

KCC 12/89

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Kaiser Coal Corporation
P.O. Box 1107
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Horse Canyon Mine
INA 007/013 - expired, see narrative.

Ten-Day Notice Follow-Up
12/8/89

Mitchell S. Rollings, 370, DSM
Bill Malencik, DOGM

This site was the subject of an oversight inspection on 7/26/89. As a result of that inspection, the AFO issued a two part TDN, TDN 89-02-107-5 TV2. DOGM responded to the TDN with their determination and did not issue Notices of Violation. The AFO, through review of the response, found that DOGM did not take appropriate action. DOGM appealed the AFO decision to Washington. Washington responded on 11/29/89 and upheld the AFO findings. As a result of the Washington decision, this inspection was conducted to fulfill the requirement to conduct an immediate Federal inspection. The inspection lasted all day on 12/6/89 and about four hours on 12/8/89. The first part of the TDN is to be handled administratively within sixty days after the date DOGM received the decision. This part of the TDN deals with the fact that there is not an approved permit on the site. The old permit has expired and permitting action has ceased since Kaiser has declared bankruptcy.

I notified Bill Malencik on 12/5/89 that I would be conducting an inspection on the site. Bill also had an inspection scheduled for this week at the mine. We conducted the inspection together and each of us issued two NOV's.

Performance Standards Violations

OSM issued NOV 89-02-370-006, TV 2.

1 of 2 - Failure to provide a spillway or combination of spillways for a sedimentation pond. The structure cited is the pond to the left of the entrance road immediately before the railroad bridge. This bridge is labeled 64 on the map titled, "Facilities Map Horse Canyon Mine." This is Plate II-1B. We identified this as the seventh pond from the NE corner of the old permit area. The pond appeared to be roughly constructed and we could not discern an identifiable spillway. This pond also is cited in 2 of 2.

2 of 2 - Failure to properly construct sedimentation pond embankments. This violation applies to five of the ponds identified. The methods used to verify this violation were to measure the top

width of the embankment. This is a simple procedure; we merely used a steel tape measure and measured the apparent maximum flat top width in an area near the spillway. These measurements do not necessarily reflect the narrowest top width of the embankment. I did not feel it was necessary to locate the narrowest part because the regulations require at least a seven foot top width. We also figured the embankment height by use of a clinometer. While I stayed in one spot, Bill would first stand at the top of the embankment and then at the bottom. I would sight on him in both locations and then measure the difference to get the embankment height. The pond locations are:

Pond #1 - adjacent to the NE corner of the Open Air Shed which is identified as 4B on Plate II-1B. Existing embankment top width (EXTW) was 3.5'. The height of the embankment (HE) was 3.75'. The minimum required top width (MRTW) is 7.75'.

Pond #2 - adjacent to the N corner of the Truck Garage which is identified as 9 on Plate II-1B. EXTW = 3.5'. HE = 3.33'. MRTW = 7.66'

Pond #4 - this pond is in a series with pond #5 and is the most upstream pond in the series. These ponds are on the west side of the entrance road and south of the conveyor where it crosses the road. EXTW = 4'. HE = 3.66'. MRTW = 7.73'.

Pond #5 - see location above. EXTW = 4'. HE = 3.25'. MRTW = 7.65'.

Pond #7 - see location of violation 1 of 2. EXTW = 2'.

The remedial actions for these NOV's require the operator to submit designs for approval and reconstruct the embankments and spillway or spillways to the approved designs. The designs must be submitted to DOGM by 1/12/89 at 8:00am. The ponds must then be reconstructed to the approved designs by 3/14/89 at 8:00am.

DOGM agreed to issue NOV 89-26-23-(?), TV2. 1 of 2 - Failure to pass all surface runoff through a sedimentation pond or a series of sedimentation ponds, or through other treatment facilities. This violation applies to eleven locations and the numbers listed refer to Plate II-1B or Plate II-1A:

1. The NE part of the disturbed area that is a pad for the Metal and Redwood (now dismantled) Water Storage Tanks. Near locations 8 and 28.

2. The Gasoline Storage area, 5, does not pass through a pond but does pass through a silt fence. In order for this to be in compliance, the operator must make a demonstration in accordance with UMC 817.42 and it must be approved by DOGM.

3. The work area immediately in front of the Main Intake Portal, 57, drains next to the Trestle, 7, and directly into Horse Canyon Wash. A silt fence was erected next to this drainage for DOGM 89-26-19-1, but this runoff would not go through that silt fence.

