

### Document Information Form

Mine Number: C10071021

File Name: Internal

To: DOGM

From:

Person N/A

Company United States Department of Interior - Office of Surface Mining

Date Sent: N/A

Explanation:

Reclamation and Enforcement, Ten-Day Notice

\_\_\_\_\_  
\_\_\_\_\_

cc:

File in:  
C10071021, 1989, Internal

- Refer to:
- Confidential
  - Shelf
  - Expandable

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

Orig: Mine file #5  
SC PB S.S.L. J.C.N. *JS* *Prue*

**RECEIVED**

UNITED STATES DEPARTMENT OF THE INTERIOR  
Office of Surface Mining  
Reclamation and Enforcement  
**TEN-DAY NOTICE**

Originating Office: USDI/OSMRE  
Albuquerque Field Office  
625 Silver Ave, S.W., Suite 310  
Albug, NM 87031 87102  
Telephone Number (505) 766-1486

DIVISION OF  
OIL, GAS & MINING

Number: X - 89 - 2 - 116 - 2 TV 3

Ten-Day Notice to the State of UTAH

You are notified that, as a result of a 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: NORTH AMERICAN EQUITIES, LTD. County: CARBON  Surface  
(Or Operator if No Permit) C/O Mr. William B. Dzince SALT LAKE CITY  Underground  
Mailing Address: HOLME, ROBERTS & OWEN, Suite 900, 50 S. Main St, UTAH 84144  Other  
Permit Number: INA/007/021 Mine Name: BLAZED #1

NATURE OF VIOLATION AND LOCATION: Failure to eliminate or reduce all highwalls to closely resemble the general surface configuration of the surrounding terrain. Includes: highwalls remaining on backfilled portal slope; former access road cut; and highwall  
Section of State Law, Regulation or Permit: UCA 40-10-1  
Condition believed to have been violated: UMC 817.101(b)(1); 5(i)

~~NATURE OF VIOLATION AND LOCATION:~~ east of concrete pad which also contains an exposed coal seam.  
~~Section of State Law, Regulation or Permit~~  
~~Condition believed to have been violated:~~

NATURE OF VIOLATION AND LOCATION: Failure to dispose of underground development waste as approved in the Mining and Reclamation Plan for Permit # INA/007/021. Waste materials were used as backfill on the slope northeast and  
Section of State Law, Regulation or Permit: UMC 771.19  
Condition believed to have been violated: INA/007/021 (pg. 24)

Remarks or Recommendations: adjacent to the Little Snider Canyon culvert inlet area.

Date of Notice: 10/16/89  
Sent Certified Mail #  
P 965 798 856

Signature of Authorized  
Print Name and ID: HE

File in:  
 Confidential  
 Shelf  
 Expandable  
Refer to Record No. 0009 Date  
In CI 007/021, 1989, Internal  
For additional information

Orig: Mine file #5  
SC PB S.S.L. J.C.N. *13*  
Prise W/O

**RECEIVED**  
OCT 19 1989

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Remarks or Recommendations: adjacent to the Little Snider Canyon culvert inlet area.

Date of Notice: 10/16/89  
Sent Certified Mail # P 965 798 856  
Signature of Authorized Rep.: Henry P. Austin  
Print Name and ID: HENRY P. Austin #116

UNITED STATES DEPARTMENT OF THE INTERIOR  
Office of Surface Mining  
Reclamation and Enforcement  
TEN-DAY NOTICE  
(Continuation Sheet)

Originating Office: USDI/OSMRE  
Albuquerque Field Office  
625 Silver Ave. S.W.; Suite 310  
Albug., NM 87102  
Telephone Number: (505) 766-1486

Number X-89 - 2 - 116 - 2 TV 3

Ten-Day Notice to the State of UTAH

NATURE OF VIOLATION AND LOCATION: Failure to pass all surface drainage from disturbed areas through a sedimentation pond before the drainage leaves the permit area. Three areas are

in violation: ① Reclaimed Section of State Law, Regulation or Permit UCA 40-10-1  
Condition believed to have been violated: umc 817.42(a)(1)

NATURE OF VIOLATION AND LOCATION: slopes of the Little Snider Canyon; ② Former culvert A removal area and former topsoil stockpile reclaimed areas, and ③ disturbed area west of mine access

Road at minesite entrance Section of State Law, Regulation or Permit  
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: gate area.

