



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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## INSPECTION REPORT

Partial:      Complete: X Exploration:       
Inspection Date & Time: September 13-14, 1994, 10:20 and 10:00 A.M. to 5:30 and 6:00 P.M.  
Date of Last Inspection: August 29, 1994

Mine Name: Hiawatha County: Carbon Permit Number: ACT/007/011

Permittee and/or Operator's Name: U. S. Fuel Co.

Business Address: P. O. Box 887, Price, Utah 84501

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

State Official(s): Paul Baker and Pete Hess

Company Official(s): Gary Gray

Federal Official(s): Edzel Pugh

Weather Conditions: Mostly cloudy, 60-70's, light showers on 9/13

Existing Acreage: Permitted- 12707 Disturbed- 290 Regraded-      Seeded-      Bonded- 290

Increased/Decreased: Permitted- 0 Disturbed- 0 Regraded- 0 Seeded- 0 Bonded- 0

Status: Exploration/ X Active/ Inactive/ Temporary Cessation/ Bond Forfeiture

Reclamation (X Phase I/      Phase II/      Final Bond Release/      Liability Year)

### REVIEW OF PERMIT, PERFORMANCE STANDARDS & PERMIT CONDITION REQUIREMENTS

#### Instructions

- Substantiate the elements on this inspection by checking the appropriate performance standard.
  - For complete inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check N/A.
  - For partial inspections check only the elements evaluated.
- Document any noncompliance situation by referencing the NOV issued at the appropriate performance standard listed below.
- Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
- Provide a brief status report for all pending enforcement actions, permit conditions, Division Orders, and amendments.

	EVALUATED	N/A	COMMENTS	NOV/ENF
1. PERMITS, CHANGE, TRANSFER, RENEWAL, SALE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. SIGNS AND MARKERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. TOPSOIL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. HYDROLOGIC BALANCE:				
a. DIVERSIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. SEDIMENT PONDS AND IMPOUNDMENTS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. OTHER SEDIMENT CONTROL MEASURES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. WATER MONITORING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. EFFLUENT LIMITATIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. EXPLOSIVES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. NONCOAL WASTE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. SLIDES AND OTHER DAMAGE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. CONTEMPORANEOUS RECLAMATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. BACKFILLING AND GRADING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. REVEGETATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. SUBSIDENCE CONTROL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. CESSATION OF OPERATIONS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. ROADS:				
a. CONSTRUCTION/MAINTENANCE/SURFACING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. DRAINAGE CONTROLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. OTHER TRANSPORTATION FACILITIES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. SUPPORT FACILITIES/UTILITY INSTALLATIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. AVS CHECK (4th Quarter-April, May, June)_(date)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. AIR QUALITY PERMIT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. BONDING & INSURANCE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



## INSPECTION REPORT

(Continuation sheet)

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(Comments are Numbered to Correspond with Topics Listed Above)

### 1. Permits, Change, Transfer, Renewal, Sale

On August 9, 1994, the Division received an amendment containing revised bond calculations. This amendment was accepted for review on August 16, 1994. On August 30, 1994, Lowell Braxton of the Division wrote U.S. Fuel explaining Phase I bond release procedures. Also on August 30, 1994, Pamela Grubaugh-Littig of the Division wrote U.S. Fuel reminding them that they must obtain prior written approval before transferring, assigning, or selling rights granted by a permit.

On May 24, 1994, the Division approved the alternate topsoil borrow areas amendment with the stipulation that U.S. Fuel correct the page numbers so they would match pages currently in the plan. It also requested that copies for distribution to other agencies be submitted by June 24, 1994. These corrected pages and copies for other agencies have not been received by the Division. N94-41-5-6, part 2 of 6, was written for failure to adhere to conditions of the permit.

The mining and reclamation plan says that U.S. Fuel or its customers may utilize a portable screening, crushing, and blending facility located within the Hiawatha processing plant and slurry impoundment and Utah Railroad right-of way portion of the permit area. Although the text discusses this operation, the maps do not show it as being within the disturbed area. It is within the permit area. In addition, U.S. Fuel's customers that might operate within that area are not included in the ownership and control section of the mining and reclamation plan. Violation N94-41-6-2, part 1 of 2, was issued for failing to identify persons that own or control mining and reclamation operations within the permit area. Part 2 of 2 was issued for failing to provide maps depicting the boundaries of all areas affected by coal mining and reclamation operations, including coal storage, cleaning, and loading areas. Mr. Pugh told me on October 6, 1994, that OSM will be issuing a ten day notice to the Division because the bonded area allegedly does not include the area disturbed by these coal processing, storage, and loading operations.

