TO FILE: ACT/007/011
#4, 7

STATE OF UTAH
NATURAL RESOURCES
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

RECEIVED
NOV 05 1984
DIVISION OF OIL
GAS & MINING

October 31, 1984

Dr. Dianne R. Nielson, Director
Utah Division of Oil, Gas and Mining
4241 State Office Building
Salt Lake City, UT 84114

Attention: Wayne Hedberg

Dear Dianne:

The Division has evaluated U. S. Fuel Company's abatement plans for notice of violations N84-4-8, #1 of 8; and N84-4-8-1-3, #1, 2, and 3 of 3.

Generally speaking, the company's plans would be appropriate to safeguard the wildlife resource.

Thank you for an opportunity to review the MRP and provide comment.

Sincerely,

William H. Geer

William H. Geer, Acting Director
DIVISION OF WILDLIFE RESOURCES

October 30, 1984

TO: Coal File

FROM: John Whitehead, Reclamation Hydrologist JW

RE: Site Visit, U. S. Fuel Company, Hiawatha Complex, ACT/007/011, #3 and #7, Carbon County, Utah

On October 12, 1984, Tom Munson and John Whitehead of the Division technical staff visited the Hiawatha Mine site accompanied by Rich White of Earthfax Consulting and Bob Eccli. The purpose of the visit was to examine the Miller Creek stream channel diversion, which was the subject of Notice of Violation (NOV) N84-4-8-8, #1 of 8. The Division had previously reviewed and approved a riprapping measure which would have installed sizeable riprap through the full extent of the channel. The Company requested in a letter dated September 26, 1984, that installation of this riprap material be delayed and that alternatives methods for protecting this channel diversion be investigated.

The entire length of the diversion was inspected. Only one area exhibited any signs of instability or erosion. Alternative methods other than riprap were discussed, such as drop structures to protect this channel section. Mr. Eccli and Mr. White indicated that alternative measures would be forthcoming shortly for the Division's review.

btb
cc: Allen Klein
Robert Hagen
Bob Eccli
Ron Daniels
Mary Boucek
Wayne Hedberg
Joe Helfrich
Dave Lof
Tom Munson
92910-18

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

October 29, 1984

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

Dear Mr. Eccli:

Re: Review of U. S. Fuel Company's Abatement Plans for NOV N84-8-1-3, 2 of 3, ACT/007/011, Folder No. 3 & 7, Carbon County, Utah

The plans submitted for U. S. Fuel by Ford Bacon and Davis Inc. to abate N84-8-1-3, 2 of 3 received August 31, 1984, have been reviewed by Division Hydrologist Mr. Jack Wittman.

Deficiencies for Slotted Drain Plans

The current abatement plan incorporates a slotted cross drain to intercept sheet flow from the south fork truck turn around area and route it into the adjacent sedimentation pond. The operator should provide calculations demonstrating that the additional 10-year, 24-hour storm runoff volume from the road can be adequately handled by the existing facilities. These calculations should include an estimate of the additional area routed into the pond and large scale maps supporting this estimate. Please refer to any existing maps that would aid in the analysis of these additional facilities.

The above information should be submitted to the Division by November 6, 1984.

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If you have any questions or concerns please feel free to contact me or Jack Wittman.

Thank you for your cooperation and prompt attention to these matters.

Sincerely,

D. Wayne Hedberg

D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

JFW:jvb
cc: A. Klein
W. Swain
R. White
J. Helfrich
B. Kale
D. Lof
J. Wittman
T. Wright
97730-8

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

October 29, 1984

CRRR
P 402-457-305

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

Dear Mr. Eccli:

Re: Approval of U. S. Fuel Company's ~~Abatement~~ Plans for NOV N84-8-1-3, 1 of 3 and 3 of 3, ACT/007/011, Folder No. 4 & 7, Carbon County, Utah

U. S. Fuel Company's submittal received August 31, 1984, addressing the abatement of NOV N84-1-3, 1 of 3 and 3 of 3 has been reviewed by Division hydrologists.

After an on-site visit the "as-built" plans for the sedimentation ponds have been found acceptable.

The north fork diversion emergency spillway was reviewed by Division hydrologists and has also been found acceptable. Construction shall commence within five business days of receipt of this approval. Please notify the Division inspection staff when construction begins.

Thank you for your patience and cooperation in this matter.

Sincerely,

D. Wayne Hedberg

D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

JFW:jvb
cc: A. Klein
W. Swain
R. Daniels
J. Helfrich
B. Kale
D. Lof
J. Wittman
T. Wright
97730-10

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

CRRR
P 402-457-305

October 29, 1984

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

Dear Mr. Eccli:

Re: Approval of U. S. Fuel Company's ~~Abatement~~ Plans for NOV N84-8-1-3, 1 of 3 and 3 of 3, ACT/007/011, Folder No. 4 & 7, Carbon County, Utah

U. S. Fuel Company's submittal received August 31, 1984, addressing the abatement of NOV N84-1-3, 1 of 3 and 3 of 3 has been reviewed by Division hydrologists.

After an on-site visit the "as-built" plans for the sedimentation ponds have been found acceptable.

The north fork diversion emergency spillway was reviewed by Division hydrologists and has also been found acceptable. Construction shall commence within five business days of receipt of this approval. Please notify the Division inspection staff when construction begins.

Thank you for your patience and cooperation in this matter.

Sincerely,

D. Wayne Hedberg

D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

JFW:jvb
cc: A. Klein
W. Swain
R. Daniels
J. Helfrich
B. Kale
D. Lof
J. Wittman
T. Wright
97730-10

October 19, 1984

TO: Coal file, Inspection and Enforcement Folder

FROM: David Lof, Mining Field specialist

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

On September 21, 1984 I conducted a partial inspection at the above mentioned mine site.

I inspected the area associated with Notice of Violation N84-4-8-8, No. 7 of 8 and found that the 42 inch culvert had been installed as required.

I inspected Slurry Pond No. 5's south sediment pond and found that the outlet for the dewatering device had been uncovered.

The coal refuse berm being constructed on the outside of Slurry Pond No. 5's embankment appeared to be being constructed properly. The operator is constructing it and compacting it in lifts and is maintaining a proper slope on the outside.

A Modification of Notice was hand delivered to Mr. Read Austin of U. S. Fuel Company who was supposed to deliver it to Jean Semborski of U. S. Fuel Company. The modification was for Notice of Violation N84-4-8-8, No. 2 of 8. The Remedial Action Required was modified to include "or submit a complete and adequate alternate plan which will provide runoff control for the area sited in accordance with UMC 817.42 and UMC 817.45".

jvb
cc: Donna Griffin
Joe Helfrich
Dave Lof
Sue Linner

Statistic: See Consolidation Coal Company, Emery Deep Mine Memo dated October 19, 1984

00300-17

ACT/007/011, Folder #7
#3

UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

October 18, 1984

Mr. D. Wayne Hedberg, Permit Supervisor
State of Utah Natural Resources
Division of Oil, Gas and Mining
4241 State Office Building
Salt Lake City, Utah 84114

RECEIVED
OCT 22 1984
DIVISION OF OIL
GAS & MINING

RE: Violation N84-4-8-8,
2 of 8.

Dear Mr. Hedberg:

We have received your letter of October 11, 1984 regarding Violation N84-4-8-8, 2 of 8. We appreciate the Division's clarification of the intent of this violation.

In accordance with your letter we wish to request a small area exemption as outlined in UMC 817.42 (a)(3)(ii)(A). This regulation seems to imply that no treatment is necessary provided the area is small and there is no mixture of surface drainage with a discharge from mine workings. If the Division feels that treatment is necessary then the following is provided:

A level survey of the road cross section was run on October 15. The survey confirms that the road is crowned between stations 144+00 and 150+50, a distance of 650 feet. Runoff above 150+50 is diverted to the sediment pond by cross culverts. (See Exhibit III-1C of our permit application). Two 12 inch culverts have been installed at the location labed "proposed 12 inch culvert" on the exhibit. The road surface slopes to the south between station 144+00 and the sediment pond.

UTAH KING COAL

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.

The area of the road which contributes runoff to the side ditch on the north side is 12' x 650' or 0.18 acre. The road between station 144+00 and the mine yard is an access road not a haul road and is subject to much less accumulation of coal fines than that portion below station 144+00 .

Surface drainage entering the side ditch on the north side of the road is proposed to be treated in a sediment trap located near station 130+00. This sediment trap is described in Abatement Plans for Notice of Violation N84-4-8-8, 8 of 8 which was submitted August 17, 1984. (See page 2/26 of that submittal).

Sincerely,

Robert Eccli

Robert Eccli
Senior Mining Engineer

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

October 17, 1984

Mr. Allen Klein, Administrator
Office of Surface Mining
Brooks Towers
1020 15th Street
Denver, Colorado 80202

Dear ~~Mr. Klein~~ Allen:

RE: U. S. Fuel Company, Hiawatha Mine Complex Permit Application Package, ACT/007/011, Folder No. 2, 6 & 7, Carbon County, Utah

Recently our office verbally expressed concern to your staff over the adequacy of sections of U. S. Fuel Company's, permanent Permit Application Package (PAP) for it's Hiawatha Mine Complex. Additionally, there are several outstanding NOV's which address certain parts of the mining and reclamation plan that are either inadequate or nonexistent in the PAP. The purpose of this letter is to set forth our concerns for your consideration.

The "current" Hiawatha PAP is poorly organized, confusing and in complete disarray. There is no index or cross reference to aid in locating any particular section of the PAP. In fact, there are so many responses to comments made by regulatory authorities that it is difficult to determine which response was found complete and adequate and which have since been updated or revised. The Division recognizes the fact that this is a problem that plagues many of the older interim permit application packages, but we also are of the opinion that this situation could be rectified during the current technical review of the Hiawatha PAP by the OSM.

One example of this problem involves the hydrology section of the PAP. The original PAP references a 1978 Vaughn Hansen hydrology report. The Vaughn Hansen report was later supplemented by a Rollins, Brown & Gunnell report in May of 1979. Data from both of these were used in the Hydrologic Information for Sedimentation Pond for King VI Mine 42" Overland Conveyor Belt submittal of July 1980, which in turn, was partially modified in October of 1980. Once again, even these plans have been modified by an NOV, N84-8-1-3 (#1 of 3), abatement plan.

Granted, revisions are part of the permitting process, however section UMC 771.23, Permit Applications - General Requirement for Format and Contents, subparagraph (b) states that: "Information set forth in the application shall be current, presented clearly and concisely, and supported by appropriate references to technical and other written information available to the Division". Subparagraph (e)(1) states in part that: "Maps submitted with applications shall be presented in a consolidated format, to the extent possible, ...". The hydrology section of the U. S. Fuel's PAP contains numerous submittals and responses, each with a number of updated, revised or current maps. There has been no attempt on the part of the operator to consolidate or organize either the maps or the technical material. This causes much frustration and confusion for the reviewer as to what is current versus what has been superseded.

A second point of Division concern is with the adequacy of the PAP. The hydrology section contains many problem areas. As an example, the maps in the 1978 Vaughn Hansen report cited in the PAP are inadequate. Specifically:

1. There is no definition of the undisturbed area contributing to the sediment ponds.

2. The diversion structures are not shown and some culverts are missing.

3. The existing inflow locations are not shown.

4. The pond locations are "tentative".

5. The scale on several of the maps is inappropriate for critical analysis (Some maps have no scale at all).

6. Several maps are not certified.

These deficiencies make it impossible to perform an indepth technical review of the sizing calculations used to design the ponds. Adequate maps should clearly show all of the contributing area to each pond including all of the ditches, berms and culverts used to route the runoff into or away from the pond. The scale should be appropriate for the determination of the technical adequacy of the plans under design conditions.

Beyond these deficiencies there are also sections of the PAP that do not exist. For example, there is no road drainage control plan for the Middle Fork road. Because there is no plan, violations have been issued by the inspection and enforcement staff on culvert spacing, erosion control, and sediment contribution. While this enforcement approach would eventually produce a complete plan, it is a costly, confusing and very time consuming method for resolving technical deficiencies which should have been addressed and resolved during the processing of the PAP. The enforcement approach serves only to propagate the problems of clarity mentioned above.

There are also problems with the vegetation data and selection of reference areas (See Vegetation Information submitted July 1983 in response to DOGM ACR review) as follows:

1. Tables 60 and 61 reveal that the cover and woody plant density in affected areas and corresponding reference areas are not similar.

2. Similarity based on species composition meets only DOGM's minimum similarity guideline of 70% for one of the twelve reference areas and corresponding affected area.

3. Reference areas MBR-1 and MCR-2 were not resampled as required by the apparent completeness review. Reported values for cover are unrealistic for these vegetation types (Original sampling was done with unacceptable methods).

4. Reference areas must be in fair or better condition or must be fenced or otherwise managed to improve condition to fair or better at the time of bond release. Page 14 indicated that all reference areas are poor to fair and that the company does not intend to fence or manage them.

5. Without additional data and/or management plans to justify variances to DOGM guidelines, none of the proposed reference areas are acceptable which means the company would have no approved standard on which to base reclamation success.

The Division is concerned that there may be potential problems which exist in other disciplines of the PAP as well.

It is the Division's position that OSM should reevaluate the technical adequacy of the PAP, with particular attention being applied to the deficient hydrologic design sections. The operator should be required to assemble a current, complete and concise hydrologic drainage control plan which addresses the entire Hiawatha Mine Complex. The Division staff is willing to discuss the problems uncovered to date with OSM if desired.

The Division would appreciate an expeditious response to these concerns. Unless these concerns cannot be resolved as part of the formal PAP permitting process (which OSM is now undertaking), the Division will not be in a position to support positive findings, or an OSM approval recommendation for this permit application.

Please let me know if these concerns need further clarification or discussion.

Best regards,

Dianne

Dianne R. Nielson
Director

jvb
cc: Robert Hagen
Walt Swain
Ron Daniels
Wayne Hedberg
Lynn Kunzler
Susan Linner
Dave Lof
Jim Smith
John Whitehead
Jack Wittman

97730

Tom, these are the soil results you requested in the Aug. 28, 1984 letter concerning additional information on N84-4-8-8 6 of 8 UMC 817.21-.25.

UTAH STATE UNIVERSITY · LOGAN, UTAH 84322

SOIL, PLANT and WATER
ANALYSIS LABORATORY
UMC 48

RECEIVED
OCT 15 1984
DIVISION OF OIL
GAS & MINING

File
ACT/007/011
Folder #7

Mr. Robert Eccli
U.S. Fuel Co.
P.O. Box A
Hiawatha, UT 84527

October 5, 1984

Samples received on 9/6/84.

USU Log #	Ident.	Hydrometer (%) Sand	Silt	Clay	Texture	pH	% O.M.	SP	% $CaCO_3$	CEC	ECe	SAR	% N	ppm NO_3-N	ppm P	Sat.Ext. (meq/100g) K	Ca	Mg	Na
84-5210	Composite of 1' depth S1	56	30	14	Sandy Loam	8.0	1.93	33	11.0	4.7	39	100	.09	5.3	2.2	.04	.31	.19	9.9
84-5211	2' depth S2	58	27	15	Sandy Loam	7.9	1.30	31	11.5	3.8	85	215	.05	.6	1.9	.06	.34	.16	23.7

SP = % Water at Saturation
CEC = Cation Exchange Capacity measured in meq/100g
ECe = Electrical Conductivity of Saturation Extract measured in mmhos/cm
SAR = Sodium Adsorption Ratio

RAD

Sampling method- five samples were taken from the first foot at five different locations in the 90'x 90' area. This is identified by S1. It is a composite sample of the five taken. Three samples were taken from the 12 to 24 inch depth at three different locations. They were combined as one composite sample ~~and~~ which is identified as S2.

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

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

October 11, 1984

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

Dear Mr. Eccli:

RE: Letter of September 27, 1984 on Notice of Violation N84-4-8-8, #2 of 8, Hiawatha Complex, ACT/007/011, #3, #7 and #8, Carbon County, Utah

Your letter requests clarification of the intent of the violation. U. S. Fuel Company is of the opinion that the area in question is adequately addressed. The following explanation is provided by Dave Lof, the issuing inspector.

Exhibit XIII-2B of the operator's permit application, entitled "Middle Fork Haul Road," shows that the Middle Fork Road surface is crowned. Because the road is crowned, some of the runoff from the road surface enters the road side ditch on the north side. This runoff mixes with undisturbed runoff from the adjacent slopes and bypasses the Middle Fork sediment pond.

Runoff from the Middle Fork Road from Station 143+00 to its terminus is not treated in accordance with either UMC 817.42(a)(1) or the operator's approved interim permit.

UMC 817.42(a)(1) states that all surface drainage from the disturbed area shall be passed through a sediment pond, a series of sediment ponds, or a treatment facility before leaving the permit area. According to the regulations, the portion of the road addressed in the violation should be treated as described in UMC 817.42(a)(1). Because the road is crowned, some of the disturbed area runoff bypasses the sediment pond.

Figure 4 of the "Surface Hydrology and Culvert Adequacy. . . ." study prepared by Vaughn Hansen Associates in August 1978, entitled "Middle Fork Yard," includes the area addressed in the violation within the disturbed area boundary. This figure, along with more specific design information, was the basis for granting approval of the Middle Fork Sediment Pond. Therefore, the approval of the sediment pond required that all of the disturbed area, as shown in Figure 4 be passed through the sediment pond. Once again, because the road surface is crowned, a portion of the disturbed area bypasses the sediment pond.

Disturbed area runoff from the road must be treated in accordance with UMC 817.42(a)(1) or the Division may grant a small area exemption in accordance with UMC 817.42(a)(3). The installation of the slotted cross drain would meet the requirements of UMC 817.42(a)(1).

In order for the Division to grant a small area exemption for the road, the operator must demonstrate, by use of alternative sediment control measures, that the drainage will meet all applicable state and federal effluent limitation standards.

Should you have further questions on this matter, please feel free to contact Dave Lof or myself.

Sincerely,

D. Wayne Hedberg

D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

JW/btb
cc: Allen Klein
Robert Hagen
Joe Helfrich
Jim Smith
92910-13 & 14

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

October 9, 1984

Mr. Robert H. Hagen, Director
Albuquerque Field Office
Office of Surface Mining
219 Central Avenue, NW
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

RE: Notice of Violation Abatement Plans for Stream Channel Diversion (N84-4-8-8, #1 of 8) and Middle Fork Road Drainage (N84-4-8-8, #8 of 8), U. S. Fuel Company, Hiawatha Complex, ACT/007/011, #3 and #7, Carbon County, Utah

Enclosed please find one (1) copy each of U. S. Fuel Company's Notice of Violation Abatement Plans for two violations at their Hiawatha Complex. The Division is forwarding this copy to update your files and current MRP copies.

Should you have any questions or problems pertaining to this information, please contact me.

Sincerely,

D. Wayne Hedberg

D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

DH/btb
cc: Joe Helfrich
Dave Lof
03380-8

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

October 9, 1984

Mr. Allen D. Klein, Administrator
Western Technical Center
Office of Surface Mining
Brooks Towers
1020 Fifteenth Street
Denver, Colorado 80202

Dear Mr. Klein:

RE: Notice of Violation Abatement Plans for Stream Channel Diversion (N84-4-8-8, #1 of 8) and Middle Fork Road Drainage (N84-4-8-8, #8 of 8), U. S. Fuel Company, Hiawatha Complex, ACT/007/011, #3 and #7, Carbon County, Utah

Enclosed please find two (2) copies each of U. S. Fuel Company's Notice of Violation Abatement Plans for two violations at their Hiawatha Complex. The Division is forwarding these copies to update your files and current MRP copies.

Should you have any questions or problems pertaining to this information, please contact me.

Sincerely,

D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

DH/btb
cc: Joe Helfrich
Dave Lof
03380-7

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

October 9, 1984

Mr. Kenneth Alkema
Department of Health
Division of Environmental Health
P. O. Box 2500
Salt Lake City, Utah 84101

Dear Mr. Alkema:

RE: Notice of Violation Abatement Plans for Two Violations (N84-4-8-8, #1 of 8 and N84-8-1-3, #1, #2 and #3 of 3), U. S. Fuel Company, Hiawatha Complex, ACT/007/011, #3 and #7, Emery County, Utah

Enclosed please find one (1) copy of U. S. Fuel Company's Notice of Violation abatement plans for a stream channel diversion, a sediment pond modification, the South Fork truck turnaround and North Fork diversion at their Hiawatha Complex. The Division is forwarding these copies to update your files.

Should you have any questions or problems pertaining to this information, please contact me.

Sincerely,

D. Wayne Hedberg

D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

DH/btb
cc: Joe Helfrich
Dave Lof
03380-16

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

October 9, 1984

Mr. Allen D. Klein, Administrator
Western Technical Center
Office of Surface Mining
Brooks Towers
1020 Fifteenth Street
Denver, Colorado 80202

Dear Mr. Klein:

RE: Notice of Violation Abatement Plans for Two Violations (N84-4-8-8, #1 of 8 and N84-8-1-3, #1, #2 and #3 of 3), U. S. Fuel Company, Hiawatha Complex, ACT/007/011, #3 and #7, Carbon County, Utah

Enclosed please find three (3) copies of U. S. Fuel Company's Notice of Violation abatement plans for a stream channel diversion, a sediment pond modification, the South Fork truck turnaround and North Fork diversion at their Hiawatha Complex. The Division is forwarding these copies to update your files and current MRP copies. These copies are provided for information purposes only.

Should you have any questions or problems pertaining to this information, please contact me.

Sincerely,

D. Wayne Hedberg

D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

DH/btb
cc: Joe Helfrich
Dave Lof
03380-18

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

October 9, 1984

Mr. William H. Geer
Acting Director
Division of Wildlife Resources
1596 West North Temple
Salt Lake City, Utah 84116

Dear Mr. Geer:

RE: Notice of Violation Abatement Plans for Two Violations (N84-4-8-8, #1 of 8 and N84-8-1-3, #1, #2 and #3 of 3), U. S. Fuel Company, Hiawatha Complex, ACT/007/011, #3 and #7, Emery County, Utah

Enclosed please find one (1) copy of U. S. Fuel Company's Notice of Violation abatement plans for a stream channel diversion, a sediment pond modification, the South Fork truck turnaround and North Fork diversion at their Hiawatha Complex. The Division is forwarding these copies to update your files.

Should you have any questions or problems pertaining to this information, please contact me.

Sincerely,

D. Wayne Hedberg

D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

DH/btb
cc: Joe Helfrich
Dave Lof
03380-17

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

October 5, 1984

CERTIFIED RETURN RECEIPT REQUESTED
(P492 430 103)

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

Dear Mr. Eccli:

RE: U. S. Fuel Company Response to Notice of Violation N84-4-8-8, #1 of 8, Hiawatha Complex, ACT/007/011, #3 and #7, Carbon County, Utah

The Division has reviewed U. S. Fuel Company's recent letter dated September 26, 1984 pursuant to the Notice of Violation (NOV) referenced above.

The Division concurs with your justification and approves the request for an extension of time in which to begin construction of the approved (September 12, 1984) NOV abatement plan beyond the October 12, 1984 deadline.

The Division is willing to meet with your hydrology consultant (on-site, if necessary) to discuss alternative abatement plan design options. A tentative date for a meeting should be established no later than October 9, 1984. The Division suggests a meeting sometime during the week of October 9-12, if possible.

Please contact us upon receipt of this letter to finalize a date. Alternative plans must be approved and implemented during low flow conditions, no later than September 30, 1985.

Thank you for your cooperation in this matter. Please feel free to contact me if you should have any questions.

Sincerely,

D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

JW/btb
cc: Allen Klein
Robert Hagen
Ron Daniels
Joe Helfrich
Dave Lof
John Whitehead
92940-15 & 16

FILE: ACT/007/011
#3, 7

UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

September 27, 1984

RECEIVED
OCT 01 1984
DIVISION OF OIL
GAS & MINING

Mr. D. Wayne Hedberg
Permit Supervisor
State of Utah Natural Resources
Oil, Gas and Mining
4241 State Office Building
Salt Lake City, Utah 84114

Dear Mr. Hedberg;

This letter is in regard to NOV N84-4-8-8, 2 of 8 which deals with the installation of a slotted cross drain on the Middle Fork haul road.

The original violation states, "Submit complete and adequate plans to the Division for the installation of a slotted cross drain 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."

Plans were submitted by us, under protest, in August to address the installation of a slotted cross drain. The plans were submitted to avoid a cessation order and not as an admission that a cross drain is required.

