

007/013-90A

RECEIVED  
JAN 25 1990

DIVISION OF  
OIL, GAS & MINING

KAISER COAL CORPORATION  
P.O. BOX 1107  
RATON, NEW MEXICO 87740  
(505) 445-2395

HAND DELIVERED

January 25, 1990

Mr. Lowell P. Braxton  
Associate Director, Mining  
Division of Oil, Gas & Mining  
III Triad Center, Suite 350  
355 West North Temple  
Salt Lake City, Utah 84180-1203

Dear Lowell:

As directed by the Office of Surface Mining ("OSM"), Kaiser Coal Corporation ("Kaiser") respectfully submits the enclosed binder of information and design drawings, prepared by Kaiser's contractor Blackhawk Engineering, pertaining to the Horse Canyon sedimentation ponds referenced in Step 1 of NOV 89-02-370-006 TV2 issued by OSM to Kaiser on December 13, 1989.

Please note that research seems to indicate that Pond No. 2 is of adequate size to contain a 25-year, 24-hour precipitation event. It was for this reason that original design parameters did not incorporate a spillway structure in this particular pond. I would greatly appreciate the Division's analysis regarding these specific circumstances of the above NOV.

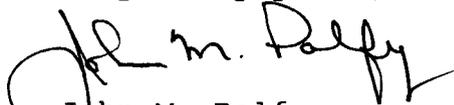
Note also that Kaiser had requested and was subsequently granted an extension of the abatement deadline from January 12, 1990 to January 31, 1990. Kaiser has therefore met the Step 1 abatement requirements.

Mr. Lowell P. Braxton  
January 25, 1990  
Page Two

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If you have any questions regarding these enclosures,  
please feel free to call me at (505) 445-2395.

Very truly yours,



John M. Palfy  
Agent, Kaiser Coal Corp.

JMP:jmc:012590a

Enclosures

cc: Mitchell S. Rollings, OSM  
Bill Malencik, DOGM  
Stonie Barker, Jr.  
Jim Marvin  
Bruce Hendry  
Claude Bradford  
Harrie F. Lewis, Esq.  
Denise A. Dragoo, Esq.  
George W. Bartlett, Jr. -- NACI

PERMIT TRACKING FORM

Type of Proposal:

MRP AMENDMENT   
 MRP REVISION   
 EXPLORATION

FED TDN #  
 NOV #N 89 02 370 006, # TV2 of  
 CO #C \_\_\_\_\_, # \_\_\_\_\_ of \_\_\_\_\_

I. B. C. \_\_\_\_\_ (Incidental Boundary Change)

Title of Proposal: FEDERAL NOU

Company Name: KAISER COAL CORPORATION

File #: (INA / PRO / ACT / CEP) 0071013 - 90 A # New Acres: \_\_\_\_\_

LEAD Reviewers:

HYDROLOGY J. Munson  
 BIOLOGY \_\_\_\_\_  
 ENGINEER \_\_\_\_\_  
 SOILS \_\_\_\_\_  
 GEOLOGY \_\_\_\_\_

Tech Memo Drafted

Yes	No
(4)	( )
( )	( )
( )	( )
( )	( )

Please Check Appropriate Box!!

Dates:

- |   |   |
|---|---|
| <p>(1) Initial Plan Received <u>1/25/90</u><br/>                 Tech Review Due <u>2/7/90</u><br/>                 Tech Review Complete <u>2/7/90</u><br/>                 DOGM Response Sent _____<br/>                 Operator Response Due _____</p> | <p>(4) Operator Resubmission _____<br/>                 Tech Review Due _____<br/>                 Tech Review Complete _____<br/>                 DOGM Response Sent _____<br/>                 Operator Response Due _____</p>  |
| <p>(2) Operator Response Rc'd _____<br/>                 Tech Review Due _____<br/>                 Tech Review Complete _____<br/>                 DOGM Response Sent _____<br/>                 Operator Response Due _____</p>                         | <p>(5) Operator Response Rcd _____<br/>                 Tech Review Due _____<br/>                 Tech Review Complete _____<br/>                 DOGM Response Sent _____<br/>                 Operator Response Due _____</p>  |
| <p>(3) Operator Response Rc'd _____<br/>                 Tech Review Due _____<br/>                 Tech Review Complete _____<br/>                 DOGM Response Sent _____<br/>                 Operator Response Due _____</p>                         | <p>Conditional Approval _____<br/>                 Stipulations Due _____<br/>                 Stipulations Received _____<br/>                 DOGM Response Sent _____<br/>                 Final Approval _____<br/>                 Filed in MRP _____<br/>                 Author _____<br/>                 Transmitted _____</p> |

COMMENTS: One  
This federal NOU was issued for  
plans regarding sediment ponds embankments  
and (1) spillway design must be implemented  
by 3/14/90 at 8:08 AM

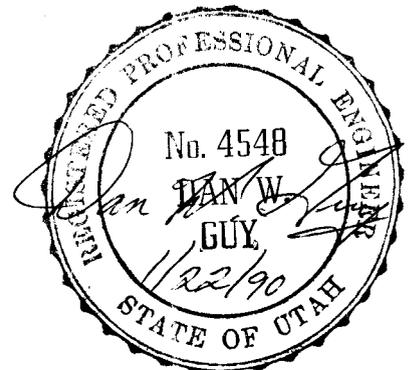
Rec DOGM  
1-25-90

HORSE CANYON MINE  
SEDIMENTATION PONDS  
N.O.V. ABATEMENT DESIGNS

Prepared For:  
Kaiser Coal Corp.  
Raton, New Mexico

Prepared By:  
Dan W. Guy, P.E.  
Blackhawk Engineering Co.  
Helper, Utah

January 1990





# **BLACKHAWK ENGINEERING, CO.**

Rt. 1, Box 146-H5 - Helper, Utah 84526 - Telephone (801) 637-2422

January 22, 1990

Mr. John M. Palfy  
Kaiser Coal Corp.  
P.O. Box 1107  
Raton, New Mexico 87740

Re: Sedimentation Ponds  
NOV Abatement Designs  
Horse Canyon Mine  
INA/007/013 - Exp.

