



State of Utah

Department of Natural Resources

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas & Mining

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Representatives Present During the Inspection:		
OGM	Priscilla Burton	Environmental Scientist III
Company	Jay Marshall	Resident Agent

Inspection Report

Permit Number:	C0070013
Inspection Type:	TECHNICAL
Inspection Date:	Thursday, May 28, 2009
Start Date/Time:	5/28/2009 10:00:00 AM
End Date/Time:	5/28/2009 2:30:00 PM
Last Inspection:	Thursday, May 14, 2009

Inspector: Priscilla Burton, Environmental Scientist III

Weather: sun 60 F

InspectionID Report Number: 2019

Accepted by: jhelfric
6/4/2009

Permitee: **UTAHAMERICAN ENERGY INC**
 Operator: **UTAHAMERICAN ENERGY INC**
 Site: **HORSE CANYON MINE**
 Address: **PO BOX 986, PRICE UT 84501**
 County: **CARBON**
 Permit Type: **PERMANENT COAL PROGRAM**
 Permit Status: **ACTIVE**

Current Acreages

5,992.07	Total Permitted
116.86	Total Disturbed
	Phase I
	Phase II
	Phase III

Mineral Ownership

- Federal
- State
- County
- Fee
- Other

Types of Operations

- Underground
- Surface
- Loadout
- Processing
- Reprocessing

Report summary and status for pending enforcement actions, permit conditions, Division Orders, and amendments:

Technical inspection at Lila Canyon mine construction site. Photographed condition of topsoil stockpile which has been partially roughened, but not seeded. Construction is not complete at the site and further additions of topsoil to the stockpile are expected. The remaining areas of undisturbed ground within the disturbed area were noted and photographed. Topsoil salvaged to date and future topsoil salvage plans were discussed. Observed drainage controls along three existing pad levels and the portal road. Two ponds at the site are empty of water. Photographs from this inspection are in the database.

Inspector's Signature:

Date

Thursday, May 28, 2009

Priscilla Burton, Environmental Scientist III

Inspector ID Number: 37

Note: This inspection report does not constitute an affidavit of compliance with the regulatory program of the Division of Oil, Gas and Mining.

REVIEW OF PERMIT, PERFORMANCE STANDARDS PERMIT CONDITION REQUIREMENTS

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 Not Applicable.
 - b. For PARTIAL inspections check only the elements evaluated.
2. Document any noncompliance situation by reference 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, Divison Orders, and amendments.

	Evaluated	Not Applicable	Comment	Enforcement
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.a Hydrologic Balance: Diversions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.b Hydrologic Balance: Sediment Ponds and Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.c Hydrologic Balance: Other Sediment Control Measures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.d Hydrologic Balance: Water Monitoring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.e Hydrologic Balance: Effluent Limitations	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Coal Mine Waste, Refuse Piles, Impoundments	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 Issues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Backfilling And Grading	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. Revegetation	<input type="checkbox"/>	<input type="checkbox"/>	<input 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.a Roads: Construction, Maintenance, Surfacing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.b Roads: Drainage Controls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Other Transportation Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input 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	<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 and Insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1. Permits, Change, Transfer, Renewal, Sale

Part B of the Horse Canyon permit was issued May 18, 2007, adding 25.3 acres in Lila Canyon to the disturbed area (2007\Outgoing\0080.pdf). A mid-term review (Task 3042) of the MRP was completed on April 28, 2009. The Permittee does not have a copy of the MRP at the site. The Permittee was able to pull up a copy of the facilities map, Plate 5-2, on his computer.

Plate 5-2 illustrates the site layout. The site is not being constructed in accordance with this plate, however. Rather, Jay Marshall cited emails that confirm approval from Daron Haddock (Permit Supervisor) to construct the site following a hybrid of the the approved Plate 5-2 and the design changes proposed on Plate 5-2 (provided to the Division as an amendment in July 2008, but returned with deficiencies in January 2009, Task 3017). Inspection reports from the last quarter confirm that the Division has found nothing irregular in the construction of the three pad levels and additional disturbed area at the Lila site. An internal email to file dated June 1, 2009 summarizes the Division's position on this construction. Mr. Marshall plans to have a revised design change amendment in to the Division in another month for approval.

The revised designs are described in Appendix 5-4 and 5-7 of the denied amendment (dated July 2008). Those designs call for increasing disturbed area from 25.3 acres to 34 acres and a 50% reduction in the islands of undisturbed land within the disturbed acres from 17.3 acres down to 8.7. The expansion will accommodate a larger coal stockpile as shown on Plate 5-8.

3. Topsoil

Topsoil salvage is being conducted according to the proposed design changes which call for soil salvage from only 2.65 additional acres (Available Soil Resources Table, Chap 2. pg. 9), although the disturbed area will increase by 8.6 acres. The following deficiency was written and provided to the Permittee in January 2009 concerning the proposed design changes:

R645-301-232.100, As proposed, undisturbed acres represent approximately 26% of the disturbed area. Since, vegetation and soils of undisturbed lands will likely be subject to impacts from fugitive dust and coal fines blowing from the increased coal stockpile acreage, and since the soil type to be impacted is DSH and XBS, having 18 and 12 inches of salvageable soils, respectively, the Division will require topsoil salvage from all acreage within the disturbed area boundary shown on Plate 1-2, as required by R645-301-232.100, with the exception of soil types which may fall within the exclusion of R645-301-232.700. The condition of the salvaged cryptogams should be evaluated and additional buckets collected prior to soil salvage, if necessary.

Mr. Marshall stated that topsoil has been salvaged from the sediment pond at the entrance to the site, from beneath the proposed warehouse storage pad and from beneath the coal stockpile pad (Phase I of the construction). Mr. Marshall indicated that Tom Paluso was currently working on a topsoil salvage volume report that would be included in the 2009 annual report to the Division. Mr. Marshall indicated that the next phase of topsoil salvage would include the islands of undisturbed ground within the disturbed area, in accordance with the above deficiency.

Mr. Marshall indicated the areas to still have topsoil removed were along the portal access road north of the warehouse pad and between the coal stockpile pad and the topsoil stockpile and in the vicinity of the truck loop (Phase 2 of the construction). (The design changes do not refer to Phase I or Phase II work, but this is how the Permittee described the work for the purpose of letting the contract)

4.a Hydrologic Balance: Diversions

A diversion has been constructed as shown on the approved Plate 5-2 through an island of undisturbed land to allow the coal stockpile drainage to report to sediment pond 1 (in the main drainage). Flow through into this ditch from the coal stockpile pad was impeded by a silt fence and flow out of the ditch into the sediment pond at the first opportunity was impeded by a berm. (Very little flow from the recent rain storms reached the pond. Most flow soaked into the ground.) Mr. Marshall agreed to fix these problems so that flow would report to the ditch and from the ditch to the pond.

4.b Hydrologic Balance: Sediment Ponds and Impoundments

Two ponds at the site are empty of water.

6. Disposal of Excess Spoil, Fills, Benches

Both the warehouse pad and the coal stockpile pad are being constructed with excess spoil. Grey shale on the surface of the coal stockpile pad came from the main drainage sediment pond excavation.

9. Protection of Fish, Wildlife and Related Environmental Issues

Cicadas were everywhere making very loud chirping/ringing noise.

12. Backfilling And Grading

Further cut and fill work is required on the warehouse and coal stockpile pads. Truck loop remains to be constructed.