4. The equipment storage area S of the North Fan Portal, 49, does not pass through a pond. Part of the runoff would drain to the E, and about 1/4 of it would drain to the W. The area is fairly well vegetated, but if the operator wishes this to be in compliance, he must demonstrate that vegetation will suffice. Again, this is to satisfy UMC 817.42 and must be approved by DOGM.

5. The yard SW of the Open Air Shed, 48, NW of the Car Repair Shop, 46, and NE of the Truck Garage, 9, drains to a breach in the berm/guardrail along the wash. The breach is NW of the Car Repair Shop, 46.

6. The area from the NE (back) of the Tipple, 37, N of the railroad tracks to the Scale House, 38, drains to a culvert N of the tracks, under the tracks, and off the disturbed area.

7. The area from the E end of the Truck Scales, 38, to the disturbed area markers drains through a breach in the berm and offsite. Where this runoff goes over the outslope is also part of the second violation.

8. The area of the Oil Heating Plant, 14, and the Oil Heating Plant Tank, 15, drains offsite.

9. The Sewage Disposal Plant, 12 and 13.

10. The Solid Waste Landfill, 60.

11. The Road Junction Refuse Pile, 62.

2 of 2 - Failure to minimize erosion to the extent possible, unprotected eroded channels. Eroded channels were observed in three locations. The channels all exhibited a lack of surface protection, vertical or near vertical side slopes, sloughing, etc. The locations are:

1. The outfall from the two uppermost waterbars on the access road to the Reservoir, 40. The uppermost waterbar (we identified this as waterbar #1) exhibited erosion 32" deep at the headcut. 24" down slope from this it is 15" deep. The erosion is about 15' long. Waterbar #2 outfall created an eroded channel 9"-15" deep and 22" wide.

2. An eroded channel over the slope from the back of the Tipple, 37, to the inlet of the sedimentation pond. The channel is from the upper level under the conveyor.

3. The channel discussed in violation 1 of 1 in location #7.

General observations and areas of potential future problems.

In essence, there is no bond left on the site since Kaiser was self bonded and they are now in bankruptcy. The road that goes from the end of state maintenance on up the mountain is not included in the old permit and is not considered by DOGM as a disturbed area that Kaiser is liable for. This is currently being discussed by DSM and DOGM and is not a situation that is particular to this mine. Kaiser is liable for the road condition to the Metal and Redwood Water Storage Tanks, 32 and 33.

The site in general has a lot of areas that without continual routine maintenance have a high potential to develop into violations. Silt fence has been liberally used on this site in lieu of ponds. This is a high maintenance item that is subject washing out, silting in, etc.

Another concern is the road drainage systems and diversions. Some of these are included on the NOV's as a result of this inspection, but these are also high maintenance features that become frequent sources of violations. Without an operator onsite, or nearby, these conditions may develop into violations after just one precipitation

event.

Samples of the surface material were taken at the Woodard Portals, 51 and 52, and at the Road Junction Refuse Pile, 62. These samples are being tested for acid or toxic materials and further enforcement actions may be necessary depending on the results.

We also noticed an apparent coal fire in a tributary canyon to Horse Canyon. After inspection of the mine site, we investigated the source of the fire. The surface effects of the fire are approximately 250' higher than the Woodard Portals and less than 2000' from the entries. The canyon is bowl shaped and the noticeable effects of the fire stretch for about 1800'. We walked about 600' of the canyon and the area was highly fractured and broken. There were holes that were venting smoke and heat along the entire 600' that we walked. In one location, the rock was red hot. Numerous trees had been killed and burnt. Some of the trees were slumping. Bill agreed to notify BLM, Kaiser, the DOGM Salt Lake City office, MSHA, and the State Industry Commission. On 12/11/89, I reviewed what maps the AFO has and determined that the latest mining in the area of the fire occurred in 1968. I contacted the Price, Utah, MSHA office and was told that a fire on the same seam as the Woodard Portals had occurred in that area in the 60's and that Kaiser had used 38 seals and foam to try and extinguish the fire. Tony Gabossi of MSHA said that their agency had not inspected the mine area since Kaiser had become inactive. This situation has been referred to the AFO Field Office Director and AML Branch. It is our determination at this time that the fire exists in pre-law workings.

25. Performance Standards

25B There is no valid permit on this site, so there are no valid permit boundaries.

25D See NOV 89-02-370-006, TV2, and the NOV that DOGM agreed to issue.

25G,H Were not reviewed this inspection because we did not have a key to the records office. They were reviewed during the oversight inspection that ultimately prompted this inspection.

25O See TDN 89-02-107-005, 3 of 3

25R Pending receipt of sample analyses.

25W See TDN 89-02-107-005, 1 and 2 of 3