The July inspection report mentioned an amendment containing updated ownership and control information. The Division is still processing that amendment, including conducting an AVS check.

### 2. Signs and Markers

We were able to locate disturbed area markers around most of the disturbed area, but they were difficult to find in some places and were far between in others. The permittee should evaluate how intervisible the markers are, particularly in areas where the precise disturbed area boundary may be difficult to ascertain. Additional markers would make it much easier to delineate the disturbed area in some locations.

### 3. Topsoil

The alternate topsoil borrow area plan approved in May indicates that four feet of material will be salvaged from borrow area "F." The test pit was about seven feet deep; no samples were taken from below seven feet. Although the material between four and seven feet was not extremely adverse, it was not considered the best available material and so was not to be used. However, the operator has been salvaging soil at depths of up to about fifteen feet. N94-41-5-6, part 1 of 6, was written for failure to follow the approved plan to use substitute topsoil and failure to demonstrate the suitability of substitute topsoil.

The soil that has been borrowed from borrow site F has been dumped around the edge of the former refuse pile. Soil from the top four feet appears to have been mixed with the lower horizons making it impossible to fully abate the violation. As part of the abatement, however, U.S. Fuel is being required to characterize soil from the lower horizons. This should show if the revegetation potential has been diminished.

Mr. Pugh was concerned about whether the berms around topsoil piles should be considered embankments that impound water, particularly where sediment from the topsoil pile would not be controlled by any other means. In a September 30, 1994, conversation, he said that OSM will be issuing a TDN because it is felt that the berms need to have certified designs, inspections, etc., the same as sediment ponds. The Division's

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June 22, 1994, directive on small area exemptions specifically excludes topsoil piles and associated berms from consideration as impoundments.

#### 4. Hydrologic Balance

##### a. Diversions

A steep section of diversion DD10 near slurry pond 1 and the railroad tracks has eroded about 20 inches below the grade that the ditch appears to have been when it was constructed or last graded. The total depth is about three feet, and the bottom width is about 2½ to 3-feet. The ditch configuration indicates that it is actively eroding. I was unable to find designs for this diversion in the plan, so it is impossible to make a comparison to a design. Therefore, the performance standards must be used to evaluate its condition. They require that diversions be designed, located, constructed, and maintained to be stable and minimize erosion to the extent possible. N94-41-5-6, part 3 of 6, was issued for failing to abide by these standards.

##### b. Sediment Ponds and Impoundments

Riprap that was placed in the east inlet to pond 4 (an extension of DD10) and the north inlet to pond 7 has eroded into the ponds. The inlet to pond 4 has eroded about three from the original depth. It is about 2½-foot wide at the bottom. The inlet to pond 7 has eroded down about one foot. As with diversion DD10, I was unable to find designs in the plan for these inlets. The regulations require that impoundment embankments have adequate slope protection to stabilize the embankment and protect it against surface erosion. N94-41-5-6, part 6 of 6, was issued for failing to adhere to this regulation.

Erosion was noted at other sediment pond inlets, and the operator needs to consider maintaining these. The ponds with inlets that appear to need maintenance are 9 and 11 in South Fork, 8 in Middle Fork, and the west inlet to pond 7.

In the prep plant/refuse pile area are seven "catch basins" being used for sediment control. All but two of these were designed to totally contain runoff from the 10-year, 24-hour precipitation event, and the design for the one in the lower equipment yard, was certified by a registered professional engineer. The purpose of the catch basins is basically the same as the purpose for a total containment sediment pond. The regulations allow ponds that rely primarily on containment to control sediment, and these must be designed to fully contain runoff from the 100-year, 6-hour precipitation event. In this case, the 100-year, 6-hour storm is smaller than the 10-year, 24-hour storm. However, the designs for most of the catch basins were not certified, and the ponds have not been regularly inspected for safety.

Two of the impounding structures were not designed. One of these would only contain about 150 cubic feet of water if it was full, and we were not able to determine the purpose for the other catch basin. It would probably be best to replace the small undesigned catch basin with a silt fence or straw bale. The larger undesigned catch basin has a riprapped spillway and inlet and looks like a sediment pond.

Because of the regulatory requirements to certify the design and construction of impoundments and to inspect them regularly and because the catch basins need to be considered impoundments, violation N94-412-5-6, part 4 of 6, was issued.

