

0013

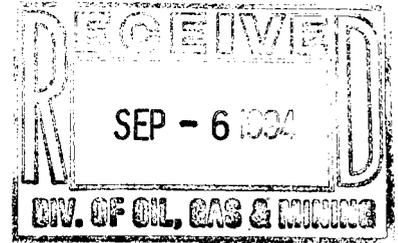


# United States Department of the Interior

OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
Suite 1200  
505 Marquette Avenue N.W.  
Albuquerque, New Mexico 87102

AUG 31 1994

CODE RED.  
cc SPBL  
JWL  
JBL  
ang  
9-6-94



Permit: ACT/007/016  
Mine Name: Gordon Creek 2, 7 & 8

CERTIFIED RETURN RECEIPT: #P 079 749 371

Mr. James W. Carter, Director  
Division of Oil, Gas and Mining  
3 Triad Center, Suite 350  
355 West North Temple  
Salt Lake City, Utah 84180-1203

Dear Mr. Carter:

Federal Ten-Day Notice 94-020-352-003 is being issued for violations that likely existed at the time of the last State complete inspection (LSCI). Specific details are as follows:

Date of Federal Inspection: 8/24/94 ; Date of LSCI: 5/31/94

The determination that the State did not cite the violations is based on one or more of the following reasons:

\_\_\_\_\_ The condition was identified in a State inspection report but no State enforcement action was taken.

\_\_\_\_\_ Design criteria or required certification has not been met for a structure in existence as of the last State complete inspection (sediment pond, excess spoil fill, etc.)

\_\_\_\_\_ Necessary controls that were required at the time of the last State complete inspection have not been established (diversion ditches, sediment ponds, top soil protection, signs and markers, etc.)

Site conditions indicate that the violations noted had been in existence at the time of, or prior to, the last State complete inspection.

\_\_\_\_\_ Other: \_\_\_\_\_

James W. Carter

2

Indicate below the Division's reason(s) for not citing the alleged violations:

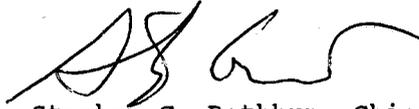
- Not a violation
- Precluded by State policy
- Not included under State program
- Warning given in Lieu of a Citation
- Violation not recognized (missed)
- Practice allowed under approved permit
- Too minor to cite
- Working with operator to correct
- Other: \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Please return your signed and dated response to the Albuquerque Field Office at your earliest convenience.

Sincerely,



Stephen G. Rathbun, Chief  
Inspection and Enforcement Branch

Enclosure

UNITED STATES DEPARTMENT OF THE INTERIOR  
Office of Surface Mining  
Reclamation and Enforcement  
**TEN-DAY NOTICE**

Originating Office:  
**OFFICE OF SURFACE MINING**  
**505 MARQUETTE AVE. NW**  
**ALBUQUERQUE, NM 87102**  
Telephone Number: **(505) 766-1486**

Number: **X - 94 - 020 - 352 - 003 TV 2**

Ten-Day Notice to the State of **UTAH DIVISION OF OIL, GAS AND MINING**

You are notified that, as a result of **A FEDERAL INSPECTION** (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: <b>MOUNTAIN COAL COMPANY</b> <small>(Or Operator if No Permit)</small>	County: <b>CARBON</b>	<input type="checkbox"/> Surface
Mailing Address: <b>P.O. BOX 591 SOMERSET, CO 81434</b>		<input checked="" type="checkbox"/> Underground
Permit Number: <b>ACT/007/016</b>	Mine Name: <b>GORDON CREEK</b> <b>2, 7 AND 8</b>	<input type="checkbox"/> Other

NATURE OF VIOLATION AND LOCATION: **FAILURE TO PROVIDE, IN THE MINE PLAN, FOR THE ELIMINATION OF ALL HIGH WALLS. HIGHWALLS AT THE #2 MINE.**

Section of State Law, Regulation or Permit Condition believed to have been violated: **R645-301-542.200**

NATURE OF VIOLATION AND LOCATION: **FAILURE TO RECLAIM THE MINE ACCORDING TO THE SCHEDULE APPROVED IN THE PERMIT. NUMBER 2, 7 AND 8 MINE AREAS.**