On September 21, 1984 the inspector issued a modification to this violation which states: add, "or submit a complete and adequate alternate plan which will provide runoff control for the area sited in accordance with UMC 817.43 and UMC 817.45."

The intent of this violation has never been clear to us. If the intent is to control runoff from the haul road and the truck loadout area, then we contend that this runoff is being adequately controlled under our existing approved plan and that a cross drain is not needed. If the intent is to treat the runoff from the undistrubed area north of the Middle Fork road between the sediment pond and the mine yard, then we wish to point out that that runoff is proposed to be treated in a sediment trap described in our plan for NOV N84-4-8-8, 8 of 8 relating to the Middle Fork Road Drainage.

Please advise us if there are other issues regarding this violation which we may not be aware of.

Sincerely,

Robert Eccli

Robert Eccli
Sr. Mining Engineer

RE:lj

UTAH KING COAL

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.

File: ACT/007/011
#3, 7

UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

RECEIVED

SEP 28 1984

DIVISION OF OIL
GAS & MINING

September 26, 1984

Mr. D. Wayne Hedberg
Permit Supervisor
State of Utah Natural Resources
Oil, Gas and Mining
4241 State Office Building
Salt Lake City, Utah 84114

Dear Mr. Hedberg;

This letter is in regard to NOV N84-4-8-8, 1 of 8 which deals with riprap installation in the stream channel diversion near Hiawatha.

We received your letter of September 12, 1984 stating that our previously submitted plan was approved and that the plan be implemented by October 12, 1984.

After receiving a cost proposal for delivery and installation of the riprap, as well as on site discussions with several members of your technical staff, we feel that a more cost effective and less environmentally destructive approach to this problem could be attained. For this reason we request an extension of time in which to begin construction so that a revised plan can be submitted.

Our reasons for this request are as follows:

1. Discussions on site with members of your technical staff indicate that alternative approaches may be acceptable.

2. Implementation of the existing plan would destroy established vegetation including numerous young trees.

3. Installation of five foot thickness of riprap would result in substantial disturbance to the stream channel and cause considerable contributions of suspended solids to stream flow.

4. With five feet of riprap the normal stream flow, which is quite small, could flow through the riprap rather than on the surface, thus limiting water available to wildlife.

UTAH KING COAL

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.

5. A recently received cost estimate based on the original proposal was in excess of $100,000.00.

As mentioned above, we request an extension of time to begin work on this project. We propose that our hydrology consultant meet with members of your technical staff to arrive at a solution which would be more cost effective and less damaging to the environment.

Sincerely,

Robert Eccli

Robert Eccli
Sr. Mining Engineer

RE:lj

September 4, 1984

TO: Coal File, Inspection and Enforcement Folder

FROM: Tom Wright, Mining Field Specialist TW

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

DATE: July 30 and 31, 1984
TIME: 2:00 p. m. - 5:00 p.m.
and 8:00 a.m. - 4:00 p.m.
WEATHER: Sunny and warm
COMPANY OFFICIAL: Jean Semborski
STATE OFFICIAL: David Lof, Tom Wright
ENFORCEMENT ACTION: Notice of Violation N84-8-1-3

Compliance with Permanent Performance Standards

UMC 771 et al Permits

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

1. A letter from U. S. Fuel dated February 13, 1984 to the Division reporting the reactiviation of the King 6 mine portals.

2. A letter from the Division dated January 27, 1984 granting approval for an emergency breakout with stipulations.

3. An approval from the Environmental Protection Agency (EPA) for an emergency discharge point in the Morhland area for U. S. Fuel in abatement of Notice of Violation N83-4-9-2, # 2of 2.

UMC 817.11 Signs and Markers

A sign identifying the Hiawatha complex is in place on the access road.

UMC 817.41-.52 Hydrologic Balance

Sediment and slurry pond inspection reports were reviewed with the most recent dated June 20, 1984. A letter from U. S. Fuel dated July 10, 1984 to the Division requesting that pond inspections be conducted quarterly instead of monthly was also reviewed.

The sediment ponds for the South Fork portal pad, South Fork loadout Middle Fork portal pad and Slurry Pond #5's south sediment pond were examined and measured. Each of these ponds

were deficient in some way from what had been approved by the Division and certified by U. S. Fuel's registered professional engineer.

Following are examples of discrepancies between the approved plans and the as-built sediment ponds:

- spillways on opposite ends
- spillway sizing incorrect.
- undersized pond
- embankment slopes too steep.

As a result of these discrepancies, Notice of Violation N84-8-1-3, #1 of 3 was issued on August 10, 1984. It reads as follows:

Nature of the Violation

Failure to mine in accordance with the approved permit.

Provision of the Regulations, Act or Permit Violated

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

Portion of the Operation to Which the Notice Applies

Middle Fork Mine yard Sediment Pond.
South Fork Coal loadout Sediment Pond
South Fork Mine yard Sediment Pond.
Slurry Pond #5 South Sediment Pond.

Remedial Action Required

A. Reconstruct the sediment ponds in accordance with the approved interim permit and have the ponds recertified by a professional engineer.

OR

B. Submit complete and adequate plans to modify the approved plans.

Time for Abatement

August 24, 1984, 5:00 p.m.

Disturbed area drainage from the South Fork loadout area has been bypassing the inlet to the culvert which is supposed to convey all disturbed area runoff to the loadout sediment pond. Coal fines and other sediment were evident on the haulroad and in the adjacent drainage ditch indicating that the drainage was not controlled. As a result of this, Notice of Violation, N84-8-1-3, #2 of 3 was issued on August 10, 1984, the violation reads as follows:

Nature of the Violation

Failure to pass all surface runoff from a disturbed area through a sediment pond or treatment facility before it leaves the permit area.

Provision of the Regulations, Act, or Permit Violated

UCA 40-10-22
UMC 817.42 (a)(1)

Portion of the Operation to Which Notice Applies

The South Fork coal loadout truck turn around pad

Remedial Action Required

Submit complete and adequate plans showing how the existing lower truck crossing will be modified to insure that all disturbed area runoff will pass through the sediment pond.

Time for Abatement

August 24, 1984, 5:00 p.m.

U. S. Fuel has approval to divert a portion of the North Fork of Miller Creek into the mine at a point a couple hundred feet below the ventilation portal. This water is diverted through the old No. 2 Hiawatha Mine workings where 100,000,000 gallons can be stored.

A small diversion dam is constructed on the stream.
The diversion dam raises the water level so that the water may enter a standpipe and then be conveyed into the mine workings. Excess water passes through an overflow structure on the north side of the diversion dam embankment.

Sediment has accumulated in the small basin and the inlet of the standpipe is almost covered. In addition, the overflow structure appeared to be too small to handle peak stream flow. As a result Notice of Violation, N84-8-1-3, 3 fo 3 was issued on August 10, 1984. The violation reads as follows:

Nature of the Violation

Failure to design and construct discharge structure in such a manner to reduce erosion, prevent deepening and enlargement of stream channel and to minimize disturbance of the hydrologic balance.

Provisions of the Regulation, Act, or Permit Violated

UMC 817.47

Portion of the Operation to Which the Notice Applies

North Fork Diversion Dam Spillway

Remedial Action Required

Submit complete and adequate plans for the discharge structure to insure that the structure will pass safely the peak runoff of a 10 year, 24 hour event if it is temporary, or a 100 year, 24 hour event if it is a permanent structure.

Time for Abatement

August 24, 1984, 5:00 p.m.

New strawbales have been placed on the lower side of the two timber storage sites adjacent to the Middle Fork haul road.

A water sample was collected at the outlet of the Middle Fork Yard undisturbed runoff bypass culvert to determine the amount of Total Iron in the water. The sample was sent to the Utah State Health Laboratory for testing. Results are not available at this time.

UMC 187.52 Surface and Ground Water Monitoring

The operators required quarterly were reviewed water monitoring reports with the most recent reports dated June 18, 1984. The Operators NPDES permit from the Environmental Protection Agency (EPA) expires June 30, 1987.

UMC 817.111-.117 Revegetation

The sediment ponds for facilities at the higher elevations have a good cover of grasses established on the embankments. Ponds for the facilities on the flats below have a good deal less vegetation on the embankments.

Attempts have been made on the slopes above the North Fork ventilation shaft to establish a diverse cover of grasses. Cattle grazing on the area have reduced the establishment of cover.

UMC 817.150 - .176 Roads

The South Fork haul road appears in good shape. The surface is maintained and drainage controls appear functional. Ditches are carrying flow without any apparent serious impacts and culverts appear to be open and able to handle the flow. No erosion problems from culvert outlets to the stream were evident.

re

cc: Donna Griffin, Office of Surface Mining
219 Central Ave. N.W., Albuquerque, New Mexico 80202
Jean Semborski, U. S. Fuel Company, Hiawatha, Utah 84527
Joe Helfrich
Sue Linner
Dave Lof

Statistics:

Vehicle: EX 45,428, 351 miles
Per Diem: 2 people X 1 day, 10 hours = $193.80
Grant: A&E
00350 5-9

FILE ACT/007/011
FOLDER #7

SCOTT M. MATHESON
Governor

GORDON E. HARMSTON
Executive Director, NATURAL RESOURCES

CLEON B. FEIGHT
Director

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

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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 Permitee 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 84-4-8-8 ___ Y ___ TV dated MAY 11, 19 84.

Cessation Order No. C _____ ___ Y ___ TV dated _____, 19____.

Violation No. 2 is hereby X Terminated EFFECTIVE 8/17/84 ___ Vacated because:

Violation No. 8 is hereby X Terminated EFFECTIVE 7/13/84 ___ Vacated because:

Violation No. ___ is hereby ___ Terminated ___ Vacated because:

Date of Service SEPT. 25, 1984

David Lof
Signature of Authorized Representative

Time of Service or Mailing 8:40 X a.m. ___ p.m.

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

FILE ACT/007/011
FOLDER #7

SCOTT M. MATHESON
Governor

GORDON E. HARMSTON
Executive Director, NATURAL RESOURCES

CLEON B. FEIGHT
Director

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
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OIL, GAS, AND MINING BOARD

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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 Permitee 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• ___ Y ___ TV dated _____, 19___.

Cessation Order No. C 84-4-2-2 ___ Y ___ TV dated AUGUST 14, 19 84.

Violation No. 1 is hereby X Terminated EFFECTIVE 8/17/84 ___ Vacated because:

Violation No. 2 is hereby ___ Terminated X Vacated because:

Violation No. ___ is hereby ___ Terminated ___ Vacated because:

Date of Service 9/25/84 David Lof
Signature of Authorized Representative

Time of Service or Mailing 9:15 X a.m. ___ p.m. DAVID LOF #4
Name and I.D. No.

No. 1 — PLANS WERE RECEIVED ON THIS DATE TO ABATE THE CO & N84-4-8-8
2 OF 8

No. 2 - THE INITIAL NOV WAS MODIFIED TO SIMPLY REQUIRE THE SUBMITAL OF PLANS. THE PLANS WERE SUBMITTED ON 7/13/84 IN ACCORDANCE WITH THE DEADLINE SET FOR THE NOV (N84-4-8-8, 8 OF 8).

FILE ACT/007/011
FOLDER #7

SCOTT M. MATHESON
Governor

GORDON E. HARMSTON
Executive Director, NATURAL RESOURCES

CLEON B. FEIGHT
Director

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
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MAXILIAN A. FARBMAN
EDWARD T. BECK
E. STEELE McINTYRE

Modification of Notice or Order

To the Following Permitee 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 84-4-8-8 ___ Y ___ TV dated MAY 11, 1984.

Cessation Order No. C _____ ___ Y ___ TV dated _____, 19___.

Violation No. 2 is modified as follows: FOR BOTH VIOLATIONS DELETE THE WORDS "COMPLETE AND ADEQUATE" FROM THE "REMEDIAL ACTION REQUIRED."

The reason for this modification are as follows:

Violation No. 8 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 SEPT. 25, 1984

David Lof
Signature of Authorized Representative

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

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

FILE ACT/007/011
FOLDER #7

SCOTT M. MATHESON
Governor

GORDON E. HARMSTON
Executive Director, NATURAL RESOURCES

CLEON B. FEIGHT
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STATE OF UTAH
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EDWARD T. BECK
E. STEELE McINTYRE

Modification of Notice or Order

To the Following Permitee or Operator:

Name U.S. Fuel Co. — Hiawatha Complex

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 84-4-8-8 ___ Y ___ TV dated May 11, 1984.

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, " OR

Violation No. ___ is modified as follows: SUBMIT A COMPLETE AND ADEQUATE ALTERNATE PLAN WHICH WILL PROVIDE RUNOFF CONTROL FOR THE AREA SITED IN ACCORDANCE WITH UMC 817.42 AND UMC 817.45"

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 Sept. 21, 1984

Signature of Authorized Representative

Time of Service or Mailing 4:30 ___ a.m. X p.m.

David Lof #2
Name and I.D. No.

ACT/007/011 #7

September 21, 1984

TO: Coal File

FROM: Jack Wittman: Reclamation Hydrologist

RE: U. S. Fuels Hiawatha Complex (NOV N84-1-3, 1 of 3, 2 of 3 and 3 of 3)

1 of 3

On September 17th 1984 I toured the U. S. Fuel Hiawatha Complex with Mr. Bob Eccli. We visited four sediment ponds that were the subject of a recently issued Notice of Violation (N84-1-3, 1 of 3), "failure to mine in accordance with interim permit". The as build designs of these ponds were significantly different than the plans. The following is a description of each pond visited and the problems that may have to be addressed before the ponds can be approved.

Sedimentation Pond for Slurry Pond No 5 South

This pond is located to the east of a large slurry pond waste embankment. There are two riprapped inlet ditches on the west side of the sedimentation pond, each draining a portion of the embankment slope. Interril and rill erosion along that west side of the sedimentation pond have made the riprapped inlets less effective in controlling runoff. A contoured diversion ditch is needed along the embankment to intercept this runoff and route it into one of the diversion ditches. This measure would prevent further erosion by directing the flow into the protected channels. The riprap in these channels need maintenance and should probably be rebuilt to mitigate the structural drainage done by the uncontrolled erosion on the adjacent areas. The southern inlet also needs maintenance and clean up. Along the lower stretch of the inlet the ditch banks are irregular and not adequately protected.

The emergency spillway was in good repair and appeared to be built as designed. This pond has never been even half full despite many large storm events. This may in part be due to the coarse, porous nature of the contributing area and of the pond material itself.

South Fork of Miller Creek: Sedimentation Pond

This pond is located in the South Fork of Miller Creek channel depression. The creek is routed underneath the pond through a 36 inch corrugated steel culvert. The inlet is a rather steep riprapped ditch with several dumped rock check dams in the steepest stretch. These check dams could be more "orderly," but they appear to be serving their purpose of decreasing the velocity of the inlet flow.

The emergency spillway is located along the southern end of the dam, furthest from the road. The spillway appeared to be in good repair and was in accord with the "as-built" plans. The exterior and interior slopes looked to be stable and very close to the designs.

King VI Overland Belt Sedimentation Pond

This pond is built along a steep portion of the canyon between the road and the creek. The inlet is a downspout built of 24 inch corregated steel pipe located on the west end of the pond. The end of the downspout hangs approximately five feet above a riprap rock splash basin which drains off the steep embankment, over riprap to the bottom of the pond. This inlet structure could use some maintenance but appears to be functioning.

The emergency spillway is on the opposite (east) end of the pond. It is a riprap spillway down a very steep embankment to the stream. There are two problems with the spillway as built: the bank may be too steep for the riprap to be effective, and the riprap itself is not placed along the "fall-line" to the stream channel. I suggested to Mr. Eccli that a culvert may be the best way to solve these design problems. We discussed the possibility of using PVC instead of galvanized steel as an alternative downspout material. Given the steep slopes PVC has some real advantages in terms of installation. I will consult with other staff hydrologist for input on this question.

Middle Fork of Miller Creek Sedimentation Pond for Middle Fork Yard

This pond is located in the Middle Fork stream channel depression. The stream is routed underneath the pond through a 33 inch culvert. There are two 24 inch inlet culverts and one riprapped inlet ditch. The riprapped inlet is in need of repair but it appeared to be performing as designed. The inspectors had noted their concern that overland flow was bypassing the inlet and entering the spillway or simply running along the road until intercepting a natural drainage to the stream. My inspection showed no indication that this was occuring.

This pond also appeared to be very close to the as-built plans.

2 of 3

This violation was written on the loadout area on South Fork road west of the sedimentation pond.

The Abatement Plan calls for two 24 inch culvert cross drains to be installed on the truck turn around road and one on the South Fork road. These culverts would presumably be linked with a drainage ditch running along the north shoulder of South Fork road.

Concerns & Deficiencies:

1. The plans do not include any estimates about the change in runoff volume to be handled by the sediment pond.

2. Because the undisturbed area and road drainage above the loadout are routed along the north shoulder of the road, the effective contributing area would be large. The violation only addresses the loadout disturbed area and therefore should not be designed to treat the canyon runoff.

   It might be suggested that the operator isolates the disturbed area runoff from the up canyon and up hill undisturbed area runoff so that the additional volume could be handled by the existing sedimentation pond. This might be accomplished by using ditches, culverts and/or berms that would contain and separate the disturbed from undisturbed runoff.

3. Cross sections of the drainage system are needed to identify the relative position of the culverts, ditches and diversion structures.

4. Alternatives to slotted cross drains should be considered (e.g. concrete swales) because of potential maintenance problems with the slotted drains during winter months.

3 of 3 Adequate

jvb
cc: R. Daniels
W. Hedberg
D. Lof
96510-10

Copy 3 of 3
File: [illegible]

RESPONSE TO REVIEW COMMENTS ON VIOLATION N84-4-8-8, #4 of 8 and #6 of 8 #7

Sept. 13, 1984

Maps in Folder #15 (Red Folder)

UMC 817.46 Hydrology

1) The catch basin spillway will pass the 25 year, 24 hour storm as shown by the Peak Flow Calculation sheet accompanying this submittal. The spillway is of adequate size and depth to give the basin the required one foot minimum between the water surface and settled top of the embankment (UMC 817.46 j). Refer to the revised drawing F-533 for the spillway design, cross section and appropriate hydrologic calculations.

2) A cross section of the Catch Basin complete with elevations is provided on F-533.

3) The requirements of 817.46 j-u are addressed below:
   (j) Addressed in item #1 above.
   (k) The elevations listed on the drawing are those of the "settled" embankment.
   (l) The top width exceeds that required by the regulations. (7.6 + 35) - 5 = 8.5. The embankment width measures 25 feet.
   (m) The combined slopes are 4.5:1 and should be stable considering the width and construction methods. This basin was excavated into the existing natural ground. The embankment slopes and top were compacted by the equipment as the basin was being constructed.
   (n) The embankment foundation and entire area was cleared of vegetation and the foundation area was scarified. No slope was steeper than 1v:1h.
   (o) No coal processing waste or earthen materials containing sod, roots or other vegetative matter was used in the embankment fill.
   (p) Fill and the embankment side were compacted.
   (q) Not Applicable
   (r) See certification on Drawing F-533.

(s) Embankment top and slopes were seeded.

(t) The Catch Basin will be inspected four times per year.

(u) Although this is not a sediment pond, U.S. Fuel will leave the basin in place at least until after final reclamation is complete.

UMC 817.21-.25 Soils

1) Soil will be scarified, using a tractor powered farm disc, to a depth of 6 - 8". The goal of this procedure will be to allow seeds to establish themselves on the bare patches where compaction due to equipment tires may have occurred and to allow precipatation to penetrate.

2) At the time of final reclamation, the storage magazines will be removed from this site via the existing roadway. The areas under each magazine and the road leading from their prior location to the asphalt will be scarified by disc or back-hoe bucket teeth to a depth of between 6 and 12 inches.

3) The magazine area soils are comparable to that tested in the nearby Middle Fork topsoil stockpile (see table VIII-16 in the mine permit package). Fertilizer recommendations are made on page 131C of the mine permit application. Sulfur coated urea will be hand broadcast at a rate of 40# per acre. Treble super phosphate will be added at a rate of 30# per acre. A hay mulch can be added on the localized, revegetated patches to enhance seed growth.

UMC 817.111-.117 and UMC 784.13 (b)(5)

1) The permanent reclamation seed mix will be used on the bare spots. The use of the permanent mix for interim reclamation has been advocated by DOGM for U.S. Fuel's current interim reclamation projects.

The permanent trial seed mix #3 will be used and can be referred to in the mine permit application (see Table IX-3). The seeds will be applied at the per acre rate as listed in this table by hand broadcasting method.

2) This reclamation is interim in nature. Final reclamation of this area, by virtue of it's location, has been addressed in the mine permit application (see p. 55B, 56, 59 and 60).

3) Mulching was partially addressed under the response to soils. The hay mulch will be applied at a rate of one ton per acre. However, it should be noted that the topsoil pile adjacent to this site has been successfully revegetated without the use of any mulch and on a steeper slope than is being considered here.

4) Seeding will be done in late fall.

UMC 817.46 Hydrology

Area A and B - A map is enclosed to locate the areas where the earth berms will be placed (see Drawing F-534). The operator has set up an on-site meeting with a representative of the Division to discuss appropriate types and locations of outlet structures.

Area C - A cross-section of the berm around this old storage area accompanies this submittal. The berm is located as indicated on the enclosed map.

Area D - With respect to Area D, which lies just east of Slurry Pond #4 and adjacent to Highway 122, we have previously advised the Division that it was disturbed prior to the Act and has not been used in connection with our mining operations since that time. As acknowledged in the letter of August 28, 1984, Violation No. 6 of 8 was apparently issued with respect to this area on the basis of an observation made by Sandy Pruitt in January of 1983, over one year and three months prior to the NOV issued by Dave Lof. Any heavy equipment observed by Ms. Pruitt was not owned or operated by U.S. Fuel Company, but may have belonged to an independent contractor who parked it on or near Area D without authority or permission of our company. It should also be emphasized that there is no evidence whatsoever that any such equipment caused any adverse physical impact on Area D so as to subject it to regulatory requirements. Recent decisions of the Interior Board of Land Appeals interpreting OSM's regulations hold that where there is no adverse physical impact by a current mining operation on an area disturbed prior to SMCRA, the active operator is not responsible for compliance with hydrologic performance standards with respect to the area. Darmac Coal Co., 74 IBLA 100 (1983). For the foregoing reasons, we consider Area D to be exempt and not subject to sediment controls. (Please see attached legal decision).

UMC 817.111-.117 and UMC 784.13 (b)(5)

Revegetation will be accomplished by the same methods outlined in the mine permit application. The procedures of revegetation at this site will be similar to that outlined for Middle Fork final reclamation. The seeding rates and mulch rates will be in accordance with that listed for Middle Fork (see page 47A). However, this old storage site will not have soil added to it. We have already scarified the area to a depth of 12" with the teeth of a backhoe bucket to break up the existing compaction in the soil.

Seed mix information can be found on page 104 in the mine permit application. Seed mix #3 will be broadcast on the area in September or October. A hay mulch will be place over the seed.

Criteria tests for Demonstrating Successful Revegetation can be accessed on page 63-65. This monitoring is related to final revegetation work. Other interim revegetation monitoring is outlined on pages 124 and 125. It is in the design plans of the revegetation test plots.

U.S. Fuel has received no final analysis yet on their reclamation-revegetation plan. OSM is still in the process of reviewing the mine permit application.

UMC 817.21-.25

1) Last fall, the salt-slag area was cleared of all materials being stored there and the site was regraded. This spring a berm was replaced around the site and the area itself was scarified. Scarification was performed to reduce the compaction of the site thus allowing a more suitable rooting medium with better water penetration. The soil was scarified by using the teeth of a backhoe bucket and was dug to a depth of 12 inches.

2) The same fertilizer recommendations will be applied as for the Middle Fork yard soils should the soil samples show them to be similar in their nutrient deficiencies.

   The fertilizer to be applied, by hand in this case, would be sulfur coated urea, treble super phosphate and potassium chloride applied at rates of 40, 30 and 30 pounds respectively.

3) Soil samples have been taken and sent in for analysis. Test results are not yet available from the laboratory but will be sent to the Division when we receive them.

