



0009

U. S. DEPT. OF THE INTERIOR

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Mine-Site Evaluation Inspection Report

Mine file R. Summers UB Act 1007/034



1. Permittee/Person SOLDIER CREEK COAL CO		9. Permit Number ACT/007/034		10. Type a. Permit <input checked="" type="checkbox"/> b. RA <input checked="" type="checkbox"/>	
2. Address PO BOX I		11. Inspection Date 08-26-92		12. Inspection Type C	
3. City PRICE		14. Permit Status A		15. Site Status AW	
4. State UT		17. OSM Office # 020		18. RSI # 0040	
5. Zip Code 84101		6. Phone Number 801-637-6360		19. Land Code FS	
7. Operator if Different than Permittee SAVAGE COAL SERVICE CORP		20. M.S.H.A. ID # 42-01756		21. State Code 49	
8. Mine Name BANNING LOADOUT		22. County Code 007		23. AVS Permittee Entity ID Number 089070	

24. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere

A. Administrative 1. <u>1</u> Mining within Valid Permit 2. <u>1</u> Mining within Bonded Area 3. <u>1</u> Terms & Conditions of Permit 4. <u>1</u> Liability Insurance 5. <u>1</u> Ownership and Control 6. <u>4</u> Temporary Cessation	D. Backfilling & Grading 1. <u>3</u> Exposed Openings 2. <u>4</u> Contemporaneous Reclamation 3. <u>4</u> Approximate Original Contour 4. <u>3</u> Highwall Elimination 5. <u>3</u> Steep Slopes (includes downslope) 6. <u>3</u> Handling of Acid & Toxic Materials 7. <u>4</u> Stabilization (fills and gullies)	H. <u>3</u> Subsidence Control Plan I. Roads 1. <u>2</u> Road Construction 2. <u>5</u> Certification 3. <u>5</u> Drainage 4. <u>5</u> Surfacing and Maintenance 5. <u>4</u> Reclamation
B. Hydrologic Balance 1. <u>2</u> Drainage Control 2. <u>1</u> Inspections & Certifications 3. <u>1</u> Siltation Structures 4. <u>1</u> Discharge Structures 5. <u>1</u> Diversions 6. <u>1</u> Effluent Limits 7. <u>1</u> Ground Water Monitoring 8. <u>1</u> Surface Water Monitoring 9. <u>3</u> Drainage -- Acid-Toxic Materials 10. <u>3</u> Impoundments 11. <u>3</u> Stream Buffer Zones	E. Excess Spoil Disposal 1. <u>3</u> Placement 2. <u>3</u> Drainage Control 3. <u>3</u> Surface Stabilization 4. <u>3</u> Inspections & Certifications	J. Signs & Markers 1. <u>1</u> Signs 2. <u>1</u> Markers
C. Topsoil & Subsoil 1. <u>3</u> Removal 2. <u>1</u> Substitute Materials 3. <u>3</u> Storage and Protection 4. <u>4</u> Redistribution	F. Coal Mine Waste (Refuse Piles/Impoundments) 1. <u>3</u> Drainage Control 2. <u>3</u> Surface Stabilization 3. <u>3</u> Placement 4. <u>3</u> Inspections and Certifications 5. <u>3</u> Impounding Structures	K. <u>1</u> Distance Prohibitions L. Revegetation 1. <u>4</u> Vegetative Cover 2. <u>4</u> Timing
	G. Use Of Explosives 1. <u>3</u> Blaster Certification 2. <u>3</u> Distance Prohibitions 3. <u>3</u> Blast Survey/Schedule 4. <u>3</u> Warnings & Records 5. <u>3</u> Control of Adverse Effects	M. <u>4</u> Postmining Land Use N. Other

RECEIVED

SEP 08 1992

25. Inspection Frequency a. Date of Last State Complete Inspection 07-07-92 Frequency for previous 4 Calendar Qtrs. b. Number of required complete inspections: 04 Number of complete inspections conducted: 03 c. Number of required partial inspections: 08 Number of partial inspections conducted: 08	26. Inspection Hours a. Permit Review: 004.0 b. Inspection Time: 006.5 c. Travel Time: 010.0 d. Report Writing: 008.0	27. Bonded Acres a. Total bonded: 00,036.0 b. Phase I released: 00,000.0 c. Phase II released: 00,000.0 d. Phase III released: 00,000.0	28. ACRES DIVISION OF OIL GAS & MINING a. Permitted: 00,036.0 b. Disturbed (Estimated): 00,026.1
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U. S. DEPT. OF THE INTERIOR

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Mine-Site Evaluation Inspection Report

mit
mber ACT/007/034

Inspection
Date 08-26-92

Identified Violation Data.