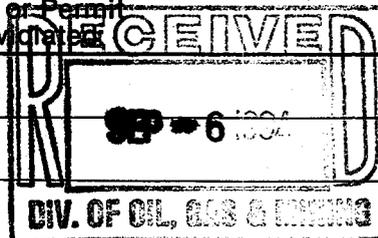
Section of State Law, Regulation or Permit Condition believed to have been violated: **R645-300.142**

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit Condition believed to have been violated:

Remarks or Recommendations:

Certified Return Receipt No. P 079 749 371



Date of Notice: **8/31/94**

Signature of Authorized Rep.: **Russ Porter**  
Print Name and ID: **RUSS PORTER #352**



# U. S. DEPT. OF THE INTERIOR

## OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

### Mine-Site Evaluation Inspection Report



1. Permittee/Person <b>MOUNTAIN COAL CO.</b>		9. Permit Number <b>UT-007-016</b>	10. Type a. Permit <b>PP</b> b. RA <b>S</b>
2. Address <b>P. O. BOX 591</b>		11. Inspection Date <b>08/24/94</b> <small>MM - DD - YY</small>	12. Inspection Type <b>C</b>
3. City <b>SOMERSET</b>	4. State <b>CO</b>	13. Joint Inspection <b>Y</b> Y/N	15. Site Status <b>MC</b>
5. Zip Code <b>81434</b>	6. Phone Number <b>303-929-5015</b>	16. Facility Type <b>B</b>	17. OSM Office # <b>020</b>
7. Operator if Different than Permittee		18. RSI # <b>42</b>	19. Land Code <b>F</b>
8. Mine Name <b>GORDON CREEK NOS., 2</b>		20. M.S.H.A. ID # <b>42-00125</b>	21. State Code <b>49</b>
		22. County Code <b>007</b>	23. AVS Permittee Entity ID Number <b>109235</b>
			23b. State Office

### 24. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere

#### A. Administrative

- 1 Mining within Valid Permit
- 1 Mining within Bonded Area
- 2 Terms & Conditions of Permit
- 1 Liability Insurance
- 1 Ownership and Control
- 2 Temporary Cessation

#### B. Hydrologic Balance

- 1 Drainage Control
- 1 Inspections & Certifications
- 1 Siltation Structures
- 1 Discharge Structures
- 1 Diversions
- 1 Effluent Limits
- 3 Ground Water Monitoring
- 1 Surface Water Monitoring
- 3 Drainage -- Acid-Toxic Materials
- 1 Impoundments
- 3 Stream Buffer Zones

#### C. Topsoil & Subsoil

- 3 Removal
- 3 Substitute Materials
- 1 Storage and Protection
- 4 Redistribution

#### D. Backfilling & Grading

- 1 Exposed Openings
- 5 Contemporaneous Reclamation
- 4 Approximate Original Contour
- 2 Highwall Elimination
- 3 Steep Slopes (includes downslope)
- 4 Handling of Acid & Toxic Materials
- 1 Stabilization (rills and gullies)

#### E. Excess Spoil Disposal

- 3 Placement
- 3 Drainage Control
- 3 Surface Stabilization
- 3 Inspections & Certifications

#### F. Coal Mine Waste

(Refuse Piles/Impoundments)

- 3 Drainage Control
- 3 Surface Stabilization
- 3 Placement
- 3 Inspections and Certifications
- 3 Impounding Structures

#### G. Use of Explosives

- 3 Blaster Certification
- 3 Distance Prohibitions
- 3 Blast Survey/Schedule
- 3 Warnings & Records
- 3 Control of Adverse Effects

#### H. 1 Subsidence Control Plan

#### I. Roads

- 1 Road Construction
- 1 Certification
- 1 Drainage
- 1 Surfacing and Maintenance
- 4 Reclamation