File: ACT/007/011 (7)

UNITED STATES FUEL COMPANY

RECEIVED
SEP 13 1984
DIVISION OF OIL GAS & MINING

HIAWATHA, UTAH 84527

September 11, 1984

Mr. D. Wayne Hedberg
State of Utah, Div. of Oil, Gas and Mining
4241 State Office Building
Salt Lake City, Utah 84114

RE: Response to Review Comments on NOV 84-4-8-8, 4 of 8 and 6 of 8

Dear Mr. Hedberg:

United States Fuel Company is submitting their written response to your letter of August 28, 1984 containg the Division's review comments on NOV 84-4-8-8, 4 of 8 and 6 of 8.

We believe this response to be complete and adequate. We have attempted to satisfy all of your concerns in the abatement of the two above mentioned violations.

Sincerely,

Jean Semborski

Jean Semborski
Engineer

Enclosure

UTAH KING COAL

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.

RESPONSE TO REVIEW COMMENTS ON VIOLATION N84-4-8-8, #4 of 8 and #6 of 8

UMC 817.46 Hydrology

1) The catch basin spillway will pass the 25 year, 24 hour storm as shown by the Peak Flow Calculation sheet accompanying this submittal. The spillway is of adequate size and depth to give the basin the required one foot minimum between the water surface and settled top of the embankment (UMC 817.46 j). Refer to the revised drawing F-533 for the spillway design, cross section and appropriate hydrologic calculations.

2) A cross section of the Catch Basin complete with elevations is provided on F-533.

3) The requirements of 817.46 j-u are addressed below:
   (j) Addressed in item #1 above.
   (k) The elevations listed on the drawing are those of the "settled" embankment.
   (l) The top width exceeds that required by the regulations. (7.6 + 35) - 5 = 8.5. The embankment width measures 25 feet.
   (m) The combined slopes are 4.5:1 and should be stable considering the width and construction methods. This basin was excavated into the existing natural ground. The embankment slopes and top were compacted by the equipment as the basin was being constructed.
   (n) The embankment foundation and entire area was cleared of vegetation and the foundation area was scarified. No slope was steeper than 1v:1h.
   (o) No coal processing waste or earthen materials containing sod, roots or other vegetative matter was used in the embankment fill.
   (p) Fill and the embankment side were compacted.
   (q) Not Applicable
   (r) See certification on Drawing F-533.

(s) Embankment top and slopes were seeded.

(t) The Catch Basin will be inspected four times per year.

(u) Although this is not a sediment pond, U.S. Fuel will leave the basin in place at least until after final reclamation is complete.

UMC 817.21-.25 Soils

1) Soil will be scarified, using a tractor powered farm disc, to a depth of 6 - 8". The goal of this procedure will be to allow seeds to establish themselves on the bare patches where compaction due to equipment tires may have occurred and to allow precipatation to penetrate.

2) At the time of final reclamation, the storage magazines will be removed from this site via the existing roadway. The areas under each magazine and the road leading from their prior location to the asphalt will be scarified by disc or back-hoe bucket teeth to a depth of between 6 and 12 inches.

3) The magazine area soils are comparable to that tested in the nearby Middle Fork topsoil stockpile (see table VIII-16 in the mine permit package). Fertilizer recommendations are made on page 131C of the mine permit application. Sulfur coated urea will be hand broadcast at a rate of 40# per acre. Treble super phosphate will be added at a rate of 30# per acre. A hay mulch can be added on the localized, revegetated patches to enhance seed growth.

UMC 817.111-.117 and UMC 784.13 (b)(5)

1) The permanent reclamation seed mix will be used on the bare spots. The use of the permanent mix for interim reclamation has been advocated by DOGM for U.S. Fuel's current interim reclamation projects.

The permanent trial seed mix #3 will be used and can be referred to in the mine permit application (see Table IX-3). The seeds will be applied at the per acre rate as listed in this table by hand broadcasting method.

2) This reclamation is interim in nature. Final reclamation of this area, by virtue of it's location, has been addressed in the mine permit application (see p. 55B, 56, 59 and 60).

3) Mulching was partially addressed under the response to soils. The hay mulch will be applied at a rate of one ton per acre. However, it should be noted that the topsoil pile adjacent to this site has been successfully revegetated without the use of any mulch and on a steeper slope than is being considered here.

4) Seeding will be done in late fall.

UMC 817.46 Hydrology

Area A and B - A map is enclosed to locate the areas where the earth berms will be placed (see Drawing F-534). The operator has set up an on-site meeting with a representative of the Division to discuss appropriate types and locations of outlet structures.

Area C - A cross-section of the berm around this old storage area accompanies this submittal. The berm is located as indicated on the enclosed map.

Area D - With respect to Area D, which lies just east of Slurry Pond #4 and adjacent to Highway 122, we have previously advised the Division that it was disturbed prior to the Act and has not been used in connection with our mining operations since that time. As acknowledged in the letter of August 28, 1984, Violation No. 6 of 8 was apparently issued with respect to this area on the basis of an observation made by Sandy Pruitt in January of 1983, over one year and three months prior to the NOV issued by Dave Lof. Any heavy equipment observed by Ms. Pruitt was not owned or operated by U.S. Fuel Company, but may have belonged to an independent contractor who parked it on or near Area D without authority or permission of our company. It should also be emphasized that there is no evidence whatsoever that any such equipment caused any adverse physical impact on Area D so as to subject it to regulatory requirements. Recent decisions of the Interior Board of Land Appeals interpreting OSM's regulations hold that where there is no adverse physical impact by a current mining operation on an area disturbed prior to SMCRA, the active operator is not responsible for compliance with hydrologic performance standards with respect to the area. Darmac Coal Co., 74 IBLA 100 (1983). For the foregoing reasons, we consider Area D to be exempt and not subject to sediment controls. (Please see attached legal decision).

UMC 817.111-.117 and UMC 784.13 (b)(5)

Revegetation will be accomplished by the same methods outlined in the mine permit application. The procedures of revegetation at this site will be similar to that outlined for Middle Fork final reclamation. The seeding rates and mulch rates will be in accordance with that listed for Middle Fork (see page 47A). However, this old storage site will not have soil added to it. We have already scarified the area to a depth of 12" with the teeth of a backhoe bucket to break up the existing compaction in the soil.

Seed mix information can be found on page 104 in the mine permit application. Seed mix #3 will be broadcast on the area in September or October. A hay mulch will be place over the seed.

Criteria tests for Demonstrating Successful Revegetation can be accessed on page 63-65. This monitoring is related to final revegetation work. Other interim revegetation monitoring is outlined on pages 124 and 125. It is in the design plans of the revegetation test plots.

U.S. Fuel has received no final analysis yet on their reclamation-revegetation plan. OSM is still in the process of reviewing the mine permit application.

UMC 817.21-.25

1) Last fall, the salt-slag area was cleared of all materials being stored there and the site was regraded. This spring a berm was replaced around the site and the area itself was scarified. Scarification was performed to reduce the compaction of the site thus allowing a more suitable rooting medium with better water penetration. The soil was scarified by using the teeth of a backhoe bucket and was dug to a depth of 12 inches.

2) The same fertilizer recommendations will be applied as for the Middle Fork yard soils should the soil samples show them to be similar in their nutrient deficiencies.

   The fertilizer to be applied, by hand in this case, would be sulfur coated urea, treble super phosphate and potassium chloride applied at rates of 40, 30 and 30 pounds respectively.

3) Soil samples have been taken and sent in for analysis. Test results are not yet available from the laboratory but will be sent to the Division when we receive them.

IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS

4015 WILSON BOULEVARD

ARLINGTON, VIRGINIA 22203

DARMAC COAL CO.

IBLA 83-615; IBSMA 81-66

Decided June 30, 1983

Appeal by Darmac Coal Company from the May 1, 1981, decision of Administrative Law Judge Sheldon L. Shepherd, denying an application for temporary relief and upholding the validity of Notice of Violation No. 81-I-62-8 (Docket No. CH 1-107-R).

Reversed.

1. Surface Mining Control and Reclamation Act of 1977: Administrative Procedure: Burden of Proof—Surface Mining Control and Reclamation Act of 1977: Hearings: Generally

   OSM makes a prima facie case by submitting sufficient evidence to establish the essential facts of the violation; when it makes that showing and the showing goes unrebutted, the violation must be sustained.

2. Surface Mining Control and Reclamation Act of 1977: Evidence: Generally

   It is error for an Administrative Law Judge to fail to admit evidence of laboratory tests of water quality samples when the permittee challenges that evidence only by asserting that it is hearsay because of a failure to establish the chain of custody of the samples. Such an objection goes to the weight to be given to the evidence, not to its admissibility.

3. Surface Mining Control and Reclamation Act of 1977: Hydrologic System Protection: Generally--Surface Mining Control and Reclamation Act of 1977: Previously Mined Lands: Generally—Surface Mining Control and Reclamation Act of 1977: Water Quality Standards and Effluent Limitations: Discharges from Disturbed Areas

An alleged violation of the effluent limitation for pH set forth in 30 CFR 715.17(a) is properly upheld on the basis of a Hach test showing an acidity reading of 4 or lower, in the absence of evidence that the Hach test was not properly administered.

4. Surface Mining Control and Reclamation Act of 1977: Hydrologic System Protection: Generally—Surface Mining Control and Reclamation Act of 1977: Previously Mined Lands: Generally—Surface Mining Control and Reclamation Act of 1977: Water Quality Standards and Effluent Limitations: Discharges from Disturbed Areas

Where there is no adverse physical impact from current mining on water quality resulting from previous mining there is no disturbance that requires compliance with 30 CFR 715.17(a).

APPEARANCES: Bruno A. Muscatello, Esq., Butler, Pennsylvania, for Darmac Coal Company; William P. Larkin, Esq., Office of the Field Solicitor, Charleston, West Virginia, Glenda Hudson, Esq., Attorney, and Marcus P. McGraw, Esq., Assistant Solicitor for Litigation and Enforcement, Office of the Solicitor, Washington, D.C., for the Office of Surface Mining Reclamation and Enforcement.

OPINION BY ADMINISTRATIVE JUDGE IRWIN

Darmac Coal Company (Darmac) has appealed from the May 1, 1981, decision of Administrative Law Judge Sheldon L. Shepherd, Docket No. CH 1-107-R, which held, in a combined application for review and for temporary relief proceeding, that the Office of Surface Mining Reclamation and Enforcement (OSM) properly issued Notice of Violation (NOV) No. 81-I-62-8 to Darmac, pursuant to the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C.

§§ 1201-1328 (Supp. IV 1980) (the Act), and its implementing regulations, 30 CFR Chapter VII (the regulations). The NOV cited Darmac for violating section 715.17(a) of the regulations by permitting discharges from areas disturbed by surface coal mining and reclamation operations which exceeded the maximum allowable numerical effluent limitations for pH and manganese.

Procedural Background

On March 16, 1981, OSM Inspector Jeffrey King conducted an inspection of Darmac's inactive No. 7 strip mine, located in Donegal and Clearfield townships, Butler County, Pennsylvania, and discovered a small discharge, or seep, of water coming from an underground source on the permit area. He tested the discharge with a Hach kit 1/ and found it to have a pH of 4 (Tr. 24-25). He also took two samples of the discharge to a laboratory for testing (Tr. 7, 15-17) and, based upon its report, issued NOV No. 81-I-62-8 to Darmac (Tr. 7), alleging a violation of the effluent limitations of section 715.17(a) of the regulations with respect to pH and manganese. The NOV required Darmac to perform any measure necessary to assure that discharges from the disturbed area would not exceed the effluent limitations. The abatement time established by the NOV was April 21, 1981 (OSM Exh. A). However, Darmac applied for review of the NOV and for temporary relief, and the abatement period was extended pending the outcome of a hearing, which was held in Butler, Pennsylvania, on April 28, 1981.

The Administrative Law Judge regarded the facts as similar to those in Cravat Coal Co., 2 IBSMA 249, 87 I.D. 416 (1980), which held the mining operator responsible for water quality of discharges from a pre-existing seep when it mined through the seep. He upheld the issuance of the NOV as to the pH quality of the water on the basis of OSM's Hach test and denied the application for temporary relief (Decision at 3-4). He had previously refused to admit the laboratory reports analyzing OSM's water samples because the OSM inspector failed to establish a clear chain of custody of the water samples (Decision at 3; Tr. 17-24). Darmac subsequently appealed to the Board, arguing that (1) it was error to find that OSM had established a prima facie case solely on the basis of a Hach kit result, and that (2) OSM had not sustained its burden of proof as to the existence of a violation because, unlike the situation in Cravat, supra, Darmac had proved that it had not affected the seep. Darmac further argues that it was incumbent upon OSM to prove that the water from the seep was affected by Darmac's operation.

Discussion

[1] Three issues may be disposed of at the outset. Darmac's contention that OSM had the burden of proving that the water from the seep on Darmac's permit area was affected by Darmac's operation in order to justify the issuance of an NOV based upon an operator's failure to meet effluent

1/ A Hach kit test is a field indicator test for water quality (Tr. 24).

limitations cannot be accepted. OSM succeeds in making a prima facie case that a violation occurred by the submission of sufficient evidence to establish the essential facts of the violation. If OSM's evidence is not rebutted, that evidence is all that is required to sustain the violation. See 43 CFR 4.1171(b). As discussed below, in this case there is ample evidence of the fact of the violation.

[2] As to whether laboratory reports may be admitted into evidence where there is an apparent break in the chain of custody of the samples, an Administrative Law Judge has discretion to admit evidence that he believes is probative, regardless of a witness' failure to establish a proper chain of custody, unless the opposing party discredits it on some other basis. In administrative proceedings generally, an objection based on the hearsay rule goes to the weight to be given the evidence, not to its admissibility. See Roberts Brothers Coal Co., 2 IBSMA 284, 294-95, 87 I.D. 439, 445 (1980), and cases cited in note 3. Thus, we believe the Administrative Law Judge properly should have admitted OSM's laboratory reports, and we will consider them to be part of the record.

[3] Thirdly, we believe the Administrative Law Judge was correct in deciding that the evidence of a Hach test administered by an inspector experienced in its use was sufficient to sustain a finding that the pH value of the effluent discharged from the seep was not within acceptable limits where the actual reading was 4.0, the minimum acceptable number was 6.0, and the witness testified that he had never experienced a Hach kit error of more than one point (Tr. 46; see also Tr. 25, 44-47, 52; Decision at 3). The results of a Hach test are presumptively valid in the absence of rebuttal evidence that the test was not properly administered. D and D Mining Co., 4 IBSMA 113, 89 I.D. 409 (1982). Darmac's arguments concerning the unreliability of the Hach test results in this case are unpersuasive, particularly in view of the fact that its own evidence confirms those results (Appellant's Exh. 5). Thus, the evidence provided by the Hach test in this case was sufficient to sustain the Administrative Law Judge's conclusion that a violation existed.

[4] Darmac suggests that "the basic issue is whether or not this Operator should be held responsible for a pre-existing seep caused by prior mining activities on this site" and asserts that there is "little dispute" that "appellant did not affect the surface area around the seep" (Brief for Appellant at 3). OSM poses the issue as "whether Darmac disturbed the area of the seep within the meaning of the regulation and, thus, assumed responsibility therefor," 2/ and concludes its argument with the statement that "by affecting the area of the seep, either through spoil placement or topsoil removal, the area became part of its surface coal mining operation and Darmac was, therefore, responsible for the quality of the water dis-

2/ 30 CFR 710.5 defines "disturbed area" as "those lands that have been affected by surface coal mining and reclamation operations."

charged from that area" (Brief of OSM at 2-4). 3/ Based on a careful review of the hearing transcript and exhibits, we conclude that, although neither argument was successfully vindicated, the notice of violation cannot be sustained.

It is not disputed that Darmac discovered the seep before it began mining operations and made an effort to avoid the area during them. 4/ Darmac acknowledged, however, that some topsoil was sloughed off onto the seep as it was being removed by bulldozer from around the seep. 5/ It also acknowledged that surface drainage from a relatively small area around the seep was not passed through a sedimentation pond before leaving the permit area. 6/ For its part OSM conceded that the dirt that had come down on the seep was not enough to have affected its water quality. 7/

Thus, since some dirt was deposited on the seep, the area was technically affected, i.e., disturbed. Normally all surface water from the area would have to comply with the requirements of being passed through a sedimentation pond and meeting the applicable effluent standards before leaving the permit area. Under the circumstances of this case, however, the area was not as a practical matter disturbed. It has been held in a context also involving previously mined areas that absent adverse physical impact from the current mining on the condition remaining from the previous mining—in those cases, orphaned highwalls—no disturbance occurs that requires bringing that condition into compliance with presently applicable standards. Cedar Coal Co., 1 IBSMA 145, 154-56, 87 I.D. 250, 255-56 (1979). See Miami Springs Properties, 2 IBSMA 399, 403-05, 87 I.D. 645, 647-48 (1980). Since there is no showing of adverse physical impact in this case, Darmac is not responsible for the violation of 30 CFR 715.17(a). 8/

3/ 30 CFR 715.17(a) provides:
"Water quality standards and effluent limitations. All surface drainage from the disturbed area * * * shall be passed through a sedimentation pond or a series of sedimentation ponds before leaving the permit area. * * * Discharges from areas disturbed by surface coal mining and reclamation operations must meet all applicable Federal and State laws and regulations and, at a minimum, the following numerical effluent limitations * * *."

4/ Tr. 60-61, 79, 89, 105-07, 113.

5/ Tr. 87, 89, 98-99, 102, 103-04, 109.

6/ Tr. 99-101, 113-14, 117-19.

7/ Tr. 42.

8/ In view of this disposition of the case, it is not necessary to discuss the possibility suggested in Tiger Corp., 4 IBSMA 202, 205, 89 I.D. 622, 623-24 (1982), that compliance with 30 CFR 715.17(a) might be excused in similar circumstances where adequate data concerning hydrologic balance before and after mining is presented.

Therefore, pursuant to the authority delegated the Board of Land Appeals by the Secretary of the Interior, 9/ the decision of the Administrative Law Judge is reversed.

Will A. Irwin
Administrative Judge

We concur:

Bruce R. Harris
Administrative Judge

Anne Poindexter Lewis
Administrative Judge

9/ Secretarial Order No. 3092 of Apr. 26, 1983, 48 FR 22370 (May 18, 1983), transferred to the Board of Land Appeals "[a]ll of the functions and responsibilities delegated to the Board of Surface Mining and Reclamation Appeals with respect to appeals arising under the Surface Mining Control and Reclamation Act of 1977."

Form Co. 689 1M 8-81

C. CULATION SHEET

UNITED STATES FUEL COMPANY
ENGINEERING DEPT., HIAWATHA, UTAH

COMPUTATION FOR PEAK FLOW CALCULATIONS FOR CATCH BASIN EMERGENCY SPILLWAY ABATEMENT OF VIOLATION 84-4-8-8, 4 OF 8

REF. DRAWING F-533

INDEX NO. 1 SHEET NO.
PLACE
JOB
DATE 9-6-84
COMPUTED BY R.E.
CHECKED BY
REVISED

WATERSHED LAG $= L = \dfrac{\mathcal{L}^{0.8}(S+1)^{0.7}}{1900\ Y^{0.5}} = \dfrac{(1{,}050)^{0.8}(5.93)^{0.7}}{1900\ (25)^{0.5}} = .0956$ HRS.

$\mathcal{L}$ = LENGTH OF WATERSHED = 1,050 FT.

$S = \dfrac{1000}{CN} - 10 = \dfrac{1000}{67} - 10 = 4.93$

Y = AVERAGE WATERSHED SLOPE = 25%

A = WATERSHED AREA = 5.4 ACRES = .0084 mi^2

RAINFALL DEPTH (25 YR, 24 HR. STORM) = 2.60 INCHES

TIME OF CONCENTRATION $= \dfrac{L}{0.6} = \dfrac{.0956}{0.6} = .1593$

STORM HYDROGRAPH CALCULATIONS

```
--------------------------------
INPUT SUMMARY FOR CATCH BASIN NE
AR POWDER MAGS.
--------------------------------
DISTRIBUTION      SCS TYPE B
RAINFALL DEPTH       2.6 INCHES
DURATION             24 HOURS
WATERSHED AREA       .0084 SQ.MI.
CURVE NUMBER         67
TIME OF CONC.        0.1593 HOURS

--------------------------------
  OUTPUT SUMMARY
--------------------------------
  RUNOFF DEPTH      0.4  INCHES
  INITIAL ABSTR.    0.99 INCHES
  PEAK FLOW         0.47     CFS
  AT TIME           10.004 HRS
  VOLUME CHECK      0.4  INCHES
```

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

September 11, 1984

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

Dear Mr. Eccli:

Re: Review of 8-17-84 2nd submittal for N84-4-8-8, 2 of 8, ACT/007/011, Folder No. 3 & 7, Carbon County, Utah

The plans submitted for U. S. Fuel by Earth Fax Engineering Inc. to abate N84-4-8-8, 2 of 8 have been reviewed by Division Hydrologist John Whitehead.

Deficiencies with Slotted Drain Plans

Several deficiencies remain in order for the Division to approve the abatement plan. Page 8 of 8 of the submittal item refers the reviewer to rip rap sizing calculations contained in another document dealing with inlets and outlets for the sediment traps along the Middle Fork road. The calculations contained in that document are for discharges of 15 cfs and are not comparable for the flow of 2-3 cfs given for NOV 2 of 8. Appropriate riprap sizing calculations and filter blanket calculations must be submitted. This should include velocity calculations for the culvert inlet and outlet.

A drawing which indicates the trash rack configuration and the extent of riprap placement should be submitted.

The calculations show that a 15" culvert is adequately sized to pass the predicted peak flow. Past experience has shown that the smaller diameter culverts like the 15" one proposed are plagued with icing problems during the winter. The Division therefore recommends that U. S. Fuel use an 18" or larger sized culvert to alleviate this problem.

Pond Capacity Problems

Based on the concerns in your letter of August 14, 1984, the question of the sediment pond capacity was reviewed. A significant discrepency in the acreage draining to the sediment pond exists.

The mining plan submitted by U. S. Fuel notes in Table 1 of Appendix B (Volume II) that 23 acres drains to the sediment pond; 4.8 disturbed and 18.2 undisturbed. This would result in 0.91 acre feet of runoff from the 10 year 24 hour storm (2.25").

Using a map submitted for abatement of NOV N84-4-8-8 (Middle Fork watershed areas) and Exhibit VII-9 (Volume II MRP) the disturbed area draining to the sediment pond is approximately 12.4 acres the undisturbed acreage draining to the pond is approximately 44.6 acres. Using curve numbers of 90 and 70 for the disturbed and undisturbed acreage respectively, runoff from the 10-year 24 hour storm would be 2.67 acre feet.

This problem can be addressed by:

1. increasing the size of the sediment pond to contain the runoff from the 10-year 24-hour storm plus sediment storage and/or

2. installing undisturbed area diversions to route undisturbed drainage away from the disturbed area.

Please respond to the deficiencies in the slotted drain plan and the sediment pond capacity problems by September 28, 1984.

Please feel free to contact myself or John Whitehead if you should have any questions on this matter.

Sincerely,

D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

JW:jvb
cc: Richard White
Allen Klein
Robert Hagen
Joe Helfrich
Dave Lof
John Whitehead
99490

ROUTING AND TRANSMITTAL SLIP

Date 9/10/84

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. DAVE LOF, Field Specialist	FM	9/10
2.		
3.		
4.		
5.		

	Action		File		Note and Return
	Approval		For Clearance		Per Conversation
	As Requested		For Correction		Prepare Reply
	Circulate	X	For Your Information		See Me
	Comment		Investigate		Signature
	Coordination		Justify		

REMARKS

RECEIVED

SEP 12 1984

DIVISION OF OIL
GAS & MINING

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
Frank Abeyta OSM	Phone No. (505) 766-1486

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

☆ GPO : 1982 O - 381-529 (229)

CC. Me
Ron D.
Joe H.
Dianne
& FILE ORIGINAL

FILE ACT/007/011

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING

CONFIRMATION/REPORT OF TELEPHONE CONVERSATION

TO		FROM	
Name	DAVE LOF	Name	FRANK ATENCIO
Office	Division of Oil, Gas & Mining	Office	OSM
Location	Salt Lake City, Ut.	Location	Albuquerque Field Office
Telephone Number	(801) 801-533-5771	Telephone Number	(505) 766-1486

Purpose of Call:

Resolution of Ten Day Notice # 84-2-31-6

This is to confirm that the above mentioned Ten Day Notice (TDN) has been resolved as per our telephone conversation on 9/6/84. No Further action on behalf of D.O.G.M. is necessary. This record will also serve as DOGM's response to this TDN.

