results from the proposed borrow area for a determination of the quality and volume of substitute material available for reclamation have proved fruitless. Plans for the use of substitute material in reclamation of other areas in the Hiawatha Complex where no topsoil is available must be approved before DOGM can consider alternatives to the removal of all available topsoil on the southwest bank of slurry pond #1.

Ms. Jean Semborski  
ACT/007/011  
March 30, 1983  
Page Two

As it is unlikely that all options of the required compliance action can be met, NAOC #1 of 1 (82-2-2-1) is revoked. To address the problem of topsoil protection U. S. Fuel is hereby required to remove all topsoil from areas on the southwest bank of slurry pond #1 prior to any disturbance by surface operations or the rising slurry pond level. U. S. Fuel should arrange activities so that a DOGM staff member can be present during topsoil removal operations to determine the depth of topsoil removal. A topsoil storage area should be located on a stable surface within the permit area but away from active operations. Adequate protection from erosion, compaction, and contamination should be provided for the stockpiled topsoil and for any topsoil left intact which is not to be affected by surface operations or the slurry pond level. These requirements are authorized by UCA 40-10-17(2)(e) and UMC 817.21 - .23.

If you have any questions or comments regarding this letter, please contact either Tom Portle or myself.

Sincerely,



SANDY PRUITT  
FIELD SPECIALIST

SP/lm

cc: Tom Ehmett, OSM  
Tom Portle, DOGM  
Joe Helfrich, DOGM



STATE OF UTAH  
NATURAL RESOURCES & ENERGY  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

March 21, 1983

Ms. Jean Semborski  
Engineering Assistant  
U.S. Fuel Company  
Hiawatha, Utah 84527

#7

RE: Abatement to NOV #83-2-1-1  
Catchment Basin Design  
Hiawatha Complex  
ACT/007/011  
Carbon County, Utah

Dear Ms. Semborski:

The Division has received and reviewed your March 2, 1983 letter and the supplemental design calculations (received March 16, 1983) requesting approval of the proposed sediment control measures intended to abate NOV #83-2-1-1. This violation was issued by Sandy Pruitt on February 17, 1983 to U.S. Fuel Company for failure to control surface drainage and minimize sediment losses from a small disturbed area at the South Fork-Middle Fork road split.

The conceptual plans for the catchment basin should be sufficient to contain the disturbed area runoff for the 10 year-24 hour storm and an adequate amount of sediment storage.

The Division offers the following suggestions with regard to the design of the catchment basin:

- (A) Due to the fact that there is not a sedimentation pond down gradient from the proposed sediment basin and there is no means provided in the design drawing to manually dewater the basin, it is recommended that some type of overflow device be provided to bypass runoff volumes in excess of the 10 year-24 hour storm. An emergency dewatering device will protect the integrity of the structure and safely discharge excess storm runoff should the need arise. The outlet end of the discharge structure should have adequate erosion protection measures implemented as well.

Ms. Jean Semborski  
March 21, 1983  
Page Two

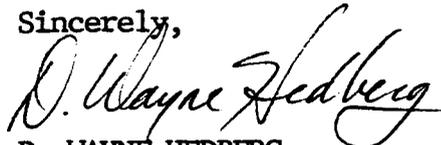
- (B) The basin should be provided with a means to assess when the maximum sediment storage level is reached. This will enable the operator to determine when the basin will require sediment removal and assure that the structure has ample runoff storage volume for the design storm at all times.

It should be understood that irregardless of the design approval for this structure it does not necessarily release U.S. Fuel Company from being subject to future violations should a discharge occur from the impoundment (refer to U.S. Fuel letter, item #4, March 2, 1983). If the sediment basin is not constructed or maintained properly, a future discharge could occur which may be just cause for subsequent violation(s).

Provided the above conditions do not become an issue, then there should be little likelihood of concern for non-compliance with the implementation of this sediment control proposal.

Should questions arise, please contact me or Sandy Pruitt of the inspection and enforcement staff.

Sincerely,



D. WAYNE HEDBERG  
RECLAMATION HYDROLOGIST

DWH/mn

cc: Sandy Pruitt, OGM  
Mary Boucek, OGM  
Tom Ehmett, OSM

March 11, 1983

Inspection Memo  
to Coal File:

RE: Hiawatha Complex  
U. S. Fuel Company  
ACT/007/011  
Folder No. 7  
Carbon County, Utah

An inspection of the Hiawatha Mine Complex was conducted by Sandy Pruitt and Jean Semborski, U. S. Fuel on February 16, 1983. The weather was fair and warm, snowmelt and runoff were occurring.

