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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

INSPECTION REPORT

gdk

Michael O. Leavitt
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Partial: Complete: X Exploration:
Inspection Date & Time: 3/5/97 9 AM to 3 PM
Date of Last Inspection: 2/13/97

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
Company Official(s): K.C. Jones and Michael Watson
Federal Official(s): None

Weather Conditions: Cloudy and cool
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

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

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(Comments are Numbered to Correspond with Topics Listed Above)

A follow-up inspection was conducted 3/11/97, which is also included as part of the discussion in this inspection report.

The site still had a snow cover over all areas above the railroad tracks and on areas below which face north.

1. PERMITS, CHANGE, TRANSFER, SALE

The mining and reclamation permit was issued March 25, 1992. The permit will expire March 14, 1997. The Huntington Cleveland and North Emery Water Users have protested the permit renewal and an informal conference will be held by the Division on March 14, 1997.

The 1992 issued Permit provides for a 55 acre exclusion from the permit area for the town of Hiawatha shown in Attachment B of the permit. This exclusion also excludes the old bath house and equipment storage yard which is shown in the permit map, Exhibit V-9, as disturbed. The Permit will be corrected at renewal to show the proper permit area exclusion.

A special condition of the 1992 issued Permit was attached as Attachment A. Attachment A is a Division Order. A document was found written by the Division in 1995, that stated all permit conditions have been satisfied.

Division Order 97A was issued February 20, 1997. U.S. Fuel Company must address the findings of permit deficiency with complete, adequate, and approvable application for permit change by May 27, 1997. During this complete inspection the dates required for submission of complete plans was discussed with Mr. Watson. Site conditions such as snow may delay the required field work needed to address some of the requirements of the Division Order. Mr. Watson was told that site conditions are certainly a reason for a time extension for submission of complete plans. However, numerous items detailed in the findings of permit deficiency are not dependant on site conditions and will be expected to be submitted by May 27, 1997. Mr. Watson was also told that if the site is sold the same permit deficiency and time requirements will remain for the new owner. It was this inspectors impression that the permittee had not begun work on the Division Order. A meeting was scheduled for March 14, 1997 with the Division to itemize each deficiency within the Division Order.

Mr. Watson was asked if the State of Utah still owned Highway 122 beyond the locked gate at the railroad tracks to the town of Hiawatha's Post Office as stated and shown in the permit. He provided documentation in form of a letter dated November 12, 1993 that the Utah

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Department of Transportation has deleted and abandoned State Route 122 beyond the Utah Railway.

3. TOPSOIL

Division technical staff were asked if the topsoil borrow areas permitted in the last several years had been included in the total number of disturbed acres, no one knew. However, Wayne Western, Division Engineer, stated that the bond amount had been reviewed and adjusted when the borrow sites were permitted.

Hauling of topsoil from Borrow Area A to Slurry Pond 5 continues. Several soil pits were dug to determine depth of topsoil being placed. The permit requires 16 inches of topsoil to be placed on top of the refuse material. Seven soil pits were dug and topsoil depth averaged 20 inches. The operator did not know how much settling to expect. This inspector is concerned that if the topsoil is applied to deep then insufficient material will be available from the borrow to complete the entire site. This was discussed with Mr. Watson and he assured me that sufficient borrow would be available.

The use of the borrow material was discussed with Mr. Jones. The material is to be considered as a topsoil resource and use only as such. The need to protect the topsoil material was also discussed with Mr. Jones and Mr. Watson. This inspector has repeatedly advised the Operator that the topsoil must be seeded early and sequently as spread starting last December for adequate protection as required by R645-301-244.

The method to determine fertilizer requirements was discussed with Mr. Jones. Mr. Jones had taken the soil samples and sent them to be analyzed.

4. HYDROLOGIC BALANCE:

b. Sediment Ponds and Impoundments No design specifications could be found in the permit for these ponds which collect runoff from the now reshaped slurry ponds. This has been addressed in Division Order 97A. Last inspection the operator was asked to preform maintenance on the outlet at Pond 6; this had been done.

Weekly MSHA pond inspections were conducted weekly as required for Slurry Ponds 1, 4, 5 and 5A.

d. Water Monitoring UPDES monitoring points were reported as required for the 4th quarter. Streams and springs were monitored as required.

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12. BACKFILLING AND GRADING

The regraded configuration of Slurry Pond #5 did not appear to resemble the approved reclamation grading plan and cross sections for the waste material. Ponding of water was observed on top of the pile with no positive drainage. The operator has been requested to show the Division a survey map which was prepared in December 1996. This map will be available next inspection. The Division's concern is that topsoil is being spread onto an unapproved grade. No violation was issued because the Operator assured the Division that the final grade would be as approved in the MRP

13. REVEGETATION

The topsoiled portion of Slurry Pond No. 5 was measured to be approximately 10 acres. The Operator was advised of the acreage and the amount of seed and fertilizer needed to cover this area. The seeding should be done immediately before conditions become to dry.

17. OTHER TRANSPORTATION FACILITIES

Trucks loaded with coal were observed bring^{ing} coal onto the railroad right of way and Hiawatha was loading railroad cars.

21. BONDING AND INSURANCE

General liability insurance for the Hiawatha complex is issued by Acceptance Insurance Co., policy number D96CM0401. The policy is issued April 1, 1996 and will expire April 1, 1997.

Bonding is by a \$1.4 million Surety Bond with Insurance Company of North America and a 1.4 million Self Bond by parent company Mueller Industries.

Copy of this Report:

Mailed to: OSM, United States Fuel Company

Given to: Joe Helfrich (DOGM)

Inspector's Signature: *Susan M. White* #35 Date: 3/20/97