#### J. Signs & Markers

- 1 Signs
- 1 Markers

#### K. 1 Distance Prohibitions

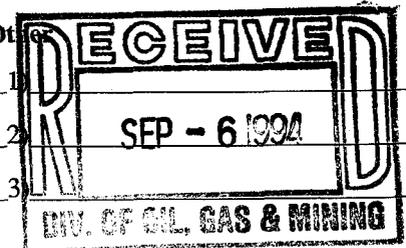
#### L. Revegetation

- 1 Vegetative Cover
- 1 Timing

#### M. 1 Postmining Land Use

#### N. Other

- 
- 
- 



### 25. Inspection Frequency

a. Date of Last State Complete Inspection: **05/31/94**

Frequency for previous 4 Calendar Qtrs.

b. Number of required complete inspections	<b>4</b>	Number of complete inspections conducted	<b>4</b>
c. Number of required partial inspections	<b>8</b>	Number of partial inspections conducted	<b>8</b>

### 26. Inspection Hours

<b>12.0</b>	a. Permit Review
<b>16.0</b>	b. Inspection Time
<b>10.0</b>	c. Travel Time
<b>14.0</b>	d. Report Writing

### 27. Bonded Acres

<b>18.8</b>	a. Total bonded
<b>0.0</b>	b. Phase I released
<b>0.0</b>	c. Phase II released
<b>0.0</b>	d. Phase III released

### 28. Acres

<b>2300.0</b>	a. Permitted
<b>18.8</b>	b. Disturbed (Estimated)

# U. S. DEPT. OF THE INTERIOR

## OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

### Mine-Site Evaluation Inspection Report

 Permit Number UT-007-016

 Inspection Date 08/24/94

#### 29. Identified Violation Data.

For inspection types C (Complete Random Sample) and SC or SP (Complete or Partial In-depth Review), list all violations present during the current Federal inspection and all violations, cited or uncited, identified in the last State complete inspection report. For any other inspection type, including Federal program inspections, list only violations observed during the current inspection or subject of current Federal follow-up actions.

B Per. Std. Category	C Abated (Y/N)	D State Action	E Reason if Uncited	F Cause	G Seriousness		I OSM Action	J OSM Action Number		K Optional	
					PEO	Impact					
A. Specific State Law/Regulations Violated: <u>R645-300.142</u> Description: <u>PERMIT REQUIREMENTS</u>											
1	A3	N	2		3	2	6	2	X94-020-352-003	V# 02	
A. Specific State Law/Regulations Violated: <u>R645-301.740</u> Description: <u>SEDIMENT CONTROL</u>											
2	B1	N	2		4	3	5	1		V#	
A. Specific State Law/Regulations Violated: <u>R645-301-542.200</u> Description: <u>HIGHWALL ELIMINATION</u>											
3	D4	N	2		1	1	1	2	X94-020-352-003	V# 01	
A. Specific State Law/Regulations Violated: _____ Description: _____											
4										V#	
A. Specific State Law/Regulations Violated: _____ Description: _____											
5										V#	
A. Specific State Law/Regulations Violated: _____ Description: _____											
6										V#	
A. Specific State Law/Regulations Violated: _____ Description: _____											
7										V#	

- |   |  |  |  |
|---|--|--|--|
| <b>D. State Action</b><br>1) Existed on LSCI, Cited<br>2) Existed on LSCI, Not Cited<br>3) Cited Prior to LSCI, Abatement Pending<br>4) Occurred Since LSCI<br>5) N/A Federal Program<br>6) N/A Permit Defect   | <b>E. State's Reason for not Citing Violation</b><br>1) Not a Violation<br>2) Precluded by State Policy<br>3) Not Included under State Program<br>4) Warning Given in Lieu of a Citation<br>5) Violation Not Recognized<br>6) Practice Allowed under Approved Permit<br>7) Too Minor to Cite<br>8) Working with Operator to Correct<br>9) Other _____    | <b>F. Cause</b><br>1) Permit Defect<br>2) Unusual Weather Conditions<br>3) Unofficial Waiver<br>4) Operator Negligence<br>5) Other _____ | <b>G. Probability of Event Occurrence</b><br>1) None or Unlikely<br>2) Likely<br>3) Occurred |
| <b>H. Impact</b><br><u>Damage Remains Within the Permit Area</u><br>1) None or Minor<br>2) Moderate<br>3) Considerable<br><u>Damage Extends Beyond the Permit Area</u><br>4) None or Minor<br>5) Moderate<br>6) Considerable<br><u>Obstruction to Enforcement</u><br>7) None or Minor<br>8) Moderate<br>9) Considerable | <b>I. OSM Action This Inspection</b><br>1) Deferred to State Action<br>2) TDN issued<br>3) NOV issued<br>4) FTA-CO issued<br>5) IH-CO issued (Imminent Environmental Harm)<br>6) ID-CO issued (Imminent Danger to Public)<br>7) Previously Cited by RA, Abatement Pending<br>8) Abated during or before OSM Inspection<br>9) Follow-up of Federal Action |  |  |

