

0014



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

## INSPECTION REPORT

*Jch*

Michael O. Leavitt  
Governor  
Ted Stewart  
Executive Director  
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Division Director

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Partial: XXX Complete:      Exploration:       
Inspection Date & Time: 10/31/96 / 1:00p.m.-4:30p.m.  
Date of Last Inspection: First Inspection *10/30/96*

Mine Name: Horizon Mine County: Carbon Permit Number: ACT/007/020  
Permittee and/or Operator's Name: Horizon Coal Corporation  
Business Address: 1131 South Dover Street, Lakewood, Colorado, 80232  
Type of Mining Activity: Underground XXX Surface      Prep. Plant      Other       
Company Official(s): Brad Borquin  
State Officials(s): Bill Malencik Federal Official(s): None  
Weather Conditions: Snowing, 4-5" new snow on the ground  
Existing Acreage: Permitted- 317 Disturbed- 9 Regraded-      Seeded-      Bonded- 9  
Increased/Decreased: Permitted-      Disturbed-      Regraded-      Seeded-      Bonded-       
Status: Exploration/ XXX Active/ Inactive/ Temporary Cessation/ Bond Forfeiture  
Reclamation (     Phase I/      Phase II/      Final Bond Release/      Liability      Year)

### REVIEW OF PERMIT, PERFORMANCE STANDARDS & PERMIT CONDITION REQUIREMENTS

#### Instructions

- Substantiate the elements on this inspection by checking the appropriate performance standard.
  - For complete inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check N/A.
  - For partial inspections check only the elements evaluated.
- Document any noncompliance situation by referencing the NOV issued at the appropriate performance standard listed below.
- Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
- Provide a brief status report for all pending enforcement actions, permit conditions, Division Orders, and amendments.

|  | EVALUATED | N/A  | COMMENTS | NOV/ENF |
|--|-----------|------|----------|---------|
| 1. PERMITS, CHANGE, TRANSFER, RENEWAL, SALE                      | [XX]      | [ ]  | [ ]      | [XX]    |
| 2. SIGNS AND MARKERS   | [XX]      | [ ]  | [XX]     | [ ]     |
| 3. TOPSOIL   | [XX]      | [ ]  | [XX]     | [XX]    |
| 4. HYDROLOGIC BALANCE:   |           |      |          |         |
| a. DIVERSIONS  | [ ]       | [ ]  | [ ]      | [ ]     |
| b. SEDIMENT PONDS AND IMPOUNDMENTS                               | [ ]       | [ ]  | [ ]      | [ ]     |
| c. OTHER SEDIMENT CONTROL MEASURES                               | [XX]      | [ ]  | [ ]      | [ ]     |
| d. WATER MONITORING  | [ ]       | [ ]  | [ ]      | [ ]     |
| e. EFFLUENT LIMITATIONS  | [ ]       | [ ]  | [ ]      | [ ]     |
| 5. EXPLOSIVES  | [ ]       | [XX] | [ ]      | [ ]     |
| 6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES                        | [ ]       | [ ]  | [ ]      | [ ]     |
| 7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS                     | [XX]      | [ ]  | [ ]      | [ ]     |
| 8. NONCOAL WASTE   | [ ]       | [ ]  | [ ]      | [ ]     |
| 9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES | [XX]      | [ ]  | [ ]      | [XX]    |
| 10. SLIDES AND OTHER DAMAGE                                      | [ ]       | [ ]  | [ ]      | [ ]     |
| 11. CONTEMPORANEOUS RECLAMATION                                  | [ ]       | [ ]  | [ ]      | [ ]     |
| 12. BACKFILLING AND GRADING                                      | [ ]       | [ ]  | [ ]      | [ ]     |
| 13. REVEGETATION   | [ ]       | [ ]  | [ ]      | [ ]     |
| 14. SUBSIDENCE CONTROL   | [ ]       | [XX] | [ ]      | [ ]     |
| 15. CESSATION OF OPERATIONS                                      | [ ]       | [ ]  | [ ]      | [ ]     |
| 16. ROADS:   |           |      |          |         |
| a. CONSTRUCTION/MAINTENANCE/SURFACING                            | [XX]      | [ ]  | [ ]      | [ ]     |
| b. DRAINAGE CONTROLS   | [XX]      | [ ]  | [ ]      | [ ]     |
| 17. OTHER TRANSPORTATION FACILITIES                              | [ ]       | [ ]  | [ ]      | [ ]     |
| 18. SUPPORT FACILITIES/UTILITY INSTALLATIONS                     | [ ]       | [ ]  | [ ]      | [ ]     |
| 19. AVS CHECK (4th Quarter-April, May, June) _____ (date)        | [ ]       | [ ]  | [ ]      | [ ]     |
| 20. AIR QUALITY PERMIT   | [ ]       | [ ]  | [ ]      | [ ]     |
| 21. BONDING & INSURANCE  | [ ]       | [ ]  | [ ]      | [ ]     |



## INSPECTION REPORT

(Continuation sheet)

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PERMIT NUMBER: ACT/007/020

DATE OF INSPECTION: 10/31/96

(Comments are Numbered to Correspond with Topics Listed Above)

### General Comments

On October 10, 1996, the Division found the mining application in order and approved a mining and reclamation permit to the Horizon Coal Corporation.

