0008

Document Information Form

Mine Number: C/007/034

File Name: Incoming

To: DOGM

From:

Person N/A

Company United States Department of the Interior

Date Sent: June 26, 1989

Explanation:

Mine Site Evaluation Inspection Report

cc:

File in:
C/ 007 , 034 , Incoming
Refer to:
- ☐ Confidential
- ☐ Shelf
- ☐ Expandable

Date _____ For additional information

File ACT/007/034 #5
cc: S. Linner
D. Haddock

RECEIVED
JUN 26 1989
DIVISION OF
OIL, GAS & MINING

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: Soldier Creek Coal
3. Street Address: PO Box 1
4. City: Price
5. State: UT
6. Zip Code: 84501
7. Area Code: 801
8. Telephone Number: 637-6360
9. MSHA Number: 42-00077-
10. Date of Inspection (Y Y M M D D): 890613
11. State Permit Number: 007/034
12. Name of Mine: Banning Sidings
13. County Code: 007
14. State Code:
15. Strata:
16. State Area Office:
17. OSM Field Office No.: 02
18. OSM Area Office No.:
19. OSM Sample No.: 0120
20. Type of Inspection (Code): C
21. Joint Inspection: Yes X No
22. Inspector's ID No.: 107

23. Status

A	01	Type of Permit
B	A	Mine Status (Code)
C	34	Type of Facility (Code)
D	00036.0	Number of Permitted Acres
E	00026.0	Number of Disturbed Acres

24. Type of Activity (check applicable boxes).

A		Steep Slope	E		Anthracite
B		Mountain Top Removal	F	X	Federal Lands
C		Prime Farmlands	G		Indian Lands
D		Alluvial Valley Floors	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	2	Mining Within Permit Boundaries
C	1	Signs and Markers
D	1	Sediment Control Measures
E	1	Design and Certification Requirements—Sediment Control
F	1	Effluent Limits
G	1	Surface Water Monitoring
H	1	Ground Water Monitoring
I	1	Blasting Procedures
J	1	Haul/Access Road Design and Maintenance
K	3	Refuse Impoundments
L	2	Other: Specify Records - fail to maintain ~~[illegible]~~

Standards That Assure Reclamation Quality and Timeliness

M	1	Topsoil Handling
N	1	Backfilling
O	1	Following
P	1	Revegetat
Q	3	Disposal
R	1	Handling
S	3	Highwall
T	3	Downslope Spoil Disposal
U	1	Post Mining Land Use
V	1	Cessation of Operations: Temporary
W		Other

File in:
- ☐ Confidential
- ☐ Shelf
- ☐ Expandable

Refer to Record No. 0008 Date 6-26-89
In C/ 007, 034, Incoming
For additional information

Distribution: Original - Field Office, Green - Headquarters, Blue - State's Copy, Yellow - Inspector's Copy, Pink - File Copy

IE - 163 (1/83)

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F	1	Effluent Limits
G	1	Surface Water Monitoring
H	1	Ground Water Monitoring
I	1	Blasting Procedures
J	1	Haul/Access Road Design and Maintenance
K	3	Refuse Impoundments
L	2	Other: Specify Records fail to maintain ~~[illegible]~~

Standards That Assure Reclamation Quality and Timeliness

M	1	Topsoil Handling
N	1	Backfilling and Grading
O	1	Following Reclamation Schedule
P	1	Revegetation Requirements
Q	3	Disposal of Excess Spoil
R	1	Handling of Acid or Toxic Materials
S	3	Highwall Elimination
T	3	Downslope Spoil Disposal
U	1	Post Mining Land Use
V	1	Cessation of Operations: Temporary
W		Other _____

File ACT/007/034 #5
cc: S. Linner
D. Haddock

United States Department of the Interior
Office of Surface Mining
Mine Site Evaluation Inspection Report