Dear Mr. Palfy:

Enclosed are 4 copies each of design narrative and plates to abate the OSM N.O.V. 89-02-370-006, TV2, Steps 1 of Parts 1 and 2. These designs are intended to provide compliance with the UMC regulations pertaining to sedimentation ponds, including spillways and embankments as applicable to the Notice of Violation.

It should be noted that considerable differences in pond numbers exist between the "As-Constructed" numbers, the O.S.M. numbers referred to in the inspection, and the numbers later submitted in the JBR response. For purposes of this submittal, I have used the original, as-constructed pond numbers, taken from the original mine plan submittal. To eliminate confusion with the various numbering schemes, I have explained the correlation of the original numbers with the numbers referenced in the OSM violation. I have also included as Table III in this submittal, a chart comparing the pond numbers from the original submittal, the OSM reference, and the later JBR submittal.

I appreciate the opportunity to work with you on this project. I will be available to answer any questions that may arise, or to provide any additional information as necessary.

Respectfully,

Dan W. Guy, P.E.  
President

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Appendicies

- Appendix I - Copy of OSM Notice and Inspection Report.

Issued for: "Failure to provide a spillway or combination of spillways for a sediment pond."

Abatement, Step 1: "Submit designs that are in compliance with the UMC regulations pertaining to sedimentation ponds."

Abatement: The pond in question was described as the seventh pond from the NE corner of the old permit area. This correlates with original Pond No. 2 in the Geneva Mine - Mining and Reclamation Plan. Original pond design was shown on Plate E3-3251 dated 06-20-79 and certified 03-02-81. The "As Constructed" map of the pond was submitted as Plate E3-3441, dated and certified on 08-24-83. These plans were submitted with the response to the Determination of Completeness and Technical Adequacy on 08-24-83.

It should be noted that the original plans for this pond, in the 08-24-83 submittal, show the pond to be of adequate size to contain a 25 year - 24 hour precipitation event. For this reason, an overflow was not designed for this pond at that time.

The proposed emergency overflow presently designed for this pond is a 24" half-round culvert; however, since the calculations still show the pond to be of adequate size to contain the 25 year - 24 hour event, this structure will be primarily cosmetic. As noted on Table I, the pond will be decanted by siphon or pump if it fills to 60% of design volume. Samples will be taken of the discharge to ensure compliance with effluent standards.

The proposed design modifications for this pond are shown on attached Plate II. Design parameters for the pond are detailed in attached Tables I and II.

Table I  
Sediment Pond No. 2  
Spillway Design

Drainage Area (Acres)	-	1.025 ✓
10 year - 24 hour Event (in.)	-	1.840
25 year - 24 hour Event (in.)	-	2.200
Runoff Curve Number	-	78
Peak Flow - 10/24 (cfs)	-	0.636
Peak Flow - 25/24 (cfs)	-	0.961
Principal Spillway - Area Min. (ft <sup>2</sup> )	-	1.571
Principal Spillway - Area Req'd. (ft <sup>2</sup> )	-	0.044
Emergency Spillway - Area Min. (ft <sup>2</sup> )	-	1.571
Emergency Spillway - Area Req'd. (ft <sup>2</sup> )	-	0.066
Runoff Volume - 10/24 (ac. ft.)	-	0.034
Runoff Volume - 25/24 (ac. ft.)	-	0.051
Pond Volume (ac. ft.)	-	0.282* , 215
Manning's Number	-	0.025
Spillway Slope (%)	-	15.00
Velocity (fps)	-	14.51

\* Pond is adequate to contain the 25 year - 24 hour event.

Note: Spillway will consist of a 24" half-round CMP culvert.  
 Discharge will be onto 9" M.D. rip-rap to prevent erosion.  
 Pond will be decanted by pump or siphon when 60% capacity  
 is reached.

Issued for: "Failure to properly construct sedimentation pond embankments."

Abatement, Step 1: "Submit designs that are in compliance with the UMC regulations pertaining to sedimentation ponds."

Abatement: 5 sediment ponds were identified with inadequate embankments. The following list will identify the pond by number as listed on the N.O.V., and the corresponding pond number as shown in the M.R.P. The new design plates will identify the ponds by the M.R.P. numbers:

<u>N.O.V. Pond No.</u>	<u>M.R.P. Pond No.</u>
(1)	(6)
(2)	(5)
(4)	(4)
(5)	(3)
(7)	(2)

Pond embankment widths required were taken from the formula  $(H + 35)/5$ , as per regulation UMC 817.46(1). The attached Plates I thru VI show the existing pond and embankments, along with the proposed modifications to bring the ponds into compliance with embankment specifications. Table II is a detailed listing of existing pond depths, required minimum embankment widths, and proposed embankments to be constructed.

All pond modifications will be performed under the supervision of a registered professional engineer, and certified as built drawings will be provided as required for each modified pond.