#### Middle Fork Canyon

Runoff from the King V mine yard ponds along the ROM conveyer, the inlet to the southern drop drain was clear of snow but runoff still drains under the conveyor to the northern drop drain. Minor drainage off the King IV parking area flows into the road drainage ditch and off-site. The surface grade should be reestablished to drain across the road toward the loadout and sediment pond. Straw bales around the timber storage yards need to be replaced and realigned.

Drainage culverts to the loadout sediment ponds were partially obstructed with snow and the surface grade of the loadout road conveyed runoff down the road toward the South Fork of Miller Creek. This violation was cited under Area #1 of NOV #1 of 1 (N83-2-1-1) which was issued for the failure to pass all disturbed area drainage through a sediment pond or treatment facility before leaving the permit area; failure to meet effluent limitations; failure to minimize additional contributions of sediment to stream flow [UCA 40-10-22 (1)(c), 40-10-18 (2)(i)(ii), UMC 817.42 (a)(1), (7), 817.45]. Area #2 of the NOV applies to the untreated drainage leaving the borrow area at the base of South Fork Canyon to flow through a drop drain directly into the South Fork of Miller Creek. A sample of the runoff (flow estimated at 10 gpm) was analyzed to contain 428 ppm TSS. The remedial actions required by the NOV for Areas #1 and 2 are to design, construct and maintain adequate sediment control measures so that all disturbed area discharges are in compliance with effluent limitations. Area #3 cited in the NOV applies to the disturbed area snow removed from the Western Coal Carriers yard which was placed on the berm directly above the South Fork of Miller Creek and which has since sloughed onto the downslope causing mud flows and additional contributions of sediment to streamflow. The remedial action for area #3 of the NOV requires retrieval of the snow from the downslope to an area providing adequate sediment control. The abatement deadline specified on the Notice of Violation is two-part for all areas cited. Interim protection, that would minimize additional contributions of sediment to streamflow, should be provided within two weeks or no later than March 3, 1983. In thirty days, or no later than March 19, 1983 permanent abatement is to be accomplished so that adequate sediment control is provided and effluent limitations are met.

Inspection Memo to Coal File  
ACT/007/011  
March 11, 1983  
Page 2

### South Fork Canyon

The King VI Mine was temporarily shut down during the last week of January 1983 due to poor roof conditions, economic problems and other factors. The equipment has been removed from the mine and is being stored on the surface during the suspension, which is expected to last at least one year. U. S. Fuel has not yet submitted a Notice of Intention for the temporary cessation as required by UMC 817.131 (b).

At the time of this inspection the conveyor had been raised over about one-half of the length required to remove the barrier to deer migration. The electrical conduit had only been raised between the spaces in the guardrail. U. S. Fuel requested another time extension due to difficulties in removing snow from under the conveyor for access to the conduit. Mr. Larry Dalton (DWR) assessed the situation and has decided that an extension until April 10, 1983 may allow for the needed time without effecting the spring migration pattern.

### Processing Plant Area and Slurry Ponds

Much of the coal stored at the railroad loadout had been cleared and the site graded. Drainage off the southern end of the loadout flows down the road toward slurry pond #5. Runoff from the northern end of the loadout drains toward slurry ponds #3 and 4. Drainage control ditches within the plant yard are not maintained and non-existent in areas, these ditches should be reconstructed and maintained to adequately convey runoff from a 10 year, 24 hour precipitation event as required by DOGM in accordance with UMC 817.43 (a). A ditch was excavated along the toe of the slurry pond #4 embankment as requested during the last inspection but due to frozen ground the ditch, although functional, appears undersized.

SANDY PRUITT  
FIELD SPECIALIST

SP/lm

cc: Tom Emmett, OSM  
Jean Semborski, U. S. Fuel  
Joe Helfrich, DOGM

Statistics:

See Genwal memo, dated February 25, 1983.

FILE NO. / ... #7  
AM/067/011

# UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

March 2, 1983

Mr. D. Wayne Hedberg, Reclamation Hydrologist  
State of Utah, Natural Resources and Energy  
Oil, Gas and Mining  
4241 State Office Building  
Salt Lake City, Utah 84114

RE: United States Fuel Co.  
Catchment Basin, Abatement  
for NOV #83-2-1-1.

Dear Mr. Hedberg:

On February 17, 1983 Division inspector Sandy Pruitt issued to United States Fuel Company NOV #83-2-1-1. This violation was issued after a monthly inspection. Runoff from a small disturbed area at the South Fork-Middle Fork road split was running into a road culvert that conveys drainage ultimately to Miller creek.

Remedial action requires that United States Fuel Company "design, construct and maintain adequate sediment control measures so that all disturbed area discharge complies with effluent limitations."