26. State Permit Number 007/034 File ACT

27. Date of Inspection (Y Y M M D D) 890613

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. 07 Number of Completes — 29b. 03 Number of Partials C/007/034

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

30a. 08 Number of Completes — 30b. 03 Number of Partials

31. Has inspection frequency been met?

31a. Completes: Yes ☐ No ☒ — 31b. Partials: Yes ☒ No ☐

32. FEDERAL ENFORCEMENT INFORMATION. [Enter violation number. Check appropriate box(es)]

	Ten-Day Notice No.	Notice of Violation No.	Cessation Order No.	Violation Codes
	89-02-107-4			
A	☒	☐	☐	Authorizations to Operate
B	☐	☐	☐	Signs and Markers
C	☐	☐	☐	Backfilling and Grading
D	☐	N/A	☐	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

United States Department of the Interior
June 26, 1989
Mine Site Evaluation Inspection Report

33. Name of Authorized Representative *(print or type)* Rade H. Orell

Signature of Authorized Representative — Date ~~6-16-89~~ ~~3-16-89~~

Signature of Reviewing Official Henry P. Austin — Date 6-22-89

007 034
19 0
07 0
06 0
06 0

Soldier Creek Coal Company
P. O. Box I
Price, Utah 84501

Banning Siding
Utah Permit #007/034

Random Sample Oversight Inspection
June 13, 1989

Participants:

Rade H. Orell, Steve Rathbun, Office of Surface Mining Reclamation and Enforcement Albuquerque Field Office (AFO), Daron Haddock, Utah Division of Oil, Gas and Mining Price Field Office (DOGM), and Chris Allen, and Tom Paluso, Soldier Creek Coal Company.

Mine Site Evaluation Inspection Report:

The Mine Site Evaluation Inspection Report (MSEIR) form has been completed to reflect the random sample oversight inspection. The inspection did not result in the issuance of any enforcement actions by DOGM. However, a two part Ten-Day Notice (TDN) was issued by the AFO. TDN 89-02-107-4(1-2) is reflected by the number two at performance standard codes B, Mining Within Permit Boundaries, and L, Other on the MSEIR. Each part of the TDN is explained in greater detail later in this report. The decision to issue the TDN was rendered by management in the AFO on the basis of information collected during the RSI.

Introduction:

The inspection included a records review as well as field observations. The weather was clear and warm. Ground conditons were dry. A Pentax IQ Zoom camera was used to photograph areas of interest. I provided Soldier Creek Coal Company representative Chris Allen the oppurtunity to review my credentials.

Records Review:

The records review included observations of the permit with stipulations and stipulation responses (permit issued 10/24/88), NPDES Permit, NPDES monitoring data for 1988 and the first quarter 1989, sediment pond inspections, Bond and Reclamation Agreement, Bureau of Land management Right-of-Way agreements, road certification statement and map, pond certifications, certificate of liability,

legal right to enter information and coal sampling information.

Ground water and surface water monitoring are not required per the approved permit. The operator will sample the coal quarterly for the first year to determine impacts to ground water through leaching. The only surface water monitoring that will occur will be via the NPDES.

The review of the NPDES permit indicated that the permit was originally approved for discharge from a sump. The permit was apparently modified/approved June 9, 1988 to allow discharge from the sediment pond. The operator's representative was not able to locate a copy of the modified NPDES. Therefore, TDN 89-02-107-4(1) is being issued to the State of Utah, DOGM for the operator's failure to maintain records in accordance with UMC 840.14.

The review of the Bond and Reclamation Agreement indicated that the bond covers a disturbed area of 21.4 acres while the actual disturbed area is 26.1 acres. The 4.7 acre difference is attributed to the haul road. The haul road is within the permit area and disturbed area but not bonded. The haul road will remain as part of the post mining landuse. A review of the schedule of fees that lead to the bond amount also indicated that the road is not bonded. The road should be bonded to cover maintenance during the period of liability. UMC 800.11(B) requires the bond to cover the entire permit area upon which the operator will initiate and conduct surface coal mining and reclamation operations.... . The AFO management elected to pursue this problem as a programmatic issue. In addition, information reviewed in DOGM's Salt Lake City office indicates the bond has been signed by the Division while the on site record review indicated that the operator did not have a copy of the executed bond. The operator was advised to obtain an executed copy of the bond.