- List (only once) all violations;
- where State enforcement was required and taken during the LSCI, even if violation was terminated during or before this inspection (does not include violations that have been vacated);
 - recorded in the LSCI report but the State failed to take enforcement;
 - observed during this inspection which clearly existed during the LSCI but the State failed to take enforcement; or;
 - existing during this inspection which are not already listed under one of the categories above.

AND / OR

- List all Federal actions issued this inspection;
- List all Federal actions reviewed on this follow-up inspection.

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>R645-301-742.240</u> Description:													
1. B1	N	/	/	1	3	1	1						
A. Specific State Law/Regulations Violated: <u>R645-301-512.250</u> Description:													
2. I1	N	/	/	1									
A. Specific State Law/Regulations Violated: <u>R645-301-521.251</u> Description:													
3. J2	Y	2		4	2	7	8						
A. Specific State Law/Regulations Violated: _____ Description:													
4. 													
A. Specific State Law/Regulations Violated: _____ Description:													
5. 													
A. Specific State Law/Regulations Violated: _____ Description:													
6. 													
A. Specific State Law/Regulations Violated: _____ Description:													
7. 													

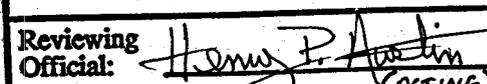
- | | | | |
|---|---|--|--|
| D. State Action
1) Existed on LSCI, Cited
2) Existed on LSCI, Not Cited
3) Cited Prior to LSCI, Abatement Pending
4) Occurred Since LSCI
5) N/A Federal Program | E. State's Reason for not Citing Violation
1) Not a Violation
2) Precluded by State Policy
3) Not Included under 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 _____ | F. Cause
1) Permit Defect
2) Unusual Weather Conditions
3) Unofficial Waiver
4) Operator Negligence
5) Other _____ | G. Probability of Event Occurrence
1) None or Unlikely
2) Likely
3) Occurred |
|---|---|--|--|
-
- | | |
|---|---|
| H. 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 | 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 FIA, Abatement Pending
8) Abated during or before OSM Inspection
9) Follow-up of Federal Action |
|---|---|

30. Signature

 Inspector's Signature
 James B. Smith
 Inspector's Printed Name

31. OSM Inspector ID #

Dated: 09-02-92 387

Reviewing Official: 
 (ACTING)

Review Date: 09-02-92

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CODE SHEET for the Mine Site Evaluation Inspection Report

Permit Type and RA — Item 10 a. Permit Type IP = Interim Program, PP = Permanent Program, NP = No Permit
 b. Regulatory Authority ... S = State Program, F = Federal Program

Inspection Type Codes — Item 12

- CR Complete Random Sample
- COI Complete Other Inspection
- FC Federal Complete Inspection
- FP Federal Partial Inspection

- FF Federal NOV and/or CO Follow-up
- CC Citizen Complaint
- CCF Citizen Complaint Follow-up
- DR Document Review
- RF Reclamation Fees

- SOx Other
 - 1 Bond Release Review
 - 2 Bond Forfeiture Review
- OFx Other Follow-up
 - 1 State Enforcement Follow-up
 - 2 Ten-Day Notice Follow-up

Joint Inspection — Item 13 A joint inspection is when a state inspector accompanies an OSM inspector any time during the review of the mine site.

Permit Status — Item 14

- A **Active:** Coal mining and reclamation activities occurring or permitted but not disturbed.
- IN **Inactive (Permanent Program Permit):** Phase II completed or state counterpart to 30 CFR 840.11(f).
(Interim Program Permit): Coal mining completed and reclamation activities initiated.

- NA **Not Applicable:** When site is unpermitted.
- BR **Bond Release:** Reclamation completed and State Regulatory Authority (RA) has released all of the bond (Phase III Release.)
- AB **Abandoned:** All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as stated in 30 CFR 840.11(f).
- BF **Bond Forfeiture:** Permittee rights terminated, permit revoked, and/or bond funds collected.