Table II  
Sediment Pond  
Embankment Widths

<u>Pond No.</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
Design Depth (ft.)	3.00	2.60	2.00	2.70	3.20
Actual Depth (ft.)	2.60	3.25	3.66	3.33	3.75
Emb. Width (ft.)	2.00	4.00	4.00	3.17	3.00
Req'd Width (ft.)	7.52	7.65	7.73	7.66	7.75
Proposed Width (ft.)	9.00	9.00	9.00	9.00	9.00

Note:

Pond numbers based on original M.R.P. submittal and "As-Constructed" plates.

Table III  
Pond Number Comparisons

<u>* Original Submittal</u>	<u>OSM Inspection</u>	<u>JBR Submittal</u>
1	-	8
*2	7	10
*3	5	5
*4	4	4
*5	2	2
*6	1	1
7	-	9
8	-	3
9	-	6
Sewage	-	7

Note:

Plans in this submittal correspond to original pond numbers.

## Sediment Pond Reconstruction Requirements

- (1) The minimum elevation of the top of the settled embankment shall be 1.0 foot above the water surface with the emergency spillway flowing at design depth.
- (2) The constructed height of the dam shall be increased a minimum of 5% over the design height to allow for settlement.
- (3) Minimum top width of the embankment shall be not less than the quotient of  $(H+35)/5$ , where H, in feet, is the height of the embankment as measured from the upstream toe of the embankment.
- (4) The combined upstream and downstream side slopes of the settled embankment shall not be less than 1v:5h, with neither slope steeper than 1v:2h.
- (5) Embankment foundation shall be cleared of all organic matter, all surfaces sloped to no steeper than 1v:1h, and the entire foundation scarified.
- (6) Fill material shall be free of sod, large roots, other large vegetative matter, and frozen soil. Coal processing waste will not be used in any reconstructed embankments.
- (7) Embankment fill shall be compacted in layers not to exceed 12" and brought to 90% compaction during construction.
- (8) Ponds will be designed and inspected during construction under the supervision of , and certified after construction by, a registered professional engineer.
- (9) The reconstructed embankment and surrounding areas disturbed by construction shall be stabilized with respect to erosion by reseeding as soon as practical after the embankment is completed.
- (10) All ponds shall be examined for structural weakness, erosion and other hazardous conditions on a quarterly basis, and reports shall be made available to the Division.

APPENDIX I

Copy of OSM Notice and Report

RECEIVED  
DEC 14 1989  
Ans'd.

United States Department of the Interior  
Office of Surface Mining  
Mine Site Evaluation Inspection Report

For Office Use Only

1a	1b	1c

2. Name of Permittee

KAISER COAL CORP.

3. Street Address

PO BOX 1107

4. City

RATON

5. State

NM

6. Zip Code

87740

7. Area Code

8. Telephone Number

9. MSHA Number

42-00100

10. Date of Inspection (Y M M D)

89 12 08

11. State Permit Number

1NA 0071013

12. Name of Mine

HORSE CANYON

13. County Code

007

14. State Code

UT

15. Strata

16. State Area Office

01

17. OSM Field Office No.

02

18. OSM Area Office No.

19. OSM Sample No.

20. Type of Inspection (Code)

TDF

21. Joint Inspection Yes-No

X

22. Inspector's ID No.

370

23. Status

- A  02 (expired) Type of Permit
- B  1 Mine Status (Code)
- C  20 Type of Facility (Code)
- D  01917.0 Number of Permitted Acres
- E  00050.0 Number of Disturbed Acres

24. Type of Activity (check applicable boxes)

- A  Steep Slope
- B  Mountain Top Removal
- C  Prime Farmlands
- D  Alluvial Valley Floors
- E  Anthracite
- F  Federal Lands
- G  Indian Lands
- H  Other

25. Performance Standards (Codes)

Instructions: Indicate compliance code. For any standard marked 2 of 3 provide narrative to support this determination.

Standards That Limit the Effects to the Permit Area Standards That Assure Reclamation Quality and Timeliness

- A  Distance Prohibitions
- B  Mining Within Permit Boundaries
- C  Signs and Markers
- D  Sediment Control Measures
- E  Design and Certification Requirements - Sediment Control
- F  Effluent Limits
- G  Surface Water Monitoring
- H  Ground Water Monitoring
- I  Blasting Procedures
- J  Haul/Access Road Design and Maintenance
- K  Refuse Impoundments
- L  Other: Specify
- M  Topsoil Handling
- N  Backfilling and Grading
- O  Following Reclamation Schedule TDN 89-02-107-5
- P  Revegetation Requirements
- Q  Disposal of Excess Spoil
- R  Handling of Acid or Toxic Materials
- S  Highwall Elimination
- T  Downslope Spoil Disposal
- U  Post Mining Land Use
- V  Cessation of Operations: Temporary
- W  Other SU TDN 89-02-107-5