Explanatory Remarks:

TDN 84-2-31-6 was issued to U.S. Fuel Co's. Hiawatha mine on 8/28/84 for failure to protect Topsoil. I was called by the Company representative Ms. Jean Semborski Later on this same date and she informed me that the violation had been abated. I performed a follow-up inspection on 8/30/84 and I found that the Company had indeed taken steps to protect the topsoil stockpile in question.

Sept. 10, 1984 (Date)

Frank Atencio (Signature)

CONFIRMATION COPY

File : ACT/007/011
7 & 3

Ford, Bacon & Davis
Incorporated
Engineers-Constructors

RECEIVED
AUG 31 1984
DIVISION OF OIL
GAS & MINING

August 31, 1984

UC-528-373

Mr. Joe Helfrich
Utah Division of Oil, Gas & Mining
4201 State Office Building
Salt Lake City, Utah 84114

SUBJECT: U.S. Fuel Company's response to additional questions on Notice-of-Violation N-84-4-8-8, ~~8~~ 1 of 8, and initial response to Notice-of-Violation N84-8-1-3.

Dear Mr. Helfrich:

Enclosed under this cover you will find U.S. Fuel Company's response to all outstanding concerns regarding Notice-of-Violation (N.O.V.) N84-4-8-8 and N84-8-1-3. Specifically we are responding to additional questions on ~~8~~ 1 of 8 for N.O.V. N84-4-8-8 and 1 of 3, 2 of 3, and 3 of 3 for N.O.V. N84-8-1-3. The response to 1 of 3 is in the form of an appendix to be attached to the Mining and Reclamation Plan. The response to 3 of 3 is submissions of new exhibits. We trust that you will find that the responses are complete and accurate; therefore the violations should be terminated.

Should you have any questions regarding this submission, please contact Bob Eccli at Hiawatha.

Sincerely,

Jack A. Elder

Jack A. Elder, Ph.D.
Project Manager

JAE/mp

Enclosures

cc: B. Eccli - U.S. Fuel Company

375 Chipeta Way · P.O. Box 8009 · Salt Lake City, Utah 84108
(801) 583-3773 · Telex 38-8312

FILE ACT/007/011 FOLDER #7

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Reclamation and Enforcement

TEN-DAY NOTICE

Originating Office: U.S. D.O.I.
OFFICE OF SURFACE MINING
219 Central Ave. N.W.
Albuquerque, N.M. 87124
Telephone Number: (505) 766-1486

Number: X-84-2-31-6 TV 1

Ten-Day Notice to the State of UTAH

You are notified that, as a result of Federal Oversight Insp. OF 8-28-84 (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: U.S. Fuel Company
(Or Operator if No Permit)
County: CARBON
Mailing Address: P.O. BOX A HIAWATHA, UT 84527
Permit Number: ACT 007/011
Mine Name: HIAWATHA

☐ Surface
☒ Underground
☐ Other

NATURE OF VIOLATION AND LOCATION: Failure to protect topsoil from wind and water erosion. New addition to existing topsoil stockpile east of slurry pond V. Stock pile is exposed on east side.

Section of State Law, Regulation or Permit Condition believed to have been violated: 817.23 (b)

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit Condition believed to have been violated:

RECEIVED
AUG 30 1984
DIVISION OF OIL GAS & MINING

Remarks or Recommendations:

Date of Notice: August 28, 1984

Signature of Authorized Rep.: Frank Atencio

Print Name and ID: FRANK ATENCIO #031

Distribution: Original-State's Copy, Blue-Field Office, Yellow-Inspector's Copy

IE-160 (3/81)

file

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

August 28, 1984

CERTIFIED RETURN RECEIPT REQUESTED
P402-457-301

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

Dear Mr. Eccli:

RE: Abatement Plans for Notice of Violation N84-4-8-8, #4 of 8 and #6 of 8, Hiawatha Complex, ACT/007/011, Carbon County, Utah

The Division has completed review of U. S. Fuel Co.'s abatement plans for the above referenced violations. The plans were found to be deficient in soils, revegetation and hydrology (see attached review documents).

Please provide an adequate response to the review comments on or before September 13, 1984.

As always, should you have any questions, please don't hesitate to call.

Sincerely,

D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

LK:jvb
Attachment
cc: R. Hagen
A. Klein
J. Helfrich
L. Kunzler
D. Lof
T. Munson
T. Portle
98710

UMC 817.46 Hydrology - TM

1. The catch basin must be able to pass the 25 year, 24 hour precipitation event peak flow through an emergency spillway, as well as provide the necessary freeboard. Drawing F-533 does not show any spillway associated with this structure, although it is known that one exists. Appropriate hydrologic calculations and a cross-section of the spillway must be submitted.

2. The operator must submit a cross-section of the catch basin. The cross-section of the structure must show elevations of the spillway, sediment cleanout level, and the bottom and top of the embankment.

3. The remainder of the requirements found in UMC 817.46 (j)-(u) must be addressed in your response to this review.

4. All cross-sections and plans must be certified by a registered professional engineer.

UMC 817.21 - .25 Soils - TP

1. A discussion of the soil scarification method, depth and goal(s) must be provided.

2. The abatement plan is unclear as to when compaction related to continued usage of the magazine, will be mitigated (scarified), please remedy this.

3. Provide a plan for fertilization, or justify why it is not needed. Plans should address form of fertilizer, and rate and method of application. Provide or refer to soils data for the same soil unit from MRP as a basis for soil fertility recommendations.

UMC 817.111 -.117 and UMC 784.13 (b)(5) Revegetation - LK

1. Please provide an appropriate seed mix and rate of application for seeding bare spots.

2. The plan should state that reclamation is interim in nature and refer to appropriate final reclamation plans in the permanent program permit application.

3. What type of mulch and rate of application will be used? All revegetated areas must be mulched unless successful revegetation without the use of mulch is documented from the mine area.

4. Seeding should occur in late fall.

NOV N84-4-8-8, 6 of 8

UMC 817.46 Hydrology - TM

Area A

Straw bales along the perimeter, as proposed, are not acceptable due to past maintenance records and the operators unproven ability to adequately maintain such structures. The Division feels that an earthen berm 1 1/2 - 2 feet high with a loose straw filter outlet would provide a better means of treating the disturbed area drainage. Several means are available for installing straw filters and the operator may wish to discuss different methods of installation with the Division, in order to acheive an acceptable method. A map(s) of appropriate scale showing these areas and their locations must be submitted.

Area B

An earthen berm parallel to the road and a loose strawbale filter outlet should be installed to treat the disturbed area drainage.

Area C

The operator must submit a cross-section of the berm and a map of the area showing the location of the berm.

Area D

Based on a January, 1983 inspeciton by Sandy Pruitt, Division Inspector, mining equipment was observed stored on this area which contradicts the statement that the area has not been used by the operator. The operator, therefore, should submit plans to the Division to address this area.

UMC 817.111 -.117 and UMC 784.13 (b)(5) Revegetation - LK

In addition to using the appropriate permanent seed mix, revegetation plans as described in the permit application (including mulching and revegetation monitoring) must be followed. Please reference appropriate pages of MRP for seed mix, mulch, monitoring etc. What is the status of these plans?

UMC 817.21 - .25 Soils - TP

1. Methods, depth and goals of scarificaiton must be provided.

2. Provide a plan for fertilization which includes the form of fertilizer, the applicaiton rate and method of application. Provide or refer to soils data for the same soil unit from the MRP as a basis of soil fertility recommendations.

3. Test soils for salt contamination. Provide data for EC and SAR.

98710

RECEIVED
OCT 01 1984
DIVISION OF OIL GAS & MINING

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

For Office Use Only

1a: Y Y M M | 1b: Batch | 1c: Report

2. Name of Permittee: LS Fuel Company

3. Street Address: PO B

4. City: Hiaw

5. State: UT

6. Zip Code: 8452

Phone Number: -2471

RT to Joseph file

9. MSHA Number: 42-00098-

10. Date of Inspection (Y Y M M D D): 840827

11. State Permit Number: ACT 007 011 #7

12. Name of Mine: HIAWATHA

13. County Code: 007

14. State Code: UT

15. Strata:

16. State Area Office: 01

17. OSM Field Office No.: 02

18. OSM Area Office No.:

19. OSM Sample No.:

20. Type of Inspection (Code): C

21. Joint Inspection Yes [ ] No [X]

22. Inspector's ID No.: 031

23. Status

A	02	Type of Permit
B	A	Mine Status (Code)
C	20	Type of Facility (Code)
D	207000.0	Number of Permitted Acres
E	00250.0	Number of Disturbed Acres

24. Type of Activity (check applicable boxes).

A	[ ]	Steep Slope	E	[ ]	Anthracite
B	[ ]	Mountain Top Removal	F	[X]	Federal Lands
C	[ ]	Prime Farmlands	G	[ ]	Indian Lands
D	[ ]	Alluvial Valley Floors	H	[ ]	Other

25. Performance Standards (Codes)

Instructions: Indicate compliance code. For any standard marked 2 or 3 provide narrative to support this determination.

Standards That Limit the Effects to the Permit Area

A	1	Distance Prohibitions
B	1	Mining Within Permit Boundaries
C	1	Signs and Markers
D	2	Sediment Control Measures
E	1	Design and Certification Requirements—Sediment Control
F	1	Effluent Limits
G	1	Surface Water Monitoring
H	1	Ground Water Monitoring
I	1	Blasting Procedures
J	2	Haul/Access Road Design and Maintenance
K	1	Refuse Impoundments
L	[ ]	Other: Specify _____

Standards That Assure Reclamation Quality and Timeliness

M	2	Topsoil Handling
N	1	Backfilling and Grading
O	1	Following Reclamation Schedule
P	1	Revegetation Requirements
Q	1	Disposal of Excess Spoil
R	1	Handling of Acid or Toxic Materials
S	[ ]	Highwall Elimination
T	2	Downslope Spoil Disposal
U	[ ]	Post Mining Land Use
V	[ ]	Cessation of Operations: Temporary
W	[ ]	Other _____

RECEIVED
OCT 01 1984
DIVISION OF OIL GAS & MINING

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

For Office Use Only

1a	1b	1c
Y Y M M	Batch	Report

2. Name of Permittee: US FUEL COMPANY

3. Street Address: PO BOX A

4. City: HIAWATHA

5. State: UT

6. Zip Code: 84527

7. Area Code: 801

8. Telephone Number: 343-2471

9. MSHA Number: 42-00098-

10. Date of Inspection (Y Y M M D D): 840827

11. State Permit Number: ACT 007 011 #7

12. Name of Mine: HIAWATHA

13. County Code: 007

14. State Code: UT

15. Strata:

16. State Area Office: 01

17. OSM Field Office No.: 02

18. OSM Area Office No.:

19. OSM Sample No.:

20. Type of Inspection (Code): C

21. Joint Inspection Yes: No: X

22. Inspector's ID No.: 031

23. Status

A	02	Type of Permit
B	A	Mine Status (Code)
C	20	Type of Facility (Code)
D	20700.0	Number of Permitted Acres
E	00250.0	Number of Disturbed Acres

24. Type of Activity (check applicable boxes).

A		Steep Slope	E		Anthracite
B		Mountain Top Removal	F	X	Federal Lands
C		Prime Farmlands	G		Indian Lands
D		Alluvial Valley Floors	H		Other

25. Performance Standards (Codes)

Instructions: Indicate compliance code. For any standard marked 2 or 3 provide narrative to support this determination.

Standards That Limit the Effects to the Permit Area

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B	1	Mining Within Permit Boundaries
C	1	Signs and Markers
D	2	Sediment Control Measures
E	1	Design and Certification Requirements—Sediment Control
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G	1	Surface Water Monitoring
H	1	Ground Water Monitoring
I	1	Blasting Procedures
J	2	Haul/Access Road Design and Maintenance
K	1	Refuse Impoundments
L		Other: Specify _____

Standards That Assure Reclamation Quality and Timeliness

M	2	Topsoil Handling
N	1	Backfilling and Grading
O	1	Following Reclamation Schedule
P	1	Revegetation Requirements
Q	1	Disposal of Excess Spoil
R	1	Handling of Acid or Toxic Materials
S		Highwall Elimination
T	2	Downslope Spoil Disposal
U		Post Mining Land Use
V		Cessation of Operations: Temporary
W		Other _____

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

26. State Permit Number ACT 007 011

27. Date of Inspection (Y Y M M D D) 840827

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

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

29a. 01 Number of Completes 29b. 04 Number of Partials

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

30a. 04 Number of Completes 30b. 08 Number of Partials

31. Has inspection frequency been met?

31a. Yes ☒ No ☐ Completes 31b. Yes ☒ No ☐ Partials

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

	Ten-Day Notice No.	Notice of Violation No.	Cessation Order No.	Violation Codes
	84-02-031-6	- -	- -	
A	☐	☐	☐	Authorizations to Operate
B	☐	☐	☐	Signs and Markers
C	☐	☐	☐	Backfilling and Grading
D	☐	☐	☐	Highwall Elimination
E	☐	☐	☐	Rills and Gullies
F	☐	☐	☐	Improper Fills
G	☒	☐	☐	Topsoil Handling
H	☐	☐	☐	Sediment Ponds
I	☐	☐	☐	Effluent Limits
J	☐	☐	☐	Water Monitoring
K	☐	☐	☐	Buffer Zones
L	☐	☐	☐	Roads
M	☐	☐	☐	Dams
N	☐	☐	☐	Blasting
O	☐	☐	☐	Revegetation
P	☐	☐	☐	Spoil on the Downslope
Q	☐	☐	☐	Mining Without Permit
R	☐	☐	☐	Exceeding Permit Limits
S	☐	☐	☐	Distance Prohibitions
T	☐	☐	☐	Toxic Materials
U	☐	☐	☐	Other Violations

33. Name of Authorized Representative *(print or type)*: FRANK S. ATENCIO

Signature of Authorized Representative: Frank S. Atencio Date: 9/10/84

Signature of Reviewing Official: [illegible] Date: 9/20/84

04 0
06 0
09 0
02 0

U.S. Fuel Company

P.O. Box A
Hiawatha, UT 84527

Hiawatha

Inspection Date: August 27-28, 1984
Permit Number: Act 007/011
OSM Inspector: Frank Atencio #031
Others Present: Ms. Jean Semborski, Engineer, US Fuel Co.

Permits, Approvals, Modifications, etc.

June 14, 1983 letter from DOGM to US Fuel containing soil data from April 21, 1983 tour of slurry pond # 1.

August 17, 1983 letter from US Fuel to DOGM asking permission ot modify a channel way on the North Fork Intake pad.

August 23, 1983 letter from DOGM to US Fuel regarding revegetation monitoring at King VI Mine. (stipulation requirements were not being met)

September 16, 1983 letter from DOGM to US Fuel concerning North Fork Vent portal discharge diversion modifications. (Plans not acceptable at that time)

September 20, 1983 letter from DOGM to US Fuel regarding new Beltline Portal Middlefork Mine Yard.. (decided to include as revision to ongoing permit process)

September 23, 1983 letter from US Fuel to DOGM maintaining North Fork-Vent Portal discharge channel modification is not a revision but an attempt to upgrade existing drainage channel.

September 29, 1983 letter from US Fuel to DOGM containing new field data for vegetation survey of the Southfork Beltline Project.

October 12, 1983 letter from DOGM to US Fuel concerning patterns of violations at Hiawatha.

December 13, 1983 letter from US Fuel to DOGM asking permission to construct an air intake at the Middle Fork Mine Yard.

March 1, 1984 letter from US Fuel to DOGM containing certification of sediment ponds by a professional engineer.

NPDES permit UT-0023094 expires June 30, 1987.

Water monitoring records available for 1st and 2nd quarters of 1984. No problems were observed.

Topsoil

New topsoil had been stockpiled next to an existing topsoil stockpile east of slurry pond V. Upon inspection I found that this Material was exposed and unprotected on the east side of the stockpile. This material was removed during construction of a catch basin and ditch maintenance. There were signs that recent rainfall had begun to erode some of the topsoil material on the east side. I issued Ten Day Notice (TDN) 84-2-31-6 for failure to protect topsoil from wind and water erosion.

On the evening of August 28, 1984 Ms. Semborski called and told me that a berm had been constructed on the east side of the stockpile. I returned to Hiawatha on Thursday, August 20, 1984 and found that the work needed to abate the violation had been done. Ms. Semborski stated that the new topsoil would be seeded later this fall. (Compliance Code 25 M)

Outstanding State Actions

The State inspector issued Notice of Violation (NOV) 84-4-8-8 to US Fuel's Hiawatha Mine on May 11, 1984. Since that time 6 of this 8 part violations have been terminated. The 2 outstanding violations concern:

A. Violation 2 of 8 written for failure to prevent additional contributions of suspended solids to stream flow or runoff outside the permit area. Also for failure to pass all disturbed area runoff through a sediment pond or treatment facility before leaving the permit area. (Compliance Code 25 D)

B. Violation 8 of 8 issued for failure to design and construct Class I roads ot control or minimize erosion and siltation, and to prevent to the extent possible additional contribution of suspended solids to stream flow or runoff outside the permit area. (Compliance Code 25J)

US Fuel Company has submitted plans to DOGM addressing both of the above violations. DOGM is still reviewing these plans.

Compliance codes, Item 25, left blank were not occurring at time of inspection.

SCOTT M. MATHESON
Governor

GORDON E. HARMSTON
Executive Director,
NATURAL RESOURCES

CLEON B. FEIGHT
Director

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

OIL, GAS, AND MINING BOARD

CHARLES R. HENDERSON
Chairman

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 Permitee or Operator:

Name US Fuel Company

Mailing Address US Fuel Company 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 84-8-1-3 ___ Y ___ TV dated August 10, 1984.

Cessation Order No. C _____ ___ Y ___ TV dated _____, 19____.

Violation No. 1 is modified as follows: The abatement date (8/24/84) is extended to 8/31/84

The reason for this modification are as follows:

Violation No. 2 is modified as follows: Modified to allow additional time for submtal of

The reasons for this modification are as follows: the required information

Violation No. 3 is modified as follows:

The reasons for this modification are as follows:

Date of Service 8/21/84 Thomas W Wright
Signature of Authorized Representative

Time of Service or Mailing ✓ a.m. ___ p.m. Thomas W Wright #8
Name and I.D. No.

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

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

August 20, 1984

HAND DELIVERED - August 20, 1984

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

Dear Mr. Eccli:

RE: Review of Plans Submitted for Abatement of Notice of Violation N84-4-8-8, #2 of 8, Hiawatha Complex, ACT/007/011, #7, Carbon County, Utah

The information provided in the operator's August 14, 1984 letter to the Division is not adequate to abate the violation. Item #4 in the letter does imply that the sediment pond may not be able to handle the additional inflow if the undisturbed area above the road was directed to the pond. The operator does not provide any alternatives as to how they are going to control the disturbed area runoff from the road. The operator simply provides information which may be more appropriately provided in an assessment conference.

Until the operator does provide alternative plans for controlling the disturbed area runoff from the road and its associated ditch (as previously discussed with U. S. Fuel representatives on July 18 and August 10, 1984), the violation and its associated Cessation Order will remain in effect.

Sincerely,

Joseph C. Helfrich for

D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

DWH/dl:btb
cc: Allen Klein, OSM, Denver
Robert Hagen, OSM, Albuqueruqe
Joe Helfrich, DOGM
Dave Lof, DOGM
John Whitehead, DOGM
89920-47

MRP REVISION/NOV TRACKING FORM

Type of Proposal: X COAL ___ NONCOAL

___ Exploration
X NOV Abatement, NOV # 84-4-8-8, 2 of 8
___ MRP Revision
___ MRP Amendment

Abatement Deadline _____

Issuing Inspector Dave Lof 583-3447

Title of Proposal: Abatement plan for

Company name: U.S. Fuel Co.

Project/ Mine Name: Hiawatha Complex

File # (PRO/ACT): (CEP/EXP) 007/011

Acreage (Fed/State/Fee): ___/___/___

Assigned Reviewers:		Review Time (hrs):
(Hydrology)	John W.	
(Wildlife/Veg.)		
(Engineering)		
(Soils)		
(Geology)		

DATES:

(a) Initial Plan Received Aug 14/84
Tech Review Due Aug 28/84
Tech Review Complete _____

(b) Operator Resubmission _____
Tech Review Due _____
Tech Review Complete _____

(c) Conditional Approval _____

(d) NOV Termination

8-16

Wayne,

Dave and I discussed this yesterday. There really is nothing to review. U.S. Fuel is simply rebuttling the NOV not proposing a cure. Thus Dave will write response letter

Thx

John

8-15

Dear Mr. John,

Mr. Lof kindly dropped this off on my desk today & mentioned that you might be aware or expecting it?? I would direct it thru Mary were she here. Perhaps you can hang onto until she returns for direction of priorities? Doesn't look like much of a response anyway. TX. W.

COMME

NOTE

of

rom the operator.

NOTE

comments in a format referencing
tion or statute. State the
minimum requirement necessary to
(when possible). Also fill in the
ln review by discipline. Return the
to the Special Permits Supervisor
when review is complete.

75660

RECEIVED

AUG 1 4 1984

DIVISION OF OIL
GAS & MINING

August 14, 1984

Mr. Ron Daniels
State of Utah, Division of Oil, Gas and Mining
4241 State Office Building
Salt Lake City, UT 84114

REFERENCE: NOV#84-4-8-8, Violation 2 of 8

Dear Mr. Daniels:

Numerous discussions have occurred over violation 2 of 8 with respect to this violation's validity. Since its receipt on May 15, 1984 it had been discussed with inspection of technical staff during an on-site visit on June 19 and later in phone conversations on June 13, June 19 and August 10 with Joe Helfrich, Rick Summers and Dave Lof respectively. During each of these discussions U.S. Fuel was given the impression that there was uncertainty as to whether the violation was a valid entity on its own, should be combined with an associated violation of the same series, have the abatement measures modified, or be vacated entirely.

On June 26, 1984 Jim Smith was sent a letter specifically requesting a member of your technical staff to review the violation again and to advise us whether the violation was to remain in effect, be modified or be vacated. No response was ever received.

During our June 19 meeting with Joe Helfrich, Dave Lof, Rick Summers, Tim Jensen, Jean Semborski and Bob Eccli, U.S. Fuel explained their concerns over this violation. Our points will again be presented as to why the abatement measure that currently exists is unfeasible.

1. Presently a riprapped channel exists by which runoff from the disturbed area side of the road enters the sediment pond. As the road is sloped toward the pond, all disturbed area runoff is collected by this side ditch and enters the sediment pond or enters from culverts to the west.

2. The existing sediment pond is sized for receiving the runoff from the determined disturbed area. From our evaluation it cannot handle the additional acreage of the undisturbed area runoff that would be caught and directed to the sediment pond should we install the slotted crossdrain.

3. Currently all disturbed area drainage is being treated by the present sediment pond. The slotted cross would in effect make U.S. Fuel treat undisturbed drainage that they are not responsible for. The inspector's proposal would greatly diminish the effectiveness of the sediment pond and present a threat to environmental values and human safety by overloading the pond.

4. An additional 1.45 acre feet of undisturbed area runoff would be contributed to the sediment pond inflow during the design storm. This would exceed the capacity of the sediment pond by at least 1.45 acre feet or twice its present storage capacity. Due to the tight constraints of the canyon in the location of the sediment pond it is impractical to rebuild the pond to add the storage capacity to receive runoff from the undisturbed hillside. Rather it appears more feasible to evaluate the road drainage condition by another means.

5. We feel our existing system will adequately handle disturbed area drainage. A riprapped channel into the sediment pond was contructed over two months prior to issuance of the violation which adequately received the disturbed area drainage which needed to be treated.

As per phone conversation with Dave Lof on August 10, 1984, this statement of our reasons and facts should suffice to terminate this violation.