Being the area is rather small and it's use is not as rigorous as that of a mine yard for example, we propose to contain the runoff in a catchment basin. This proposal was recommended to us by the issuing officer, Sandy Pruitt.

As this area will be closely scrutinized in the future, United States Fuel Company wishes to implement a design that:

- 1) will effectively treat runoff from that area,
- 2) is adequate to contain the area's runoff,
- 3) meets with the Division's approval,
- 4) releases United States Fuel Company from being subject to future violations should discharge from the pond occur.

With these points in mind, perhaps you could review our design for runoff containment in this area. (See enclosed drawing #H-726). United States Fuel Company would like to receive a written approval on the design we are to implement for abatement of this violation



in order to avoid additional construction and more violations in the future. As we have about 60 days left to abate this violation and we wish not to begin construction until a satisfactory plan has been drawn up, time is quite critical.

Thank you very much for your assistance with this problem.

Sincerely,

*Jean Semborski*

Jean Semborski  
Engineering Assistant

c.c E. Gardiner  
R. Graeme  
J. Lind

## CALCULATION SHEET

INDEX N \_\_\_\_\_ SHEET No. 1 of 2UNITED STATES FUEL COMPANY  
ENGINEERING DEPT., HIAWATHA, UTAH

PLACE \_\_\_\_\_

COMPUTATION FOR PROPOSED

JOB \_\_\_\_\_

CATCHMENT BASINDATE 2-29-83COMPUTED BY Abel M. Elias

REF. DRAWING

H-726

CHECKED BY \_\_\_\_\_

REVISED \_\_\_\_\_

APPROXIMATE AREA OF THE DISTURBED LAND = 114,214 SQ. FT.  
= 2.622 AC. FT.

ESTIMATED PRECIPITATION DEPTH AT HIAWATHA, UTAH  
FOR 10-YEARS, 24-HOURS EVENT = 2.25 in.

## ACTIVE STORAGE

FOR THE 10-YEARS, 24-HOURS EVENT

= 114,214 x  $\frac{2.25}{12}$  = 21,415 CU. FT.  
= 0.49 AC. FT.

## SEDIMENT STORAGE

0.1 AC. FT. / AC. OF THE DISTURBED AREA

= 0.1 x 2.622 = 0.26 AC. FT.

## TOTAL STORAGE

= 0.49 + 0.26 = 0.75 AC. FT.

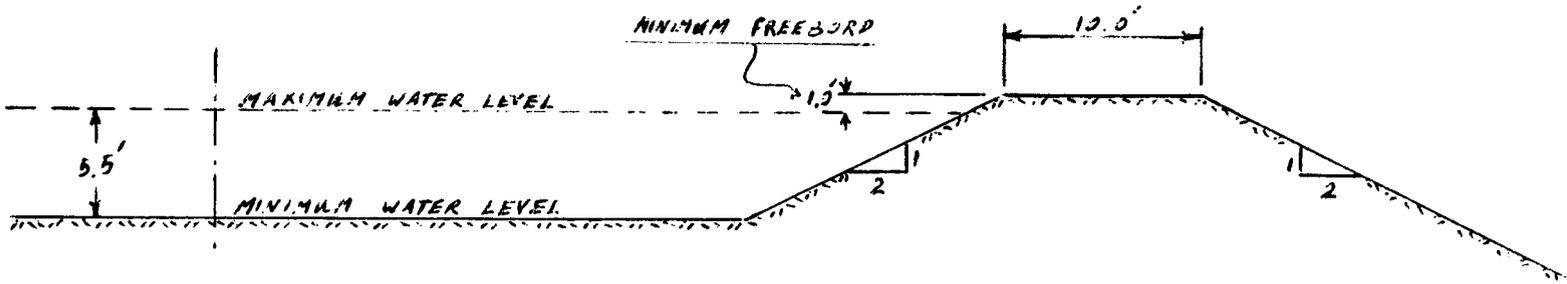
NOTE:

AREA OF THE DISTURBED LAND TAKEN OFF THE MAP WITH A PLANIMETER.

CALCULATION SHEET

INDEX N \_\_\_\_\_ SHEET No. 2 OF 2  
 PLACE \_\_\_\_\_  
 JOB \_\_\_\_\_  
 DATE 2-29-83  
 COMPUTED BY Abdalla M. Elias  
 CHECKED BY \_\_\_\_\_  
 REVISED \_\_\_\_\_

UNITED STATES FUEL COMPANY  
 ENGINEERING DEPT., HIAWATHA, UTAH  
 COMPUTATION FOR PROPOSED  
CATCHMENT BASIN  
 REF. DRAWING H-726



AREA OF THE MAXIMUM WATER LEVEL = 7,750 SQ. FT.