**30. Signature**  
  
 Inspector's Signature

**RUSSELL PORTER**  
 Inspector's Printed Name

31. OSM Inspector ID# 352

Dated: 08/30/94

Reviewing Official:

Review Date: 8/30/94

Page 2 of 8  
Revised July 1, 1993

## INSPECTION REPORT

DATE: August 20-21, 1994

MINE: Gordon Creek 2, 7 and 8

PERMIT NO.: ACT/007/016

COMPANY: Mountain Coal Company  
P. O. Box 591  
Somerset, Colorado 81434  
(303) 929-5015

### INDIVIDUALS PRESENT DURING THE INSPECTION:

Dan Guy, Representing Mountain Coal  
Scott Milovich, Division of Oil, Gas and Mining  
Pete Hess, Division of Oil, Gas and Mining  
Russ Porter, Office of Surface Mining

This was a random sample inspection conducted on the above referenced permit. The weather during the inspection was sunny and warm with dry ground conditions.

### RECORDS REVIEW

Permit Term: The current permit expires on August 28, 1994. The mining has ceased on the site, most of the facilities have been removed and the mine portals have been sealed and covered with dirt. Future activities at the mine will be concentrated on the remaining reclamation.

Certificate of Insurance: Policy number ISLG1 519134-A was issued on 01/01/93 and expires on 01/01/96. The general aggregate amount of coverage is \$500,000.00 and the operation identified for the coverage is the Gordon Creek 2, 7 and 8 mine.

Ownership and Control: The ownership information in the mine plan indicates that E. C. Tidball is an Assistant Secretary and Director of Atlantic Richfield Company. This individual is not shown on a check of the Applicant Violator System (AVS) which was done on August 17, 1994. It appears that Mr. Tidball has been replaced by Albert D. Hoppe whose name and

title of Assistant Secretary and Director does appear on the current AVS information. If this information is accurate then the changes need to be to the current mine plan.

Bond: The current bonding documents are in the name of Beaver Creek Coal Company, however there is a rider to the bond which addresses the change to Mountain Coal Company. The Office of Surface Mining (OSM) is named as a co-payee on the bond. The surety bond is issued in the amount of \$641,443.00.

Blasting: There is no blasting being conducted at this site.

NPDES or Discharge Permit: Permit UTG040004 was issued on 08/01/93 and expires on 04/30/98. The permit covers one discharge point which is a pond outlet. The last recorded discharge was in July 1993.

Water Monitoring: The water monitoring at the mine consist of springs and surface sites, there are no wells being monitored. There are a total of 10 sites being monitored. The first and second quarter monitoring reports indicated that all sites were checked. The laboratory analysis report indicated that the holding time from when the sample was collected until it is received at the laboratory may be excessive. One report indicated this period to be 6 days. Holding times vary for different parameters so the Division of Oil, Gas and Mining (DOGM) and Mountain Coal Company need to assure that the integrity of the samples is maintained.

Air Quality Monitoring: None being done.

Quarterly Pond Inspections: The number 2, 7 and Sweets pond were inspected on 04/04/94.

SPCC Plan: The spill prevention plan was updated and certified in January 1993. There are no petroleum products stored on the site at this time.

Certifications: The following certifications were checked during the inspection:

Impoundments--The 3 impoundments on the site were re-certified on January 4, 1993.

Roads--The haul road was recertified on March 11, 1990.