Sincerely,

Robert Eccli

Robert Eccli
Sr. Mining Engineer

RE/kt

SLOTTED CROSS DRAIN CALCS.
REQUIRED SED. POND INCREASE

<u>WS area</u> = 34.0 ac (see attached figure)

<u>Runoff</u>:

CN = 75 (s = 3.33)

P = 2.25 in (10-yr, 24-hr storm)

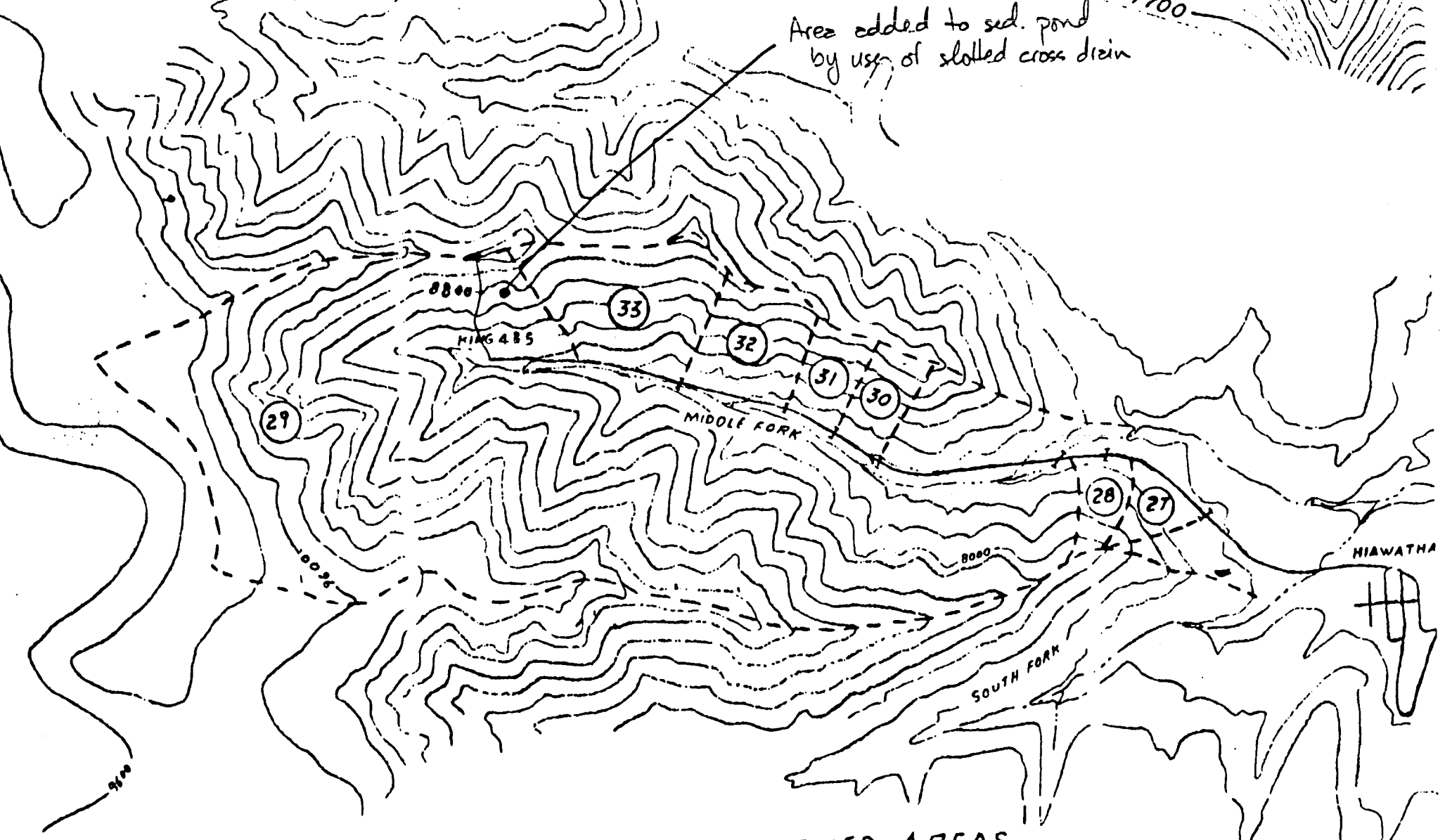
$$Q = \frac{(P-0.2s)^2}{P+0.8s}$$

$$= 0.51 \text{ in}$$

Inflow to sed. pond (additional):

$$\frac{(0.51 \text{ in})(34.0 \text{ ac})}{12 \text{ in/ft}} = \underline{\underline{1.45 \text{ AF}}}$$

<u>Plus</u> ⟹ would need to add additional sed. storage.



MIDDLE FORK WATERSHED AREAS

SCALE 1" = 2,000'

CONTOUR INTERVAL 160'

Source → Exhibit XIII-2A

(27) WATERSHEDS RELATING TO GIVEN CULVERTS

SEE TABLE XIII-2 FOR RUNOFF CALCULATIONS

UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

RECEIVED

AUG 14 1984

DIVISION OF OIL
GAS & MINING

June 26, 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

Dear Mr. Smith;

On June 19, 1984 U.S. Fuel met with three members of the Division's staff to review Violation N84-4-8-8. As that time violations in this group of eight were discussed on site. U.S. Fuel wishes to submit plans for the abatement of these violations where required as remedial action.

Please find enclosed, plans for abatement of violations 4 of 8 and 6 of 8. As agreed during the site inspection on June 19, Violations 1 of 8 and 8 of 8 have been assigned to the consulting firm of Ford, Bacon & Davis Inc. who will work with the Division in developing suitable recommendations to address these violations. Members of the Division indicated that additional time might be granted to allow Ford, Bacon & Davis to compile adequite plans relating to 1 of 8 and 8 of 8. We wish to request that this additional time be granted.

Remedial action required by 3 of 8 and 5 of 8 has already been accomplished by U.S. Fuel.

As discussed in the meeting of June 19, Mr. Rick Summers of the Division will review violations 2 of 8 and 7 of 8 and advise us of his findings regarding our obligations.

Sincerely,

Robert Eccli

Robert Eccli
Sr. Mining Engineer

RE:lj

KING COAL

File

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

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

August 16, 1984

Hand Delivered on August 20, 1984

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

Dear Mr. Eccli:

RE: U. S. Fuel's Submittal for Abatement of Notice of Violation, N84-4-8-8, # 1 of 8, ACT/007/011, Folders # 3 & 7, Carbon County, Utah

U. S. Fuel's response to NOV N84-4-8-8, # 1 of 8 has been reviewed by the Division. Because this is a permanent diversion only the riprapped channel option is acceptable to the Division. The nylon netting and concrete slab proposals are not appropriate for a permanent diversion. The following deficiencies must be addressed so that the review of the plan can be completed:

Filter Blanket Calculations

The filter blanket calculations are in error. Based on the bed material size data on page one of the submittal and the riprap sizing calculated for the 100-year, 24-hour peak flow, a filter blanket is required. Please submit design specifications, with supporting calculations, for a filter blanket installed beneath the riprap.

Certified Diversion Cross-Sections

Certified cross-sections for the diversion must be submitted in accordance with UMC 784.22 and 784.23. These cross-sections should include depth of channel and depth of riprap to be placed.

Your response must be in a format so that all calculations, narrative, and cross sections can be inserted into the appropriate place in your MRP. Upon approval by the Division U. S. Fuel must forward 14 copies of the approved package to the Division for inclusion in the MRP.

U. S. Fuel's deficiency response must be received by the Division no later than August 27, 1984.

Please be aware that you will be required to complete the implementation of the plan within 30 days of Division approval.

Sincerely,

Joseph C. Helfrich for

D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

WH:jw:dl:re

cc: A. Klein, OSM Denver
R. Hagen, OSM Albuquerque
Jim Smith, DOGM
Joe Helfrich, DOGM
John Whitehead, DOGM
David Lof, DOGM
95540-3-4

File

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

August 16, 1984

Hand Delivered on August 20, 1984

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

Dear Ms. Semborski:

RE: Notice of Violation, N84-4-8-8, #7 of 8, Hiawatha Complex, ACT/007/011, Folders # 3 and 7, Carbon County, Utah

The Division finds that the 24 inch culvert, which conveys disturbed and undisturbed area runoff under State Highway 122 to Slurry Pond #5, is not adequate to pass the 10 year, 24 hour event. This finding is based on peak flow estimates generated by John Whitehead using various curve numbers and storm distributions.

The operator is directed to install the 42 inch culvert as recommended in the August 1978 Vaughn Hansen Associates culvert adequacy study. Installation of the culvert must be completed by August 31, 1984.

If you have any questions regarding this letter please call Joe Helfrich, John Whitehead or myself.

Sincerely,

Joseph C. Helfrich for

D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

DWH:dl:re

cc: Allen Klein, OSM Denver
Robert Hagen, OSM Albuquerque
Joe Helfrich, DOGM
John Whitehead, DOGM
David Lof, DOGM
94460-35

FILE FOLDER #7
ACT/007/011

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

CESSATION ORDER NO.C84-4-2-2

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

NAME U. S. FUEL CO.
MINE HIAWATHA MINE COMPLEX ☐ SURFACE ☒ UNDERGROUND ☐ OTHER
COUNTY AND STATE CARBON COUNTY, UTAH TELEPHONE
MAILING ADDRESS: HIAWATHA, UTAH 84527
OSM MINE NO. STATE PERMIT NO. ACT/007/011 MSHA I. D. NO.
CATEGORY OF OWNERSHIP: ☐ STATE ☐ FEE ☐ FEDERAL ☒ MIXED

CATEGORY OF OWNERSHIP: ☐ STATE ☐ FEE ☐ FEDERAL ☐ MIXED
DATE OF INSPECTION AUGUST 14, 19 84.
TIME OF INSPECTION: FROM ☐ a.m. to ☐ a.m.
☐ p.m. ☐ p.m.
NAME OF OPERATOR (if other than permittee)
MAILING ADDRESS:

Under the authority of the Utah Coal Mining & Reclamation Act (Section 40-10-1 et seq., Utah Code Annotated), the undersigned authorized representative of the Director and Division of Oil, Gas & Mining has conducted an inspection of the above mine on the above date and has found that a Cessation Order must be issued with respect to each of the conditions, practices or violations listed in the attachment(s). This Order constitutes a separate Cessation Order for each condition, practice or violation listed.

In accordance with Section 40-10-22, Utah Code Annotated, you are ordered to CEASE IMMEDIATELY the operations described in the attachment(s) and to perform the affirmative obligations described in the attachment(s) within the designated time for abatement. Reclamation operations not directly the subject of this Order shall continue while this Order is in effect.

You are responsible for doing all work in a safe and workmanlike manner.

The undersigned authorized representative hereby finds that this Order does ☐ does not ☒ require cessation of mining expressly or in practical effect. For this purpose, "mining" means extracting coal from the earth or a waste pile and transporting it within or from the minesite.

This order shall remain in effect until it expires as provided on the reverse, or is modified, terminated or vacated by written notice signed by an authorized representative of the Secretary of the Interior.

Date of Service AUGUST 14, 1984 David Lof
SIGNATURE OF AUTHORIZED REPRESENTATIVE

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

Person Served with Notice JEAN SEMBORSKI
PRINT NAME AND TITLE

Signature MR. SEMBORSKI DID PICK UP A COPY

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE

DEPARTMENT OF ATURAL RESOURCES - DIVISION OF OIL AS, AND MINING
1588 WEST NO TEMPLE - SALT LAKE CITY, UTAH 8411 (801) 533-5771

56 64 17

STATE OF UTAH

Cessation Order No. C 84-4-2-2

Violation No. 1 of 2.

Nature of Condition, Practice, or Violation

FAILURE TO ABATE A VIOLATION WITHIN THE 90-DAY MAXIMUM TIME ALLOWABLE FOR ABATEMENT OF A VIOLATION

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

UCA 40-10-22 (1)(c)
UMC 843.11(b)(1)
UMC 843.12(d)

Check Appropriate Box:

☐ The condition, practice, or violation is creating an imminent danger to the health or safety of the public.

☐ The condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

☒ The permittee or operator has failed to abate Violation(s) No. 2 included in Notice of Violation No. N 84-4-8-8 within the time for abatement originally fixed or subsequently extended.

Operation(s) to be Ceased Immediately

Affirmative Obligation(s) and Time for Abatement (if applicable)

SUBMIT COMPLETE AND ADEQUATE PLANS TO THE DIVISION FOR THE INSTALLATION OF A SLOTTED CROSS DRAIN ACROSS THE ~~[illegible]~~ MIDDLE FORK ROAD AT APPROX. STATION 143+00 INORDER TO ENSURE THAT ALL DISTURBED AREA RUNOFF PASSES THROUGH THE ~~[illegible]~~ SEDIMENT POND IN ACCORDANCE WITH THE APPROVED INTERIM PERMIT

Ⓟs

2920

DEPARTMENT OF \TURAL RESOURCES - DIVISION OF OIL \S, AND MINING
1588 WEST NO , TEMPLE - SALT LAKE CITY, UTAH 8411 301) 533-5771

56 64 17

STATE OF UTAH

Cessation Order No. C 84-4-2-2

Violation No. 2 of 2.

Nature of Condition, Practice, or Violation

FAILURE TO ABATE A VIOLATION WITHIN THE 90-DAY MAXIMUM TIME ALLOWABLE FOR ABATEMENT OF A VIOLATION

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

UCA 40-10-22 (1)(c)
UMC 843.11 (b)(1)
UMC 843.12 (d)

Check Appropriate Box:

☐ The condition, practice, or violation is creating an imminent danger to the health or safety of the public.

☐ The condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

☒ The permittee or operator has failed to abate Violation(s) No. 8 included in Notice of Violation No. N 84-4-8-8 within the time for abatement originally fixed or subsequently extended.

Operation(s) to be Ceased Immediately

Affirmative Obligation(s) and Time for Abatement (if applicable)

SUBMIT A COMPLETE AND ADEQUATE DRAINAGE CONTROL PLAN FOR THE MIDDLE FORK ROAD TO COME INTO COMPLIANCE WITH UMC 817.153

Ⓟs

2921

File ACT/007/011
Folder #7

RECEIVED

AUG 14 1984

DIVISION OF OIL
GAS & MINING

August 14, 1984

Mr. Ron Daniels
State of Utah, Division of Oil, Gas and Mining
4241 State Office Building
Salt Lake City, UT 84114

REFERENCE: NOV#84-4-8-8, Violation 2 of 8

Dear Mr. Daniels:

Numerous discussions have occurred over violation 2 of 8 with respect to this violation's validity. Since its receipt on May 15, 1984 it had been discussed with inspection of technical staff during an on-site visit on June 19 and later in phone conversations on June 13, June 19 and August 10 with Joe Helfrich, Rick Summers and Dave Lof respectively. During each of these discussions U.S. Fuel was given the impression that there was uncertainty as to whether the violation was a valid entity on its own, should be combined with an associated violation of the same series, have the abatement measures modified, or be vacated entirely.

On June 26, 1984 Jim Smith was sent a letter specifically requesting a member of your technical staff to review the violation again and to advise us whether the violation was to remain in effect, be modified or be vacated. No response was ever received.

During our June 19 meeting with Joe Helfrich, Dave Lof, Rick Summers, Tim Jensen, Jean Semborski and Bob Eccli, U.S. Fuel explained their concerns over this violation. Our points will again be presented as to why the abatement measure that currently exists is unfeasible.

1. Presently a riprapped channel exists by which runoff from the disturbed area side of the road enters the sediment pond. As the road is sloped toward the pond, all disturbed area runoff is collected by this side ditch and enters the sediment pond or enters from culverts to the west.

2. The existing sediment pond is sized for receiving the runoff from the determined disturbed area. From our evaluation it cannot handle the additional acreage of the undisturbed area runoff that would be caught and directed to the sediment pond should we install the slotted crossdrain.

3. Currently all disturbed area drainage is being treated by the present sediment pond. The slotted cross would in effect make U.S. Fuel treat undisturbed drainage that they are not responsible for. The inspector's proposal would greatly diminish the effectiveness of the sediment pond and present a threat to environmental values and human safety by overloading the pond.

4. An additional 1.45 acre feet of undisturbed area runoff would be contributed to the sediment pond inflow during the design storm. This would exceed the capacity of the sediment pond by at least 1.45 acre feet or twice its present storage capacity. Due to the tight constraints of the canyon in the location of the sediment pond it is impractical to rebuild the pond to add the storage capacity to receive runoff from the undisturbed hillside. Rather it appears more feasible to evaluate the road drainage condition by another means.

5. We feel our existing system will adequately handle disturbed area drainage. A riprapped channel into the sediment pond was contructed over two months prior to issuance of the violation which adequately received the disturbed area drainage which needed to be treated.

As per phone conversation with Dave Lof on August 10, 1984, this statement of our reasons and facts should suffice to terminate this violation.

Sincerely,

Robert Eccli

Robert Eccli
Sr. Mining Engineer

RE/kt

SLOTTED CROSS DRAIN CALCS.
REQUIRED SED. POND INCREASE

WS area = 34.0 ac (see attached figure)

Runoff:

CN = 75 (s = 3.33)

P = 2.25 in (10-yr, 24-hr storm)

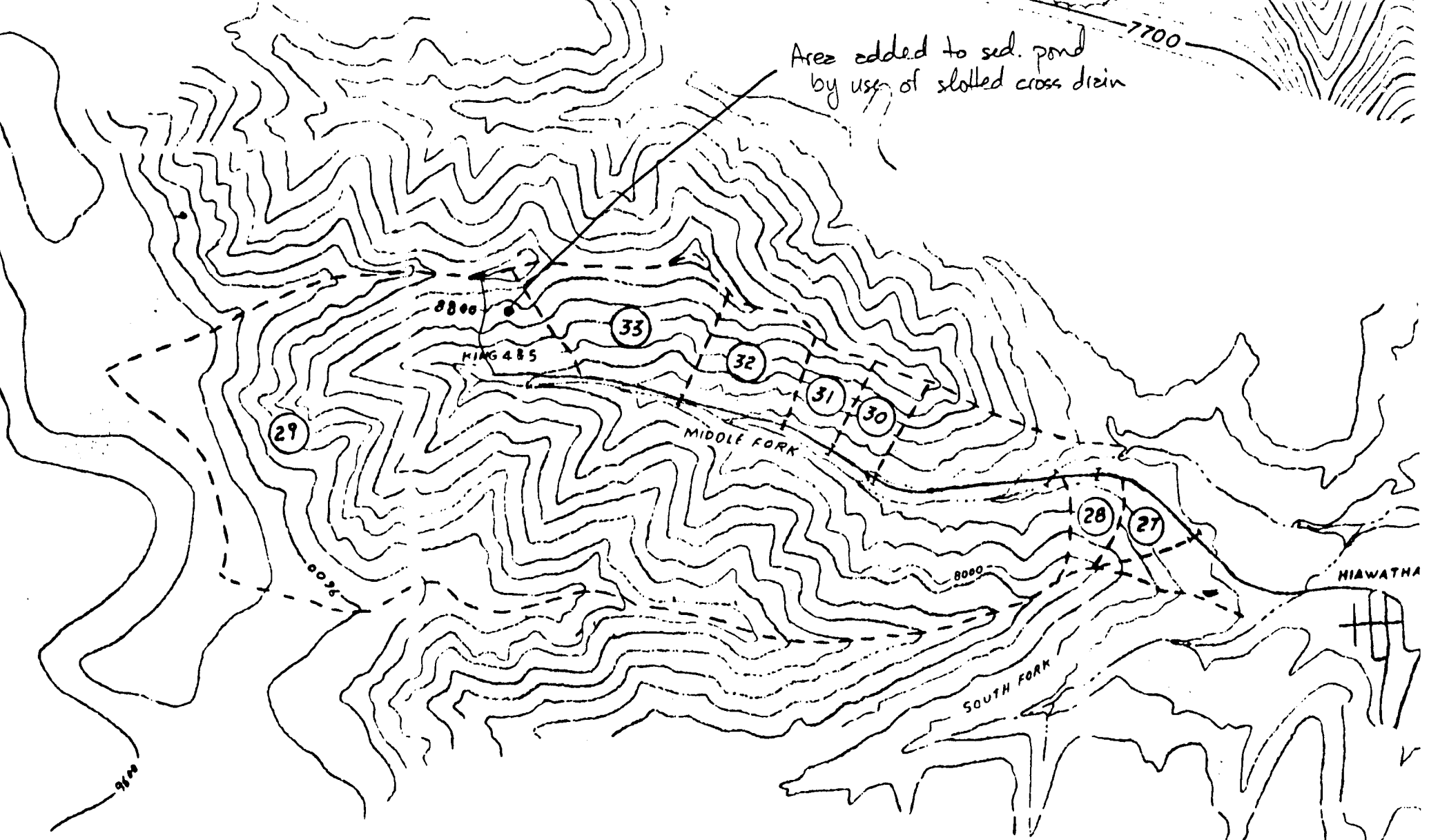
$$Q = \frac{(P-0.2s)^2}{P+0.8s}$$

$$= 0.51 \text{ in}$$

Inflow to sed. pond (additional):

$$\frac{(0.51 \text{ in})(34.0 \text{ ac})}{12 \text{ in/ft}} = \underline{\underline{1.45 \text{ AF}}}$$

Plus ⟹ would need to add additional sed. storage.



MIDDLE FORK WATERSHED AREAS

SCALE 1" = 2,000'

CONTOUR INTERVAL 160'

(27) WATERSHEDS RELATING TO GIVEN CULVERTS

SEE TABLE XIII-2 FOR RUNOFF CALCULATIONS

Source → Exhibit XIII-2A

2/2

UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

RECEIVED

AUG 14 1984

DIVISION OF OIL
GAS & MINING

June 26, 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

Dear Mr. Smith;

On June 19, 1984 U.S. Fuel met with three members of the Division's staff to review Violation N84-4-8-8. As that time violations in this group of eight were discussed on site. U.S. Fuel wishes to submit plans for the abatement of these violations where required as remedial action.

Please find enclosed, plans for abatement of violations 4 of 8 and 6 of 8. As agreed during the site inspection on June 19, Violations 1 of 8 and 8 of 8 have been assigned to the consulting firm of Ford, Bacon & Davis Inc. who will work with the Division in developing suitable recommendations to address these violations. Members of the Division indicated that additional time might be granted to allow Ford, Bacon & Davis to compile adequite plans relating to 1 of 8 and 8 of 8. We wish to request that this additional time be granted.

Remedial action required by 3 of 8 and 5 of 8 has already been accomplished by U.S. Fuel.

As discussed in the meeting of June 19, Mr. Rick Summers of the Division will review violations 2 of 8 and 7 of 8 and advise us of his findings regarding our obligations.

