

Document Information Form

Mine Number:

C/007/017

File Name:

InternalTo: DOGM

From:

Person Edzel R PughCompany United States Department of the Interior

Date Sent:

June 26, 1994

Explanation:

Reclamation and EnforcementTEN-DAY NOTICE

cc:

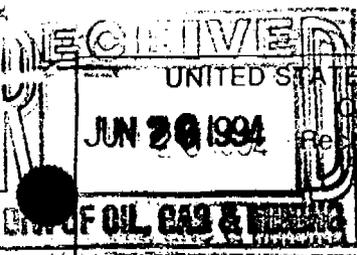
File in:

C/007, 017, Internal

Refer to:

- Confidential
 Shelf
 Expandable

Date _____ For additional information



Code REF: CC JUL 1990 all 9 copies file enforcement

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.
SUITE 1200 ALBUQUERQUE, N.M. 87102
Telephone Number: **505-766-1486**

Number: X - 94 - 020 - 179 - 001 TV 3

Ten-Day Notice to the State of _____

You are notified that, as a result of 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: <u>MOUNTAIN COAL COMPANY</u> <small>(Or Operator if No Permit)</small>	County: <u>EMERY</u>	<input type="checkbox"/> Surface
Mailing Address: <u>PO. BOX 1378 PRICE, UT. 84501</u>		<input checked="" type="checkbox"/> Underground
Permit Number: <u>ACT-007-017</u>	Mine Name: <u>GORDON CREEK #3 + #6</u>	<input type="checkbox"/> Other _____

NATURE OF VIOLATION AND LOCATION: FAILED TO DEMONSTRATE IN WRITING TO THE DIVISION THAT THERE WAS INSUFFICIENT SPOIL TO BACKFILL FACE-UP AT #6 MINE

Section of State Law, Regulation or Permit Condition believed to have been violated: R645-301-553.520

NATURE OF VIOLATION AND LOCATION: FAILED TO USE ALL REASONABLY AVAILABLE SPOIL TO BACKFILL THE FACE-UP AT MINE #6.

Section of State Law, Regulation or Permit Condition believed to have been violated: R645-301-553.521

NATURE OF VIOLATION AND LOCATION: FAILED TO ELIMINATE ALL HIGHWALLS AT FACE-UP OF #3 MINE.

Section of State Condition believ

File in:

Confidential

Shelf

Expandable

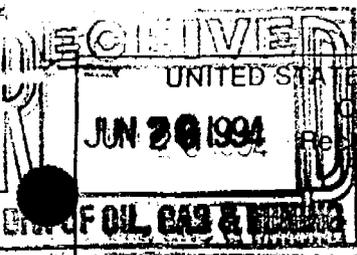
Refer to Record No. 0012 Date 6-26-94

In C/ 007, 017, Internal _____

For additional information _____

Remarks or Recommendations: #6 FACED-UP PRIOR THIS POSSIBLY MAKING IT A PREVIOUSLY MINED A MINED BUT PROPOSED AMENDMENT FOR CONT.

Date of Notice: 6-16-94 Signature of Authorized Rep.: Edzel R. Pugh
CERTIFIED RETURN RECEIPT #P 293 288 845 Print Name and ID: EDZEL R. PUGH, 179



CODE REF: CC JUL 1990 100 168 aug copy file enforcement

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.
SUITE 1200 ALBUQUERQUE, N.M. 87102
Telephone Number: **505-766-1486**

Number: X-94-020-179-001 TV 3

Ten-Day Notice to the State of _____

You are notified that, as a result of 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.

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Mailing Address: <u>PO. BOX 1378 PRICE, UT. 84501</u>		<input checked="" type="checkbox"/> Underground
Permit Number: <u>ACT-007-017</u>	Mine Name: <u>GORDON CREEK #3 + #6</u>	<input type="checkbox"/> Other _____

NATURE OF VIOLATION AND LOCATION: FAILED TO DEMONSTRATE IN WRITING TO THE DIVISION THAT THERE WAS INSUFFICIENT SPOIL TO BACKFILL FACE-UP AT #6 MINE

Section of State Law, Regulation or Permit R645-301-
Condition believed to have been violated: 553.520

NATURE OF VIOLATION AND LOCATION: FAILED TO USE ALL REASONABLY AVAILABLE SPOIL TO BACKFILL THE FACE-UP AT MINE #6.

