

Document Information Form

Mine Number: C/007/017

File Name: Internal

To: DOGM

From:

Person Edzel R. Pugh

Company United States Department of the Interior

Date Sent: June 26, 1994

Explanation:

Reclamation and Enforcement

TEN-DAY-NOTICE

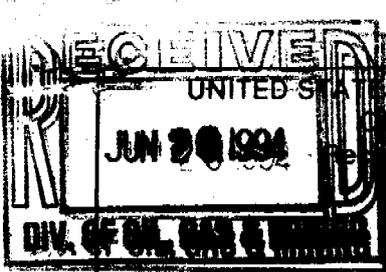
cc:

File in: C/007, 017, Internal

Refer to:

- Confidential
- Shelf
- Expandable

Date _____ For additional information



CODE REF: CC JWC aug copy
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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. N.W.
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 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 MINED BUT PROPOSED AMENDMENT FOR CONT. MINING

Date of Notice: 6-16-94

Signature of Authorize

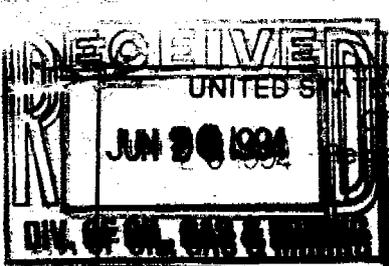
CERTIFIED RETURN RECEIPT #P 293 288 845

Print Name and ID: _____

File in:

- Confidential
- Shelf
- Expandable

Refer to Record No. 0013 Date 6-16-94
In C/ 007, 017, Internal
For additional information _____



CODE REF: CC JWC div copy file enforcement

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Office of Surface Mining
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Permittee: MOUNTAIN COAL COMPANY County: EMERY Surface
(Or Operator if No Permit)
Mailing Address: PO. BOX 1378 PRICE, UT. 84501 Underground
Permit Number: ACT-007-017 Mine Name: GORDON CREEK #3 + #6 Other

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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.

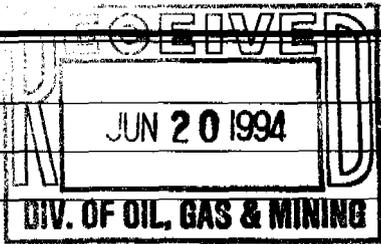
Date of Notice: 6-16-94 Signature of Authorized Rep.: Edzel R. Pugh
CERTIFIED RETURN RECEIPT #P 293 288 845
Print Name and ID: EDZEL R. PUGH, 179



U. S. DEPT. OF THE INTERIOR

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Mine-Site Evaluation Inspection Report



1. Permittee/Person

MOUNTAIN COAL CO.

2. Address

P. O. BOX 1378

3. City

PRICE

5. Zip Code

84501

6. Phone Number

801-637-5050

7. Operator if Different than Permittee

8. Mine Name

GORDON CREEK #3 & #6

9. Permit Number

UT-007-017

11. Inspection Date

05/18/94

MM - DD - YY

14. Permit Status

A

17. OSM Office #

020

20. M.S.H.A. ID #

42-01254

23. AVS Permittee Entity ID Number

109235

10. Type

a. Permit b. RA

PP

S

12. Inspection Type

SP1

13. Joint Inspection

Y

Y/N

15. Site Status

P1

16. Facility Type

B

18. RSI #

19. Land Code

S

21. State Code

49

22. County Code

015

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
- 2. Mining within Bonded Area
- 3. Terms & Conditions of Permit
- 4. Liability Insurance
- 5. Ownership and Control
- 6. Temporary Cessation

B. Hydrologic Balance

- 1. Drainage Control
- 2. Inspections & Certifications
- 3. Siltation Structures
- 4. Discharge Structures
- 5. Diversions
- 6. Effluent Limits
- 7. Ground Water Monitoring
- 8. Surface Water Monitoring
- 9. Drainage -- Acid-Toxic Materials
- 10. Impoundments
- 11. Stream Buffer Zones

C. Topsoil & Subsoil

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

D. Backfilling & Grading

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

E. Excess Spoil Disposal

- 1. Placement
- 2. Drainage Control
- 3. Surface Stabilization
- 4. Inspections & Certifications

F. Coal Mine Waste (Refuse Piles/Impoundments)

- 1. Drainage Control
- 2. Surface Stabilization
- 3. Placement
- 4. Inspections and Certifications
- 5. Impounding Structures

G. Use of Explosives

- 1. Blaster Certification
- 2. Distance Prohibitions
- 3. Blast Survey/Schedule
- 4. Warnings & Records
- 5. Control of Adverse Effects

H. Subsidence Control Plan

I. Roads

- 1. Road Construction
- 2. Certification
- 3. Drainage
- 4. Surfacing and Maintenance
- 5. Reclamation

J. Signs & Markers

- 1. Signs
- 2. Markers

K. Distance Prohibitions

L. Revegetation

- 1. Vegetative Cover
- 2. Timing

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

- 40.0** a. Permit Review
- 2.5** b. Inspection Time
- 6.0** 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)
- Page 1 of 4
Revised July 1, 1993

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>										
3	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#

- | | | | |
|---|---|--|--|
| <p>D. State Action</p> <ol style="list-style-type: none"> 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 <p>H. Impact</p> <p><u>Damage Remains Within the Permit Area</u></p> <ol style="list-style-type: none"> 1) None or Minor 2) Moderate 3) Considerable <p><u>Damage Extends Beyond the Permit Area</u></p> <ol style="list-style-type: none"> 4) None or Minor 5) Moderate 6) Considerable <p><u>Obstruction to Enforcement</u></p> <ol style="list-style-type: none"> 7) None or Minor 8) Moderate 9) Considerable | <p>E. State's Reason for not Citing Violation</p> <ol style="list-style-type: none"> 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 _____ | <p>F. Cause</p> <ol style="list-style-type: none"> 1) Permit Defect 2) Unusual Weather Conditions 3) Unofficial Waiver 4) Operator Negligence 5) Other _____ | <p>G. Probability of Event Occurrence</p> <ol style="list-style-type: none"> 1) None or Unlikely 2) Likely 3) Occurred |
|---|---|--|--|
- 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

31. OSM Inspector ID#

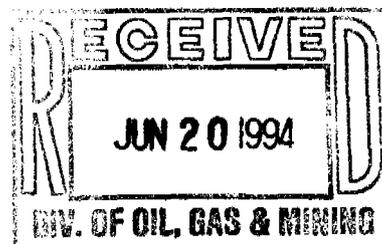
Dated: 06/16/94 179

Reviewing Official: *Henry P. Austin (ACTING)*

Review Date: 6-16-94

Page 2 of 4
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.