##### e. Effluent Limitations

On May 24, 1994, the Division of Water Quality sampled the Mohrland mine water discharge point. They found an exceedance to the UPDES permit limitation of total dissolved solids concentration. The limit in the permit is 1000 ppm, and their result was 1018 ppm. In a letter dated July 18, 1994, Sally Chamberlain said that U.S. Fuel didn't need to take any action. Recent self-monitoring results have not had any exceedances, and the Water Quality result was barely above the limit.

#### 8. Noncoal Waste

In the Middle and South Fork surface facilities areas, there is a lot of trash and scrap laying around. Some of this is machinery in equipment storage areas, but much of it is debris that was formerly in or part of buildings and other structures that have now been torn down.

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There are about four stacks of deteriorating bags of white powdery material. The bags in one of the stacks contain calcium chloride, another has a dust suppressant, but the labels on the others are illegible. The bags in one stack probably contain gypsum.

The previous inspection report mentioned some oil containers and transformers that needed to be cleaned up. Most of these containers have been moved. The inspection report also mentioned that the Middle Fork pad area was in need of a good general cleanup and consolidation of materials. Although the operator has cleaned up the materials that pose the greatest threat to the environment, it was felt that most of what remains is not being stored in a *controlled manner* in a designated portion of the permit area. Violation N94-41-5-6, part 5 of 6, requires that noncoal waste be placed and stored in a controlled manner in a designated portion of the permit area or that it be disposed of in an approved designated portion of the permit area or a State-approved solid waste disposal area.

9. Protection of Fish, Wildlife, and Related Environmental Values

We found a dead raptor inside the substation in the King 6 Mine area. The skeleton and feathers were basically intact, but most of the rest had decomposed. It did not look like it had been killed and eaten by a predator. Although it was clearly a raptor, it was difficult to identify it. I thought it was too small to be a full-grown eagle, but it may have been an immature eagle or a buteo.

The substation was disconnected, and Mr. Gray said he thought there was no longer any power in the lines leading to the substation. The body had probably been there for over a year, so the electricity could have been on when the bird died.

On September 15, 1994, I telephoned Robert Benton of the U.S. Fish and Wildlife Service to inform him of the situation. He said he would have an agent investigate it and see what needed to be done. On September 20 or 21, 1994, Mr. Gray informed me that the agent had called him to start to arrange the investigation. On September 26, 1994, I received a call from the Fish And Wildlife Service saying they had arranged a meeting with Mr. Gray.

11. Contemporaneous Reclamation

The reclamation timetables in the mining and reclamation plan contain the following reclamation schedule for the Middle and South Fork surface facilities areas:

Activity	Start	Finish	Year
Cease Operations			1
Remove Mining Equipment	May 1	July 1	1
Dismantle Surface Buildings Structures and Equipment	July 1	August 15	1
Seal Portals	Aug. 15	Sept.30	1
Remove Exposed Concrete	Aug. 15	Sept. 15	

Grading and revegetation work would be done in the second year.

Mr. Pugh questioned whether the company was revegetating "as contemporaneously as practicable" as required by the regulations and whether they were following the schedule in the plan. The portals have all been sealed, and there has been no underground mining since about March 1993. However, the company is continuing to mine coal fines from the slurry ponds (as discussed in the mining and reclamation plan).

On September 7, 1994, the Division wrote Mr. Bennett Bayer of Emerson and Bayer in Lexington, Kentucky, to describe the current status of the Hiawatha Mine. The letter said that, while U. S. Fuel Company has

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stopped underground mining and commenced doing some reclamation at the site, they are still considered an active operation. This is mainly due to their slurry fines recovery projects. As long as coal is being recovered and shipped, the Hiawatha Complex will be considered an active operation and the requisite monitoring and inspection will be continued. In addition to this letter, U.S. Fuel representatives have met

with Division management several times to discuss the reclamation schedule and current proposals to sell the mine and still-unrecovered coal reserves. For these reasons, the Division does not feel that mining operations have ceased and believes that the company is not required to immediately begin grading and other reclamation operations in the Middle and South Fork areas.

16. Roads

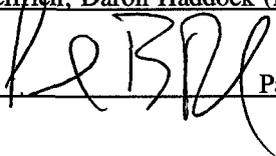
b. Drainage Controls

One of the culverts under the South Fork road was nearly plugged. I believe it was a 36" culvert identified as #41 on Exhibit V-8. It was mostly cleaned out by the end of the inspection but still needed some work. The operator needs to finish cleaning this culvert before the next inspection.

Copy of this Report:

Mailed to: Marcia Petta (OSM), Mike Watson (U.S. Fuel)

Given to: Joe Helfrich, Daron Haddock (DOGM)

Inspector's Signature:  Paul B. Baker #41 Date: October 6, 1994