Site Status Codes — Item 15

- ND **No Disturbance:** No coal mining and reclamation operations have been started.
- EX **Coal Exploration:** Coal exploration operations have started and where coal mining operations have not begun.
- AP **Active Coal Producing:** Coal surface mining activities are occurring.
- AN **Active Non-Producing:** Active non-producing facility such as tipple or preparation plant.
- NM **No Mining:** The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.

- MC **Mining Complete:** No mining activity on site, site regraded and awaiting phase bond release.
- TC **Temporary Cessation:** The RA has granted cessation of mining pursuant to 30 CFR 816/817.131(b).
- P1 **Phase I Release:** At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.
- P2 **Phase II Release:** At least Phase II bond release for the entire permitted area.
- P3 **Phase III Release:** Reclamation completed and the RA has released all bond.

- FP **Forfeiture Pending:** The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.
- FR **Forfeited and Reclaimed:** Forfeiture reclamation completed.
- WC **Wildcat:** Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.

Facility Type Codes — Item 16

- A Surface
- B Underground
- C Preparation Plant

- D Ancillary (Haulroad, Conveyor, and/or Rails)
- E Refuse and/or Impoundment
- F Loading Facility and/or Tipple
- G Stockpiles
- H Exploration Permits
- I Notice of Intent to Explore
- J Exempt 16 and 2/3
- K Government Financed Construction Exemption

Land Code -- Item 19

- S State/Private Lands
- F Federal Lands
- I Indian Lands

Performance Standard Categories -- Item 24 30 CFR Counterpart

- A. **Administrative** 773.11
 - 1. Valid Permit 773.11
 - 2. Mining within Bonded Area 773.17
 - 3. Terms & Conditions of Permit 800.60
 - 4. Liability Insurance 778.13
 - 5. Ownership and Control 842.11(e) & 816/817.131
 - 6. Temporary Cessation (816/817.41-57)
- B. **Hydrologic Balance** 45
 - 1. Drainage Control 49(a)(10)
 - 2. Inspections & Certifications 46
 - 3. Siltation Structures 47
 - 4. Discharge Structures 43
 - 5. Diversions 42
 - 6. Effluent Limits 41(c)
 - 7. Ground Water Monitoring 41(e)
 - 8. Surface Water Monitoring 41(f)
 - 9. Drainage—Acid - Toxic Materials 49
 - 10. Impoundments 57
 - 11. Stream Buffer Zones (816/817.22)
- C. **Topsoil & Subsoil** (816/817.22)
 - 1. Removal 22(a)
 - 2. Substitute Materials 22(c)
 - 3. Storage and Protection 22(c)
 - 4. Redistribution 22(d)
- D. **Backfilling & Grading** (816/817.95-107)
 - 1. Exposed Openings 816/817.13, 14, 15, & 823.11 & 21
 - 2. Contemporaneous Reclamation 102(a)(1)
 - 3. Approximate Original Contour 102(a)(2)
 - 4. Highwall Elimination 107
 - 5. Steep Slopes (includes downslope) 102(c)
 - 6. Handling of Acid & Toxic Materials 95(b)
 - 7. Stabilization (rills and gullies) 95(b)

- E. **Excess Spoil Disposal** (816/817.71-74)
 - 1. Placement 71(c)
 - 2. Drainage Control 71(f)
 - 3. Surface Stabilization 71(g)
 - 4. Inspections & Certifications 71(h)
- F. **Coal Mine Waste (Refuse Piles/Impoundments)** .. (816/817.81-84)
 - 1. Drainage Control 83(a)
 - 2. Surface Stabilization 83(b)
 - 3. Placement 83(c)
 - 4. Inspections and Certifications 83(d)
 - 5. Impounding Structures 84
- G. **Use Of Explosives** (816/817.61-68)
 - 1. Blaster Certification 61(c)
 - 2. Distance Prohibitions 61(d)
 - 3. Blast Survey/Schedule 62-64
 - 4. Warnings & Records 66 & 68
 - 5. Control of Adverse Effects 67
- H. **Subsidence Control Plan** (817.121-122)
- I. **Roads** (816/817.150-151)
 - 1. Road Construction 150(c)
 - 2. Certification 151(a)
 - 3. Drainage 150(b)-151(d)
 - 4. Surfacing and Maintenance 150(e)-151(d)
 - 5. Reclamation 150(f)
- J. **Signs & Markers** (816/817.11)
 - 1. Signs 11(a),(b),(c)
 - 2. Markers 11(a),(b),(d),(e),(f)
- K. **Distance Prohibitions** (76L11)
- L. **Revegetation** (816/817.111-116)
 - 1. Vegetative Cover 111 & 116
 - 2. Timing 113
- M. **Postmining Land Use** (816/817.133)

