

0006

### Document Information Form

Mine Number: C/007/018

File Name: Incoming

To: DOGM

From:

Person Henry P. Austin

Company United States Department of the Interior

Date Sent: N/A

Explanation:

Reclamation and Enforcement

TEN-DAY NOTICE

cc:

File in: C/007, 018, Incoming

Refer to:

- Confidential
- Shelf
- Expandable

Date \_\_\_\_\_ For additional information

orig mine file #s

copy LRB, D. Haddock, H. Sandback

WFO  
Jch  
CB

UNITED STATES DEPARTMENT OF THE INTERIOR Office of Surface Mining Reclamation and Enforcement <b>TEN-DAY NOTICE</b>	Originating Office: <u>USDI/OSMRE</u> <u>Albuquerque Field Office</u>
	<u>625 Silver Ave., SW, Suite 310</u> <u>Albuquerque, NM 87102</u> Telephone Number <u>(505) 766-1486</u>

Rec. 0206m  
5-24-90

Number: X - 90 - 2 - 116 - 1 TV 1

Ten-Day Notice to the State of UTAH

You are notified that, as a result of A joint, oversight 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: <u>Soldier Creek Coal Co.</u> <small>(Or Operator if No Permit)</small>	County: <u>CARBON</u>	<input type="checkbox"/> Surface
Mailing Address: <u>P.O. Box I</u>		<input checked="" type="checkbox"/> Underground
Permit Number: <u>ACT-007-018</u>	Mine Name: <u>Soldier Canyon</u>	<input type="checkbox"/> Other

NATURE OF VIOLATION AND LOCATION: Failure to record accurate blasting logs for each surface blast. Direction and distance to the nearest dwelling was not completed on daily blasting records for any blasting records reviewed, and

Section of State Law, Regulation or Permit: UCA 40-10-2  
 Condition believed to have been violated: 4MC 817.68(d)(b)

NATURE OF VIOLATION AND LOCATION: location of each blast was not accurately documented on any blasting records reviewed.

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

NATURE OF VIOLATION AND LOCATION:

Section of State Law Condition believed to have been violated:	File in: <input type="checkbox"/> Confidential <input type="checkbox"/> Shelf <input type="checkbox"/> Expandable
Remarks or Recommendations:	Refer to Record No. <u>0006</u> Date _____ In C/ <u>007</u> , <u>018</u> , <u>Incoming</u> For additional information

Date of Notice: <u>5-24-90</u>	Signature of Authorized Rep.: <u>Henry P. Austin</u>
	Print Name and ID: <u>HENRY P. Austin, # 116</u>

Certified Receipt No: P 965 798 843

onts mine file #5

copy LRB, D. Maddock, H. Sandback

VJF  
Jch  
CB

UNITED STATES DEPARTMENT OF THE INTERIOR Office of Surface Mining Reclamation and Enforcement <b>TEN-DAY NOTICE</b>	Originating Office: <u>USDI/OSMRE</u> <u>Albuquerque Field Office</u>
	<u>625 Silver Ave., SW, Suite 310</u> <u>Albuquerque, NM 87102</u> Telephone Number <u>(505) 766-1486</u>

Rec. 086m  
5-24-90

Number: X-90-2-116-1 TV 1

Ten-Day Notice to the State of UTAH

You are notified that, as a result of A joint, oversight 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: <u>Soldier Creek Coal Co.</u> <small>(Or Operator if No Permit)</small>	County: <u>CARBON</u>	<input type="checkbox"/> Surface
Mailing Address: <u>P.O. Box I</u>		<input checked="" type="checkbox"/> Underground
Permit Number: <u>ACT-007-018</u>	Mine Name: <u>Soldier Canyon</u>	<input type="checkbox"/> Other

NATURE OF VIOLATION AND LOCATION: Failure to record accurate blasting logs for each surface blast. Direction and distance to the nearest dwelling was not completed on daily blasting records for any blasting records reviewed, and

Section of State Law, Regulation or Permit UCA 40-10-9  
 Condition believed to have been violated: UMC 817.68(d)(b)

NATURE OF VIOLATION AND LOCATION: location of each blast was not accurately documented on any blasting records reviewed.