Section of State Law, Regulation or Permit R645-301-
Condition believed to have been violated: 553.521

NATURE OF VIOLATION AND LOCATION: FAILED TO ELIMINATE ALL HIGHWALLS AT FACE-UP OF #3 MINE.

Section of State Law, Regulation or Permit R645-301-
Condition believed to have been violated: 553.120

Remarks or Recommendations: #6 FACED-UP PRIOR TO ACT, MINED AFTER THE ACT. THIS POSSIBLY MAKING IT A PREVIOUSLY MINED AREA. MINE #3 WAS CONTINUOUSLY MINED BUT PROPOSED AMENDMENT FOR CONT. MINED AREAS HAS NOT BEEN APPROVED.

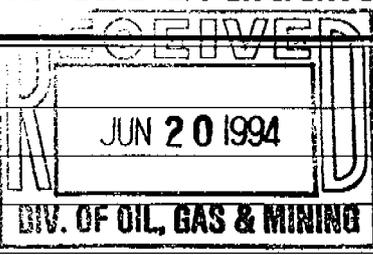
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CERTIFIED RETURN RECEIPT #P 293 288 845	Print Name and ID: <u>EDZEL R. PUGH, 179</u>



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 type="checkbox"/>	
2. Address P. O. BOX 1378		11. Inspection Date 05/18/94 <small>MM - DD - YY</small>		12. Inspection Type SP1	
3. City PRICE		14. Permit Status A		13. Joint Inspection Y Y/N	
4. State UT		15. Site Status P1		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 015	
8. Mine Name GORDON CREEK #3 & #6		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. <u>1</u> Mining within Valid Permit 2. <u>1</u> Mining within Bonded Area 3. <u>1</u> Terms & Conditions of Permit 4. <u>1</u> Liability Insurance 5. <u>1</u> Ownership and Control 6. <u>1</u> Temporary Cessation	D. Backfilling & Grading 1. <u>1</u> Exposed Openings 2. <u>1</u> Contemporaneous Reclamation 3. <u>1</u> Approximate Original Contour 4. <u>2</u> Highwall Elimination 5. <u>1</u> Steep Slopes (includes downslope) 6. <u>1</u> Handling of Acid & Toxic Materials 7. <u>1</u> Stabilization (rills and gullies)	H. Subsidence Control Plan I. Roads 1. <u>1</u> Road Construction 2. <u>1</u> Certification 3. <u>1</u> Drainage 4. <u>1</u> Surfacing and Maintenance 5. <u>1</u> Reclamation
B. Hydrologic Balance 1. <u>1</u> Drainage Control 2. <u>1</u> Inspections & Certifications 3. <u>1</u> Siltation Structures 4. <u>1</u> Discharge Structures 5. <u>1</u> Diversions 6. <u>1</u> Effluent Limits 7. <u>1</u> Ground Water Monitoring 8. <u>1</u> Surface Water Monitoring 9. <u>1</u> Drainage -- Acid-Toxic Materials 10. <u>1</u> Impoundments 11. <u>1</u> Stream Buffer Zones	E. Excess Spoil Disposal 1. <u>3</u> Placement 2. <u>3</u> Drainage Control 3. <u>3</u> Surface Stabilization 4. <u>3</u> Inspections & Certifications	J. Signs & Markers 1. <u>1</u> Signs 2. <u>1</u> Markers
C. Topsoil & Subsoil 1. <u>1</u> Removal 2. <u>1</u> Substitute Materials 3. <u>1</u> Storage and Protection 4. <u>1</u> Redistribution	F. Coal Mine Waste (Refuse Piles/Impoundments) 1. <u>3</u> Drainage Control 2. <u>3</u> Surface Stabilization 3. <u>3</u> Placement 4. <u>3</u> Inspections and Certifications 5. <u>3</u> Impounding Structures	K. Distance Prohibitions L. Revegetation 1. <u>1</u> Vegetative Cover 2. <u>1</u> Timing
	G. Use of Explosives 1. <u>3</u> Blaster Certification 2. <u>3</u> Distance Prohibitions 3. <u>3</u> Blast Survey/Schedule 4. <u>3</u> Warnings & Records 5. <u>3</u> Control of Adverse Effects	M. Postmining Land Use N. Other 1) _____ 2) _____ 3) _____

