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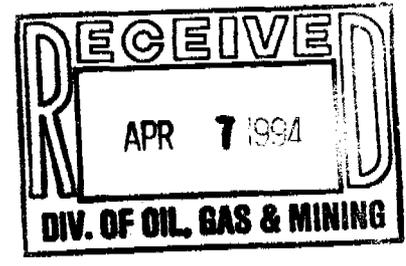


United States Department of the Interior



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

IN REPLY REFER TO:



cc: JWC
SPS
DA
4-7-94

April 5, 1994

orig to mine Enforcement file

Permit: ACT/007/017
Mine Name: Gordon Creek 3 & 6

Mr. James W. Carter, Director
Division of Oil, Gas and Mining
Department of Natural Resources
3 Triad Center, suite 350
355 West North Temple
Salt Lake City, UT 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: 3/22/94 ; Date of LSCI: 10/6/93

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 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.

Mr. 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



U. S. DEPT. OF THE INTERIOR

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Mine-Site Evaluation Inspection Report



1. Permittee/Person MOUNTAIN COAL CO.		9. Permit Number UT-007-017		10. Type a. Permit <input type="checkbox"/> b. RA <input checked="" type="checkbox"/>	
2. Address P. O. BOX 1378		11. Inspection Date 03/23/94 <small>MM - DD - YY</small>		12. Inspection Type C	
3. City PRICE		14. Permit Status A		13. Joint Inspection Y Y/N	
4. State UT		15. Site Status PI		16. Facility Type B	
5. Zip Code 84501		17. OSM Office # 020		18. RSI # 	
6. Phone Number 801-637-5050		20. M.S.H.A. ID # 42-01254		19. Land Code S	
7. Operator if Different than Permittee 		21. State Code 49		22. County Code 007	
8. Mine Name GORDON CREEK #3 & #		23. AVS Permittee Entity ID Number 109235		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
- 1 Terms & Conditions of Permit
- 1 Liability Insurance
- 1 Ownership and Control
- 3 Temporary Cessation

B. Hydrologic Balance

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

C. Topsoil & Subsoil

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

D. Backfilling & Grading

- 1 Exposed Openings
- 1 Contemporaneous Reclamation
- 1 Approximate Original Contour
- 1 Highwall Elimination
- 1 Steep Slopes (includes downslope)
- 1 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
- 1 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	10/06/93
Frequency for previous 4 Calendar Qtrs.	
b. Number of required complete inspections	4
Number of complete inspections conducted	4
c. Number of required partial inspections	8
Number of partial inspections conducted	8

26. Inspection Hours

10.0	a. Permit Review
6.0	b. Inspection Time
10.0	c. Travel Time
8.0	d. Report Writing

27. Bonded Acres

28.0	a. Total bonded
28.0	b. Phase I released
0.0	c. Phase II released
0.0	d. Phase III released

28. Acres

668.0	a. Permitted
7.8	b. Disturbed (Estimated)

U. S. DEPT. OF THE INTERIOR

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Mine-Site Evaluation Inspection Report

 Permit Number UT-007-017

 Inspection Date 03/23/94

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>R645-301-752.100</u> Description: <u>DRAINAGE CONTROL NOT APPROVED</u>									
1	<input type="checkbox"/> B1	<input type="checkbox"/> N	<input type="checkbox"/> 2	<input type="checkbox"/>	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/>	<input type="checkbox"/>
A. Specific State Law/Regulations Violated: _____ Description: _____									
2	<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"/>
A. Specific State Law/Regulations Violated: _____ Description: _____									
3	<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"/>
A. Specific State Law/Regulations Violated: _____ Description: _____									
4	<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"/>
A. Specific State Law/Regulations Violated: _____ Description: _____									
5	<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"/>
A. Specific State Law/Regulations Violated: _____ Description: _____									
6	<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"/>
A. Specific State Law/Regulations Violated: _____ Description: _____									
7	<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"/>

- D. State Action**
- 1) Existed on LSCI, Cited
 - 2) Existed on LSCI, Not Cited
 - 3) Cited Prior to LSCI, Abatement Pending
 - 4) Occurred Since LSCI
 - 5) N/A Federal Program
 - 6) N/A Permit Defect

- E. State's Reason for not Citing Violation**
- 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
 - 6) Practice Allowed under Approved Permit
 - 7) Too Minor to Cite
 - 8) Working with Operator to Correct
 - 9) Other _____