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

NATURE OF VIOLATION AND LOCATION:

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

Remarks or Recommendations:

Date of Notice: <u>5-24-90</u>	Signature of Authorized Rep.: <u>Henry P. Austin</u>
	Print Name and ID: <u>HENRY P. AUSTIN, # 116</u>

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT  
RANDOM SAMPLE MEIR SUPPLEMENT

1. Permittee Soldier Creek Coal Co.  
 2. Permit Number ACT 007 018  
 3. Joint Inspection Y Y/N      4. Date 5-15-90

5. Days since Last State Complete Inspection (LSCI) 7  
 6. Block 25 Categories in NON-COMPLIANCE this RSI 1  
 7. Total Violations this RSI 1

8. List (only once) all violations:

- 1) where State enforcement was required and taken during the LSCI;
- 2) recorded in the LSCI report but the State failed to take enforcement;
- 3) observed during this RSI which clearly existed during the LSCI but the State failed to take enforcement; and;
- 4) existing during this RSI which are not already listed under one of the categories above.

	A SPECIFIC STATE LAW / REGULATION VIOLATED	B BLOCK 25 CATEGORY	C ABATED (y/n)	D STATE ACTION	E REASON IF UNCITED	F CAUSE	G SERIOUSNESS PEO	H IMPACT	I OSMRE ACTION	J	K OPTIONAL
1.	<u>14 MRC 1817.108(b)(4)</u>	<u>I</u>	<u>N/A</u>			<u>4</u>	<u>1</u>	<u>1</u>	<u>2</u>		
	Description: <u>Failure to complete accurate daily blasting logs (location/distance-direction)</u>										
2.	/ / / / /										
	Description:										
3.	/ / / / /										
	Description:										
4.	/ / / / /										
	Description:										
5.	/ / / / /										
	Description:										
6.	/ / / / /										
	Description:										
7.	/ / / / /										
	Description:										
8.	/ / / / /										
	Description:										
9.	/ / / / /										
	Description:										
10.	/ / / / /										
	Description:										

- STATE ACTION**
- 1) Existed on LSCI, cited
  - 2) Existed on LSCI, not cited
  - 3) Cited Prior to LSCI, Abatement Pending
  - 4) Occurred since LSCI

- STATE'S REASON FOR NOT CITING VIOLATION (AFTER DISCUSSION WITH THE STATE)**
- 1) Not a Violation
  - 2) Precluded by State Policy
  - 3) Not included under State Program
  - 4) Warning given in lieu of a Citation
  - 5) Violation not recognized (missed)
  - 6) Practice allowed under approved Permit
  - 7) Too minor to cite
  - 8) Working with Operator to Correct
  - 9) Other: \_\_\_\_\_

- CAUSES**
- 1) Permit Defect
  - 2) Unusual Weather Conditions
  - 3) Unofficial Waiver
  - 4) Operator Negligence
  - 5) Other: \_\_\_\_\_

- PROBABILITY OF EVENT OCCURRENCE**
- 1) None or Unlikely
  - 2) Likely
  - 3) Occurred

- IMPACT**
- Damage Remains Within the Permit Area
- 1) None or Minor
  - 2) Moderate
  - 3) Considerable
- Damage Extends Beyond the Permit Area
- 4) None or Minor
  - 5) Moderate
  - 6) Considerable
- Obstruction to Enforcement
- 7) None or Minor
  - 8) Moderate
  - 9) Considerable

- OSMRE ACTION**
- 1) Referred to State Action
  - 2) TBM issued
  - 3) IH-CO issued
  - 4) Previously Cited, Abatement Pending
  - 5) Abated during or before OSMRE Inspection

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

**For Office Use Only**

1a Y Y M M	1b Batch	1c Report
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2. Name of Permittee  
 Soldier Creek Coal