Sincerely,

Robert Eccli

Robert Eccli
Sr. Mining Engineer

RE:lj

KING COAL

Mining File #7

ACT/001/011

RECEIVED

AUG 14 1984

DIVISION OF OIL
GAS & MINING

August 14, 1984

Mr. Ron Daniels
State of Utah, Division of Oil, Gas and Mining
4241 State Office Building
Salt Lake City, UT 84114

REFERENCE: NOV#84-4-8-8, Violation 2 of 8

Dear Mr. Daniels:

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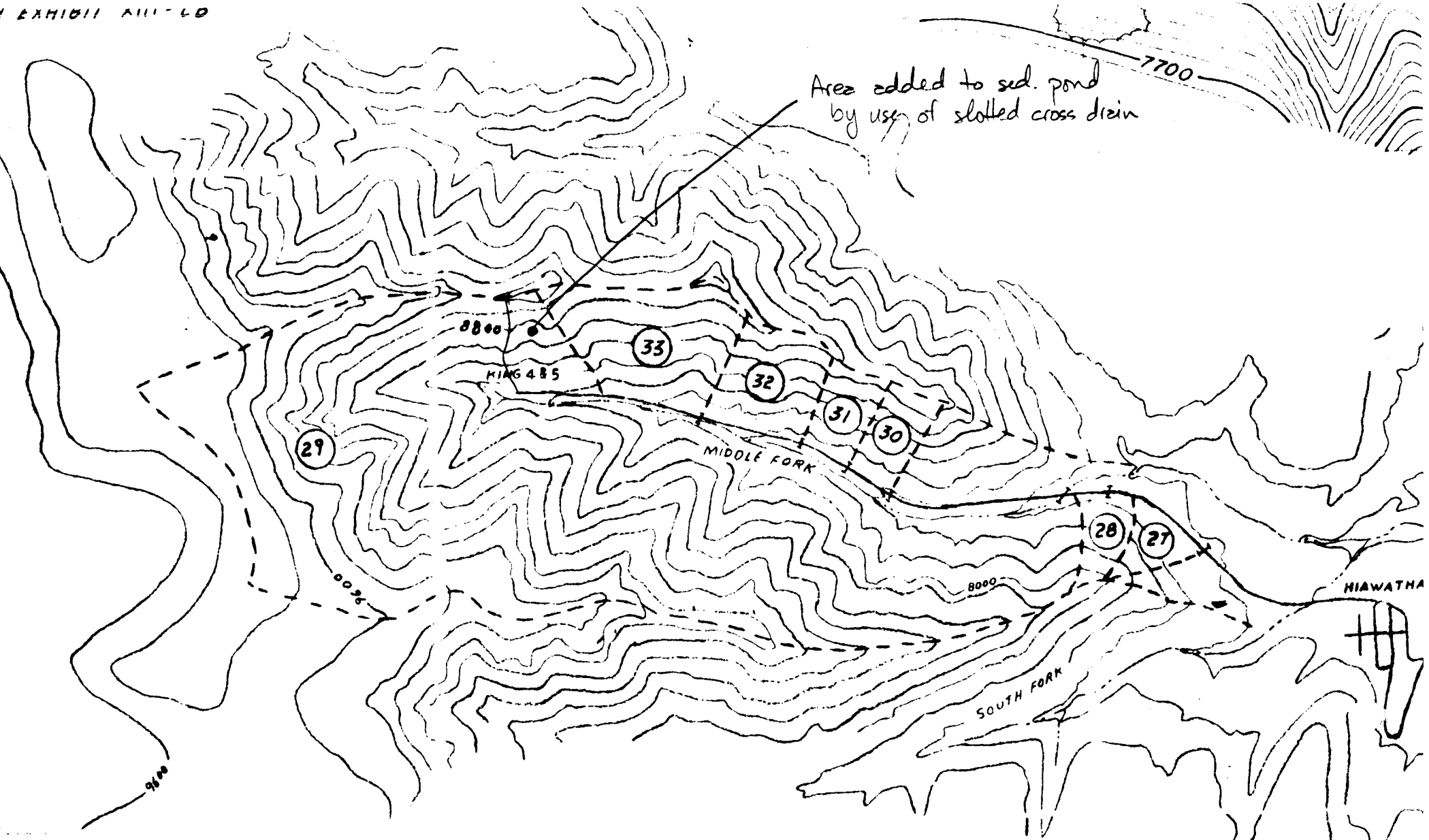
Sincerely,

Robert Eccli

Robert Eccli
Sr. Mining Engineer

RE/kt



MIDDLE FORK WATERSHED AREAS

SCALE 1" = 2,000'

CONTOUR INTERVAL 160'

Source → Exhibit XIII-2A

(27) WATERSHEDS RELATING TO GIVEN CULVERTS

SEE TABLE XIII-2 FOR RUNOFF CALCULATIONS

UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

RECEIVED

AUG 14 1984

DIVISION OF OIL GAS & MINING

June 26, 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

Dear Mr. Smith;

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Please find enclosed, plans for abatement of violations 4 of 8 and 6 of 8. As agreed during the site inspection on June 19, Violations 1 of 8 and 8 of 8 have been assigned to the consulting firm of Ford, Bacon & Davis Inc. who will work with the Division in developing suitable recommendations to address these violations. Members of the Division indicated that additional time might be granted to allow Ford, Bacon & Davis to compile adequite plans relating to 1 of 8 and 8 of 8. We wish to request that this additional time be granted.

Remedial action required by 3 of 8 and 5 of 8 has already been accomplished by U.S. Fuel.

As discussed in the meeting of June 19, Mr. Rick Summers of the Division will review violations 2 of 8 and 7 of 8 and advise us of his findings regarding our obligations.

Sincerely,

Robert Eccli

Robert Eccli
Sr. Mining Engineer

RE:lj

KING COAL

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.

R. White
14 Aug 1984

SLOTTED CROSS DRAIN CALCS.
REQUIRED SED. POND INCREASE

<u>WS area</u> = 34.0 ac (see attached figure)

<u>Runoff</u>:

CN = 75 (s = 3.33)

P = 2.25 in (10-yr, 24-hr storm)

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

$$= 0.51 \text{ in}$$

Inflow to sed. pond (additional):

$$\frac{(0.51 \text{ in})(34.0 \text{ ac})}{12 \text{ in/ft}} = \underline{\underline{1.45 \text{ AF}}}$$

<u>Plus</u> ⟹ would need to add additional sed. storage.

File ACT/007/011
Folder #7

RECEIVED
AUG 14 1984
DIV. OIL, GAS, MINING

cc: Sue
Wayne
Joe
Dave L.

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
IN AND FOR THE STATE OF UTAH

In the Matter of Cessation Order No. C84-4-2-2 and Notice of Violation No. N84-4-8-8 issued to United States Fuel Company	)	PETITION FOR REVIEW AND REQUEST FOR TEMPORARY RELIEF Docket No. 84-058 Cause No. _____

Pursuant to Section 40-10-22 Utah Code Ann. (1953), as amended, and UMC 843.16(a) of the Utah Coal Mining and Reclamation Permanent Program Regulations, United States Fuel Company ("Petitioner"), by and through its undersigned attorneys, hereby petitions the Board of Oil, Gas and Mining ("Board") for a hearing to review Cessation Order No. C84-4-2-2 ("Cessation Order") and Violations Nos. 2 of 8 and 8 of 8 under Notice of Violation No. N84-4-8-8 ("NOV") and for temporary relief from the abatement requirements and any civil monetary penalties issued thereunder. Copies of the Cessation Order and the NOV are attached hereto as Exhibits "A" and "B," respectively.

In support of this Petition, Petitioner, alleges as follows:

1. Petitioner operates an underground coal mining operation (ACT/007/011) near the town of Hiawatha, Carbon County, Utah. In March of 1981, Petitioner made a timely

submission of an application for a mining and reclamation permit under the permanent coal regulatory program. Petitioner's application remains pending.

2. The Cessation Order is dated August 14, 1984 and is based on an alleged failure to take remedial action to abate Violation Nos. 2 of 8 and 8 of 8 set forth in the NOV, dated May 11, 1984, which was issued by Inspector David Lof of the Utah Division of Oil, Gas and Mining.

3. The NOV was received by Petitioner on May 15, 1984.

4. By letter dated May 17, 1984, to Marjorie L. Larson--Secretary of the Board, a copy of which is attached hereto as Exhibit "C." Robert Eccli--Senior Mining Engineer for Petitioner, requested temporary relief from the NOV, and further requested an informal hearing or in the alternative a formal hearing before the Board to review the NOV.

5. No hearing for temporary relief or for formal review has ever been granted on Mr. Eccli's request. Insofar as the NOV is concerned, this Petition relates back to and amends said request for temporary relief and for formal hearing before the Board.

6. Following issuance of the NOV, extensions of time were granted by representatives of the Division for abatement of the violation, and the abatement period on the violations in question was eventually extended until August 13, 1984.

7. During the period of time following the issuance of the NOV, there were various informal discussions between representatives of Petitioner and representatives of the Division relating to the violations cited in the NOV. On June 19, 1984, representatives of Petitioner met with representatives of the Division at Petitioner's mine site to discuss the NOV and the nature of the remedial action that would be required. At that time, Petitioner advised the representatives of the Division that it had retained the consulting firm of Ford, Bacon & Davis, Inc. to work with the Division in developing a suitable plan to abate Violation No. 8 of 8. At that same time, representatives of Petitioner and representatives of the Division also discussed alternative procedures for abatement of Violation No. 2 of 8.

8. By letter dated June 26, 1984, to James W. Smith of the Division, a copy of which is attached hereto as Exhibit "D," Petitioner advised Mr. Smith of the on-site meeting of June 19, 1984 and further advised Mr. Smith that Petitioner was awaiting a response from Mr. Rick Summers of the Division regarding the abatement of Violation 2 of 8. Other than the Cessation Order, no such response has ever been received by Petitioner.

9. On or about July 13, 1984, the Division received Petitioner's abatement plan for Violation No. 8 of 8 set forth

in the NOV, which was submitted by Petitioner in response to the remedial action required under the NOV to "submit a complete and adequate drainage control plan to come into compliance with UMC 817.153" for the Middle Fork Road of Petitioner's operation.

10. On August 6, 1984, Petitioner received a letter dated August 2, 1984, signed by R. W. Daniels of the Division and advising Petitioner that Petitioner's submittal received by the Division on July 13, 1984 was deficient in certain enumerated respects.

11. The Cessation Order and Violation Nos. 2 of 8 and 8 of 8 should be vacated for the following reasons:

(a) Petitioner's timely request for temporary relief from, and for formal review of the abatement orders and the NOV has never been granted.

(b) The matters set forth in the Cessation Order and the NOV are the subject of a pending application for a permanent program permit.

(c) With respect to Violation No. 8 of 8, Petitioner satisfied the required remedial action by submitting an abatement plan to the Division on or before July 13, 1984.

(d) With respect to Violation No. 8 of 8, the abatement period did not end on August 13, 1984, but

was tolled and interrupted by Petitioner's submission of an abatement plan on or before July 13, 1984.

(e) Violation No. 8 of 8 is based on an alleged violation of UMC 817.150 and 817.153, which have been suspended and are not legally enforceable, if at all, prior to final action on Petitioner's application for a permanent program permit.

(f) With respect to Violation No. 2 of 8, the Division advised Petitioner that it would review and modify the originally required abatement action, but never did so. Petitioner has relied to its detriment on the representations by the Division that it would provide Petitioner guidance with respect to the appropriate action to be taken with respect to said violation.

(g) Violation No. 2 of 8 and the abatement order in connection therewith are invalid, because they require Petitioner to undertake abatement action and install a drainage structure which are not required by the applicable regulations and would require the Petitioner to violate applicable regulations governing sediment control. Moreover, drainage from the disturbed area in question has been passed through a sedimentation pond since prior to issuance of the NOV.

11. Any civil penalties to be assessed in connection with the Cessation Order or the NOV should be vacated or reduced for the reasons enumerated above.

12. Pursuant to §40-10-22(3)(c) Utah Code Ann. (1953), as amended, Petitioner hereby requests that the Board grant temporary relief from the Cessation Order and the abatement orders on the ground that Petitioner would be irreparably and unjustly harmed if it were subjected to the assessment of $750.00 per day from and after the date of the Cessation Order and required to install drainage structures not required by applicable regulations. There is a substantial likelihood that Petitioner will prevail on the merits with respect to the validity of the Cessation Order. Temporary relief will not adversely affect the public health or safety or cause significant eminment environmental harm to land, air, or water resources, because the areas in question at Petitioner's coal mining operation are subject to existing drainage and sediment controls and are being maintained. Moreover, Petitioner's submitted plans for abatement of Violation No. 8 of 8 on or before July 13, 1984.

WHEREFORE, Petitioner respectfully requests that it be granted temporary relief from the Cessation Order and abatement orders and that an order or decision on said request be issued within five days of the Board's receipt hereof as provided by

law, and Petitioner further requests that this Petition be set for formal hearing before the Board, that notice of the time, place and purpose of such hearing be given in accordance with the laws of the State of Utah and the rules and regulations of the Board, and that upon conclusion of such hearing the Board enter an Order vacating the Cessation Order and the underlying violations and vacating or reducing any civil monetary penalties that may be assessed in connection therewith.

DATED this 14th day of August, 1984.

By _____

H. Michael Keller
VAN COTT, BAGLEY, CORNWALL & McCARTHY
Co-counsel for Petitioner
P. O. Box 3400
50 South Main Street, Suite 1600
Salt Lake City, Utah 84110-3400
Telephone: (801) 532-3333

James T. Jensen
Co-counsel for Petitioner
190 North Carbon Avenue
Price, Utah 84501
Telephone: (801) 637-1542

5106K
081484

EXHIBIT "A"

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

CESSATION ORDER NO.C 84-4-2-2

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

NAME U. S. Fuel Co.
MINE Hiawatha Mine Complex ☐ SURFACE ☒ UNDERGROUND ☐ OTHER
COUNTY AND STATE Carbon County, Utah TELEPHONE
MAILING ADDRESS: Hiawatha, Utah 84527
OSM MINE NO. STATE PERMIT NO. ACT/007/011 MSHA I. D. NO.
CATEGORY OF OWNERSHIP: ☐ STATE ☐ FEE ☐ FEDERAL ☒ MIXED

CATEGORY OF OWNERSHIP: ☐ STATE ☐ FEE ☐ FEDERAL ☐ MIXED
DATE OF INSPECTION August 14, 19 84.
TIME OF INSPECTION: FROM ☐ a.m. ☐ p.m. to ☐ a.m. ☐ p.m.

NAME OF OPERATOR (if other than permittee)
MAILING ADDRESS:

Under the authority of the Utah Coal Mining & Reclamation Act (Section 40-10-1 et seq., Utah Code Annotated), the undersigned authorized representative of the Director and Division of Oil, Gas & Mining has conducted an inspection of the above mine on the above date and has found that a Cessation Order must be issued with respect to each of the conditions, practices or violations listed in the attachment(s). This Order constitutes a separate Cessation Order for each condition, practice or violation listed.

In accordance with Section 40-10-22, Utah Code Annotated, you are ordered to CEASE IMMEDIATELY the operations described in the attachment(s) and to perform the affirmative obligations described in the attachment(s) within the designated time for abatement. Reclamation operations not directly the subject of this Order shall continue while this Order is in effect.

You are responsible for doing all work in a safe and workmanlike manner.

The undersigned authorized representative hereby finds that this Order does ☐ does not ☒ require cessation of mining expressly or in practical effect. For this purpose, "mining" means extracting coal from the earth or a waste pile and transporting it within or from the minesite.

This order shall remain in effect until it expires as provided on the reverse, or is modified, terminated or vacated by written notice signed by an authorized representative of the Secretary of the Interior.

Date of Service August 14, 1984 SIGNATURE OF AUTHORIZED REPRESENTATIVE

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

Person Served with Notice
PRINT NAME AND TITLE

Signature

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE

A Moore Business Forms, Inc., Patents 3 016 308, 3 429 827

DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING
1588 WEST NORTH TEMPLE - SALT LAKE CITY, UTAH 84116 - (801) 533-5771

56 64 17

STATE OF UTAH

Cessation Order No. C 84-4-2-2

Violation No. 1 of 2.

Nature of Condition, Practice, or Violation

FAILURE TO ABATE A VIOLATION WITHIN THE 90-DAY MAXIMUM TIME ALLOWABLE FOR ABATEMENT OF A VIOLATION

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

UCA 40-10-22 (1)(c)
UMC 843.11(b)(1)
UMC 843.12(d)

Check Appropriate Box:

☐ The condition, practice, or violation is creating an imminent danger to the health or safety of the public.

☐ The condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

☒ The permittee or operator has failed to abate Violation(s) No. 2 included in Notice of Violation No. N 84-4-8-8 within the time for abatement originally fixed or subsequently extended.

Operation(s) to be Ceased Immediately

Affirmative Obligation(s) and Time for Abatement (if applicable)

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

MCP ® M--e Business Forms Inc. Patents 3,016,308, 3 429,827

56 64 17

DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING
1588 WEST NORTH TEMPLE - SALT LAKE CITY, UTAH 84116 - (801) 533-5771

ATE OF UTAH

ssation Order No. C 84-4-2-2

olation No. 2 of 2

Nature of Condition, Practice, or Violation

FAILURE TO ABATE A VIOLATION WITHIN THE 90-DAY MAXIMUM TIME ALLOWABLE FOR ABATEMENT OF A VIOLATION

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

UCA 40-10-22 (1)(c)
UMC 843.11 (b)(1)
UMC 843.12 (d)

Check Appropriate Box:

☐ The condition, practice, or violation is creating an imminent danger to the health or safety of the public.

☐ The condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

☒ The permittee or operator has failed to abate Violation(s) No. 8 included in Notice of Violation No. N 84-4-8-8 within the time for abatement originally fixed or subsequently extended.

Operation(s) to be Ceased Immediately

Affirmative Obligation(s) and Time for Abatement (if applicable)

SUBMIT A COMPLETE AND ADEQUATE DRAINAGE CONTROL PLAN FOR THE MIDDLE FORK ROAD INTO COMPLIANCE WITH UMC 817.153

0021

EXHIBIT "B"

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 84-4-8-8

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/001/011 MSHA I.D. NO.
COUNTY AND STATE Carbon County, Utah TELEPHONE
MAILING ADDRESS: U.S. Fuel Co. Hiawatha 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 [signature]
SIGNATURE OF AUTHORIZED REPRESENTATIVE

Time of Service 1:00 ☐ a.m. ☒ p.m. David [signature] #4
NAME AND I. D. NO.

Person Servied with Notice Jean Semborski
PRINT NAME AND TITLE

Signature ISSUED FROM DIVISION OFFICE

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE

Rec. May 15, 1984

DEPARTMENT OF N RAL RESOURCES - DIVISION OF OIL G 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 84-4-8-8

Violation No. 2 of 8

Nature of the Violation

FAILURE TO ~~PASS~~ 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)(ii)

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

UMC 771.19

UMC 817.42(a)(1)

Portion of the Operation to which Notice Applies

THE "LIBS I" ROAD IN THE MIDDLE FORK FROM APPROXIMATELY STATION 150+00 TO STATION 143+00. (SEE EXHIBIT XIII-2B, "MIDDLE FORK HAUL ROAD") AND ITS 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 DRAIN 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.

PERMITEE/OPERATOR

3285

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 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)(1)(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.

PERMITEE/OPERATOR

3283

EXHIBIT "C"

UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

May 17, 1984

Ms. Marjorie L. Larson
Secretary of the Board
Board of Oil, Gas & Mining
4241 State Office Building
Salt Lake City, Utah 84114

Dear Ms. Larson;

On May 15, 1984 we received a notice of eight (8) violations (N84-4-808) from the Division of Oil, Gas and Mining relating to our coal mining operations at Hiawatha, Utah. A copy of the notice is enclosed.

We have serious concerns as to whether many of the items specified in the notice are in fact violations. For this reason, and due to the very short time period given for abatement, we are requesting temporary relief from this notice.

We wish to request an informal review of this notice with Division representatives in the presence of an impartial mediator or Assessment Officer in an attempt to resolve our concerns short of a formal Board hearing. If an informal review cannot be granted, then we request a formal Board hearing by this letter.

We feel that there is substantial likelihood that we will prevail on the merits of the final determination of the review for the following reasons:

1. The field inspection took place on May 1, 1984. During the time of the inspection no violations were issued and the items listed in the notice were not specifically discussed with us. The notice was received by registered mail on May 15, fourteen (14) days after the inspection.

2. The inspector specifies numerous specific construction techniques which we must implement. We question whether other techniques might be better and whether the inspector has the technical background and authority to specify these techniques.

KING COAL

3. One item in the notice was corrected prior to our receiving the notice and without foreknowledge that a violation would be served.

4. Several items in the notice cite failure to mine in accordance with an approved plan. We feel we have substantial evidence to show that this is not the case.

We assume that arrangements will be made through you for an informal Division conference or Board hearing. If necessary for us to initiate other procedures, please advise us.

Sincerely,

Robert Eccli

Robert Eccli
Sr. Mining Engineer

RE:lj

cc: Diane Nielson, DOGM

EXHIBIT "D"

UNITED STATES FUEL COMPANY

HIAWATHA, UTAH 84527

June 26, 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

Dear Mr. Smith;

On June 19, 1984 U.S. Fuel met with three members of the Division's staff to review Violation N84-4-8-8. As that time violations in this group of eight were discussed on site. U.S. Fuel wishes to submit plans for the abatement of these violations where required as remedial action.

Please find enclosed, plans for abatement of violations 4 of 8 and 6 of 8. As agreed during the site inspection on June 19, Violations 1 of 8 and 8 of 8 have been assigned to the consulting firm of Ford, Bacon & Davis Inc. who will work with the Division in developing suitable recommendations to address these violations. Members of the Division indicated that additional time might be granted to allow Ford, Bacon & Davis to compile adequite plans relating to 1 of 8 and 8 of 8. We wish to request that this additional time be granted.

Remedial action required by 3 of 8 and 5 of 8 has already been accomplished by U.S. Fuel.

As discussed in the meeting of June 19, Mr. Rick Summers of the Division will review violations 2 of 8 and 7 of 8 and advise us of his findings regarding our obligations.

Sincerely,

Robert Eccli

Robert Eccli
Sr. Mining Engineer

RE:lj

KING COAL

FILE ACT/007/011
FOLDER #7

SCOTT M. MATHESON
Governor

GORDON E. HARMSTON
Executive Director,
NATURAL RESOURCES

CLEON B. FEIGHT
Director

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

OIL, GAS, AND MINING BOARD

CHARLES R. HENDERSON
Chairman

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 Permitee 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 84-4-8-8 ___ Y ___ TV dated MAY 11, 19 84.

Cessation Order No. C _____ ___ Y ___ TV dated _____, 19____.

Violation No. 7 is modified as follows: REMEDIAL ACTION REQUIRED:

The reason for this modification are as follows: OR

Violation No. _____ is modified as follows: SUBMIT COMPLETE PLANS TO THE DIVISION SHOWING THAT THE 24" CULVERT IS ADEQUATE TO CONTROL THE RUNOFF FROM A 10 YR, 24 HR, EVENT

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 AUGUST 10, 1984

David Lof
Signature of Authorized Representative

Time of Service or Mailing 8:45 X a.m. ___ p.m.

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

FILE ACT/007/011
FOLDER #7

SCOTT M. MATHESON
Governor

GORDON E. HARMSTON
Executive Director, NATURAL RESOURCES

CLEON B. FEIGHT
Director

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

OIL, GAS, AND MINING BOARD

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

Modification of Notice or Order

To the Following Permitee 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 84-4-8-8 ___ Y ___ TV dated MAY 11, 1984.

Cessation Order No. C _____ ___ Y ___ TV dated _____, 19____.

Violation No. 4 is modified as follows: REMEDIAL ACTION REQUIRED:

The reason for this modification are as follows: DELETE PARTS A & C

Violation No. _____ is modified as follows: INSERT NEW ~~PLAN~~ PART A

The reasons for this modification are as follows: A. SUBMIT COMPLETE PLANS TO PROVIDE SEDIMENT CONTROLS, TOPSOIL PROTECTION AND REVEGETATE THOSE AREAS NOT NEEDED

Violation No. _____ is modified as follows:

The reasons for this modification are as follows:

Date of Service AUGUST 10, 1984

David Lof
Signature of Authorized Representative

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

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

FILE ACT/007/011
FOLDER #7

SCOTT M. MATHESON
Governor

GORDON E. HARMSTON
Executive Director, NATURAL RESOURCES

CLEON B. FEIGHT
Director

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

OIL, GAS, AND MINING BOARD

CHARLES R. HENDERSON
Chairman

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 Permitee 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 84-4-8-8 ___ Y ___ TV dated MAY 11, 19 84.

Cessation Order No. C _____ ___ Y ___ TV dated _____, 19____.

Violation No. 7 is hereby X Terminated ____ Vacated because:

Violation No. ____ is hereby ____ Terminated ____ Vacated because:

Violation No. ____ is hereby ____ Terminated ____ Vacated because:

Date of Service AUGUST 10, 1984 David Lof
Signature of Authorized Representative

Time of Service or Mailing 9 X a.m. ____ p.m. DAVID LOF #4
Name and I.D. No.

File ACT/007/011
Folder #7

SCOTT M. MATHESON
Governor

GORDON E. HARMSTON
Executive Director, NATURAL RESOURCES

CLEON B. FEIGHT
Director

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

OIL, GAS, AND MINING BOARD

CHARLES R. HENDERSON
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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 Permitee 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 84-4-8-8 ___ Y ___ TV dated May 11, 19 84.

Cessation Order No. C _____ ___ Y ___ TV dated _____, 19____.

Violation No. 1 is hereby X Terminated EFFECTIVE 7/13/84 ___ Vacated because:

Violation No. 4 is hereby X Terminated EFFECTIVE 6/28/84 ___ Vacated because:

Violation No. 6 is hereby X Terminated EFFECTIVE 6/28/84 ___ Vacated because:

Date of Service August 10, 1984

David Lof
Signature of Authorized Representative

Time of Service or Mailing 9 X a.m. ___ p.m.

David Lof #4
Name and I.D. No.

DOGM/NOV-1

#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 84-8-1-3

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

NAME U S Fuel Company
MINE Hiawatha ☐ 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, Utah TELEPHONE (801) 343 2471
MAILING ADDRESS: US Fuel Co, Hiawatha, Utah 84527
DATE OF INSPECTION 7/30, 7/31, 19 84.
TIME OF INSPECTION: FROM 130 PM to 430 PM ☐ a.m. to ☐ a.m.
AND ~~☐ p.m. to~~ 8AM 430 ☑ 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 8/10/84 Thomas W Wright
SIGNATURE OF AUTHORIZED REPRESENTATIVE

Time of Service 815 ☑ a.m. ☐ p.m. Thomas W Wright 8
NAME AND I. D. NO.

