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Geneva/Horse Canyon  
Utah Interim Permit# INA 007/013

Random Sample Inspection  
July 26, 1989

Participants:

Rade H. Orell, Office of Surface Reclamation and Enforcement, Albuquerque Field Office (AFO); Bill Malensik, Bill Warmack, Harold Sandbeck, Utah Division of Oil, Gas, and Mining; and John M. Palfy, Consultant to Bankruptcy Court (consultant).

Introduction:

The inspection commenced at the Horse Canyon Mine site. It included a field inspection as well as a records review. The weather was clear to cloudy and warm. Ground conditions were dry. A Pentax ME camera was used to photograph areas of interest. The DOGM representative issued a Notice of Violation as a result of the inspection. The inspection also resulted in the issuance of the a three part Ten-Day Notice (TDN) by the AFO. The TDN is explained in greater detail at the end of this report.

Mine Site Evaluation Inspection Report:

The Mine Site Evaluation Inspection Report (MSEIR) form has been completed to reflect the inspection. As stated above the inspection resulted in the issuance of a TDN. The TDN is reflected by the number 2 at performance standard codes O and W on the MSEIR.

Field Inspection:

The field inspection commenced at the north end of the mine property and terminated at the Road Junction Refuse Pile at the south end of the area. The Facilities Map, Horse Canyon Mine, Revise 2/25/88 was used to facilitate the inspection. The map is from the as yet unapproved Maintenance/Reclamation Plan. It was used because it provides a fairly accurate account of the structures as they currently exist.

Water Tank - The water tank is located at the north end of the mine area. The inspection of the structure indicated that the drainage from the pad upon which it sits does pass through a sediment pond before leaving the permit area. The short access road to the structure includes two water bars as a method of runoff/erosion control. We found that the second water bar is causing runoff to exit the road over its outslope. The runoff is uncontrolled and is causing erosion of the outslope. Therefore, the DOGM representative included the two areas in the NOV referenced above.

Road - The inspection continued with observations of the main road that provides access to the water tank at the north end of the property. We inspected the road in a southerly direction, that is from the water tank south. We observed at least four areas as we traveled down the road to the powder magazine where drainage is discharged over the road outslope in an uncontrolled manner. Drainage controls in the form of road ditches are also virtually non-existent. We also disputed the operator's responsibility for the road. The DOGM representative identified a Mine ID Sign located approximately 400 feet south of the powder magazine area as where the operator's responsibility begins. The road provides access to the powder magazine as well as the water tank. The water tank is an estimated 3200 feet north of the sign via the road. In addition, the map referenced above depicts the road as meandering outside the proposed permit boundary in two locations on the north end of the property.

Powder Magazine - The inspection of the powder magazine indicated that the disturbed area drainage does not pass through a sediment pond before leaving the permit area. We also observed a silt fence down stream from the powder magazine on the north side of the Horse Canyon Drainage. The fence treats drainage from a disturbed area referred to as the Ignitron Building. The silt fence was in need of maintenance at time of the inspection. It had silted in to the point that flow and sediment would travel around the downstream end. The DOGM representative included the lack of sediment control measures in the NOV referenced above.

Portal Area - The inspection of the portals and fans indicated that the structures were secure. We confirmed that the portal seals were intact at the time of the inspection.

We also observed that the drainage from the Woodard Portals and the North Fan Portal does not pass through a sediment pond before leaving the area. We observed exposed coal at the highwall as well as coal material at the toe of the highwall and on the pad around the portal. The areas are located on the north side of the Horse Canyon Drainage approximately 1000 feet downstream from the powder magazine. The NOV issued by DOGM includes the lack of sediment control measures at the two sites.

Sediment Ponds - Parts of the Horse Canyon Mine site drainage are treated by 9 sediment ponds. The inspection of all the ponds at least indicated that the structures were intact and capable of functioning at the time of the inspection. That the structures meet the requirements of the Utah regulations however is questionable. For example, the company's response to the ICR, February 29, 1988 indicates the ponds were constructed in 1978. Subsequent information indicates the structures are designed to treat and contain all the runoff from a 10 year 24 hour storm and the response from the operator goes on to state that the ponds will be upgraded. In addition, DOGM's most recent technical deficiency review indicates that the ponds are not adequate in terms of the requirements of the regulations. For example, the inspection indicated that the pond spillways consist of a series of vertical risers. The risers are attached to a single pipe which functions as the outlet. In a number of cases the risers were capped with only one outlet open on the upstream side of the pond embankment. Flow through the risers would exit the pond by a common outlet, an 8 inch diameter PVC pipe. The riser elevations all appeared to be approximately the same as well. It is questionable that the spillways meet the requirements of the regulations at UMC 817.46.

