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

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

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

December 6, 1996

Michael Watson, President
U.S. Fuel Company
P.O. Box 887
Price, Utah 84501

Re: Notice of Violation Number N-96-35-2-1, Site Visit, Hiawatha Complex, U.S. Fuel Company, ACT/007/011, File Folders 2 & 5, Carbon County, Utah

Dear Mr. Watson:

Enclosed please find a partial inspection of the Hiawatha Complex, dated December 3, 1996, a field visit form prepared by Robert Davidson and a modification to Notice of Violation number N-96-35-2-1. These documents are being provided to specifically address the regrading and topsoiling activities at the Hiawatha Complex.

As identified, the regrading activities did not comport with the approved regrading plan. Regrading activities *may* continue in accordance with the approved grading plan; however, topsoiling cannot occur until the site is properly regraded. Continuation of topsoiling prior to proper completion of grading as specified in the approved mining and reclamation plan or subsequently modified will result in enforcement action. Therefore, I encourage you to expedite the completion of the regrading activities.

Sincerely,

Joseph C. Helfrich

Joseph C. Helfrich
Permit Supervisor

jb
Enclosure: 12/3/96 inspection, field visit form, Modification to N96-35-2-1
cc: Robert Davidson, DOGM
Susan White, DOGM
Pete Hess, PFO
A007011.nov

State of Utah

INSPECTION REPORT

DEPARTMENT OF NATURAL RESOURCES
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Partial: X Complete:___ Exploration:___
Inspection Date & Time: 12/3/96 9AM to 1PM
Date of Last Inspection: 11/20/96

Mine Name: Hiawatha Complex County: Carbon Permit Number: **ACT/007/011**
Permittee and/or Operator's United States Fuel Company
Business Address: P.O. Box 887, Price, Utah 84501
Type of Mining Activity: Underground X Surface___ Prep. Plant___ Other___
State Officials(s): Susan White, Bob Davidson, Wayne Western
Company Official(s): K.C. Jones, Michael Watson
Federal Official(s): None
Weather Conditions: Cold and clear
Existing Acreage: Permitted-12707 Disturbed-290 Regraded-__ Seeded-__ Bonded-290
Increased/Decreased: Permitted-___ Disturbed-___ Regraded-___ Seeded-___ Bonded-__
Status: __Exploration/__Active/__Inactive/__Temporary Cessation/__Bond Forfeiture
Reclamation (__Phase I/__Phase II/__Final Bond Release/__Liability_____Year)

REVIEW OF PERMIT, PERFORMANCE STANDARDS & PERMIT CONDITION REQUIREMENTS

Instructions

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

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

(Comments are Numbered to Correspond with Topics Listed Above)

2. SIGNS AND MARKERS:

Mr. Jones stated that disturbed area markers were still being put in.

3. TOPSOIL

The operator was told that all topsoiling activities should cease unless the approved grading plan is followed.

4. HYDROLOGIC BALANCE:

Silt fences must have a wire mesh backing for proper installation. Mr. Jones stated the fences will have backing. The silt fence on Borrow Area A should be extended to the berm.

7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS

Mr. Western, Division Engineer, was questioned about whether or not Pond 4 was still required to have an MSHA sign. Mr. Western called MSHA and consulted with Permit Supervisors and concluded that the Operator can decommission a pond by making a formal request to MSHA and the Division. A written finding will then be made by the Division granting the request if no opposition is received by MSHA.

Mr. Watson has stated that the old embankment to old Slurry Pond #2 is pre-law and therefore not reclaimed. Mr. Watson stated his willingness to reclaim the area in conjunction with AML. Mr. Mark Mesch, AML Program Coordinator, stated that a formal request should be made to him to start the process of designating the area as an AML site.

12. BACKFILLING AND GRADING

Final Surface Configuration , Exhibit V-13, and Final Surface Cross-Sections, Exhibit V-13C of the Permit were compared to the on the ground configuration of Slurry Ponds 4 and 5. The approved grading plan did not resemble the ground configuration. Violation N96-35-2-1 will be modified to require the operator to either reconfigure the Ponds to conform to approved

INSPECTION REPORT

(Continuation sheet)

PERMIT NUMBER: ACT/007/011

DATE OF INSPECTION: 12/3/96

the permit or submit an amendment to the Division to modify the currently approved grading plan.

13. REVEGETATION

Mr. Jones stated that an annual grain will be seeded on the new topsoil stock pile in Borrow area A this week or next. If the operator shuts down topsoiling operations on Slurry Pond 5 then the opened borrow area and topsoil on the Slurry Pond must also be seeded with the annual grain immediately.