AREA OF THE MINIMUM WATER LEVEL = 4,253 SQ. FT.

DEPTH OF WATER = 5.5 FT.

MINIMUM FREEBOARD = 1.0 FT.

MINIMUM TOP WIDTH OF THE EMBANKMENT  
 $= \frac{5.5 + 35}{5} = 8.1$  = 10.0 FT.

SIDE SLOPES 1 V. : 2 H.

ACTUAL CAPACITY OF THE BASIN =  $\frac{(7,750 + 4,253)}{2} \times 5.5$  = 33,008 SQ. FT.  
 = 0.76 AC. FT.

NOTE :  
 AREA OF THE MAXIMUM AND MINIMUM WATER LEVELS TAKEN OFF THE  
 MAP WITH A PLANIMETER.



STATE OF UTAH  
NATURAL RESOURCES & ENERGY  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Clean B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

March 1, 1983

REGISTERED RETURN RECEIPT REQUESTED

Ms. Jean Semborski  
U. S. Fuel Company  
Hiawatha, Utah 84527

#7  
#8

RE: Delinquent Payment  
Civil Penalty Assessment  
State Violation(s)  
N82-2-5-1  
ACT/007/011

Dear Ms. Semborski:

It has come to the attention of the Division that the civil penalty(s) assessed for the above listed violations(s) have not been paid by your company. This letter constitutes final notice to you to pay these penalties. The amounts due are as follows:

| <u>Violation No.</u> | <u>Amount Due</u> |
|----------------------|-------------------|
| N82-2-5-1            | \$760.00          |

Please pay the above amount to this Division within 30 days of your receipt of this letter or this matter will be referred to the Attorney General's Office. If you feel that an error has occurred in our accounting system or you have already paid the assessed penalty please respond within 30 days to avoid this occurrence.

Thank you for your cooperation in this matter.

Sincerely,

*RW Daniels*  
RONALD W. DANIELS  
ACTING ASSESSMENT OFFICER

RWD/lm

cc: Joe Helfrich, DOGM  
Barbara Roberts, A. G.'s Office  
Jodie Merriman, OSM



STATE OF UTAH  
NATURAL RESOURCES & ENERGY  
Oil, Gas & Mining

Scott M. Matheson, Governor  
Temple A. Reynolds, Executive Director  
Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

February 24, 1983

Ms. Jean Semborski  
U. S. Fuel Company  
Hiawatha, Utah 84527

RE: King VI Conveyor  
Hiawatha Complex  
ACT/007/011 #7  
Carbon County, Utah

Dear Jean:

It appears that U. S. Fuel Company will not be able to complete the required modifications to the King VI conveyor by the end of February as we agreed. I have discussed the problem with Mary Boucek and Larry Dalton and they have agreed on a completion deadline of April 10, 1983. Please be aware that no more time extensions will be granted as the deer migration will begin around that date and the barrier problem must be mitigated at that time. I hope that your company will appreciate our cooperation and return their gratitude with a perseverance toward completing the modifications to the conveyor before the April 10th deadline. Please keep me informed on your progress.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sandy Pruitt', with a large, sweeping flourish extending to the right.

SANDY PRUITT  
FIELD SPECIALIST

SP/gb

cc: Larry Dalton, DWR  
Mary Boucek, DOGM  
Joe Helfrich, DOGM

file ACT/007/011  
#1714E

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS & MINING

1588 West North Temple  
Salt Lake City, Utah 84116  
Telephone: (801) 533-5771

NOTICE OF VIOLATION NO. N

83-2-1-1

From the STATE OF UTAH  
To the Following Permittee or Operator:

NAME U.S. Fuel Co.

MINE Hiawatha Complex  SURFACE  UNDERGROUND  OTHER

CATEGORY OF OWNERSHIP:  STATE  FEDERAL  FEE  MIXED

OSM MINE NO. \_\_\_\_\_ STATE PERMIT NO. ACT/007/011 MSHA I.D. NO. \_\_\_\_\_

COUNTY AND STATE Carbon, UT TELEPHONE 637-2253

MAILING ADDRESS: Hiawatha Complex, Hiawatha UT 84527

DATE OF INSPECTION 2/16, 19 83.

TIME OF INSPECTION: FROM 1:00  a.m. to 4:30  a.m.  
 p.m. to  p.m.

NAME OF OPERATOR (if other than permittee) \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

Under the authority of the Utah Coal Mining and Reclamation Act of 1979 (Sec. 40-10-1 et seq., Utah Code Annotated, 1953), the undersigned authorized representative of the Director and the Division of Oil, Gas & Mining has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the 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 minesite.