- F. Cause**
- 1) Permit Defect
 - 2) Unusual Weather Conditions
 - 3) Unofficial Waiver
 - 4) Operator Negligence
 - 5) Other _____

- G. Probability of Event Occurrence**
- 1) None or Unlikely
 - 2) Likely
 - 3) Occurred

- H. 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

- I. OSM Action This Inspection**
- 1) Deferred to State Action
 - 2) TDN Issued
 - 3) NOV Issued
 - 4) FTA-CO Issued
 - 5) IH-CO Issued (Imminent Environmental Harm)
 - 6) ID-CO Issued (Imminent Danger to Public)
 - 7) Previously Cited by RA, Abatement Pending
 - 8) Abated during or before OSM Inspection
 - 9) Follow-up of Federal Action

30. Signature

Thomas Wright

Inspector's Signature

THOMAS WRIGHT

Inspector's Printed Name 31. OSM Inspector ID#

Dated: 03/25/94 190

Reviewing Official: *[Signature]*

Review Date: 4/4/94

Page 2 of 2

Revised July 1, 1993

Minesite Inspection Narrative

Inspection Date March 22, 1994

Mine: Gordon Creek 3 and 6

Company:
Mountain Coal Company
P.O. Box 591
Somerset Co. 81434

Individuals present during inspection:

Dan Guy, Blackhawk Engineering
Bill Malencik, Utah Division of Oil Gas and Mining
Thomas W. Wright, OSM

Weather: sunny and cold, 2 inches of snow on site

Comments

This was a complete random sample inspection. Permits and records were reviewed at the Division of Oil Gas and Mining (DOGM) during the morning of 3/22/94 in Salt Lake City and at the Blackhawk Engineering Office in Carbon County, Utah during the afternoon of 3/23/94.

The Gordon Creek 3 and 6 mine was initially reclaimed during the summer of 1986 and the site had a Phase I bond release during June of 1987 leaving a bond of 138,400 dollars remaining on the site. Mountain Coal applied for a Phase II release during December of 1993 and DOGM is in the process of reviewing the request as of this inspection. The permit was issued on 11/12/93 and will expire on 9/19/93. Liability insurance from Cigna for the site is valid till 1/1/96.

Surface water monitoring records for the site were available for inspection. No discharge of water from the sediment pond had been reported for the past year. No groundwater monitoring is required for this site. Both cells of the sediment pond are approved as permanent structures.

A mine identification sign was present on the access road and the perimeter of the disturbed area was adequately identified. The disturbed area with the exception of the access road was fenced to prevent grazing.

Minesite Inspection Narrative
Page 2 of 2

Mine openings appear to have been adequately eliminated and no coal seams remain exposed. No evidence of slides or failures was noted on the portal pad or the facilities area.

During review of the permit in the Albuquerque Filed Office it was learned that the # 6 mine had been opened during April of 1979 and was operated until November of 1980. Also it was learned that the # 3 mine had been started in October of 1975 and mining in this area had ceased in 1983.

As mining on area 3 was not completed till after the December 13, 1982 date on which a provision allowing for approximate original contour alternative was approved, this area can qualify for highwall retention on continuously mined areas once Utah promulgates appropriate regulations and the operator makes the require demonstrations.

As area # 6 portals were developed after the enactment of SMCRA and mining ceased on this area before December 13, 1982 this area can not qualify for highwall retention as a continuously mined area. This issue must be resolved once the continuously mined regulations are in place.

The restored stream channel appeared to be functional and stable. No water was flowing in the channel during this inspection, however some water was standing in the channel at the upper end of the restored drainage.

Water was standing in both cells of the sediment pond, however the level was well below outlet for the structure. No evidence of recent discharge from the structure was noted.

A small section of the reclamation on the pad upstream from the ponds and south of the restored channel can not reach the ponds due to the restored drainage channel. Drainage from this area is retained within the area due to a berm that runs the entire length of the area.

This is no approval in the permit for drainage from this area to bypass the sediment ponds and as a result Bill Melencik issued Notice of Violation 94-26-1-1 requiring the operator to either obtain approval for the drainage to bypass the sediment pond or direct flow from the area to the sediment ponds.

No other violations were observed as a result of this inspection.