Copy of this Report:
Mailed to: OSM, United States Fuel Company
Given to: Joe Helfrich (DOGM)

Inspector's Signature: Susan M. White #35 Date: 12/5/96

State of Utah
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DIVISION OF OIL GAS & MINING
FIELD VISIT FORM
TECHNICAL

Date : December 3, 1996
Time: 8:30 a.m. to 3:00 p.m.
Mine: Hiawatha Mine
File Number: ACT/007/011
DOGM Staff: Robert Davidson, Susan White and Wayne Western
Other Attendees: K. C. Jones and Mike Watson, U.S. Fuel Company

Purpose:
- Observe topsoiling activities in reference to the approved MRP and grading on Pond #5.
- Observe and discuss options of the stockpiled A & B horizon topsoil from Borrow Area "A".

Observations:
- Topsoiling of Pond #5 is in process with only the upper western edge having received soil.
- Soil borrow operations from Borrow Area "A" are proceeding according to the approved amendment. The A & B horizon topsoil has been stockpiled within the Borrow site. Subsoil is currently being excavated and hauled to Pond #5 from the eastern most section of the borrow site in the lower equipment storage yard area.
- Both Pond #4 and #5 are not graded according to the currently approved MRP. The top surfaces of both piles have concave grading which routes runoff away from the outslopes. In addition, drainage form the concave surfaces is routed to Pond #5A where runoff is collected in a sedimentation basin. Pond #5 is graded to a central depression routing runoff to a central channel that drains directly into Pond #5A. Pond #4 surface is graded towards the western edge of the pile which borders the railroad tracks. Surface runoff from Pond #4 is routed along it's western most border into a ditch that eventually drains into Pond #5A.
- Logistic and economic concerns are raised about the recently approved soil amendment to use the A and B horizon material to reclaim Borrow Area "A". Since the volume of the A and B horizon soil provides little benefit for appreciable cover on the entire surface of Pond #5, the soil amendment established that these soils were best used to reclaim the borrow area. These soil horizons were salvaged as a unit from the surface and are now stockpiled within the borrow area. However, preservation of these salvaged soils require doubling handling while accessing the subsoils beneath the stockpiles.

Recommendations/Conclusions:
- Cease topsoiling of Pond #5 unless the approved grading plan is followed and established. Topsoiling the Pond #5 with an unapproved graded surface places the soil resource in jeopardy.
- If topsoiling ceases, the disturbed Borrow Area "A" needs to be stabilized for protection from wind and water erosion. In addition, the stockpiled A and B horizon topsoil and the disturbed subsoil surfaces should be protected from contamination and unnecessary compaction.
- A valid option for the salvaged A and B horizon topsoil was discussed for using these soils on the outslopes of Pond #5. Because of the smaller surface area of the outslope, the resulting soil depth will be much greater than over the entire surface, thus providing a real benefit for reclamation of Pond #5 outslope. The structural integrity and fertility of these soils is much better than the subsoils and should help provide faster and better vegetation establishment. The benefit of providing large boulders and rocks on the surface outslope soils may be provided as these materials are encountered and salvaged during subsoil excavation.

Signature: _____ on December 4, 1996
Robert A. Davidson, Reclamation Specialist III (Soils)

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UTAH
NATURAL RESOURCES
Oil, Gas & Mining
3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name United States Fuel Company

Mailing Address P.O. Box 887, Price UT 84501

State Permit No. ACT/007/011

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

Notice of Violation No. N 96-35-2-1 dated 11/26, 19 96.

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

Part 1 of 1 is modified as follows: Date of inspection should read November 20, 1996

Reason for modification is Typographical error

Part 1 of 1 is modified as follows: Area to which notice applies: also includes slurry pond 4, refuse pile 4, and slurry pond 5. Remedial action to also require: the operator to either reconfigure slurry ponds 4 & 5 and refuse pile 4 to meet the approved grading plan or submit a plan which details the current configuration for Division review and approval.

Reason for ~~modification is~~

Reason for modification: Clarify area to which notice applies.

Part ____ of ____ is modified as follows: _____

Date of ~~service~~/mailing 12/6/96 Time of ~~mailing~~ fax/mailing 3:00 ☐ a.m. ☒ p.m.

Date of inspection 11/20/96

Mike Watson
Permittee/Operator representative

President
Title

Faxed and mailed from Salt Lake City Office
Signature

Susan White
Division of Oil, Gas & Mining

Reclamation Specialist
Title

Susan White
Signature

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

DOGM/MVC-1

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