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:

NATURE OF VIOLATION AND LOCATION:

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

Remarks or Recommendations:

Date of Notice: 10/16/89  
SENT Certified mail #  
P 965 798 856

Signature of Authorized Rep: Henry P. Austin  
Print Name and ID: HENRY P. AUSTIN # 116

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

2. Name of Permittee North American Equities  
C/O William Prince

9. MSHA Number  
40-01582-

10. Date of Inspection (Y Y M M D D)  
891012

3. Street Address  
50 S Main St

11. State Permit Number  
INA 007 021

4. City  
SALT LAKE CITY

5. State  
UT

12. Name of Mine  
BLAZON # 1

6. Zip Code  
84114

7. Area Code  
801

8. Telephone Number  
521-5800

13. County Code  
007

14. State Code

15. Strata

16. State Area Office  
01

17. OSM Field Office No.  
02

18. OSM Area Office No.

19. OSM Sample No.

20. Type of Inspection (Code)  
BR

21. Joint Inspection  
Yes  No

22. Inspector's ID No.  
116

23. Status

- A  01 Type of Permit
- B  A Mine Status (Code)
- C  Z0 Type of Facility (Code)
- D  00320.0 Number of Permitted Acres
- E  010006.5 Number of Disturbed Acres

24. Type of Activity (check applicable boxes).

- A  Steep Slope
- B  Mountain Top Removal
- C  Prime Farmlands
- D  Alluvial Valley Floors
- E  Anthracite
- F  Federal Lands
- G  Indian Lands
- H  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

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

Standards That Assure Reclamation Quality and Timeliness

- M  1 Topsoil Handling
- N  2 Backfilling and Grading
- O  1 Following Reclamation Schedule
- P  1 Revegetation Requirements
- Q  3 Disposal of Excess Spoil
- R  2 Handling of Acid or Toxic Materials
- S  2 Highwall Elimination
- T  3 Downslope Spoil Disposal
- U  2 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)

IMA 007 021

89 10 12

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.  Number of Completes

29b.  Number of Partials

*N/A; BOND RELEASE INSP.*

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

30a.  Number of Completes

30b.  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

89-02-116-002

A

Authorizations to Operate

B

Signs and Markers

C

Backfilling and Grading

D

Highwall Elimination

E

Rills and Gullies

F

Improper Fills

G

Topsoil Handling

H

Sediment Ponds

I

Effluent Limits

J

Water Monitoring

K

Buffer Zones

L

Roads

M

Dams

N

Blasting

O

Revegetation

P

Spoil on the Downslope

Q

Mining Without Permit

R

Exceeding Permit Limits

S

Distance Prohibitions

T

Toxic Materials

U

Other Violations

33. Name of Authorized Representative (print or type)

*HENRY P. AUSTIN*

Signature of Authorized Representative

*Henry P. Austin*

Date

*10/16/89*

Signature of Reviewing Official

*[Signature]*

Date

*10/16/89*

10 0  
08 0  
06 5  
04 5

Conducted a State Bond Release Oversight Inspection of the North American Equities, Blazon # 1 Mine on October 12, 1989. I was accompanied on the inspection by Mike DeWeese and Harold Sandbeck of the Utah Division of Oil, Gas and Mining (DOGGM), and Jack Otani, landowner of the minesite area. Weather conditions were clear and warm and ground conditions were dry. DOGM conducted a Phase I Bond Release inspection here on October 3, 1989. DSM/AFO was notified of the 10/3 inspection on September 25 and did not have personnel available to accompany DOGM on the inspection. Mr. DeWeese indicated he was conducting a partial inspection this date.

I began the inspection with an office review at the DOGM Salt Lake City office on 10/11/89. I reviewed the Blazon # 1 inspection files; hydrological monitoring records; and the Reclamation As-Built Report dated 7/21/89. Correspondence documents were reviewed from the last DSM inspection of this site conducted on 3/20/89. An aerial inspection of the site was also conducted jointly with DOGM on 7/5/89.

Hydrological monitoring records and sediment pond inspection reports reviewed were current and meet the requirements of the regulations and permit conditions. The correspondence file is extensive with technical review and comments concerning the As-Built plan referred to above and still being reviewed at this writing. In addition, additional review of the approved mining and reclamation plan, INA/007/021 which was revised 10/86, will be necessary. The approved plan has not been revised to incorporate differences documented in the as-built document.