Kaiser Coal Corporation  
P.O. Box 1107  
Raton, NM 87740

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

DSM 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 48 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 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 OSM 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

ctive. 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

<b>U.S. DEPARTMENT OF THE INTERIOR</b> Office of Surface Mining Reclamation and Enforcement <b>NOTICE OF VIOLATION</b> Permanent Regulatory Procedures			1. Notice of Violation Number <b>89-02 -370 -006</b>		
2. Name <input type="checkbox"/> Permittee <input checked="" type="checkbox"/> No Permit <b>Kaiser Coal Corp.</b> (Expired - tick is old permit)			Originating Office Address <b>O.S.M.</b> <b>625 Silver SW, Suite 310</b> <b>Albany, NM 87102</b>		
3. Mailing Address <b>P.O. Box 1107, Raton, NM 87740</b>			Telephone Number <b>505-796-1486</b>		
4. Name of Mine <input type="checkbox"/> Surface <input type="checkbox"/> Other (Specify) <input checked="" type="checkbox"/> Underground <b>Arise Canyon</b>			5. Telephone Number <b>505-796-1486</b>		
6. County <b>Chaves</b> State <b>NM</b>			7. Operator's Name (If other than permittee) <b>SMR</b>		
8. Mailing Address <b>Albany, NM 87102</b>			9. Date of Inspection <b>7/8/89</b>		
11. State Permit Number <b>INA 007/013</b>			10. Time of Inspection From <b>8:00 am</b> To <b>2:00 pm</b>		
12. NPDES Number <b>NA</b>			13. MSHA ID Number <b>4200100</b>		
14. OSM Mine Number <b>89-02-370-006</b>					

UNDER THE AUTHORITY OF THE SURFACE MINING, CONTROL AND RECLAMATION ACT OF 1977 (P.L. 95-87; 30 U.S.C. 1201), THE UNDERSIGNED AUTHORIZED REPRESENTATIVE OF THE SECRETARY OF THE INTERIOR has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the attachment(s). This Notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violation(s) within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

THE UNDERSIGNED AUTHORIZED REPRESENTATIVE HEREBY FINDS THAT THIS NOTICE  DOES NOT  DOES REQUIRE CESSATION OF MINING EXPRESSLY OR IN PRACTICAL EFFECT. Therefore you  are  are not entitled to an informal public hearing on request within 30 days after service of this notice (30 CFR 843.15).

This Notice shall remain in effect until it expires as provided on the reverse or is modified, terminated, or vacated by written notice of an authorized representative of the Secretary. The time for correction may be extended by an authorized representative for good cause. If you need additional time to correct the violation(s), please contact the field office named above.

**IMPORTANT—Please Read Information on the Back of this Page**

15. Print Name of Person Served		18. Date of Service	
16. Print Title of Person Served		19. Print Name of Authorized Representative <b>MITCHELL S. ROLLINGS</b>	
17. Signature of Person Served		20. Signature of Authorized Representative <i>Mitchell S. Rollings</i>	ID Number <b>370</b>

**IMPORTANT — PLEASE READ CAREFULLY**  
Permanent Regulatory Procedures

1. *Formal Review and Temporary Relief.* You may apply for review of this Notice by submitting an application for review, within 30 days of receipt of this Notice by you or your agent to:

Hearings Division  
Office of Hearings and Appeals  
U.S. Department of the Interior  
4015 Wilson Boulevard  
Arlington, Virginia 22203

~~(703) 667-0888~~ (703) 235-3800

If you apply for a formal review, you may request temporary relief from complying with this Notice. Your request must be filed with the Hearings Division at the above address prior to a decision in the formal review. The procedures for obtaining a formal review or temporary relief are contained in Title 43 Code of Federal Regulations Section 4.

2. *Informal Public Hearing.* A Notice of Violation which requires cessation of mining, expressly or by necessary implication, shall expire within 30 days after it is served unless an informal public hearing has been held within that time. On the reverse of this page, the authorized representative has made a finding as to whether or not this Notice of Violation requires cessation of mining. If you are entitled to an informal review please notify the OSM office indicated on the reverse of this page.

No hearing will be held where the violation in question has been abated, or the hearing has been waived. Your right to an informal review will be deemed waived unless you request an informal review within 30 days after service of this Notice.

OSM may conduct the hearing later than the 30 day period with the consent of the person to whom this Notice was issued. You will be deemed to have consented to an extension of the time for holding the hearing if your request is received on or after the 21st day after the service of this Notice.

3. *Penalties.* You may submit information in writing pertaining to the violation(s) covered by this Notice within 10 days of the date that it is served on you or your agent. This information will be considered in determining the amount of penalty. You may also submit a request that the Director waive the use of the formula contained in 30 CFR Part 345 in determining the civil penalty for the violations cited in this Notice. Your request must be submitted to the Director within 10 days of service of the Notice and must include your reasons for requesting the waiver. A waiver will be granted only if the Director determines that a waiver will further abatement of violations of the Act. If you wish to submit this information, you should send it to U.S. Department of the Interior, Office of Surface Mining, ~~Department Office, Washington, D.C.~~  
~~Western Field Operations, Brooks Towers, 1020 15th Street, Denver, CO~~  
80202 ATTN: Floyd Johnson, Chief, Inspection & Enforcement Section

For each violation covered by this Notice, a penalty of up to \$5,000 may be assessed for each day during which that violation continues.

Pursuant to 30 CFR 845.13(b) the amount of the penalty may be reduced significantly if you abate the violations in the shortest possible time using extraordinary measures. If you believe you have abated one or more of the violations in the shortest possible time using extraordinary measures, contact the inspector that issued this Notice and ask for an abatement inspection.

If you fail to correct any of the violations within the time set for abatement (unless extended by the inspector) or for meeting any interim step a failure to abate cessation order will be issued by the inspector. This order will require you to cease surface coal mining operations or the portion relevant to the violations and you must be assessed a penalty of at least \$750 per day each day that the violation continues up to a maximum of thirty days.

4. *Effect on Permit.* In addition, if it is determined that a pattern of violations of any requirement(s) of the Act, the regulations, or permit conditions exists, and that the violations were caused by unwarranted failure of the permittee or were willful violations, the permit may be suspended or revoked.