9. MSHA Number  
 42-00077-

10. Date of Inspection (Y Y M M D D)  
 900515

3. Street Address  
 PO Box 1

11. State Permit Number  
 ACT 007 018

4. City  
 Price

5. State  
 UT

12. Name of Mine  
 Soldier Canyon

6. Zip Code  
 84501

7. Area Code  
 801

8. Telephone Number  
 637-6360

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.  
 0003

20. Type of Inspection (Code)  
 C

21. Joint Inspection  
 Yes  No

22. Inspector's ID No.  
 116

23. Status

A	<input type="checkbox"/> 01	Type of Permit
B	<input type="checkbox"/> A	Mine Status (Code)
C	<input type="checkbox"/> 20	Type of Facility (Code)
D	<input type="checkbox"/> 04905.1	Number of Permitted Acres
E	<input type="checkbox"/> 00016.2	Number of Disturbed Acres

24. Type of Activity (check applicable boxes).

A	<input type="checkbox"/> Steep Slope	E	<input type="checkbox"/> Anthracite
B	<input type="checkbox"/> Mountain Top Removal	F	<input checked="" type="checkbox"/> Federal Lands
C	<input type="checkbox"/> Prime Farmlands	G	<input type="checkbox"/> Indian Lands
D	<input type="checkbox"/> Alluvial Valley Floors	H	<input type="checkbox"/> Other

25. Performance Standards (Codes)

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

**Standards That Limit the Effects to the Permit Area**

**Standards That Assure Reclamation Quality and Timeliness**

- A  1 Distance Prohibitions
- B  1 Mining Within Permit Boundaries
- C  1 Signs and Markers
- D  1 Sediment Control Measures
- E  1 Design and Certification Requirements—Sediment Control
- F  1 Effluent Limits
- G  1 Surface Water Monitoring
- H  1 Ground Water Monitoring
- I  2 Blasting Procedures
- J  1 Haul/Access Road Design and Maintenance
- K  3 Refuse Impoundments
- L  Other: Specify \_\_\_\_\_

- M  1 Topsoil Handling
- N  1 Backfilling and Grading
- O  1 Following Reclamation Schedule
- P  1 Revegetation Requirements
- Q  1 Disposal of Excess Spoil
- R  1 Handling of Acid or Toxic Materials
- S  1 Highwall Elimination
- T  3 Downslope Spoil Disposal
- U  1 Post Mining Land Use
- V  Cessation of Operations: Temporary
- W  Other \_\_\_\_\_

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

26. State Permit Number

27. Date of Inspection  
(Y Y M M D D)

ACT 007 018

900515

28. Yes  No  Do mining and reclamation activities on the site comply with the plans in the permit?  
 If no, provide narrative to support this determination.

29. Indicate number of complete and partial inspections conducted by the State to date for this annual review period:

29a.  06 Number of Completes

29b.  08 Number of Partials

30. Indicate number of complete and partial inspections required by the State during this annual review period:

30a.  03 Number of Completes

30b.  07 Number of Partials

31. Has inspection frequency been met?

Yes No

Yes No

31a.   Completes

31b.   Partials

32. FEDERAL ENFORCEMENT INFORMATION. [Enter violation number. Check appropriate box(es)]

Ten-Day Notice No.

Notice of Violation No.

Cessation Order No.

Violation Codes

90-02-116-001

A <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Authorizations to Operate
B <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signs and Markers
C <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Backfilling and Grading
D <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Highwall Elimination
E <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rills and Gullies
F <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Improper Fills
G <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Topsoil Handling
H <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sediment Ponds
I <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Effluent Limits
J <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water Monitoring
K <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Buffer Zones
L <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Roads
M <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dams
N <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Blasting
O <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Revegetation
P <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Spoil on the Downslope
Q <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mining Without Permit
R <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exceeding Permit Limits
S <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Distance Prohibitions
T <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Toxic Materials
U <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other Violations

33. Name of Authorized Representative (print or type)

HENRY P. HUSTON

Signature of Authorized Representative

H. P. Huston

Date

5/24/90

18 0

09 0

Signature of Reviewing Official

John C. Katherman

Date

5/25/90

07 0

02 5

Accompanied Harold Sandbeck, Utah Division of Oil, Gas and Mining, (DOG M), and Dave Spillman, Barry Frettyman of Soldier Creek Coal Co., (SCCC), on a complete, statistical sample oversight inspection of the Soldier Canyon Mine on 5/15/90.