The review of the Certificate of Liability indicated that the policy is based on "Claims-Made". The question of this type of policy constituting acceptable insurance pursuant to Utah's approved program is currently under review by DOGM and OSMRE.

The review of the legal right to enter indicated that at the time the permit was approved the operator did not have the right to enter on a small part of the 36 acre permit area. Soldier Creek Coal Company did not acquire an estimated 120 acres, a small part of which is located inside the permit area until May 9, 1989 (permit issued 10/24/88). This information will be relayed to the program specialist for possible consideration as a permitting issue.

Field Inspection:

The field inspection included observations of signs and markers, the haul road, and culverts and silt fences, the loadout facilities, the coal stockpile, the sediment pond, disturbed drainage diversions, and the disturbed area/ permit area boundary.

The inspection of the haul road confirmed that drainage controls are

in place and that the road outslopes have been topsoiled and seeded. We observed areas where coal has spilled from trucks as they enter the loadout. The operator is advised to ensure that coal does not accumulate on the slopes such that protection of the replaced soil materials becomes a concern. In addition, we observed three culverts (CMP) that provide drainage through the haul road fill. The culverts are 24, 36 and 48 inches in diameter. Each was found to be intact and well maintained. We also observed silt fences at both the inlets and outlets of the 36 inch and 48 inch CMP and at the outlet of the 24 inch CMP. Silt fences are also installed at the entrance gate to the loadout pad as specified in the approved permit. The review of the approved mining and reclamation plan (MRP) both in the AFO and DOGM's Salt Lake City office indicated the lack of detailed information. For example, the BLM Right-of-Way agreement for the road specifies that the structure must meet the requirements of 30 CFR 816.150 through 816.156 yet the MRP seems to be lacking in that kind of detail (without forgetting that the road is described as existing structure). The MRP also does not appear to include a detailed map of the structure. The only map that I could locate that depicts the road is the Permit Area Map. It does not depict the three culverts described above nor are the silt fences depicted. This information will be relayed to the appropriate individual in the AFO for consideration as a permitting issue.

The inspection of the sediment pond confirmed that the structure is complete in accordance with the "As-Built" certifications. The original pond design depicted on the Runoff Control Measures Map dated 7/12/88 indicated that a large part of the dewatering spillway was outside the permit area and that the emergency spillway was relatively short in length and ended at the permit boundary. The review of the pond certification including the same map, revised 2/23/89 indicated that the permit boundary was moved to accommodate the dewatering spillway and a much longer emergency spillway. The DOGM inspector apparently advised the operator to move the boundary after the structures had been installed. The record seems to indicate that DOGM completed a review, similar to that which would be completed under an Incidental Boundary Revision, at the time the operator submitted the pond certification. This information will be relayed to the AFO program specialist for consideration as a permitting issue.

The inspection of the disturbed drainage diversion (compact berm) indicated that the structure is generally in good repair. We observed that the north diversion needs maintenance at the point where it parallels the road to the loading dock on the west side. The berm height has been reduced as a result of road maintenance. We did not observe evidence of a breach or that the structures ability to function has been impaired. Yet if the berm is not maintained such that the appropriate amount of freeboard is restored and road maintenance continues it is questionable that the structure will continue to function.

The inspection of the disturbed area/ permit boundary revealed a number of problems. The revegetation test plot located in the south

east corner of the permit area is partially outside the boundary. The Permit Area Map as well as the Runoff Control Measures Map depicts part of the area outside the permit boundary. Therefore, TDN 89-02-107-4(2) is being issued. The TDN cites UMC 771.11 as the regulation believed to have been violated.