FOR FURTHER INFORMATION, PLEASE CONSULT Title 43 Code of Federal Regulations Section 4, Title 30 Code of Federal Regulations Chapter VII, and Title V of the Act, or CONTACT the nearest OSM Office for a copy of the "Rights of Operators and Permittees" manual.

**NOTICE OF VIOLATION (CONTINUATION)**

**NATURE OF PERMIT CONDITION VIOLATED, PRACTICE OR VIOLATION**

Failure to provide a spillway or combination of spillways for a sedimentation pond.

**PROVISION(S) OF THE REGULATIONS, ACT OR PERMIT VIOLATED**

UMC 817.46 (i)

**PORTION OF THE OPERATION TO WHICH NOTICE APPLIES**

The pond to the west of the entrance road immediately before the railroad bridge. This bridge is labeled 64 on the map titled, "Facilities Map Horseshoe Mine." This is Plate TI-1B.

**CORRECTIVE ACTION REQUIRED (Including Interim Steps, if Any)**

- ① Submit designs that are in compliance with the UMC regulations pertaining to sedimentation ponds.
- ② Diligently pursue approval of the required designs and complete reconstruction in accordance with the approved designs.

Submit the designs for approval to:  
Utah Natural Resources  
Division of Oil, Gas, and Mining  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203

Also submit a copy to:  
DOI-OSM  
625 Silver SW, Suite 310  
Albuquerque, NM 87102  
Attn: Mitch Rollings

**TIME FOR ABATEMENT (Including Time for Interim Steps, if Any)**

- ① complete by 1/12/89 at 8:00 am
- ② complete by 3/14/89 at 8:00 am

step  
step

**NOTICE OF VIOLATION (CONTINUATION)**

**NATURE OF PERMIT CONDITION VIOLATED, PRACTICE OR VIOLATION**

Failure to properly construct sedimentation pond embankments

**PROVISION(S) OF THE REGULATIONS, ACT OR PERMIT VIOLATED**

UMC 817.46 (8)

**PORTION OF THE OPERATION TO WHICH NOTICE APPLIES**

There are five pond locations that this notice applies to. Due to lack of adequate space on this form, the locations are specified in the narrative report that accompanies this Notice.

**CORRECTIVE ACTION REQUIRED (Including Interim Steps, if Any)**

- ① Submit designs that are in compliance with the UMC regulations pertaining to sedimentation ponds.
- ② Diligently pursue approval of the revised designs and complete reconstruction in accordance with the approved designs.

Submit the designs for approval to:  
Utah Natural Resources  
Division of Oil, Gas, and Mining  
3 Third Center, Suite 350  
Salt Lake City, Utah 84180-1203

Also submit a copy to:  
DOI-OSM  
625 Silver SW, Suite 310  
Albuquerque, NM 87102  
Attn: Mitch Rollings

**TIME FOR ABATEMENT (Including Time for Interim Steps, if Any)**

Step ① complete by 1/12/89 at 8:00 am  
Step ② complete by 3/14/89 at 8:00 am



~~007/013-90A~~  
007/013-90B

**RECEIVED**  
JAN 25 1990

DIVISION OF  
OIL, GAS & MINING

KAISER COAL CORPORATION  
P.O. BOX 1107  
RATON, NEW MEXICO 87740  
(505) 445-2395

HAND DELIVERED

January 25, 1990

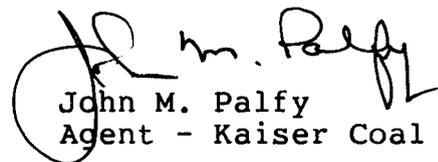
Mr. Lowell P. Braxton  
Associate Director, Mining  
Division of Oil, Gas & Mining  
III Triad Center, Suite 350  
355 West North Temple  
Salt Lake City, Utah 84180-1203

Dear Lowell:

Enclosed is information prepared by Kaiser's contractor, Environmental Industrial Services, regarding plan submittals to partially fulfill the requirements of Item II of NOV 89-26-23-2, issued to Kaiser Coal Corporation, related to the Cross Road Refuse and Sanitary Landfill Areas of the Horse Canyon Property.

If you have any questions whatsoever, please do not hesitate to contact me at (505) 445-2395.

Very truly yours,

  
John M. Palfy  
Agent - Kaiser Coal Corp.

JMP:jmc:012590a

Enclosures

cc: Bill Malencik, DOGM  
Stonie Barker, Jr.  
Jim Marvin  
Bruce Hendry  
Claude Bradford  
Harrie F. Lewis, Esq.  
Denise A. Dragoo, Esq.  
George W. Bartlett, Jr. -- Dallas

PERMIT TRACKING FORM

Type of Proposal:

MRP AMENDMENT   
 MRP REVISION \_\_\_\_\_  
 EXPLORATION \_\_\_\_\_

TDN # \_\_\_\_\_  
 NOV #N 99 26 23 1, # 1 of 2  
 CO #C \_\_\_\_\_, # \_\_\_\_\_ of \_\_\_\_\_

I. B. C. \_\_\_\_\_ (Incidental Boundary Change)

Title of Proposal: DRAINAGE CONTROL FOR ROAD JUNCTION REFUSE PILE AND SOLID WASTE LAND FILL AREA

Company Name: KAISER COAL COMPANY

File #: (INA / PRO / ACT / CEP) 007 / 013 - 90 B # New Acres: \_\_\_\_\_

LEAD Reviewers: \_\_\_\_\_

HYDROLOGY T. MUNSON  
 BIOLOGY \_\_\_\_\_  
 ENGINEER \_\_\_\_\_  
 SOILS H. SEVER  
 GEOLOGY \_\_\_\_\_

Tech Memo Drafted

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Please Check Appropriate Box!!