Subsidence Monitoring: Monitoring of the subsidence at the mine is done once a year. The last monitoring was conducted in October of 1993. The maximum subsidence noted indicated only a very minor change at the #2 mine, 4.1 feet at the #7 mine and 3.5 feet at the #8 mine. The report had some errors that changed inches to feet. The area above the #8 mine in the vicinity of subsidence monitoring station #26 was walked. There was a break of approximately 30 inches running across the ridge northeast of station 26. There were some other cracks up to one foot wide in this area, one which appeared to be approximately 6+ feet deep.

#### FIELD REVIEW

Signs and Markers: The mine identification sign was posted at the entrance of the mine and at the Sweets pond, which is located below and away from the mine entrance. The perimeter of the disturbed area has some bolts used for perimeter markers and a couple of disturbed area boundary signs were noticed. The mine plan states that the perimeter of the disturbed area is marked with green T-post which have a silver top. The perimeter of the disturbed area needs to be better defined with consistent markers.

The topsoil stockpiles were identified with signs.

Drainage Control: All ditches and culverts were for the most part working with no problems noted. The check dams in the road ditches need to be cleaned since most have filled with sediment. The road and portal area of The Old Fan Portal below the #2 mine, which is included as part of the permit area, did not have functioning sediment control. This area is not addressed in the mine plan. DOGM issued a Notice of Violation for failure to provide sediment control for drainage from a disturbed area.

Impoundments: The number 2 and 7 ponds were found to be constructed to meet the design. No problems were noted with the exception of some inlet erosion. The Sweets pond was also found to be built as designed, however the down stream embankment has been compromised by beaver activity. This area will require repair in order to maintain the integrity of the impoundment.

The Sweets pond has been proposed to be left as a permanent

impoundment for the land owner but I understand that there is currently a question as to the water rights and whether the owner of the surface at the location of the pond has rights to the water which is stored in the pond. DOGM is currently researching this issue prior to finalizing the retention of the Sweets impoundment.

The number 2 and 7 impoundments are sediment treatment structures and the Sweets pond is a water retention structure. A small amount of water was standing in the 2 and 7 ponds but was not discharging.

Roads: The haul road which now serves as the access to the site could use some regrading to direct runoff into ditches but otherwise was in satisfactory condition. This road begins at the termination of a county road. It appears that the latter part of the county road serves the primary purpose of providing access to the mine. The long standing issue of permitting of haul roads in Utah has not been resolved and may be addressed at a later date.

Topsoil Storage: The two topsoil piles at the mine are vegetated and protected from loss of soil due to erosion by a silt fence around the pile at the #7 mine and a berm around the pile at the #2 mine.

Backfilling and Grading: There are highwalls remaining at the number 2, 7 and 8 mine and The Old Fan Portal. The current mining plan does not require elimination of the highwall at the number 2 and the number 7 mines nor does it address The Old Fan Portal. The highwall at the number 8 mine is planned to be eliminated.

In August of 1993 Mountain Coal Company submitted a revised mine plan. This plan is currently under review by DOGM. On June 30, 1994 DOGM issued a deficiency letter to Mountain Coal Company concerning the revised mine plan. The letter addressed the elimination of the highwall at The Old Fan Portal and the #7 mine.

The Old Fan Portal was opened pre-SMCRA and used until 1984 at which time some reclamation was done in the area. The reclamation work concentrated on backfilling the access road and the portal area but some of the road cut still remains along with approximately 50 feet of highwall above the portal area. DOGM in their letter, is requiring the company show that The Old Fan Portal was reclaimed under Interim Regulations or else eliminate the highwall in accordance with Rule 645. Due to conversations with Dan Guy and the documentation reviewed during this inspection, The Old Fan

Portal falls under the Permanent Program time frame and the area must be returned to the approximate original contour (AOC) and the highwall eliminated.

The current mine plan states that the highwall at the #7 mine will not be eliminated and this language has been retained in the revised mine plan under review. DOGM states in the deficiency letter concerning the #7 mine highwall; "Since the No. 7 area was created in 1983 and is, therefore a post-SMCRA area, the highwall must be eliminated."

