



State of Utah

INSPECTION REPORT

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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Partial: Complete: Exploration:
Inspection Date & Time: 9/25/92 10:00am-12:30pm
Date of Last Inspection: August 6, 1992

Handwritten initials/signature

Mine Name: Blazon #1 Mine County: Carbon Permit Number: ACT/007/021
Permittee and/or Operator's Name: NAE(Insolvent), no known mailing address
Business Address: Mail cc attn: Steve Tanner, Route #1, Box 146G3, Helper UT 84526
Type of Mining Activity: Underground X Surface Prep. Plant Other
State Officials(s): J. Randall Harden
Company Official(s): None, Steve Tanner, landowner
Federal Official(s): None.
Weather Conditions: Clear, warm.
Existing Acreage: Permitted- 0 Disturbed- 4.5 Regraded- 2.5 Seeded- 2.5 Bonded- 0
Increased/Decreased: Permitted- Disturbed- Regraded- Seeded- Bonded-
Status: Exploration/ 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. SIGNS AND MARKERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. TOPSOIL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. HYDROLOGIC BALANCE:				
a. DIVERSIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. SEDIMENT PONDS AND IMPOUNDMENTS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. OTHER SEDIMENT CONTROL MEASURES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. WATER MONITORING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. EFFLUENT LIMITATIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. EXPLOSIVES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. NONCOAL WASTE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. SLIDES AND OTHER DAMAGE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. CONTEMPORANEOUS RECLAMATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. BACKFILLING AND GRADING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. REVEGETATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. SUBSIDENCE CONTROL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. CESSATION OF OPERATIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. ROADS:				
a. CONSTRUCTION/MAINTENANCE/SURFACING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. DRAINAGE CONTROLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. OTHER TRANSPORTATION FACILITIES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. SUPPORT FACILITIES/UTILITY INSTALLATIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. AVS CHECK (4th Quarter-April, May, June) _____ (date)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. AIR QUALITY PERMIT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. BONDING & INSURANCE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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PERMIT NUMBER: ACT/007/021

DATE OF INSPECTION: September 25, 1992

(Comments are Numbered to Correspond with Topics Listed Above)

1. PERMITS, CHANGE, TRANSFER, RENEWAL, SALE

NAE's Permit Expired on November 12, 1990. By Board Order, the operator was not required to renew the Permit in order to complete reclamation activities. Results from the Board Order, dated February 28, 1991, were as follows:

1. NOV 90-13-4-1 is vacated.
2. NOV 90-28-6-1 is vacated.
3. Mr. Otani's objections to NAE's application for Phase I bond release are denied.
4. NAE's Bond is hereby partially release to the extent of \$10,400, leaving NAE's total bond to be \$38,000.

North American Equities, NAE, has since declared insolvency and is unresponsive to all notices and orders submitted by the Division. Bond in the amount of \$38,000 was forfeited on May 31, 1991.

Two failure to abate cessation notices are still currently outstanding as a result of NOV 91-39-4-2, 1 of 2, and, 2 of 2. To date, the operator has declared insolvency, and has been unresponsive to all notices and orders submitted by the Division in regard to these violations.

In response to a request by the Division to Mr. Jack Otani, landowner, Mr. Otani has advised the Division that Mr. Steven K. Tanner through co-ownership of the Blazon Mine Property has the power of attorney necessary to negotiate all matters involving said property.

No implementation of the industrial postmining land use has occurred since reclamation work was complete on the site in 1988. Steve Tanner attended the inspection as landowner and has indicated that no such activities are planned. Currently, the landowner's desire is to have the site completely reclaimed to its pre-mining land use or that perhaps some settlement resolving his concerns can be made.

No evidence of any mining or reclamation activity was found at the site. However, power poles within the site had been cut by vandals attempting to salvage wire from the power lines. The landowner has placed large boulders across the gate into the mine facilities to prevent trespass.

Site conditions remain essentially the same as they have for the past several months. Concerns regarding maintenance of the site and site conditions are similar to those reported during previous inspections but have been describe in more detail in this inspection report. No maintenance work or compliance work has been accomplished on the site since the date of the last complete inspection.