Person Servied with Notice Jean Semborski
PRINT NAME AND TITLE

Signature Jean Semborski

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE

DEPARTMENT O' \TURAL RESOURCES - DIVISION OF OI\ \S, AND MINING
1588 WEST NO I TEMPLE - SALT LAKE CITY, UTAH 8411\ (801) 533-5771

56 64 16

#7

STATE OF UTAH

Notice of Violation No. N 84-8-1-3

Violation No. 1 of 3

Nature of the Violation

failure to mine in accordance with approved interim permit

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

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

Portion of the Operation to which Notice Applies

Middle Fork mine pad sediment pond
South fork coal loadout sediment pond
South fork mine pad sediment pond
Slurry pond 5 south sediment pond

Remedial Action Required (including interim steps, if any)

A. Reconstruct the sediment ponds in accordance with the approved interim permit and have the ponds recertified by a registered professional engineer
or
B Submit complete and adequate plans to modify the approved plans

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

14 days from receipt of this notice

3210

DEPARTMENT OF TURAL RESOURCES - DIVISION OF OIL .S. AND MINING
1588 WEST NO. , TEMPLE - SALT LAKE CITY, UTAH 8411C .801) 533-5771

56 64 16

#7

STATE OF UTAH

Notice of Violation No. N 84-8-1-3

Violation No. 2 of 3

Nature of the Violation

failure to pass all surface runoff from a disturbed area drainage through a sediment basin or treatment facility before it leaves the permit area

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

UCA 40-10-22
UMC 817.42(a)(1)

Portion of the Operation to which Notice Applies

South fork loadout truck turn around pad

Remedial Action Required (including interim steps, if any)

Submit complete and adequate plans showing how the existing lower truck crossing will be modified to insure that all disturbed runoff will pass through the sediment pond

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

14 days from receipt of this notice

3212

DEPARTMENT OF TURAL RESOURCES - DIVISION OF OIL .S. AND MINING
1588 WEST NO. , TEMPLE - SALT LAKE CITY, UTAH 8411C .801) 533-5771

56 64 16

STATE OF UTAH

Notice of Violation No. N 84-8-1-3

Violation No. 3 of 3.

Nature of the Violation

failure to design and construct discharge structure in such a manner as to reduce erosion, prevent deepening and enlargement of stream channel and to minimize disturbance of the hydrologic balance

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

UMC 817.47

Portion of the Operation to which Notice Applies

North fork Diversion Dam Spillway

Remedial Action Required (including interim steps, if any)

Submit complete and adequate plans for the discharge structure to insure that the structure will pass safely the peak runoff of a 10 year event (24 hours) if it is a temporary, or a 100 year (24 hours) event if it is a permanent structure

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

14 days after receipt of this Notice

3211

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

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

August 2, 1984

CERTIFIED RETURN RECEIPT REQUESTED
(P492 430 092)

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

Dear Mr. Eccli:

RE: Division Review of Abatement Plans for Notice of Violation N84-4-8-8, #8 of 8, Middle Fork Road Drainage and Erosion Control, Hiawatha Complex, ACT/007/011, #3, #7, Carbon County, Utah

The submittal received by the Division on July 13, 1984 for the abatement of Notice of Violation (NOV) N84-4-4-8, #8 of 8 has been reviewed by the Division technical staff. The submittal is deficient in a number of areas which are enumerated as follows.

The issue of culvert spacing was not addressed. Based on the spacing requirements of UMC 817.153(c) the following numbers of culverts would be needed:

Section*	Number of Culverts Currently	Number Needed
20+00 to 60+00	2	5
60+00 to 130+00	5	14
130+00 to Mine Yard	0	8
TOTAL	7	27

*Survey locations as shown on Exhibits XIII-2A, 2B, U. S. Fuel, Apparent Completeness Review Response, July 1983.

Spacing and a proposal for the appropriate number of culverts must be adequately addressed to abate this violation. To obtain approval for culvert spacing greater than the requirements of UMC 817.153(c)(2)(i), the operator must demonstrate, with supporting calculations, that greater spacing will not increase erosion.

Peak flow calculations for each ditch, culvert and outlet spillway proposed were not contained in the submittal. This information must be supplied or a precise reference to such calculations already in the Mining and Reclamation Plan (MRP) must be made. Additionally, each ditch, culvert and outlet spillway must be shown to be adequately sized to pass the appropriate design storm peak flow. This must include cross-sections of each ditch and outlet spillway.

No velocity calculations for ditches or culvert outlets were contained in the submittal. Each proposed ditch and culvert outlet must be accompanied by velocity calculations from the appropriate design storm peak flows in order to assess proposed channel and outlet protection measures.

The submittal did not contain supporting calculations for riprap sizing and placement, for all ditches, culvert outlets and spillway outlets where velocities of greater than five feet per second will occur. This information must be submitted to adequately abate the violation.

The issue of inlet protection measures for all culverts proposed was not addressed in the submittal. This needs to be addressed to protect culvert inlets from clogging and subsequent failure of the structure.

The outlet configurations for each culvert proposed must be clearly defined. Item #6 on page 2 of the U. S. Fuel submittal mentions downspouts for culvert outlets but does not show any drawings, sketches or details of the proposed structures. Will the downspouts be CMP material, flexible cloth type or some other material?

The proposal for loose rock check dams lacks some of the design criteria and installation information needed so that the proposal can be considered complete. The following information must be submitted.

1. A map of appropriate scale showing the exact proposed location of each check dam.

2. A scale drawing of each channel's longitudinal profile.

3. Bank protection measures for each spillway/apron area.

4. Calculations supporting the spacing of check dams.

5. Calculations supporting the apron sizing. (Based on Heede 1976 the L_A dimension proposed looks too short.)

The proposal for two sediment traps lacks some of the design criteria and information necessary to evaluate these proposed structures. The following information must be provided to complete the proposal.

1. The exact location of each sediment trap, and the drainage area contributing to it, must be shown on a map of appropriate scale.

2. The runoff volumes expected from the 10-year, 24-hour rainfall event and annual sediment volumes must be included to assess what portion of this the proposed structures can contain and realistically treat.

3. Detention time calculations and other supporting calculations to demonstrate the feasibility and effectiveness of the sediment traps must be included. Will these structures cause effluent levels to meet the requirements of the regulations?

4. Calculations demonstrating that the proposed spillways can pass the 25-year, 24-hour storm event must be included.

5. Velocity calculations for each spillway outlet. If velocities are expected to exceed five feet per second, then outlet protection measures must be included.

The maps, plans and cross-sections included in the submittal must be prepared by, or under the direction of and certified by a qualifed registered professional engineer as required in UMC 783.25(1).

In conclusion, the submittal needs a significant amount of additional information to be considered complete. Use of the words "approximately" and "about" are frequent and are not acceptable. In order to have an enforceable approved plan, the proposed plan must

be definite and specific, not "approximate." U. S. Fuel's response to this letter should take the form of a complete package addressing all requirements and incorporating the pertinent information from the first submittal rather than an addendum to the first submittal, given the significant deficiencies the plan now contains.

The plans when determined adequate for abatement and final approval will need to be submitted in a format which references the appropriate volume and section of the overall mining and reclamation plan and can be inserted directly as an addendum or revised pages. The replacement pages must also have the revised date indicated. A total of fourteen (14) copies will be necessary to update all pertient MRP's current on file with the State and Federal agencies. U. S. Fuel is reminded of the requirement of UMC 786.11(d)(2) which holds the operator responsible for maintaining a complete, up-to-date MRP permit application with the local county recorder's office.

Should questions arise, please contact John Whitehead, David Lof or myself at your earliest convenience.

Sincerely,

for D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

DWH/JW:btb
cc: Allen Klein, OSM, Denver
Robert Hagen, OSM, Albuquerque
Jim Smith, DOGM
Joe Helfrich, DOGM
Dave Lof, DOGM
John Whitehead, DOGM
92940-5-8

July 6, 1984

TO: Inspection Memo to Coal File:

FROM: David Lof, Mining Field Specialist

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

On June 7, 1984 the above mentioned site was visited by Division Mining Field Specialists David Lof, and Tom Wright. The purpose of the visit was to conduct a partial inspection and follow-up on Notice of Violation N84-4-8-8 (NOV), which was served on May 11, 1984 and received by the operator on May 15, 1984. Jean Semborski of U. S. Fuel Company accompanied us on the inspection. At the time of the inspection it was cool and raining.

As mentioned above the NOV was received by the operator on May 15, 1984, on May 18, 1984 the Division received two letters from the operator one requesting an extension of the time for abatement of Violation #3 of 8. The reason given for needing an extension of time was that U. S. Fuel'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 abatement deadline for the violation). The other letter was a request for an informal review of the NOV by Division representatives in the presence of an impartial mediator, or assessment officer, in an attempt to resolve their concerns regarding the Notice.

On May 18, 1984 I discussed with Division Director Dianne Nielson, U. S. Fuel's request for an extension on Violation #3 of 8. At that time 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 violation, thereby, indicating a lack of diligence on the part of the operator. While discussing the matter further with Dr. Nielson, I told her that I had initially intended for the operator to have five working days in-order to complete the remedial action required and that I felt an extension until May 23, 1984, 5:00 p.m. would be appropriate. Following my discussion with Dr. Nielson, I called Bob Eccli, U. S. Fuel's Senior Mining Engineer, and informed him of our decision.

Following the receipt of the letter requesting the informal review of the NOV, the Division informed the operator that the method by which they had requested the informal hearing was improper and explained to the operator how they could properly file a request for the informal review. It was decided by the Division administration that the operator would be granted an extension on the NOV until June 15, 1984, inorder to allow them time to prepare an appeal of the NOV.

In a letter from the Division dated May 24, 1984, I documented the Division's response to Ms. Semborski's request for an extension of Violation #3 of 8, and sent the operator a Modification of Notice for the entire NOV as discussed above.

Middle Fork

Upon inspecting the outlet of the primary decant for the Middle Fork Sediment Pond I found that the operator had installed the vitrolic clamp, with a plug, on the end of the three inch steel pipe as required for abatement of Violation #5 of 8. I asked Ms. Semborski when this work had been completed and she told me that it had been installed the day following the May 1, 1984 inspection. I terminated the violation that day and made the termination effective May 2, 1984, based on Ms. Semborski's word.

Since runoff was occurring at the time of the inspection I took the opportunity to sample the discharge from several of the cross culverts under the Middle Fork road, and from the Middle Fork undisturbed bypass culvert outlet below the sediment pond. The samples were taken to the State Health Laboratories for analysis. The results of the water analysis can be found in Table I below:

TABLE I
WATER MONITORING DATA

	TSS mg/l	VOLATILE TSS mg/l	SETTLEABLE SOLIDS mg/l	TDS mg/l	FLOW GPM
Outlet of Mid. Fk. bypass culvert #25	55	7	-	388	-
Outlet culvert #33	9260	1860	44	824	10
Outlet culvert #32	2130	370	3	782	5
Outlet culvert #29	900	148	-	726	-
Drop inlet to Culvert #13	285	170	-	826	5

Culvert #33 is the first cross culvert for the road below the mine yard. Excessive erosion has occurred at the outlet to the cross culvert. Several cubic yards of material have been displaced into the stream which is less then 50 feet away from the culvert outlet.

Culvert #32 is the second cross culvert for the Middle Fork road below the sediment pond. I found that extensive erosion was occurring from the outlet all the way to the stream which is approximately 100 to 150 feet from the road.

The third cross culvert under the Middle Fork road below the sediment pond is Culvert #31. The flow at the outlet of this culvert was less than one gallon per minute and was not sampled. Once again excessive erosion, greater than two feet in depth, was occurring all the way from the culvert outlet to the stream channel.

Culvert #30 is the fourth cross culvert for the Middle Fork road below the sediment pond. The flow from the outlet to the cross culvert was less than one gallon per minute, and was not sampled. Headcutting was occurring at the culvert outlet and excessive erosion four to seven feet deep and up to seven feet wide was occurring from the culvert outlet to the stream.

Culvert #29 is the culvert which conveys the Middle Fork of Miller Creek under the Middle Fork road.

While inspecting the Middle Fork road from approximately Station 70+00 to Station 55+00, I found several areas where severe erosion was occurring on the downslope from the road. An area of particular concern was right where the Middle Fork of Miller Creek crosses under the Middle Fork road.

The last point along the Middle Fork road from which a sample was taken was the drop inlet for the Middle Fork road drainage into the South fork of Miller Creek bypass culvert under the railroad and the road (Culvert #13), near the truck yard.

Upper Coal Storage Yard

Upon entering the storage yard. We found a pile of old electrical cable, covering approximately 100 to 200 square feet, which the operator had just recently burned, in fact the pile was still smoldering. The operator was burning off the wire insulation so that they could salvage the copper. During an April 13, 1983 partial inspection, conducted by myself, I found the operator doing the exact same thing in the preparation plant area. At that time I had told the operator to extinguish the fire immediately and informed them that they would have to acquire a burning permit from the State Bureau of Air Quality in order to burn the material and in order to do so, the Bureau would require them to have an incinerator. This inspection was documented in a July 7, 1983 Inspection Memo to Coal File which was copied to Ms. Semborski. Since the operator was fully aware of the regulations regarding the burning of noncoal waste materials, Notice of Violation N84-4-9-1 was issued on June 8, 1984. The violation reads as follows:

Nature of the Violation

Failure to mine and store noncoal waste in such a manner to prevent fires.

Provision of the Regulations, Act or Permit Violated

UMC 817.89(a)

Portion of the Operation to Which Notice Applies

Electrical cable being burned at the north end of the upper coal storage yard.

Remedial Action Required

Put out the fire completely and dispose of material in an approved noncoal waste storage area.

Time for Abatement

June 8, 1984, 5:00 p.m.

The violation was served at 8:10 a.m.. Mr. Wright and I, then checked the cable and found that it had been extinguished, therefore, we terminated the Violation on June 8, 1984.

Notice of Violation N84-4-8-8, #3 of 8 required that the operator construct and maintain a berm on the northeast side of the railroad tracks from the extreme north end of the Upper Coal Storage Yard to approximately 400 feet east of the truck maintenance shop. The violation also required an extension of the 36 inch culvert inlet which conveys the undisturbed area runoff, from the area between the explosives magazine area and the upper coal storage yard, under the railroad. I walked the entire length of the berm with Ms. Semborski and inspected the inlet to the 36 inch cross culvert and found that all the work that the operator had done was adequate. I asked Ms. Semborski when the remedial actions had been completed, she indicated to me that they had been completed on May 21, 1984. The violation was terminated on June 18, 1984, effective May 21, 1984.

DL:re

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

Statistics: See Consolidation Coal Company, Emery Deep Mine memo dated June 28, 1984

94460-18-21

July 5, 1984

TO: Inspection Memo to Coal File:

FROM: Dave Lof, Mining Field Specialist DL

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

On May 1, 1984 the above mentioned mine site was visited by Division Mine Field Specialists, David Lof and Tom Wright. They were accompanied on this inspection by Jean Semborski of U. S. fuel Company.

South Fork

The operator had repaired the damage to the undisturbed culvert above the South Fork loadout area which had been noted during the OSM Technical Review Team tour on April 12, 1984. While at the loadout site, I discussed with Ms. Semborski, the replacing of the strawbales on the south side of the South Fork conveyor, south of the coal stockpile.

Middle Fork

A large amount of non-coal waste was being stored on the south side of the #4 Mine conveyor. Ms. Semborski indicated that it would be cleaned up this spring.

The sizing of the emergency spillway for the Middle Fork sediment pond appeared to be questionable. I spoke with Ms. Semborski and told her that they should make sure that the emergency spillway is properly maintained so that it can handle the emergency discharge of the 25-year, 24-hour event from the sediment pond. The sediment level in the Middle Fork pond was within 22 inches of the dewatering device inlet.

The sediment level was fairly constant within the sediment pond with a small delta having been formed at the two culvert inlets. I asked Ms. Semborski to have the sediment ponds surveyed so that we could determine the present level of the sediment as compared to the 60% sediment storage level and the 100% sediment storage level which are part of the approved plans for the sediment pond. I asked Ms. Semborski to have the survey completed within the next two weeks.

While inspecting the dewatering device spillway outlet, I found that there was no plug at the outlet as is called for in the approved plans. Because there was no plug, anytime the water level in the sediment pond reached the level of the dewatering device uncontrolled discharge would occur. Because of this Notice of Violation N84-4-8-8, # 5 of 8 was issued, it reads as follows:

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.

Provisions of the Regulations, Act or Permit Violated

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

Portion of the Operation to which Notice Applies

Middle fork sediment pond dewatering device outlet.

Remedial Action Required

Install a three inch vitrolic clamp with plug on the end of the three inch steel pipe as per "Outlet Structure Detail" and Exhibit VII-3 entitled, "Typical Details and Sections for Sedimentation Ponds".

Time for Abatement

May 18, 1984.

The violation was served from the Division offices on May 11, 1984 and received by the operator on May 15, 1984.

After inspecting the sediment pond I walked along the edge of the small area just below the pond and adjacent to the Middle Fork stream channel. The operator uses this area to store snow from the Middle Fork road during the winter. As I walked along the stream channel I found evidence of excessive contributions of sediment to the stream from the small area and from the Middle Fork road. Most of the sediment appeared to be coal fines which were accumulated in the drainage paths from the small area into the stream, and on the stream embankments.

I continued to walk down the Middle Fork road, which is a Class I haul road, in order to inspect the drainage controls for the road and its associated ditch. Looking down the road towards the leach field area and timber storage area beyond, I could see coal fines and slag chips, which the operator uses on the roads in the winter, accumulated on the shoulders of the road along its' entire length. On the stream side of the road there were several areas where erosion was occurring on the downslope from the road to the stream. On the other side of the road where the ditch is located, I found erosion occuring in the road side ditch greater than 6 inches in depth.

The first ditch relief culvert for the road side ditch was a 36 inch culvert located approximately .55 miles from the 12 inch culvert which is located immediately below the mine yard warehouse. The slope of the road between these two culverts is greater than 10%. According to UMC 817.153 (c)(2)(i)(d), the spacing for ditch relief culverts along Class I Roads with grates of 10%, or greater, should not exceed 300 feet, this standard spacing may be increased or decreased as deemed necessary by the Division. If the standard was used for this Class I road, the operator would need at least nine additional cross culverts for this section of road.

Upon inspecting the outlet for the 36 inch cross culvert mentioned above, I found that excessive erosion had occurred from the outlet down to the stream, which is approximately 50 feet away. It was evident that several cubic yards of soil material had been eroded into the stream.

Erosion was evident in the road side ditch for the Middle Fork road in the area adjacent to the sediment basin. Erosion was particularly severe near the drop inlet for the road drainage into culvert #13 which conveys the South Fork of Miller Creek under the road. The operator needs to provide sediment and erosion controls for this road side ditch.

Because the operator had failed to provide adequate drainage controls along the Class I Road as discussed above Notice of Violation N84-4-8-8, #8 of 8 was issued. It reads as follows:

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 stream flow or runoff outside the permit area.

Failure to design and construct a Class I Road to control or minimize erosion and siltation, and to prevent to the extent possible additional contributions of suspended solids to stream flow or runoff outside the permit area.

Provision of the Regulations, Act or Permit Violated

UCA 40-10-18 (2)(i)(ii)
UMC 817.45
UMC 817.150(a)(b)
UMC 817.153(a)(1)(2),(c)(1)(ii),(c)(2)(1)

Portion of the Operation to Which Notice Applies

The Middle Fork Road.

Remedial Action Required

Submit a complete and adequate drainage control plan to come into compliance with UMC 817.153.

Time for Abatement

May 25, 1984 at 5:00 p.m.

The violation was served on May 11, 1984 from the Division offices. The violation was received by the operator on May 15, 1984.

While inspecting the Class I Road from approximatly Station 150 + 00 to Station 143 + 00, I noted that that section of the road and its associated road side ditch were not draining into the Middle Fork sediment pond. This section of road is approximately from the mine yard pad down to the sediment pond. According to Figure 4. of the Hydrology and Culvert Adequacy Study conducted by Vaughn Hansen and Associates (VHA) for the operator,and documented in a report dated August 1978, this area is included within the disturbed area boundary which is suppose to go to the Middle Fork sediment pond. Because this area was not being directed to the pond, the operator was issued Notice of Violation N84-4-8-8, #2 of 8, which reads as follows:

Nature of the Violation

Failure to conduct surface coal mining operations so as to prevent to the extent possible additional contributions of suspended solids to stream flow or runoff outside the permit area.

Failure to mine in accordance with an appoved interim permit.

Failure to pass all disturbed area runoff through a sediment pond or treatment facility before leaving the permit area.

Provisions of the Regulations, Act or Permit Violated

UCA 40-10-18 (2)(i)(ii)
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 VIII-2B, "Middle Fork Haul Road") and it's associated road side ditch.

Remedial Action Required

Submit complete and adequate plans to the Division for the installation of a slotted cross drain accross the road at approximately Station 143 + 00 in order to insure that all disturbed area runoff passes through the sediment pond in accordance with the approved interim permit.

Time for Abatement

May 25, 1984, at 5:00 p.m.

The violation was served on May 11, 1984 from the Division offices and received by the operator on May 15, 1984.

During the inspection of the Middle Fork road I also looked at three small disturbed areas located along the road. The first one is just below the sediment pond on the opposite side of the road and is being used for timber storage. The only runoff controls for this area are strawbales which line the perimeter and were very much in need of maintenance. Most of the bales were badly disintegrated. I told Ms. Semborski that when the strawbales are replaced they should be inset at least three inches and staked in place. In addition, I suggested that they may want to go to an earthen berm with a straw filter outlet.

The second small disturbed area is located near the 36 inch cross culvert (Culvert #33) which was discussed earlier and just below the leach field. This area is also used for timber storage and again the only runoff control for this area are strawbales which are placed along the entire perimeter of the disturbed area. Many of the strawbales were disintegrated and some were missing. In addition it appeared that the two truck crossings into this disturbed area needed to be raised in order to prevent runoff from leaving the disturbed area via the crossings.

The third area is located on the north side of the road just above where the Middle Fork road crosses the Middle Fork of Miller Creek. This area had been used by the operator to store coal fines and slag chips which were spread on the road during the winter. This area was inspected during a September 8, 1984 complete inspection, at that time there were no runoff controls for the area, and I asked the operator what their plans were for the site. Ms. Semborski had indicated that they were going to seed it. It was seeded later that fall.

According to UMC 817.42(a)(1) all surface drainage from disturbed areas including disturbed areas that have been graded seeded or planted, shall be passed through a sedimentation pond, a series of sedimentation ponds or a treatment facility prior to leaving the permit area. Part (a)(2) states that these

sedimentation ponds or treatment facilities must be maintained until the area has been restored and the vegetation requirements of UMC 817.111-817.117 are met and the untreated drainage from the disturbed area meets applicable state and federal water quality standards. The regulation further states that the Division may grant an exemption from these requirements for small areas if the person who conducts the underground coal mine activities demonstrates by the use of alternative sediment control measures that the drainage will meet all applicable state and federal effluent limitation standards. Because the drainage from the three small disturbed areas is not passing through a sedimentation pond or treatment facility, and they have not received an exemption from these requirements from the Division, Notice of Violation N84-4-8-8, # 6 of 8 was issued, it reads as follows:

Nature of the Violation

Failure to conduct surface coal mining operations to prevent to the extent possible, using the best technology available, additional contributions of suspended solids to stream flow 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 and maintain sediment control measures to prevent additional contributions of sediment to stream flow or to runoff outside the permit area.

Provision of the Regulations, Act or Permit Violated

UCA 40-10-18 (20(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. Salt and 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. The disturbed area east of Slurry Pond #4's sediment pond diversion ditch and adjacent to State Highway 122.

Remedial Action Required

A. Submit complete and adequate sediment control plans

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

Plans must be received by the Division by May 25, 1984, 5:00 p.m.

The violation was served the operator on May 11, 1984 from the Division offices, and received by the operator on May 15, 1984.

Part D of the above mentioned violation is a small disturbed area on the east side of Slurry Pond #4 and adjacent to State Highway 122. The area is not currently being used by mine operations, however, there are no runoff controls for the area and it is shown in their mine permit application as part of the disturbed area.