The current mine plan state that some highwall will be retained at the #2 mine. The revised plan states the highwall at the #2 mine will be "reduced or eliminated based on the stability analysis for the site". The #2 mine was opened pre-SMCRA (1969) and was in continuous production until October 1985. There is no provision in the Regulations to allow any highwall to remain at the #2 mine. DOGM has not addressed this area, therefore a Ten-Day Notice (TDN) is being issued to resolve the highwall elimination at the #2 mine. In issuing the TDN all parties will be aware of the requirements to eliminate the highwall and the operator will not be requesting a Phase 1 bond release with the expectation that all grade work is acceptable. This is a Federal Lands mine and OSM must concur with any bond release allowed.

Contemporaneous Reclamation: The current reclamation schedule states that within 90 days of final abandonment of the mining operations, reclamation work will be initiated. The mining ceased in 1990 and reclamation work has begun, however it is not progressing in a contemporaneous manner. According to the schedule, backfilling and grading was to be done in July following the closure of the mine. After 4 years this work still remains to be done. The schedule states that once reclamation has begun all work will be completed 17 weeks following the start. Since the reclamation is not following the approved schedule a TDN is being issued to address this non-compliance.

Revegetation: The Old Fan Portal has been revegetated, however there is some question as to the seed mix used and if a permanent seed mix or a stabilization mix was used. Some areas have adequate vegetation but other areas are lacking. There are no other areas of the mine which have received the final seeding.

Enforcement Actions Resulting From This Inspection: DOGM issued NOV #94-45-1-1 for failure to provide sediment control for drainage from a disturbed area.

TDN #94-020-352-003 TV2 is being issued for failure to provide for the elimination of a highwall and failure to contemporaneously reclaim a mine.

Other: The #7 mine highwall has a safety bench which was once approximately half way up the wall, however with the covering of the portals it is now at the lower half of the remaining wall. To make sure there are no misunderstandings, the elimination of the highwall requires that the entire cut face which was created to provide access to the coal seam be eliminated. The area above the safety bench is part of the highwall and must also be eliminated.

MSEIR: Those items in block 24 marked with a "2" have been discussed above. Those items marked with a "3" were not applicable for the purposes of this inspection.



STATE OF UTAH  
NATURAL RESOURCES  
Division of Oil, Gas & Mining

3 Triton Center • Suite 350 • Salt Lake City, UT

Post-It™ brand fax transmittal memo 7671		# of pages ▶	2
To	RUSS PORTER	From	S. Milovich
Co.	OSM	Co.	DOG M
Dept.	AFO	Phone #	530 5341
Fax #	(505)-766-2609	Fax #	

gd

Page 1 of 2

NO. N 94-45-1.1

notice of violation

To the following Permittee or Operator:

Name MOUNTAIN COAL CO.

Mine GORDON CREEK 2,7 & B  Surface  Underground  Other

County CARBON State UTAH Telephone (303) 929-5015

Mailing Address P.O. Box 591 SOMERSET, COLORADO 81434

State Permit No. Act/007/016

Ownership Category  State  Federal  Fee  Mixed

Date of Inspection 8/23 & 24 19 94

Time of Inspection 4:00 & 8:00  a.m.  p.m. to 5:00 & 12:30  a.m.  p.m.

Operator Name (other than Permittee) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Under authority of the Utah Coal Mining and Reclamation Act, Section 40-10-1 et seq. Utah Code Annotated, 1953, the undersigned authorized representative of the Division of Oil, Gas & Mining has conducted an inspection of above mine on above date and has found violation(s) of the act, regulations or required permit condition(s) listed in attachment(s). This notice constitutes a separate Notice of Violation for each violation listed.

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

The undersigned representative finds that cessation of mining is  is not  expressly or in practical effect required by this notice. For this purpose, "mining" means extracting coal from the earth or a waste pile, and transporting it within or from the mine site.

This notice shall remain in effect until it expires as provided on reverse side of this form, or is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas & Mining. Time for abatement may be extended by authorized representative for good cause, if a request is made within a reasonable time before the end of abatement period.

Date of service/ mailing 8/25/94 Time of service/ mailing  a.m.  p.m.