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

Date of Service 2/17/83 \_\_\_\_\_  
SIGNATURE OF AUTHORIZED REPRESENTATIVE [Signature]

Time of Service 9:00  a.m.  p.m. \_\_\_\_\_  
NAME AND I. D. NO. Sandy Pruitt #12

Person Served with Notice Sean Semberoski \_\_\_\_\_  
PRINT NAME AND TITLE Engineering Assistant

Signature Sean Semberoski \_\_\_\_\_

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple - Salt Lake City, Utah 84116 - (801) 533-5771

STATE OF UTAH

Notice of Violation No. N 83-2-1-1

Violation No. 1 of 1

Nature of the Violation

Failure to pass all disturbed area drainage through a sediment pond or treatment facility before leaving the permit area.  
Failure to meet effluent limitations!  
Failure to minimize additional contributions of sediment to streamflow.

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-22 (1)(c)  
UCA 40-10-18 (2)(i)(ii)  
UMC 817.42 (4)(1)  
UMC 817.42 (a)(7)  
UMC 817.45

Portion of the Operation to which Notice Applies

Area 1: Middle fork loadout drainage.  
Area 2: Drainage from the borrow area.  
Area 3: Disturbed area snow sloped onto the downslope from the W.C.C. yard above S. Miller Ct.

Remedial Action Required (including interim steps, if any)

Areas 1 & 2: Design, construct & maintain adequate sediment control measures so that all disturbed area discharges are in compliance with effluent limitations.  
Area 3: Retrieve snow from the downslope to an area that provides adequate sediment control.

Time for Abatement (including time for interim steps, if any)

All Areas: 2 weeks, or no later than March 3, 1983 to provide interim protection that minimizes additional contribution of sediment to streamflow to the extent possible.  
All Areas: 30 days or no later than March 19, 1983 to develop plans for permanent abatement which are to be implemented as soon as weather permits.

February 16, 1983

Inspection Memo to Coal File

RE: Hiawatha Complex  
U. S. Fuel Company  
ACT/007/011 #7  
Carbon County, Utah

A partial inspection of the Hiawatha Complex was conducted on January 19, 1983 by Sandy Pruitt and Jean Semborski. No maintenance work had been conducted around the railroad loadout since the last inspection December 22, 1982. Drainage which is conveyed along the railroad tracks flows off-site with inadequate treatment. Straw bales should be staked down at the discharge point (where the tracks cross the access road) to trap sediment and minimize off-site erosion. Drainage from the loadout is conveyed along the main access road toward slurry pond #5. Snow residue (removed from the road) obstructed flow into the pond so that runoff ponded above the inlet and would flow down the road and off-site. The snow/waste obstruction should be removed so that all drainage along the road is conveyed into slurry pond #5. There is no drainage control on the egress to slurry pond #4 (as discussed during the last inspection). A water bar across the egress will convey disturbed area drainage into the ditch to slurry pond #5. The inspection was completed by 11:30 A.M. U. S. Fuel agreed to have all of the above mentioned work completed by 2:30 P.M. that afternoon. A follow-up inspection was conducted at 2:30 and all of the work had been adequately completed as described above.

Construction of a ditch along the toe of the slurry pond #4 embankment that would convey drainage off the downslope into a sediment pond should be completed before the next monthly inspection.

SANDY PRUITT  
FIELD SPECIALIST

SP/lm

cc: Tom Ehmett, OSM  
Joe Helfrich, DOGM  
Jean Semborski, U. S. Fuel

Statistics:

See Gordon Creek #2 Mine memo, dated February 8, 1983.

February 16, 1983

Inspection Memo to Coal File:

RE: Mohrland Loadout  
ACT/007/011 #7  
Carbon County, Utah

Sandy Pruitt inspected the Mohrland Loadout on January 19, 1983. Coal is stockpiled at the loadout but there was no loading equipment present and no activity evident on the day of this inspection. Due to snow cover it was difficult to access the cumulative environmental damage resulting from inadequate runoff control. Cedar Creek was flowing and appeared accessible near the U. S. Fuel water monitoring point, ST-6. U. S. Fuel water monitoring data for the 4th quarter of 1982 indicates that the iron level in Cedar Creek from above to below the Mohrland loadout is in compliance with the effluent limitations.

SANDY PRUITT  
FIELD SPECIALIST

SP/lm

cc: Tom Ehmett, OSM  
Joe Helfrich, DOGM

Statistics:

See Gordon Creek #2 Mine memo, dated February 8, 1983.

BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES AND ENERGY  
in and for the STATE OF UTAH

#67 #17

-----  
IN THE MATTER OF THE APPLICATION )  
FOR REVIEW AND HEARING BY U.S. FUEL )  
COMPANY REGARDING AN ISSUED MINING )  
VIOLATION )

ORDER  
NO. ACT/007/011/NOV 82-2-6-1

-----  
This cause came on for hearing before the Board of Oil, Gas and Mining on the 27th day of January, 1983, in Room 4110 of the State Office Building, Salt Lake City, Utah.

The following Board Members were present:

- Charles R. Henderson, Chairman
- Herm Olsen, Presiding
- John L. Bell
- Margaret R. Bird
- E. Steele McIntyre
- Robert R. Norman
- Edward T. Beck

The following staff members were present:

- Ronald W. Daniels, Deputy Director
- Sandy Pruitt, Field Specialist
- Barbara Roberts, Special Assistant Attorney General

Appearances were made as follows:

- James T. Jensen, Counsel for U.S. Fuel Company
- Jean Semborski, U.S. Fuel Company

NOW, THEREFORE, the Board, having considered the testimony and the exhibits presented in this hearing, and being fully advised in the premises, now makes and enters the following:

FINDINGS

- (1) On or about June 10, 1982, the State Division of Oil, Gas and Mining conducted an inspection of U.S. Fuel Company's Middle Fork operation.
- (2) On the afore said date the Division inspector, Sandy Pruitt, issued and served notice of a violation upon U.S. Fuel Company.

(3) Said violation was issued because of the operator's alleged failure to maintain sediment control structures to prevent erosion.

(4) An assessment conference before the Assessment Officer was held on or about September 3, 1982. The operator was afforded the opportunity to contest the facts of the violation.

(5) On September 27, 1982, Ronald W. Daniels, Acting Assessment Officer for the Division of Oil, Gas and Mining issued a civil penalty assessment of \$360.00 to the operator, U.S. Fuel Company.

(6) The operator on October 4, 1982, made a timely appeal of the Assessment Officer's decision to the Board of Oil, Gas and Mining.

(7) Representatives of U.S. Fuel Company appeared at the Board's January 27, 1983 hearing and challenged the validity of the issued violations and assessed penalty.

CONCLUSIONS OF LAW

- (1) That the violation occurred as observed by the inspector.
- (2) That the inspector properly issued the violation.
- (3) That the Assessment Officer properly upheld the violation.
- (4) That there was no environmental degradation.

ORDER

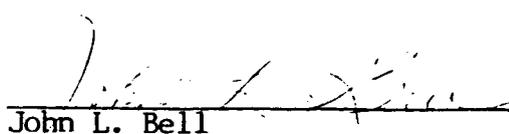
- (1) The violation is upheld as written.
- (2) The penalty assessment of \$360.00 is reduced to \$200.00.

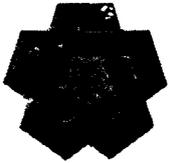
SO ORDERED this 27th day of January, 1983.

STATE OF UTAH  
BOARD OF OIL, GAS AND MINING

  
Charles R. Henderson, Chairman

  
Herm Olsen, Presiding

  
John L. Bell



STATE OF UTAH  
 NATURAL RESOURCES & ENERGY  
 Oil, Gas & Mining

Scott M. Matheson, Governor  
 Temple A. Reynolds, Executive Director  
 Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

February 3, 1983

*ACM / 002 / 011  
 # (7) #8*

Mr. Richard Graeme  
 U. S. Fuel Company  
 Hiawatha, Utah 84527

Dear Mr. Graeme:

This letter is a follow up to the conference which I held with you and Ms. Semborski on November 17, 1982. You will recall that the purpose of the conference was to determine if the Hiawatha Mine Complex during the period from June 1981 through June 1982 exhibited a pattern of violations. A pattern, once determined or suspected to exist must be found by the Division to be caused by an unwarranted failure to comply or caused by willful actions of the operator, according to 40-10-22 (d) U.C.A. The Board's rules however at UMC 843.13(a)(3) and UMC 843.13(b) delegate this function to the Board of Oil, Gas and Mining.

I am therefore, by this letter finding that a pattern of violations existed at the Hiawatha Complex during the period of June 1981 through June 1982. It appears that a pattern of violations in the topsoil management area existed by virtue of N81-1-8-7 (1 and 2 of 7), C81-3-3-1, and N81-3-22-2, all state violations.

By copying this letter to Ms. Barbara Roberts, Assistant Attorney General, I am requesting her assistance in issuing an Order to Show Cause to U. S. Fuel for consideration at the March 1983 Board Hearing. The order will direct U. S. Fuel to show cause why the Hiawatha Complex permit and right to mine under the Act should not be suspended or revoked.