Dates:

- |  |   |
|--|---|
| <p>(1) Initial Plan Received <u>1/25/90</u><br/>                 Tech Review Due _____<br/>                 Tech Review Complete <u>2/19/90</u><br/>                 DOGM Response Sent _____<br/>                 Operator Response Due _____</p> | <p>(4) Operator Resubmission _____<br/>                 Tech Review Due _____<br/>                 Tech Review Complete _____<br/>                 DOGM Response Sent _____<br/>                 Operator Response Due _____</p>  |
| <p>(2) Operator Response Rc'd _____<br/>                 Tech Review Due _____<br/>                 Tech Review Complete _____<br/>                 DOGM Response Sent _____<br/>                 Operator Response Due _____</p>                  | <p>(5) Operator Response Rcd _____<br/>                 Tech Review Due _____<br/>                 Tech Review Complete _____<br/>                 DOGM Response Sent _____<br/>                 Operator Response Due _____</p>  |
| <p>(3) Operator Response Rc'd _____<br/>                 Tech Review Due _____<br/>                 Tech Review Complete _____<br/>                 DOGM Response Sent _____<br/>                 Operator Response Due _____</p>                  | <p>Conditional Approval _____<br/>                 Stipulations Due _____<br/>                 Stipulations Received _____<br/>                 DOGM Response Sent _____<br/>                 Final Approval _____<br/>                 Filed in MRP _____<br/>                 Author _____<br/>                 Transmitted _____</p> |

COMMENTS:

MUST BE IMPLEMENTED BY MARCH 17, 1990

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Rec. Doem 1-26-90  
W13

DRAINAGE CONTROL  
FOR  
ROAD JUNCTION REFUSE PILE  
AND  
SOLID WASTE LAND FILL AREA

January 15, 1990

Undisturbed drainage from the area north of the State Highway 124 is presently carried beneath the highway through a 36" cmp culvert where it flows south between the refuse and land fill areas into the main Horse Canyon Drainage. A 24" cmp culvert also passes beneath the highway approximately 300' to the east of the 36" cmp. This drainage then flows southwest along the edge of the refuse pile and joins the drainage from the 36" cmp. (Figure 4).

In order to separate the undisturbed and disturbed drainages in this area and control the disturbed area runoff, the following modifications are proposed:

#### Undisturbed Runoff

An undisturbed diversion ditch will be constructed from the outlet of the 36" cmp which runs under S.R. 124 to a point just above the main drainage channel. At this point, another 36" cmp will be installed to drop the drainage into the main channel.

Another diversion ditch will be constructed from the outlet of the 24" cmp which passes under S.R. 124, southwest to join the ditch from the 36" cmp. Both ditches will be bermed on the disturbed area sides to eliminate disturbed area runoff from mixing with the undisturbed runoff. The proposed plan for the culverts and diversions is shown on Plate 1. Typical sections for the culverts and diversions is shown on Figures 1 and 2. Design parameters are described in Table 1.

#### Disturbed Area Runoff

It is proposed to isolate the runoff from the refuse area by installing a berm along the southeastern edge of the pile, across the proposed new 36" cmp and around the land fill area to the

southwest. All disturbed area runoff will collect in a depression in the land fill area. A silt fence or check dam outlet will be installed at the lower end of the disturbed area to prevent breaching of the berms in the unlikely event of an overflow. The proposed plan for the disturbed area runoff control is shown on Plate 1. Typical section of the berm is shown on Figure 1, and design parameters are detailed on Table 2.

It should be noted that proposed designs are adequate to control and/or store the runoff from a 100 year-24 hour precipitation event in this area. All drainage calculations are based on the SCS Type II storm parameters. Curve numbers and precipitation quantities were taken from the M.R.P. *reference*

Table 1

Design Parameters for Undisturbed Drainage  
Culvert and Diversions

<u>Parameter</u>	<u>36" CMP</u>	<u>UD-1</u>	<u>UD-2</u>
Drainage Area (acres)	29.84	29.84	29.84
10 Yr-24 hr. event (in)	1.84	1.84	1.84
25 Yr-24 hr. event (in)	2.20	2.20	2.20
100 Yr-24 hr. event (in)	2.85	2.85	2.85
Time of Conc. (hrs)	0.17	0.17	0.17
Curve Number	78	78	78
Manning's Number	.025	.035	.035
Land Slope (%)	45.83✓	-	-
Hydraulic Length (ft)	2400	-	-
Ditch Slope (%)	15.00	5.00	4.25
Peak Flow /10 (cfs)	11.10 11.41	11.10	11.10
Peak Flow /25 (cfs)	23.78 17.71	23.78	23.78
Peak Flow /100 (cfs)	40.42 30.56✓	40.42	40.42
Min. Structure Area (ft <sup>2</sup> )	7.07	18.00	12.00
Req'd Area /10 (ft <sup>2</sup> )	0.76	1.86	1.95
Req'd Area /25 (ft <sup>2</sup> )	1.63	3.97	4.19
Req'd Area /100 (ft <sup>2</sup> )	2.78	6.76	7.12
Velocity	**14.51	*5.98	*5.68 7.2

\* Velocities may be slightly erosive, therefore, the channel will be underlain with a filter fabric to prevent scouring.

\*\* Culvert will discharge onto an apron of 12" d50 Rip Rap at channel.