Explosive Magazine Area

The explosive magazines are located just to the southeast of the turnoff from the Middle Fork road down into the Upper Coal Storage Yard. The amount of disturbed area is a little less than three acres. At the time of this inspection, there was a great deal of noncoal waste materials strewn throughout the area indiscriminately.

This area is not one of the approved noncoal waste storage sites. There were no drainage controls for the disturbed area runoff from this area which goes into the undisturbed area immediately to the north and east. In addition, topsoil has not been removed from this area, this material is valuable and is needed especially when considered that the operator already has a large topsoil deficit. Because of these problems, Notice of Violation N84-4-8-8, #4 of 8 was issued, it reads as follows:

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.

Provisions of the Regulations, Act or Permit Violated

UCA 40-10-22(1)(c)
UMC 771-19
UMC 817.89(a)
UMC 817.42(a)(1)

Portion of the Operation to Which Notice Applies

Explosives megazine area and associated disturbed area.

Remedial Action Required

A. Move the explosive megazines 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. Submit complete and adequate plans to the Division for the immediate reclamation of the site.

Time for Abatement

May 25, 1984, 5:00 p.m.

The violation was served on May 11, 1984 and received by the operator on May 15, 1984.

Upper Coal Storage Yard

According to the operators approved interim permit, runoff from the upper coal storage yard is suppose to go to the sediment pond constructed for this area. Runoff originating along the railraod tracks south of the sediment pond down toward Slurry Pond #1 is suppose to go to the Hiawatha yard and slurry pond area. At the time of this inspection I found that there was little if any berm existing along the northeast side of the railroad tracks to keep the disturbed area runoff from this area from leaving the permitted disturbed area. Some small erosion problems were evident on the downslopes from the railroad tracks down to the stream below. There was a large amount of coal fines accumulated on the downslopes, however, there was a good buffer between the stream and the downslopes which has kept most of the coal fines from entering the stream. I told Ms. Semborski at that time that they would need to construct a berm the entire length of the Upper Coal Storage Yard and all the way from the storage yard to the Slurry Pond #1 area in order to contain runoff from the disturbed area.

As Ms. Semborski and I walked along the railroad tracks from the Upper Coal Storage Yard towards the Hiawatha yard. We found a 36 inch cross culvert which conveys undisturbed drainage, from the small undisturbed area between the explosive magazine area and the upper coal storage yard, underneath the railroad tracks. The inlet to the culvert was inadequately protected to prevent disturbed area runoff from the railroad tracks from entering it and bypassing sediment control structures.

There is evidence of sediment deposition off the permit area and there was no berm protecting the South Fork of Miller Creek from disturbed area runoff from the railroad track disturbed area.

Because of the lack of a berm along the east side of the railroad tracks and the inadequate protection of the 36 inch cross culvert inlet, Notice of Violation N84-4-8-8, #3 of 8 was issued. It reads as follows:

Nature of the Violation

Failure to operate in accordance with an approved interim permit.

Failure to pass all disturbed area runoff through 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 stream flow or to runoff outside the permit area.

Provisions of the Regulations, Act or Permit Violated

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

Portion of the Operation to Which Notice Applies

A. The northeast side of the railroad tracks from the extreme north end of the upper coal storage yard to approximately 400 feet east of the truck maintenance shop.

B. The 36 inch cross culvert, under the railroad, for the undisturbed area between the magazine area and the upper coal storage yard.

Remedial Action Required

A. Construct and maintain a berm (minimum height 2 feet) along the northeast side of the railroad track as necessary.

B. 1. Extend the 36 inch culvert inlet to the west several feet and provide adequate inlet controls.

2. Construct a berm (minimum height 2 feet) along the west side of the railroad tracks to protect the undisturbed area from the disturbed area along the railroad.

Time for Abatement

May 18, 1984.

The violation was served on May 11, 1984, from the Division offices and recieved by the operator on May 15, 1984.

Hiawatha Yard

While in the operators mine office we reviewed the sediment pond and slurry pond inspection reports through April 27, 1984. The reports did not indicate any problems with the slurry ponds or the sediment ponds.

During my March 29, 1984 partial inspection I discovered a five to six inch ceramic pipe connected to the side of Culvert #2, approximately three to four feet inside the inlet to the culvert. Water was flowing from the ceramic pipe at approximately 5 gallons per minute. The water smelled like raw sewage. At that time I took samples of the water for analysis by State Health Laboratories, since that time I have received the analysis back from the laboratory. Analysis indicated an extremely high Total and Fecal Coliform count, the B.O.D. was 100 mg/l and the coliforms were too numerous to count. During a later discussion of the discharge with Ms. Semborski, she indicated to me that Bob Eccli had told her that they had a permit from State Health to discharge the sewage to the slurry ponds below. During this inspection I asked Ms. Semborski if I could see a copy of the permit from State Health to discharge the sewage into Slurry Pond #5. She indicated that the permit was in fact in the name of the town of Hiawatha and that since the sewage was from the town that the mine was not involved in the acquiring of the permit, and that I should talk to Steve McNeal about it.

During my March 29, 1984 inspection I discussed with Ms. Semborski, the sizing of Culvert #1 which conveys slurry water into Slurry Pond #5. The sizing of the culvert was discussed again with Ms. Semborski during the OSM Technical Review Team inspection of the

Hiawatha Complex on April 12, 1984, at which time Ms. Semborski told me that Mr. Eccli had reviewed the design calculations for the culvert and found that it was adequately sized to handle the runoff directed to it. However, while reviewing the August 1978 VHA report I found that VHA had determined that the 24 inch culvert was inadequate and they recommended the installation of a 42 inch culvert. Because the culvert was inadequately sized to properly control the runoff which is suppose to be directed to Slurry Pond #5, Notice Of Violation N84-4-8-8, #7 of 8 was issued, it reads as follows:

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 runoff outside the permit area.

Provisions of the Regulations, Act or Permit Violated

UMC 817.45

Portion of the Operation to Which Notice Applies

Culvert #1 (as designated in Vaughn Hansen and Associates culvert adequacy study).

Remedial Action Required

Replace the existing 24 inch culvert with a 42 inch culvert.

Time for Abatement

May 25, 1984, 5:00 p.m.

While inspecting the Miller Creek stream channel diversion on the north side of Slurry Pond #1, I found that some erosion had been occurring in the channel bottom, in some areas as much as 12 inches. There was very little erosion on the channel slopes, however, there was one area along the stream channel diversion where the stream had started to cut into the bank, and there were two small gullies forming on the southern slope caused by runoff off of the sediment pond embankment. The vegetation on the slope was coming in fair and there were patches of willows in the bottom of the stream channel diversion.

In the operator's March 29, 1979 approval letter from the Division for the stream channel realignment the Division required that the channel of the realigned stream be riprapped. The ten feet

of the stream channel bottom and the nine feet side slopes were all supposed to be riprapped. The operator has never met this requirement of the approval letter, therefore, Notice of Violation N84-4-8-8, #1 of 8 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

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

Portion of the Operation to Which Notice Applies

The Miller Creek stream channel diversion associated with Slurry Pond #1.

Remedial Action Required

A. Review approved plans and insure that the stream channel diversion is constructed as approved (i.e., riprap, sideslopes, etc.).

OR

B. Submit complete and adequate plans to the Division modifying the approved plan which insures compliance with UMC 817.44.

Time for Abatement

May 25, 1984 at 5:00 p.m.

The NOV was served from the Division offices on May 11, 1984 and received by the operator on May 15, 1984.

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

Statistics: See Trail Mountain Coal Mine Memo dated May 14, 1984
94460-5-16

July 5, 1984

TO: Inspection Memo to Coal File:

FROM: Dave Lof, Mining Field Specialist DL

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

On May 1, 1984 the above mentioned mine site was visited by Division Mine Field Specialists, David Lof and Tom Wright. They were accompanied on this inspection by Jean Semborski of U. S. fuel Company.

South Fork

The operator had repaired the damage to the undisturbed culvert above the South Fork loadout area which had been noted during the OSM Technical Review Team tour on April 12, 1984. While at the loadout site, I discussed with Ms. Semborski, the replacing of the strawbales on the south side of the South Fork conveyor, south of the coal stockpile.

Middle Fork

A large amount of non-coal waste was being stored on the south side of the #4 Mine conveyor. Ms. Semborski indicated that it would be cleaned up this spring.

The sizing of the emergency spillway for the Middle Fork sediment pond appeared to be questionable. I spoke with Ms. Semborski and told her that they should make sure that the emergency spillway is properly maintained so that it can handle the emergency discharge of the 25-year, 24-hour event from the sediment pond. The sediment level in the Middle Fork pond was within 22 inches of the dewatering device inlet.

The sediment level was fairly constant within the sediment pond with a small delta having been formed at the two culvert inlets. I asked Ms. Semborski to have the sediment ponds surveyed so that we could determine the present level of the sediment as compared to the 60% sediment storage level and the 100% sediment storage level which are part of the approved plans for the sediment pond. I asked Ms. Semborski to have the survey completed within the next two weeks.

While inspecting the dewatering device spillway outlet, I found that there was no plug at the outlet as is called for in the approved plans. Because there was no plug, anytime the water level in the sediment pond reached the level of the dewatering device uncontrolled discharge would occur. Because of this Notice of Violation N84-4-8-8, # 5 of 8 was issued, it reads as follows:

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.

Provisions of the Regulations, Act or Permit Violated

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

Portion of the Operation to which Notice Applies

Middle fork sediment pond dewatering device outlet.

Remedial Action Required

Install a three inch vitrolic clamp with plug on the end of the three inch steel pipe as per "Outlet Structure Detail" and Exhibit VII-3 entitled, "Typical Details and Sections for Sedimentation Ponds".

Time for Abatement

May 18, 1984.

The violation was served from the Division offices on May 11, 1984 and received by the operator on May 15, 1984.

After inspecting the sediment pond I walked along the edge of the small area just below the pond and adjacent to the Middle Fork stream channel. The operator uses this area to store snow from the Middle Fork road during the winter. As I walked along the stream channel I found evidence of excessive contributions of sediment to the stream from the small area and from the Middle Fork road. Most of the sediment appeared to be coal fines which were accumulated in the drainage paths from the small area into the stream, and on the stream embankments.

I continued to walk down the Middle Fork road, which is a Class I haul road, in order to inspect the drainage controls for the road and its associated ditch. Looking down the road towards the leach field area and timber storage area beyond, I could see coal fines and slag chips, which the operator uses on the roads in the winter, accumulated on the shoulders of the road along its' entire length. On the stream side of the road there were several areas where erosion was occurring on the downslope from the road to the stream. On the other side of the road where the ditch is located, I found erosion occuring in the road side ditch greater than 6 inches in depth.

The first ditch relief culvert for the road side ditch was a 36 inch culvert located approximately .55 miles from the 12 inch culvert which is located immediately below the mine yard warehouse. The slope of the road between these two culverts is greater than 10%. According to UMC 817.153 (c)(2)(i)(d), the spacing for ditch relief culverts along Class I Roads with grates of 10%, or greater, should not exceed 300 feet, this standard spacing may be increased or decreased as deemed necessary by the Division. If the standard was used for this Class I road, the operator would need at least nine additional cross culverts for this section of road.

Upon inspecting the outlet for the 36 inch cross culvert mentioned above, I found that excessive erosion had occurred from the outlet down to the stream, which is approximately 50 feet away. It was evident that several cubic yards of soil material had been eroded into the stream.

Erosion was evident in the road side ditch for the Middle Fork road in the area adjacent to the sediment basin. Erosion was particularly severe near the drop inlet for the road drainage into culvert #13 which conveys the South Fork of Miller Creek under the road. The operator needs to provide sediment and erosion controls for this road side ditch.

Because the operator had failed to provide adequate drainage controls along the Class I Road as discussed above Notice of Violation N84-4-8-8, #8 of 8 was issued. It reads as follows:

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 stream flow or runoff outside the permit area.

Failure to design and construct a Class I Road to control or minimize erosion and siltation, and to prevent to the extent possible additional contributions of suspended solids to stream flow or runoff outside the permit area.

Provision of the Regulations, Act or Permit Violated

UCA 40-10-18 (2)(i)(ii)
UMC 817.45
UMC 817.150(a)(b)
UMC 817.153(a)(1)(2),(c)(1)(ii),(c)(2)(1)

Portion of the Operation to Which Notice Applies

The Middle Fork Road.

Remedial Action Required

Submit a complete and adequate drainage control plan to come into compliance with UMC 817.153.

Time for Abatement

May 25, 1984 at 5:00 p.m.

The violation was served on May 11, 1984 from the Division offices. The violation was received by the operator on May 15, 1984.

While inspecting the Class I Road from approximatly Station 150 + 00 to Station 143 + 00, I noted that that section of the road and its associated road side ditch were not draining into the Middle Fork sediment pond. This section of road is approximately from the mine yard pad down to the sediment pond. According to Figure 4. of the Hydrology and Culvert Adequacy Study conducted by Vaughn Hansen and Associates (VHA) for the operator,and documented in a report dated August 1978, this area is included within the disturbed area boundary which is suppose to go to the Middle Fork sediment pond. Because this area was not being directed to the pond, the operator was issued Notice of Violation N84-4-8-8, #2 of 8, which reads as follows:

Nature of the Violation

Failure to conduct surface coal mining operations so as to prevent to the extent possible additional contributions of suspended solids to stream flow or runoff outside the permit area.

Failure to mine in accordance with an appoved interim permit.

Failure to pass all disturbed area runoff through a sediment pond or treatment facility before leaving the permit area.

Provisions of the Regulations, Act or Permit Violated

UCA 40-10-18 (2)(i)(ii)
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 VIII-2B, "Middle Fork Haul Road") and it's associated road side ditch.

Remedial Action Required

Submit complete and adequate plans to the Division for the installation of a slotted cross drain accross the road at approximately Station 143 + 00 in order to insure that all disturbed area runoff passes through the sediment pond in accordance with the approved interim permit.

Time for Abatement

May 25, 1984, at 5:00 p.m.

The violation was served on May 11, 1984 from the Division offices and received by the operator on May 15, 1984.

During the inspection of the Middle Fork road I also looked at three small disturbed areas located along the road. The first one is just below the sediment pond on the opposite side of the road and is being used for timber storage. The only runoff controls for this area are strawbales which line the perimeter and were very much in need of maintenance. Most of the bales were badly disintegrated. I told Ms. Semborski that when the strawbales are replaced they should be inset at least three inches and staked in place. In addition, I suggested that they may want to go to an earthen berm with a straw filter outlet.

The second small disturbed area is located near the 36 inch cross culvert (Culvert #33) which was discussed earlier and just below the leach field. This area is also used for timber storage and again the only runoff control for this area are strawbales which are placed along the entire perimeter of the disturbed area. Many of the strawbales were disintegrated and some were missing. In addition it appeared that the two truck crossings into this disturbed area needed to be raised in order to prevent runoff from leaving the disturbed area via the crossings.

The third area is located on the north side of the road just above where the Middle Fork road crosses the Middle Fork of Miller Creek. This area had been used by the operator to store coal fines and slag chips which were spread on the road during the winter. This area was inspected during a September 8, 1984 complete inspection, at that time there were no runoff controls for the area, and I asked the operator what their plans were for the site. Ms. Semborski had indicated that they were going to seed it. It was seeded later that fall.

According to UMC 817.42(a)(1) all surface drainage from disturbed areas including disturbed areas that have been graded seeded or planted, shall be passed through a sedimentation pond, a series of sedimentation ponds or a treatment facility prior to leaving the permit area. Part (a)(2) states that these

sedimentation ponds or treatment facilities must be maintained until the area has been restored and the vegetation requirements of UMC 817.111-817.117 are met and the untreated drainage from the disturbed area meets applicable state and federal water quality standards. The regulation further states that the Division may grant an exemption from these requirements for small areas if the person who conducts the underground coal mine activities demonstrates by the use of alternative sediment control measures that the drainage will meet all applicable state and federal effluent limitation standards. Because the drainage from the three small disturbed areas is not passing through a sedimentation pond or treatment facility, and they have not received an exemption from these requirements from the Division, Notice of Violation N84-4-8-8, # 6 of 8 was issued, it reads as follows:

Nature of the Violation

Failure to conduct surface coal mining operations to prevent to the extent possible, using the best technology available, additional contributions of suspended solids to stream flow 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 and maintain sediment control measures to prevent additional contributions of sediment to stream flow or to runoff outside the permit area.

Provision of the Regulations, Act or Permit Violated

UCA 40-10-18 (20(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. Salt and 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. The disturbed area east of Slurry Pond #4's sediment pond diversion ditch and adjacent to State Highway 122.

Remedial Action Required

A. Submit complete and adequate sediment control plans

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

Plans must be received by the Division by May 25, 1984, 5:00 p.m.

The violation was served the operator on May 11, 1984 from the Division offices, and received by the operator on May 15, 1984.

Part D of the above mentioned violation is a small disturbed area on the east side of Slurry Pond #4 and adjacent to State Highway 122. The area is not currently being used by mine operations, however, there are no runoff controls for the area and it is shown in their mine permit application as part of the disturbed area.

Explosive Magazine Area

The explosive magazines are located just to the southeast of the turnoff from the Middle Fork road down into the Upper Coal Storage Yard. The amount of disturbed area is a little less than three acres. At the time of this inspection, there was a great deal of noncoal waste materials strewn throughout the area indiscriminately.

This area is not one of the approved noncoal waste storage sites. There were no drainage controls for the disturbed area runoff from this area which goes into the undisturbed area immediately to the north and east. In addition, topsoil has not been removed from this area, this material is valuable and is needed especially when considered that the operator already has a large topsoil deficit. Because of these problems, Notice of Violation N84-4-8-8, #4 of 8 was issued, it reads as follows:

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.

Provisions of the Regulations, Act or Permit Violated

UCA 40-10-22(1)(c)
UMC 771-19
UMC 817.89(a)
UMC 817.42(a)(1)

Portion of the Operation to Which Notice Applies

Explosives megazine area and associated disturbed area.

Remedial Action Required

A. Move the explosive megazines 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. Submit complete and adequate plans to the Division for the immediate reclamation of the site.

Time for Abatement

May 25, 1984, 5:00 p.m.

The violation was served on May 11, 1984 and received by the operator on May 15, 1984.

Upper Coal Storage Yard

According to the operators approved interim permit, runoff from the upper coal storage yard is suppose to go to the sediment pond constructed for this area. Runoff originating along the railraod tracks south of the sediment pond down toward Slurry Pond #1 is suppose to go to the Hiawatha yard and slurry pond area. At the time of this inspection I found that there was little if any berm existing along the northeast side of the railroad tracks to keep the disturbed area runoff from this area from leaving the permitted disturbed area. Some small erosion problems were evident on the downslopes from the railroad tracks down to the stream below. There was a large amount of coal fines accumulated on the downslopes, however, there was a good buffer between the stream and the downslopes which has kept most of the coal fines from entering the stream. I told Ms. Semborski at that time that they would need to construct a berm the entire length of the Upper Coal Storage Yard and all the way from the storage yard to the Slurry Pond #1 area in order to contain runoff from the disturbed area.

As Ms. Semborski and I walked along the railroad tracks from the Upper Coal Storage Yard towards the Hiawatha yard. We found a 36 inch cross culvert which conveys undisturbed drainage, from the small undisturbed area between the explosive magazine area and the upper coal storage yard, underneath the railroad tracks. The inlet to the culvert was inadequately protected to prevent disturbed area runoff from the railroad tracks from entering it and bypassing sediment control structures.

There is evidence of sediment deposition off the permit area and there was no berm protecting the South Fork of Miller Creek from disturbed area runoff from the railroad track disturbed area.

Because of the lack of a berm along the east side of the railroad tracks and the inadequate protection of the 36 inch cross culvert inlet, Notice of Violation N84-4-8-8, #3 of 8 was issued. It reads as follows:

Nature of the Violation

Failure to operate in accordance with an approved interim permit.

Failure to pass all disturbed area runoff through 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 stream flow or to runoff outside the permit area.

Provisions of the Regulations, Act or Permit Violated

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

Portion of the Operation to Which Notice Applies

A. The northeast side of the railroad tracks from the extreme north end of the upper coal storage yard to approximately 400 feet east of the truck maintenance shop.

B. The 36 inch cross culvert, under the railroad, for the undisturbed area between the magazine area and the upper coal storage yard.

Remedial Action Required

A. Construct and maintain a berm (minimum height 2 feet) along the northeast side of the railroad track as necessary.

B. 1. Extend the 36 inch culvert inlet to the west several feet and provide adequate inlet controls.

2. Construct a berm (minimum height 2 feet) along the west side of the railroad tracks to protect the undisturbed area from the disturbed area along the railroad.

Time for Abatement

May 18, 1984.

The violation was served on May 11, 1984, from the Division offices and recieved by the operator on May 15, 1984.

Hiawatha Yard

While in the operators mine office we reviewed the sediment pond and slurry pond inspection reports through April 27, 1984. The reports did not indicate any problems with the slurry ponds or the sediment ponds.

During my March 29, 1984 partial inspection I discovered a five to six inch ceramic pipe connected to the side of Culvert #2, approximately three to four feet inside the inlet to the culvert. Water was flowing from the ceramic pipe at approximately 5 gallons per minute. The water smelled like raw sewage. At that time I took samples of the water for analysis by State Health Laboratories, since that time I have received the analysis back from the laboratory. Analysis indicated an extremely high Total and Fecal Coliform count, the B.O.D. was 100 mg/l and the coliforms were too numerous to count. During a later discussion of the discharge with Ms. Semborski, she indicated to me that Bob Eccli had told her that they had a permit from State Health to discharge the sewage to the slurry ponds below. During this inspection I asked Ms. Semborski if I could see a copy of the permit from State Health to discharge the sewage into Slurry Pond #5. She indicated that the permit was in fact in the name of the town of Hiawatha and that since the sewage was from the town that the mine was not involved in the acquiring of the permit, and that I should talk to Steve McNeal about it.

During my March 29, 1984 inspection I discussed with Ms. Semborski, the sizing of Culvert #1 which conveys slurry water into Slurry Pond #5. The sizing of the culvert was discussed again with Ms. Semborski during the OSM Technical Review Team inspection of the

Hiawatha Complex on April 12, 1984, at which time Ms. Semborski told me that Mr. Eccli had reviewed the design calculations for the culvert and found that it was adequately sized to handle the runoff directed to it. However, while reviewing the August 1978 VHA report I found that VHA had determined that the 24 inch culvert was inadequate and they recommended the installation of a 42 inch culvert. Because the culvert was inadequately sized to properly control the runoff which is suppose to be directed to Slurry Pond #5, Notice Of Violation N84-4-8-8, #7 of 8 was issued, it reads as follows:

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 runoff outside the permit area.

Provisions of the Regulations, Act or Permit Violated

UMC 817.45

Portion of the Operation to Which Notice Applies

Culvert #1 (as designated in Vaughn Hansen and Associates culvert adequacy study).

Remedial Action Required

Replace the existing 24 inch culvert with a 42 inch culvert.

Time for Abatement

May 25, 1984, 5:00 p.m.

While inspecting the Miller Creek stream channel diversion on the north side of Slurry Pond #1, I found that some erosion had been occurring in the channel bottom, in some areas as much as 12 inches. There was very little erosion on the channel slopes, however, there was one area along the stream channel diversion where the stream had started to cut into the bank, and there were two small gullies forming on the southern slope caused by runoff off of the sediment pond embankment. The vegetation on the slope was coming in fair and there were patches of willows in the bottom of the stream channel diversion.

In the operator's March 29, 1979 approval letter from the Division for the stream channel realignment the Division required that the channel of the realigned stream be riprapped. The ten feet

of the stream channel bottom and the nine feet side slopes were all supposed to be riprapped. The operator has never met this requirement of the approval letter, therefore, Notice of Violation N84-4-8-8, #1 of 8 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

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

Portion of the Operation to Which Notice Applies

The Miller Creek stream channel diversion associated with Slurry Pond #1.

Remedial Action Required

A. Review approved plans and insure that the stream channel diversion is constructed as approved (i.e., riprap, sideslopes, etc.).

OR

B. Submit complete and adequate plans to the Division modifying the approved plan which insures compliance with UMC 817.44.

Time for Abatement

May 25, 1984 at 5:00 p.m.

The NOV was served from the Division offices on May 11, 1984 and received by the operator on May 15, 1984.

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

Statistics: See Trail Mountain Coal Mine Memo dated May 14, 1984
94460-5-16