Mr. Richard Graeme  
February 3, 1983  
Page Two

Please contact me if you have any questions on this determination.

Sincerely,



RONALD W. DANIELS  
DEPUTY DIRECTOR

RWD/lm

cc: Barbara Roberts, A.G.  
Paula Frank, DOGM  
Temple Reynolds, DNRE  
Robert Hagen, OSM  
Jim Jensen,  
Joe Helfrich, DOGM  
Jim Smith, DOGM

|                   |                     |                |            |
|-------------------|---------------------|----------------|------------|
| K 4 & 5           |                     | 5 1/2          | 2 for same |
| K 6               | mineyard<br>loadout | 1 1/2<br>5 1/2 |            |
| Entire operation  |                     | 1              |            |
| North Fork        |                     | 1/2            |            |
| 1 Cessation order |                     | *              |            |

Categories of violations

|  |                                  |            |   |
|--|----------------------------------|------------|---|
| <del>Const. related</del>              |                                  |            |   |
| Lack of removal or storage. New Const. | Topsoil related                  | A, B, C, D | 81-1-8-7<br>81-3-3-1<br>81-3-22-3<br>81-3-20-1 x                    |
|  | In conjunction with construction | a, b, c, d |   |
|  | Maintenance problems             | 7          | 81-3-9-2 (2)<br>81-3-13-2<br>81-1-8-7 (3)<br>82-7-2-1 x<br>82-2-6-1 |

~~One time corrections 1 81-3-13-2 outside time~~

|                      |         |                        |
|----------------------|---------|------------------------|
| Sediment control     | A, B, C | 82-7-2-1 x<br>82-2-5-1 |
| construction related | a, b, c | 81-3-20-1 x            |

81-1-8-7 ✓ Failure to pass runoff through sediment control / structure, K6 loadout: Vacated

Failure to pass runoff through sediment control structure, K4 & 5.

✓ Failure to store noncoal waste in approved manner, K6 shop area, later <sup>Vacated</sup> ~~vacated~~

Oct 42250-

81-3-3-1 Cessation Order: Failure to remove, segregate protect topsoil prior to disturbance ~~of~~ by surface operations, K6 Loadout.

Dec?

81-3-22-3 Failure to adequately remove topsoil, K6 loadout

April

82-7-2-1 Failure to pass runoff from disturbed area through sed. pond, K6 yard & Loadout

82-2-6-1 Failure to maintain sed. control structures to prevent erosion, downslope M. Fork parking lot.

Oct?

81-3-20-1 Failure to operate pursuant to approved permit K6 Loadout

June

82-2-5-1 Failure to construct sed. pond in accord. with approved plan, K6 Loadout

# June 1981 to June 1982 Violations

June

81-3-9-2 Failure to seal underground shaft, K 4 & 5.

81-3-9-2 Failure to pass surface drainage from disturbed area, through sediment pond, K 4 & 5.

July

81-3-13-2 Failure to dispose of non-coal waste in a controlled manner in designated portions of permit area. <sup>entire</sup> operation

81-3-13-2 Failure to design, construct & maintain Class I roads. Ditches & culverts - M. Fork, W. Fork road

Sept.

81-8-8-7 V Failure to operate in accordance with approved plan, K. 6. Conveyor construction, all stipulations, vacated

Failure to remove, segregate & stockpile, protect topsoil below M. Fork sed. pond, K6 Loadout area.

Failure to protect topsoil from ~~unnecessary~~ <sup>unnecessary</sup> compaction & contaminants, S. Fork topsoil piles located adjacent to drainage.

Failure to maintain sed. control structures so as to prevent erosion, downslope of M. Fork parking lot



4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

M E M O R A N D U M  
 \* \* \* \* \*

TO: Board of Oil, Gas and Mining  
 FROM: Sandy Pruitt, Field Specialist *SP*  
 SUBJECT: Cause ACT/007/001 - NOV N82-2-6-1 *#7*  
 DATE: January 26, 1982 *File*

The Notice of Violation being contested at this Board Hearing is NOV #1 of 1 (N82-2-6-1) (Exhibit A), issued by Sandy Pruitt on June 10, 1982 for the failure to maintain sediment control structures to prevent erosion [UCA 40-10-22 (1)(c), UCA 40-10-17 (2)(d), UMC 817.45]. The portion of the operation cited in violation was an eroded downslope above the truck loadout pad in Middle Fork Canyon. The abatement action required was: 1. Maintain the berm and drop drain south of the (loadout) conveyor to adequately drain the conveyor area and keep pad drainage off the downslope, 2. Stabilize the eroded downslope. The abatement deadline specified was June 21, 1982.