The inspection also indicated that one of the disturbed area markers located adjacent to the road that parallels the test plot is not in the correct location. The DOGM representative advised the operator's representative to move the marker to the correct location.

The inspection of the east, north and north west perimeter of the area indicated that a substantial amount of coal has been deposited outside the designated disturbed area as well as the permit boundary. The east side of the area is where coal is loaded into rail cars. The coal can probably be attributed to spillage as a result of loading. The coal on the west and north west side of the area has probably been deposited by wind as well as spilled from trucks as they travel the road loop to the loading dock. AFO management elected to issue a TDN. Therefore, the TDN referenced above also includes this situation.

Close-Out Meeting:

The close-out meeting was a reiteration of the inspection. We advised the operator's representative of the problems that would be relayed to AFO management for consideration as possible TDNs. The DOGM representative advised the operator of the areas of the loadout requiring attention.

* confirmed via telephone conversation w/DOGM inspector that TDN 89-02-107-4(1) occurred since the last state complete + that TDN 89-02-107-4(2) occurred prior to the last state complete.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
RANDOM SAMPLE MEIR SUPPLEMENT

13
13
T0

1. Permittee Soldier Creek Coal Co.
2. Permit Number 007 1034
3. Joint Inspection |Y| Y/N 4. Date 6 - 13 - 89
5. Days since Last State Complete Inspection (LSCI) 80
6. Block 25 Categories in NON-COMPLIANCE this RSI 2
7. Total Violations this RSI 2

****

8. List (only once) all violations:
   1) where State enforcement was required and taken during the LSCI;
   2) recorded in the LSCI report but the State failed to take enforcement;
   3) observed during this RSI which clearly existed during the LSCI but the State failed to take enforcement; and;
   4) existing during this RSI which are not already listed under one of the categories above.

	A LAW / SPECIFIC STATE REGULATION VIOLATED	B BLOCK 25 CATEGORY	C ABATED (y/n)	D STATE ACTION	E REASON IF UNCITED	F CAUSE	G SERIOUSNESS PEO	H SERIOUSNESS IMPACT	I OSMRE ACTION	J OPTIONAL	K OPTIONAL
1.	/ / UMC / 840 / 14	L	N	4		4	1	1	2		
	Description: Failure to maintain records - NPDES permit modification										
2.	/ / UMC / 771 / 11	B	N	2		4	3	5	2		
	Description: Failure to obtain a permit - test plot + coal fines outside permit area										
3.	/ / / / /										
	Description:										
4.	/ / / / /										
	Description:										
5.	/ / / / /										
	Description:										
6.	/ / / / /										
	Description:										
7.	/ / / / /										
	Description:										
8.	/ / / / /										
	Description:										
9.	/ / / / /										
	Description:										
10.	/ / / / /										
	Description:										

STATE ACTION
1) Existed on LSCI, cited
2) Existed on LSCI, not cited
3) Cited Prior to LSCI, Abatement Pending
4) Occurred since LSCI

STATE'S REASON FOR NOT CITING VIOLATION (AFTER DISCUSSION WITH THE STATE)
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 (missed)
6) Practice allowed under approved Permit
7) Too minor to cite
8) Working with Operator to Correct
9) Other: :

CAUSES
1) Permit Defect
2) Unusual Weather Conditions
3) Unofficial Waiver
4) Operator Negligence
5) Other: :

PROBABILITY OF EVENT OCCURRENCE
1) None or Unlikely
2) Likely
3) Occurred

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
Obstruction to Enforcement
7) None or Minor
8) Moderate
9) Considerable

OSMRE ACTION
1) Deferred to State Action
2) TDN issued
3) IH-CO issued
4) Previously Cited, Abatement Pending
5) Abated during or before OSMRE Inspection

1-88