The inspection began with a permitting and records review in the DOGM Salt Lake City office on 5/14/90. The review was accomplished with assistance from Darron Haddock, Permit Supervisor, and included the following: approved permitting actions; DOGM inspection correspondence, and water monitoring files. The 1989 Annual Report was also reviewed.

We began the on-site inspection with a review of SCCC records which included: quarterly water monitoring and NPDES reports; sediment pond inspection reports; blasting logs; liability insurance documents; bonding documents; and sediment pond certification. We discussed the current processing of the proposed NPDES permit renewal; compliance with DOGM blasting regulations; abatement of DOGM Notice of Violation 89-28-11-1; alternate sediment control practices minewide and small area exemption criteria; and proposed permitting of the waste rock disposal facility. Problems encountered during the records review included: incomplete daily blasting logs ( inadequate information for location of blast and also direction and distance, in feet, to the nearest dwelling, school, church, or commercial or institutional building in accordance with UMC 817.68 ); proof of blaster certification could not be provided by the operators and subsequent to the inspection both Mr. Sandbeck and myself confirmed through the Utah Industrial Commission that Gary Fluharty ( contract blaster with Cowin and Co. ) was not certified. Mr. Sandbeck indicated via

telephone on 5/22/90 that DOGM was issuing Notice of Violation 90-26-6-1 for this violation. DSM/Albuquerque Field Office is issuing TDN 90-2-116-1 for failure to record an accurate blasting record for each surface blast in accordance with UMC 817.68.

NPDES records review indicated that the permittee has a history of exceeding the 1 ton/day permit limitation for TDS. Several 5-day notifications to EPA were reviewed which documented sample analysis. One notification was sent seven days after receipt of sample analysis, and Mr. Spillman indicated this could have occurred due to office invoice processing prior to his receipt of the analysis. According to Mr. Spillman, the draft NPDES permit renewal proposes to raise the TDS limit to 3 tons/day and the permittee will petition EPA again to raise the limit to 5 tons/day. Mine water discharge, MW-1, is still the only approved discharge point being utilized. Two additional points have been approved for future use if necessary. MW-1 was discharging during the inspection. DOGM inspection reports document seasonal occurrences of a dark algal bloom associated with the discharge into Soldier Creek which was evident during the inspection and has reoccurred during the last month according to Mr. Spillman. I took grab sample 90-116-1 and delivered it to an approved testing laboratory in Price, UT, on 5/15/90, 4:00 p.m. with appropriate chain of custody. Mr. Sandbeck also took a sample for DOGM analysis. I recommended that the Utah Division of Wildlife Resources be contacted concerning evaluation of the algal bloom occurrence and it's possible impacts to Soldier Creek.

We began our field inspection at the southern end of the disturbed area and walked to the ventilation fan/MW-1 discharge area. We

photographed areas of interest and further discussed/observed various alternate sediment control practices and measures taken to abate DOGM NOV 89-28-11-1. The issuance/termination of this notice and the processing/approval of both small area exemptions and alternate sediment control practices employed at the mine will be subject to further programmatic review by DSM/AFO. Ground conditions at the mine were dry during the inspection. It appeared that the various alternate sediment controls in place ( straw bales, erosion control matting, the open trench surrounding the Soldier Creek culvert, gravel pads ) have been effective in controlling runoff from disturbed areas. The permittees most recent proposal to DOGM concerning alternate practices was submitted 5/14/90 and was provided to us during the inspection. This submittal will also be subject to further programmatic review by DSM/AFO.

The sediment level in the sediment pond was last surveyed during the 3/23/89 pond inspection and was indicated at 2.7 feet below sediment removal level. The pond was dry and there appears to be adequate sediment storage capacity.

We drove to the sewage lagoon and inspected this area with no problems noted. This area has been proposed as an alternate sediment control area.

Construction activity associated with the new facilities development is expected to be completed this construction season. The permittee is evaluating alternatives to the original coal storage silo design/location.

The permittee is required to submit new designs for the excess spoil/development rock storage area by 10/3/1991 at the latest.

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This concluded the inspection. Performance standards indicated as not applicable do not exist on site.