The events surrounding this violation are presented below:

On May 5, 1982, 35 days prior to the issuance of this NOV, a warning was given to U. S. Fuel Company by Notice of Area Of Concern #2 of 2 (82-2-4-2) (Exhibit B) following an inspection of the Middle Fork conveyor area on May 4, 1982. At that time sediment control structures, a drop drain and berm on the south side of the conveyor directly above the truck loadout, were present and appeared functional but required maintenance since drainage was backing up and the berm was very shallow. The NAOC required the maintenance of the berm and drop drain to keep pad drainage off the downslope. A compliance deadline of June 3, 1982 was discussed and agreed to by Jean Semborski of U. S. Fuel.

When violation #1 of 1 (N82-2-6-1) was first observed on June 9, 1982 it appeared that no maintenance work had been conducted since the warning was issued in May. At the time of this inspection drainage was still ponding extensively beneath the conveyor to the loadout (photos #1 and 2), the drop drain above the loadout was obstructed and the shallow berm behind the drain was breached (photos #3 and 4) so that drainage flowed onto the downslope toward the truck loadout. A gully about 30 feet long and up to 3 feet wide and 6 feet deep was the damage resulting from the uncontrolled drainage onto the downslope (photos #5, 6 and 7).

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To abate the violation, U. S. Fuel Company replaced the culvert in the drop drain and constructed a 3 foot berm along the crest of the slope (photo #8). There has not been any significant erosion on the downslope above the truck loadout since violation #1 of 1 (N81-2-6-1) was abated effectively June 21, 1982.

If abatement of the violation had not been required the uncontrolled drainage would have continued to erode the downslope. As is evidenced by photos #5 through 7 the surficial material on the downslope is coal fines. Beneath that appears to be a coarse material which is capable of supporting vegetation (as evidenced on the downslope to either side of the conveyor). If the erosion were allowed to continue the stability of the fill slope and foundation of the conveyor bent could be adversely affected.

UCA 40-10-22 (1)(c) gives the Division authority to issue a Notice of Violation for a violation of the Coal Mining and Reclamation Act or any permit conditions (which would include compliance with the coal mining performance standards) that does not cause significant, imminent environmental harm to the land, air or water resources. UCA 40-10-17 (2)(d) requires the permittee to "stabilize and protect all surface areas, including spoil piles affected by surface coal mining and reclamation operations to effectively control erosion and attendant air and water pollution". Finally, UMC 817.45 requires that appropriate sediment control measures shall be designed, constructed and maintained using the best technology currently available to ... (iii) minimize erosion to the extent possible. The berm and drop drain on the south side of the conveyor above the Middle Fork loadout, if properly maintained, would have prevented erosion on that downslope.

Excessive erosion on this same portion of the downslope above the Middle Fork loadout was observed by Joe Helfrich and Rex Fiddler during another inspection on September 17, 1981. As a result NOV #4 of 7 (N81-1-8-7) was issued for the failure to maintain sediment control structures so as to prevent erosion [UMC 817.41 (a), UMC 817.45, (iii), (e)(iii)]. U. S. Fuel Company formally contested the violation at a Board Hearing on June 28, 1982 based on the fact that none of the material eroded from the downslope was carried to a natural streambed. As a result of that hearing the NOV was upheld. At that time U. S. Fuel Company requested that a policy or guidelines be made for determining what is excessive on-site erosion. The Permanent Program Task Force submitted a memo to the Board on November 29, 1982 providing their recommendations for determining on-site erosion violations. The results of the June 28, 1982 Board Hearing and the November 29, 1982 memo had no pertinence to NOV N82-2-6-1 at the time it was issued on June 10, 1982 but have been presented here for your recollection as the same violation subject to that Board Hearing has reoccurred.

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In summary NOV #1 of 1 (N82-2-6-1) resulted from U. S. Fuel Company's failure to prevent erosion to the extent possible as required by UMC 817.45 and UCA 40-10-17 (2)(d). UCA-40-10-17(2)(d) clearly applies to all surface areas affected by surface coal mining operations. U. S. Fuel Company was given a valid warning which suggested preventative measures prior to the citation. The large gully resulting from the neglected maintenance of sediment control structures cannot be deemed insignificant erosion when using good discretion. The argument that no off-site damage resulted from the violation is relevant only in assessing a civil penalty. According to UCA 40-10-22 (1)(c) a Notice of Violation shall be issued even when a violation of the Coal Mining and Reclamation Act does not cause significant environmental harm.

SP/lm

Attachments