The correspondence file also contained the 4/27/89 DOGM response to a 3/20/89 citizen's complaint filed by Mr. Otani. This response was not issued by DOGM in accordance with UMC 842.12 as it was not completed within 15 days of receipt of the complaint. Mr. Otani also filed a written citizen's complaint to DOGM which was hand delivered to DOGM during the 10/3 bond release inspection. DOGM had not responded to this complaint as of 10/11.

The bond release application resubmittal from North American Equities (NAE) dated 9/28/89 was received by DOGM the same date. The application was reviewed and appears to meet regulatory requirements. Supporting documentation including reclamation description, public notifications, proposed public notice advertisement, etc., was submitted to DOGM on 7/21/89. The newspaper advertisement was initially published on 10/3/89 according to DOGM. Total current bond held by DOGM is \$48,000.00 and the amount proposed to be released is \$10,400.00. Bond calculations are still being reviewed by DSM at this writing, however, it appears the current bond amount held is inadequate. DOGM bonding review also makes this assumption. DOGM has proposed a five year bond liability period. It appears the DOGM calculations have started the five year liability period beginning when the backfilling/grading and initial hydroseeding was completed during October/November, 1988. Additional seeding and planting work has been done in 1989 and some still remains to be done according to DOGM. The five year bond liability period does not begin for a given area until all revegetation work has been completed. The five year liability period determination is currently being researched by OSM/AFO.

The site inspection of 10/12 began at the minesite access gate and sediment pond area. We reviewed the as-built sediment pond design and took basic field measurements which met design criteria. This pond is proposed as a permanent structure and the design info suggests that the emergency spillway will not function during the hundred year event. Mud Creek channel reconstruction was also evaluated in this area (culvert C). Specific design criteria, rip-rap sizing, etc., was not evaluated for the stream channel reconstruction areas. Mr. DeWeese indicated he would soon be making this evaluation to confirm the reconstruction meets design criteria.

We next inspected the Little Snider Canyon reconstruction area. Problems noted here included: spoil material used to backfill the slope northeast of the culvert inlet (TDN 89-2-116-2 issued 10/16); north slope still needs to be seeded/mulched/netted as well as the slope work above and north of Little Snider; 50 yr./24 hr. design criteria of culvert vs. 100 yr./24 hr. criteria used for the channel reconstruction (AFD will request DSM/WFO to conduct an analysis of this design); and the runoff diversion at the base of the reclaimed north facing slope (portal slope) may need additional positive drainage established (this could not be determined during the inspection and Mr. DeWeese indicated he would follow up on it).

Silt fencing established in several areas needs sediment removal and maintenance. Mr. DeWeese and I documented these areas and N89-31-3-1 was issued by DOGM on 10/13 addressing these areas.

Two soil pits were dug on the reclaimed portal slope, and approximate locations were noted on a map and marked in the field. The first pit had approx. 14 inches of cover material to spoil and

the second, upslope, pit had approx. 27 inches plus of soil material to spoil. Samples were taken and split with Mr. DeWeese. The slump which occurred spring of 89 was repaired but not retopsoiled.

Sampling and analysis done on the slope is documented in the 7/89 as-built plan. DSM/AFO will do further analysis of this area via sample results and additional technical investigations if necessary. Small logs have been staked into the slump area in a check dam configuration to provide surface stability.

Highwall remnants were approved to be left on the portal slope including portions of the face up area, and former access road cut. The upper remnant is approx. 160 to 180 feet long and 25 feet high at the face up area. There is also a small highwall left downslope of the portal area and a highwall with an exposed coal seam east of the concrete pad area. TDN 89-2-116-2 was issued for failure to eliminate all highwalls to closely resemble the general surface configuration of the surrounding area. There are no naturally occurring vertical rock outcrops in this area. The road cut slope west of the primary access road was not reclaimed and was never permitted by NAE. This will be researched by DSM/AFO.

Three areas have been designated as small area exemptions including: culvert A removal area and former topsoil storage area; Little Snider Canyon slopes; and an area west of the access road at the minesite entrance. Documentation could not be found in the record or when requested of DOGM concerning the demonstrations required by UMC 817.42 (a) 3. TDN 89-2-116-2 was issued for these areas.

The NPDES permit for this site was revoked by EPA/Denver at the operators request on June 18, 1985. This also will be researched by

DSM/AFO as it relates to permit requirements for the sedimentation pond.

The proposed transfer of the water well and water rights from NAE to Mr. Otani is currently under litigation and apparently has not been completed. This concluded the inspection.

Performance standards indicated as not applicable do not exist on site