Permittee/Operator representative \_\_\_\_\_

Signature [Signature]

Division of Oil, Gas & Mining representative \_\_\_\_\_

Signature [Signature]

Title \_\_\_\_\_

RECLAMATION SPECIALIST

Identification Number # 45

SEE REVERSE SIDE

WHITE-DOG M YELLOW-OPERATOR PINK-OSM GOLDENROD-NOV FILE



UTAH NATURAL RESOURCES  
Oil, Gas & Mining

### NOTICE OF VIOLATION NO. N 94.45.1.1

Violation No. 1 of 1

Nature of violation

FAILURE TO PROVIDE SEDIMENT CONTROL FOR DRAINAGE FROM A DISTURBED AREA.

Provisions of act, regulations or permit violated

RC45.301.740

RC45.301.752

Portion of operation to which notice applies

OLD FAN PORTAL ROAD & PAD AREA, OUTSLOPE OF ROAD & PAD AREA

Remedial action required (including any interim steps)

1. PROVIDE INTERIM SEDIMENT CONTROL.
2. SUBMIT DESIGNS FOR SEDIMENT CONTROL FOR THE AFFECTED AREA OR DEMONSTRATE THAT IT MEETS EFFLUENT LIMITATIONS WITH OUT USING FTCA.
3. IMPLEMENT APPROVED DESIGNS

Abatement time (Including interim steps)

1. TEN DAYS FROM DATE OF SERVICE (9/7)
2. THIRTY DAYS FROM DATE OF SERVICE (9/26)
3. THIRTY DAYS FROM APPROVAL (10/26)



# United States Department of the Interior

## OFFICE OF SURFACE MINING

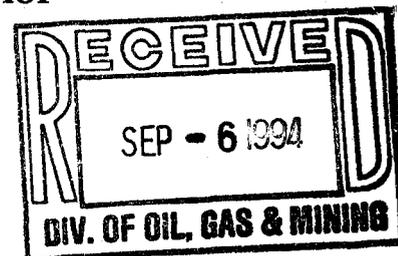
Reclamation and Enforcement

Suite 1200

505 Marquette Avenue N.W.

Albuquerque, New Mexico 87102

AUG 31 1994



Permit: ACT/007/016  
Mine Name: Gordon Creek 2, 7 & 8

CERTIFIED RETURN RECEIPT: #P 079 749 371

Mr. James W. Carter, Director  
Division of Oil, Gas and Mining  
3 Triad Center, Suite 350  
355 West North Temple  
Salt Lake City, Utah 84180-1203

Dear Mr. Carter:

The enclosed Office of Surface Mining Reclamation and Enforcement (OSM) inspection report identifies a violation that is considered to have existed at the time of the last State complete inspection (LSCI) but had not been cited.

Date of Federal Inspection: 8/24/94; Date of LSCI: 5/31/94

The determination that the State did not cite the violation is based on one or more of the following reasons:

The condition was identified in a State inspection report but no State enforcement action was taken.

Design criteria or required certification has not been met for a structure in existence as of the last State complete inspection (sediment pond, excess spoil fill, etc.).

Necessary controls that were required at the time of the last State complete inspection have not been established (diversion ditches, sediment ponds, top soil protection, signs and markers, etc.).

Site conditions indicate that the violation(s) noted had been in existence at the time of, or prior to, the last State complete inspection.

Other: \_\_\_\_\_

Although the violation was cited by the State, or was abated during a joint inspection, OSM believes that the violation was evident during the last State complete inspection.

James W. Carter

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Indicate below the Division's reason(s) for not citing the alleged violation.

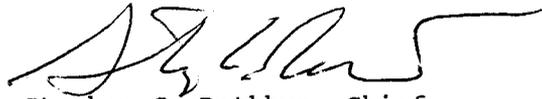
- Not a violation
- Precluded by State policy
- Not included under State program
- Warning given in Lieu of a Citation
- Violation not recognized (missed)
- Practice allowed under approved permit
- Too minor to cite
- Working with operator to correct
- Other: \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Please return your signed and dated response to the Albuquerque Field Office at your earliest convenience.

Sincerely,



Stephen G. Rathbun, Chief  
Inspection and Enforcement Branch

Enclosure