Road Junction Refuse Pile - The inspection continued with observations of the refuse pile located at the entrance to the mine area. The refuse was initially developed as a waste disposal area with mine rock picked from run-of-mine coal. With the exception of the refuse pile toe which is in the Horse Canyon Drainage the material is identified as a post law structure. The inspection of the refuse pile indicated that drainage controls are virtually non-existent. The Utah regulations at UMC 817.71 and UMC 817.81. The drainage from the disturbed area also is not treated by a sediment pond. Drainage from part of the pile is treated by a silt fence. The silt fence treats drainage from the west side of the pile. Drainage from the north west part of the pile bypasses the silt fence. Therefore, the NOV issued by DOGM included the refuse pile. The NOV was issued for failure to provide sediment control measures in accordance with UMC 817.45 and UMC 817.42.

Solid Waste Landfill - The landfill is located west of the refuse pile. It is identified as a post law structure on the map referenced above. It is also a disturbed site that does not have any form of sediment control. The DOGM representative who issued the NOV referenced above also included this site in the enforcement action.

#### Records Review:

The records review included observations of the water monitoring data for 1989, NPDES discharge reports, sediment pond inspections, sediment pond certifications, refuse pile inspections, and the certificate of liability (letter from insurance company to Kaiser

Coal Corp. affirming insurance coverage, with dollar amounts specified, until November 1989.

Close-Out:

The close-out meeting was a reiteration of the inspection. We discussed the issues relative to the inspection. The issues we discussed were included but not limited to parts of the road being located outside the proposed permit area, lack of sediment control for the water tank, powder magazine, Woodard Fan Portal and Woodard Portal, road junction refuse pile and solid waste dump; water tank road erosion, road drainage controls in disrepair, magazine, silt fence bypass on Horse Canyon drainage near Ignitron Building, and the need for contemporaneous reclamation. I also advised the court consultant as well as the Division representatives that in keeping with the current policy of AFO management making decisions regarding the issuance of Ten-Day Notices the information collected during the inspection would be relayed to the proper individuals in the field office. We also agreed that the violations cited by the Division during this inspection, with the exception of the erosion on the water tank road and the silt fence bypass near the Ignitron Building, occurred prior to the last state complete inspection (LSCI June 28-29, 1989).

AFO TDN Determination:

The AFO TDN determination meeting included a general discussion of the state of the mine site. Particular examples cited included parts of the road being outside the proposed permit area, road drainage controls are in disrepair, operator responsibility for parts of the road inside the proposed permit area, questionable sediment pond design, and the lack of adequate coal waste pile drainage controls. The discussion also included the lack of a permanent program permit, the need for contemporaneous reclamation and the fact that the problems at the site are compounded by the Kaiser bankruptcy, the fact that the mine is not bonded, the interim permit has expired, all coal mining ceased in 1982 and two DOGM Board orders are complicating the permit issue.

After careful consideration of the information collected during the RSI AFO made the decision to issue Ten-Day Notice 89-02-107-5, (1)-(3). Part 1 of the TDN addresses the requirement to obtain a valid permit on and after 8 months from the date on which the regulatory program is approved in accordance with UMC 771.11. Part 2 of the TDN addresses the requirement to pursue a timely and complete application for a permit and to conduct activities in compliance with the requirements of the Act, Subchapter B of 30 CFR Chapter VII and state statutes and regulations in accordance with UMC 771.13(b), and (b)(1) and (3). Part 3 of the TDN addresses the need for contemporaneous reclamation in accordance with UMC 817.100.

In specific regard to the bond we discussed the Utah regulations at

UMC 800.11. The lack of a bond is not included as part of the TDN because the regulation applies to permits approved under the permanent regulatory program which of course has not occurred at this mine.