The status for Blazon remains the same as it has for the past several months. Suitability of the reclamation design for mitigation of the highwall at the Blazon site was discussed. Determination as to the adequacy of the proposed design by OSM was inconclusive. Steve Tanner indicated that the plans were unacceptable and that without suitable base maps and a design proposal which would meet the requirements of the landowner that no plans or activities within the site would be considered as acceptable. His recommendation was that a portion of the bond money currently retained by the Division be spent in acquiring suitable contour maps of the existing area to further analyze reclamation alternatives which would be acceptable to the landowner.

No implementation of the industrial postmining land use has occurred since reclamation work was complete on the site in 1988. The landowner's representative has indicated that no such activities are planned. Currently, the landowner's desire is to have the site completely reclaimed to its pre-mining land use or that perhaps some settlement resolving his concerns can be made.

2. SIGNS AND MARKERS

Many of the perimeter signs and buffer zone signs for the site have fallen down or been removed. The sign to the mine entrance still indicates NAE as the operator, but the phone numbers and other information provided on the sign is outdated. Mr. Tanner commented that since the Division has taken over the site under bond forfeiture, that the Division should have a sign indicating their responsibility and who to contact at the Division for information.

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3. TOPSOIL

All stockpiled topsoil has been utilized during reclamation activities. No new disturbances have occurred on the site since that time.

4. HYDROLOGIC BALANCE:

a. DIVERSIONS

The rock headwalls of the culverts crossing over Mud Creek to the pad area indicate some deterioration. Some of the rockwork has fallen from the headwalls into the channel. This has created some silting and sediment deposition in the culverts themselves. Riprap work in Mud Creek near the sediment pond and where the culvert was removed at the uppermost stream crossing appear to be stable and working well.

Little Snyder drainage shows evidence of flow through this ephemeral channel. Sediments have been deposited in the inlet structure to the culvert for Little Snyder drainage where it passes beneath the pad area. Some additional settling has occurred around the concrete of the inlet structure and it appears that at least some of the drainage is seeping into the ground in and around the concrete. Mr. Tanner commented that the grate over the inlet structure has bars which are too widely spaced and that the grate presents a hazard to wildlife and livestock and requested that the grate at least be removed from the inlet structure to alleviate the hazard.

Disturbed area diversions in the pad area are in need of repair. Ditch B beneath the portal area has silted in at it appear that not all of the flow from this area is being diverted into the sediment pond as a result of lack of maintenance to this ditch. The continuation of Ditch B to the sediment pond has a culvert passing across Little Snyder drainage. This culvert is filled with sediment to about 3/4ths of it diameter. Ditches on either side of the facilities pad area are in need of repair and leaning. The ditch passing behind the building foundation has been breached in several area so that its flow does not reach the sediment pond. Some rills and gullies have been created in the pad area itself.

These conditions have existed since NOVs 91-39-4-2 were written.

b. SEDIMENT PONDS AND IMPOUNDMENTS

No water was currently being contained in the sediment pond. No certified pond reports or inspections of the pond have occurred since the time of bond forfeiture. There is no NPDES permit for the sediment pond. Mr. Tanner indicated that the landowners were not willing to assume the liability for the sediment pond especially for any fines that may result from discharge of the pond without having an NPDES permit. Mr. Tanner indicated that their desire was to have the pond removed from the site.

c. OTHER SEDIMENT CONTROL MEASURES

Silt fences and straw bales throughout most of the site are in worsening condition. Many have reached their sediment capacity and drainage is routing around the sediment control structures. Mr. Tanner has requested that these sediment control structures be maintained and replaced as needed.

d. WATER MONITORING

No water monitoring has been accomplished on the site since bond forfeiture.

e. EFFLUENT LIMITATIONS

No water monitoring has been accomplished on the site to determine compliance with effluent limitations. No NPDES permit exists which sets parameters for effluent limitations on the site.

6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES

No excess spoil exists within the permit area.