Note: The 36" culvert will carry 40 cfs with a headwall of 1.2 D or 3.6 feet; therefore, the culvert will be installed with at least 4 ft. of headwall at the inlet.

Table 2

Design Parameters for Disturbed Drainage  
Refuse Pile and Land Fill Area

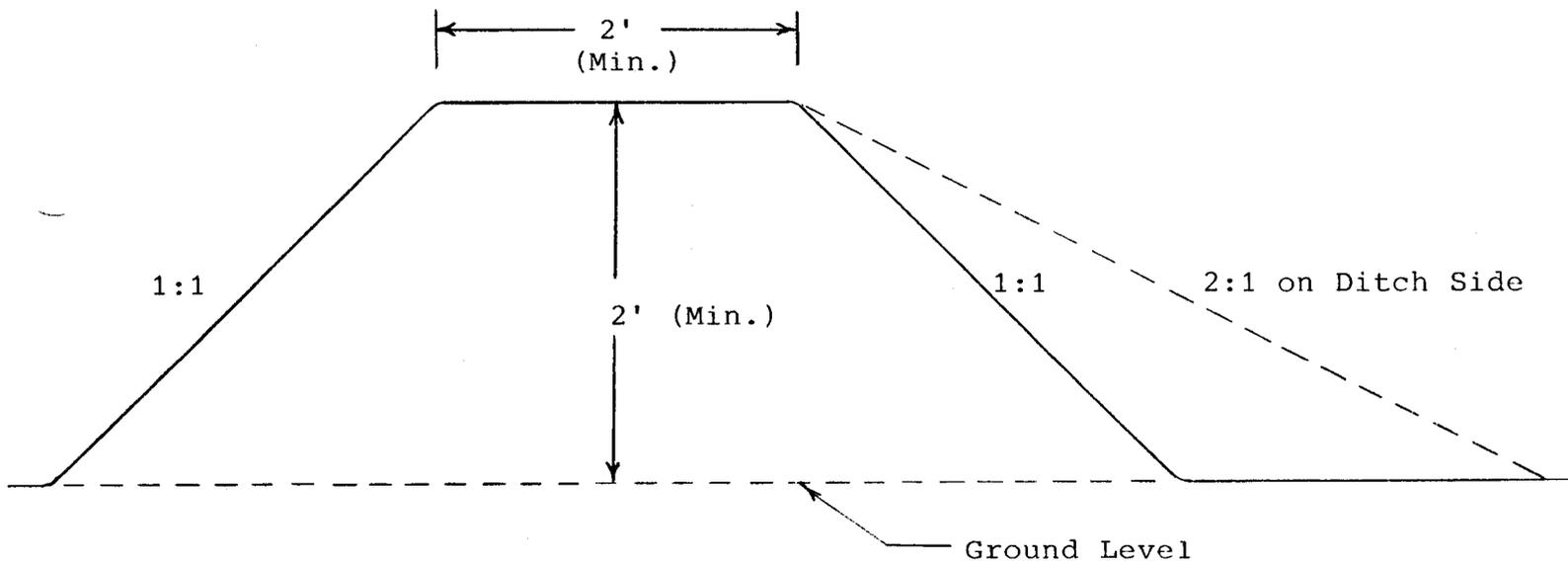
<u>Parameter</u>	<u>Disturbed Area</u>
Drainage Area (acres)	13.87
10 Yr-24 hr. event (in)	1.84
25 Yr-24 hr. event (in)	2.20
100 Yr-24 hr. event (in)	2.85
Curve Number	90
Slope Length (ft)	1200
Land Slope (%)	5.88
Time of Conc. (hrs)	0.18
Peak Flow /10 (cfs)	17.27
Peak Flow /25 (cfs)	22.84
Peak Flow /100 (cfs)	33.28
Runoff - Q10 (ac.ft.)	1.11
Runoff - Q25 (ac.ft.)	1.47
Runoff - Q100 (ac.ft.)	2.14
Volume at Overflow (ac.ft.)	*2.24

\* Based on a calculated depression area of 1.49 acres with an average depth of 18" at the overflow.