The Division assigned the inspection responsibilities to the undersigned. At the direction of DOGM management, the undersigned conducted an inspection of the Horizon Mine on 10/31/96. The mine is in the initial development stage. On the inspection, was accompanied by Mr. Brad Borquin, project manager. Also was accompanied by consultants, Vicky Bailey and Pat Johnson.

Several alleged problems were identified by the Division's technical staff on prior visits starting with the week of October 28. These were discussed with DOGM management and conveyed to the undersigned by management and the technical staff on 10/30/96.

The alleged issues included the following:

- (1) Mining development related disturbance lying within the permitted area without necessary sediment control measures.
- (2) Storing mine materials/supplies outside the permit area and adjacent to a Carbon County Road.
- (3) Soils, not following MRP requirements/ small fuel spill.
- (4) Coal fines in a drainage.

### Discussion of Issues

#### Issue #1 - Failure to treat runoff from a disturbed area.

A silt fence was in place, at the time of the inspection, as related to issue #1, therefore, I did not write the violation. Was advised that the silt fence was installed as a result of and after the technical visit.

Vicky Bailey, the consultant, advised me some vehicles, during the week had been parked in the undisturbed permit area. Violation, 96-26-4-3--1 of 3, was written based on the above, even though the day of the inspection all vehicles were parked in the disturbed area.

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Issue #2 - Pipe Stored off the Permit Area - NOV 96-26-4-3, 2 of 3:

- (A) The 36" galvanized pipe that will be utilized to construct the undisturbed bypass drainage was stored on the wide shoulder of the Carbon County Road.
- (B) This storage, I was advised, was a temporary measure caused by adverse weather and site conditions.
- (C) The project manager stated he was told by a Division employee that others had stored supplies outside the permit area without being a compliance issue.
- (D) Advised the project manager, should he have reasons and conclude that the temporary storage of pipe as noted herein was not a compliance issue, he could request an administrative hearing and in that process provide facts and arguments why this was not a violation.
- (E) It was my impression that Mr. Borquin did not want to build his case on allegations, what others may have done, upsetting any existing operation, nor cause this issue to spill over onto others. On the other hand, he made a direct inquiry to me and was seeking an explanation as related to paragraph (C), which I, in turn, could not respond to with full knowledge at that time
- (F) By copy of this report, I am asking the Division management to determine if there are known cases where mining supplies have been stored off the permit area at other mines without being a compliance issue? If the response is affirmative, it appears to me that Mr. Borquin is entitled to a more definitive response than I could provide, which would clarify the statement cover in paragraph (C). There are two options to provide such information:
  - (1) At the administrative hearing, as I explained on 10/31/96, or
  - (2) Before the administrative hearing.

Last but not least, I know from the discussions that the permittee has been led to believe there is an alleged inconsistent position or perceptions of an inconsistent position in applying the coal rules as related to this issue. For these and other reasons, an early explanation, in my opinion, would be most helpful to correct this matter. I know that management is very sensitive to assure that the coal law and rules are applied in a consistent manner to all mines.

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(Continuation sheet)

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Issue #3 - Soils Concerned Handling and Storage - NOV 96-26-4-3, 3 of 3:

The soils operation was not being conducted as outlined in the MRP and coal rules.

Issue #4 - Coal Fines: No Violation

Did not write a violation concerning coal fines resulting from prior mining and tied to a reclamation channel. Absent more specifics, I deferred this matter to the technical group, who identified the problem.

Tailgate Session

At the suggestion of Mr. Borquin and Vicky Bailey, a tailgate session was held at the end of the inspection. It was attended by contractor and his employees, consultants, Mr. Borquin, and the undersigned. Mr. Borquin, Vicky Bailey and the undersigned provided some overview on mining and the environment and how to keep the mine in environmental compliance through an inspection/maintenance program and moreover, improve worker knowledge of the mine and environmental control measures. It was pointed out to the workers that they should confine development and the surface mining operation to only the disturbed area.

Note: This inspection report does not constitute an affidavit of compliance with the regulatory program of the Division of Oil, Gas, and Mining.

Copy of this Report:

Mailed to: Brad Borquin (Horizon)

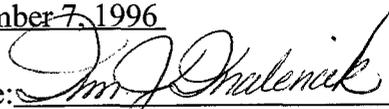
Marcia Petta (OSM)

Given to: Joe Helfrich (DOGM)

Filed to: Price Field Office

Date: November 7, 1996

Inspector's Signature: \_\_\_\_\_



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Wm. J. Malencik