25. Inspection Frequency a. Date of Last State Complete Inspection 03/23/94 Frequency for previous 4 Calendar Qtrs. b. Number of required complete inspections 4 / Number of complete inspections conducted 5 c. Number of required partial inspections 8 / Number of partial inspections conducted 7	26. Inspection Hours a. Permit Review 40.0 b. Inspection Time 2.5 c. Travel Time 6.0 d. Report Writing 8.0	27. Bonded Acres a. Total bonded 28.0 b. Phase I released 28.0 c. Phase II released 0.0 d. Phase III released 0.0	28. Acres a. Permitted 668.0 b. Disturbed (Estimated) 7.8
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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 05/18/94

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		H Impact	I OSM Action	J OSM Action Number		K Optional	
					PEO	Impact						
A. Specific State Law/Regulations Violated: <u>R645-301-553.520</u> Description: <u>NO DEMONSTRATION OF INSUFFICIENT SPOIL TO B</u>												
1	D4	N		2		3	1	7	2	X94-020-179-001	V# 01	
A. Specific State Law/Regulations Violated: <u>R645-301-553.521</u> Description: <u>FAILED TO USE ALL REASONABLY AVAILABLE SPO</u>												
2	D4	N		2		3	2	1	2	X94-020-179-001	V# 02	
A. Specific State Law/Regulations Violated: <u>R645-301-553.120</u> Description: <u>FAILED TO ELIMINATE ALL HIGHWALL AT #3 MIN</u>												
	D4	N		2		3	2	1	2	X94-020-179-001	V# 03	
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#	

- | | | | |
|---|---|--|--|
| 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 | 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 Edzel R. Pugh
 Inspector's Signature

EDZEL PUGH
 Inspector's Printed Name

Dated: 06/16/94 179

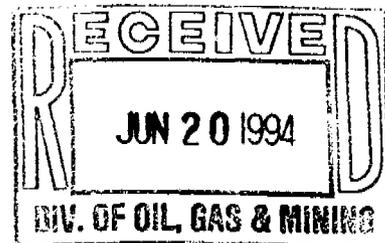
Inspector's Printed Name ID#

Reviewing Official: Jenny P. Austin (ACTING)

Review Date: 6-16-94

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Revised July 1, 1993

INSPECTION NARRATIVE



Permittee: Mountain Coal Company
P.O. Box 591
Somerset CO 81434

Gordon Creek #3 & #6 mines

Field inspected May 18, 1994

Individuals present during inspection:

Susan White, DOGM
Pam Grubaugh-Littig, DOGM
Henry Sauer, DOGM
Tom Munson, DOGM
Daylan Figgs, OSM
Phil Reinholtz, OSM
Edzel Pugh, OSM
Russ Porter, OSM
Carol Bjork, Earth Fax
Dana Ballard, Blackhawk Eng.
Dan Guy, Blackhawk Eng. (Mountain Coal Co.)

The field portion of this inspection was conducted on May 18, 1994 but due to additional review of the permit and other documents the inspection was not completed until June 16, 1994. This inspection was to review the Gordon Creek #3 and #6 mine permit for Phase II bond release. During the inspection it became apparent that all reasonably available material had not been used to backfill the highwalls. This lead to a more comprehensive review of the reclamation and bond release procedures of this permit.

According to information found in the permit files, operations at mine #3 commenced prior to the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and continued after the effective date of SMCRA. Therefore, this site does not meet the criteria for a "previously mined area" and since Utah's proposed amendment for "continuously mined areas" has not been approved at this time, the highwall at #3 mine must be eliminated.

Data on the initial disturbance of the #6 mine is very vague and I was unable to determine the exact date; therefore, I am assuming it was done prior to the effective date of SMCRA. Coal removal by the permittee apparently commenced in November 1978. Under these circumstances this mine might come under the "previously mined area" regulations. If that is the case the operator is required to make a demonstration in writing to the Division that insufficient spoil is reasonably available to completely backfill the

highwall. This has not been done. It is apparent that all available material has not been used to backfill the highwall. This is confirmed on page 26 of the Division's "Final Technical Analysis" of the permit approval where it is indicated that some highwalls will be left because their elimination would reduce or eliminate pad areas and access roads. This is not a valid reason for not using all reasonably available material to backfill the highwall to the maximum extent possible.

Since these violations are believed to exist a three part Ten-Day-Notice #94-020-179-001 was written. No further reduction in bond should be given until these issues are corrected.