2.24<sup>4</sup>

# FIGURE 1

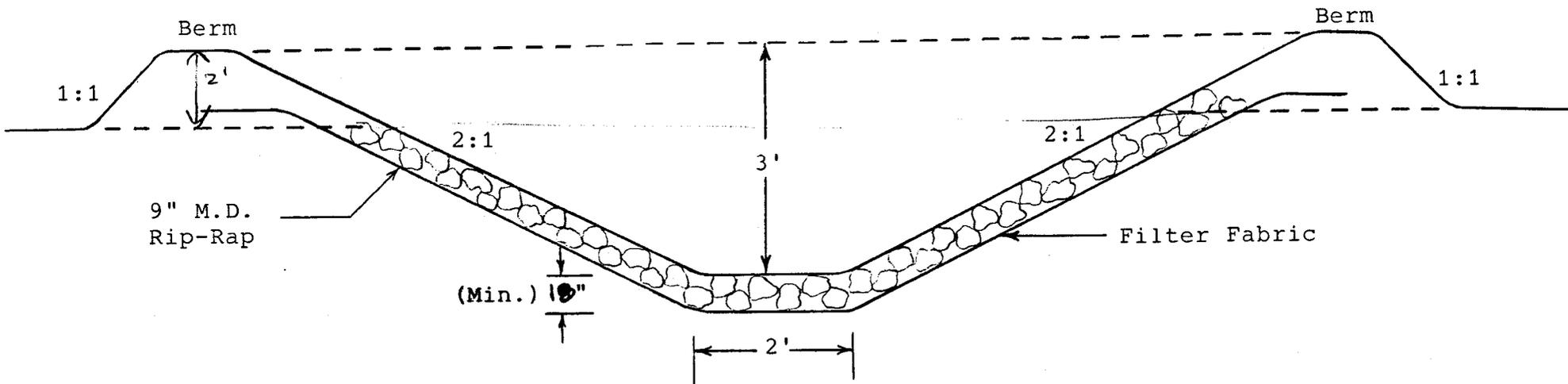
## RUNOFF CONTROL BERM TYPICAL SECTION



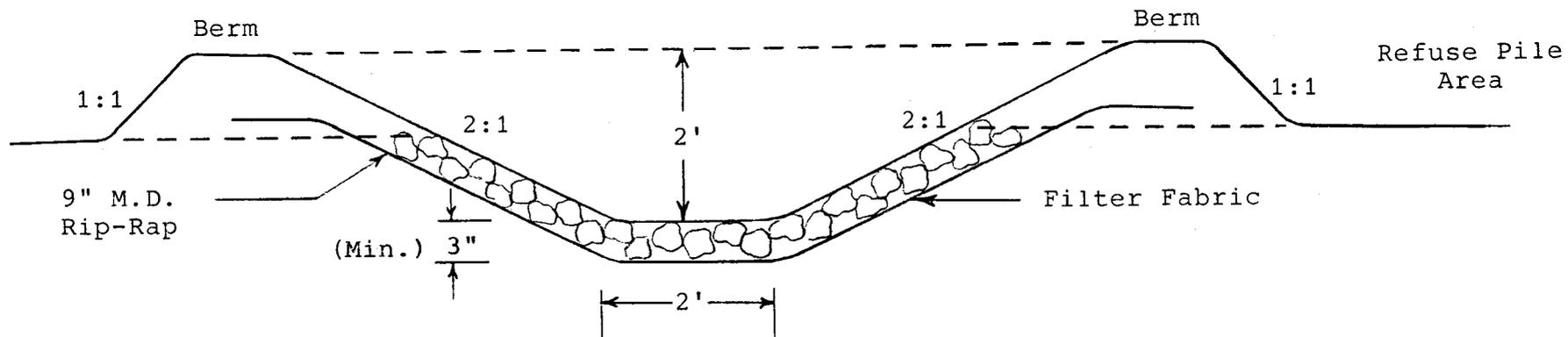
SCALE: 1"=1'

# FIGURE 2

## UNDISTURBED DIVERSION DITCH TYPICAL SECTION



Note: Ditch Configuration May Vary,  
But Will Be Maintained At A  
Minimum X-Sectional Area of  
18 ft<sup>2</sup>.

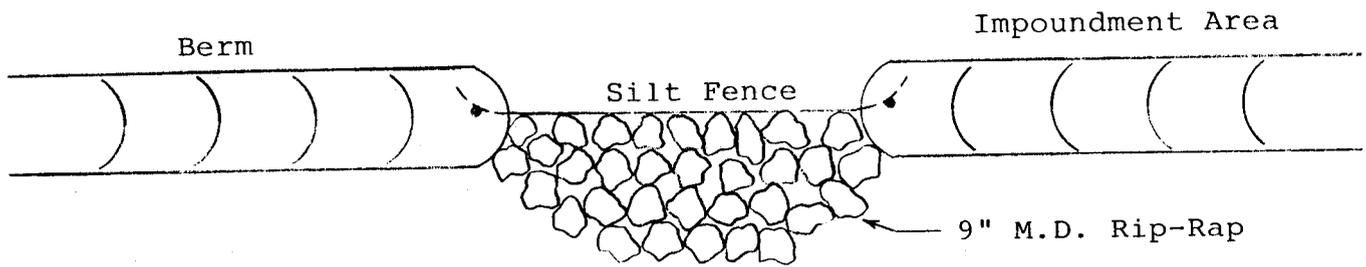


Note: Ditch Configuration May Vary;  
However, It Will Be Maintained  
At A Minimum X-Section Area of  
12 ft<sup>2</sup>.

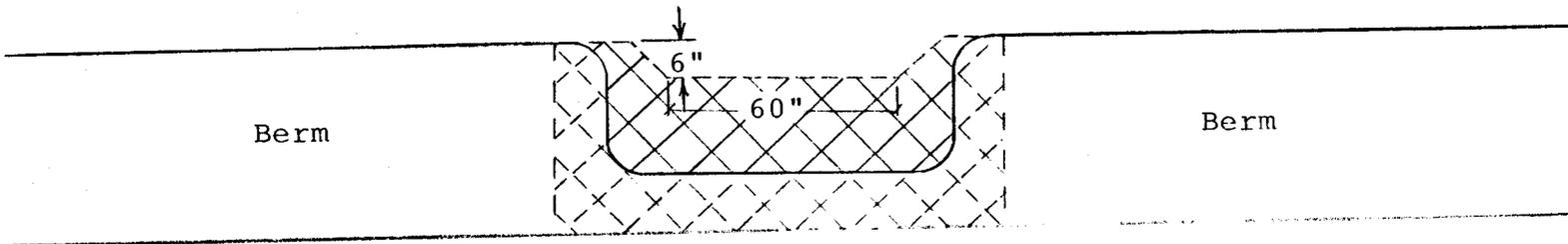
SCALE: 1"=2'

# FIGURE 3

## DISTURBED AREA OVERFLOW



PLAN VIEW



SECTION VIEW

SCALE: 1"=2'

FIGURE 4