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7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS

The majority of coal mine waste and refuse located within the permit area has been permanently placed along the portal bench area. Some refuse materials were placed at the base of the portal bench and adjacent to the facilities pad area on either side of the Little Snyder drainage. No temporary waste storage piles currently exist within the permit area.

Although some settling and movement of the fill area for the refuse along the portal pad has occurred in the past, no evidence of movement or instability was apparent at the time of the inspection.

8. NONCOAL WASTE

No temporary or permanent noncoal waste facilities exist within the permit area. There is however, some litter and noncoal waste materials scattered throughout the site.

9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES

Flow in the Mud Creek drainage has decreased steadily over the summer. Currently, some reaches within the permit area have no flow. Low flow conditions in the stream channel has allowed sediment to accumulate within the culverts placed in Mud Creek. Fish baffles placed in these culverts have also contributed to deposition of sediment in the culverts. It could be expected that once higher flows return to Mud Creek, that much of this accumulation of sediment would be scoured from these culverts.

The uppermost area of the site where Culvert A was removed and the channel was rippedraped appears to be in good and stable condition.

10. SLIDES AND OTHER DAMAGE

No damage from slides or other slope failures have occurred on the site since the last inspection.

11. CONTEMPORANEOUS RECLAMATION

Phase I reclamation of the site has been complete and bond for Phase I work has been released by the Division as required under Board Order. Implementation of the approved post mining land use of light industrial use has not occurred on the site. Mr. Tanner indicated that no use of the site is anticipated at any time in the near future.

12. BACKFILLING AND GRADING

By Board Order, Phase I bond release has been issued for the site, which includes backfilling and grading of the site. Since bond release for Phase I reclamation work, no backfilling and grading on the site has occurred.

13. REVEGETATION

No survey or monitoring of the site for vegetation success has been performed since the permit was revoked. However, based on site appearance only, a reasonably good amount of cover has been established over the areas which were revegetated.

Weeds and weed control at the site are however, an obvious problem. Thistle is proliferating throughout the site, but primarily on the areas reclaimed which included the access road to the water tank and substation areas and around the sediment pond area. It appears that the source of the thistle was from the straw used as mulch in these areas. Mr. Tanner has requested that weed control measures be taken on the site as part of maintenance of the site for reclamation.

15. CESSATION OF OPERATIONS

The site has been abandoned by the operator as the facilities are under bond forfeiture. All mining and reclamation activities have ceased.

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16. ROADS:

a. CONSTRUCTION/MAINTENANCE/SURFACING

Areas of the access road leading into the pad area needs to be regraded primarily for drainage control. Similarly the road above the facilities area also need regrading work for drainage control. To some extent, the gullies on the road surfaces have stabilized and no rapid erosion or downcutting of these gullies in the road surfaces was evident at the time of the inspection.

b. DRAINAGE CONTROLS

Road drainage ditches and culverts are in poor condition at the site. Several areas of the roads have rills and gullies from water drainage over the road surface. Road ditches, especially where straw bales were left in the roads, have been filled in and allowed water to course out of the drainage ditches and across the road surface. Many of these areas have now more or less stabilized by natural gradation of the gullies formed in and along the roads. This failure to maintain the site is inherent with similar issues cited in NOV's currently issued and which have subsequently resulted in failure to abate cessation orders.

18. SUPPORT FACILITIES/UTILITY INSTALLATIONS

Vandalism of the power lines into and on the site has left two of the power poles cut off and abandoned. One of the poles has fallen directly into Mud Creek, leaving the lights smashed and broken in the Mud Creek stream channel. Cutting of some of the power lines has left on particular pole under very high tension, bowing the pole itself and creating a hazard of power lines left under high tension and the possibility of the pole snapping off.

21. BONDING & INSURANCE

Bond for the site has been forfeited. The Division currently holds bond in the amount of approximately \$38,000.00. Liability insurance held by the operator lapsed at the end of last year and no permittee liability insurance exists for the site at the present time.

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: Bernie Freeman (OSM), Steve Tanner (Landowner)

Given to: Daron Haddock & Joe Helfrich (DOGM)

Inspector's Signature: 

13 Date: 10/8/92