INSPECTION REPORT NARRATIVE

INSPECTION DATE: August 26, 1992

MINE NAME: Banning Loadout

PERMIT NUMBER: ACT/007/034

PERMITTEE NAME: Soldier Creek Coal Company
P.O. Box I
Price, Utah 84101
(801) 637-6360

OPERATOR NAME: Savage Coal Service Corporation
P.O. Box 587
Wellington, UT 84542
(801) 637-5972

INSPECTOR NAME: James B. Smith

INSPECTION TYPE: Complete Random Sample Oversight
Inspection

PERSONS PRESENT DURING INSPECTION

Rick Summers, Hydrologist/Inspector, Utah Division of
Oil, Gas and Mining (DOGM)
Tom Paluso, Engineer, Soldier Creek Coal Company

WEATHER: Clear, upper 70's

GENERAL INFORMATION

This coal processing facility is located in Carbon County, Utah, southeast of Price, near Sunnyside Junction off route 6-50. According to permit information, construction began at this site in 1977 and was completed in 1979. The permit provides for the crushing, loading, and stockpiling of 2 million tons of coal a year. The operator's annual report to DOGM indicates that it loaded approximately one million tons at the Banning Loadout in 1991. The permit includes a total of 36 acres, of which 24 acres are Federal lands administered by the Bureau of Land Management, 10 acres are State lands, and 2 acres are under private ownership. Approximately 26.1 acres have been disturbed by this operation to date.

Most if not all of the coal processed and loaded at this site originates at the Soldier Canyon Mine, which is located about 19 miles from the Banning Loadout. The coal is trucked by double trailers from the mine to the loadout via State Highway

53, U.S. Highway 6-50.

The Banning Loadout is located at an average elevation of 5,500 feet above sea level. Precipitation in the area averages 9 inches per year. The predominant soil type in the area is Mancos shale. The vegetation within and adjacent to the permit area is classified as the greasewood-shadscale desert shrub association, which is characteristic of the Upper Sonoran Life Zone.

ADMINISTRATIVE REQUIREMENTS

Based on a review of documents at the Office of Surface Mining Reclamation and Enforcement's (OSM) Albuquerque Field Office, the DOGM office, and at the Soldier Creek Coal Company mine office, the status of administrative requirements is as follows:

The current permit was issued on October 24, 1988, and will expire on October 25, 1993. The permit was conditioned with several stipulations, all of which were subsequently resolved pursuant to a DOGM letter to the permittee dated April 3, 1989.

DOGM concluded a midterm permit review on August 26, 1991, resulting in Division Order 91-A dated September 16, 1991, which required permit revisions as a result of the review. These permit issues were resolved by DOGM letter dated December 5, 1991.

DOGM's technical findings at the time of permit issuance indicate that there are no designated prime farm lands within the permit area, nor are there any alluvial valley floors or cultural or historic resources to be affected. There are also no lands unsuitable for mining within or adjacent to the permit area.

The performance bond for this operation is in the form of a surety bond in the amount of \$211,000. Bonding documents were reviewed and appeared to be in order.

The permittee has a current certificate of liability insurance which is valid until canceled. The form of the certificate appeared appropriate with the required limits of liability.

Ownership and control information contained in the OSM's Applicant Violator System (AVS) does not include Savage Coal Service Corporation as the operator for Banning Loadout. This information was relayed to the Albuquerque Field Office's AVS Coordinator.

SITE INSPECTION

After presenting my credentials, I reviewed mine plan documents at the mine office and inspected the permit area with the persons listed above for compliance with the State program and the approved permit. Coal loading activities were ongoing during the inspection. Coal was also being trucked to the site on this date.

The results of the inspection are as coded on page 1, Section 24, of the Mine Site Evaluation Inspection Report. Narrative supporting the determinations by performance standard code are as follows:

A. Administrative, 1. Mining within Valid Permit

A segment of paved road between State Highway 6-50 and the permitted haul and access road is used for access and coal haulage but it is not permitted. Ownership of this segment of road is not known, although it appears to be within the State right-of-way. The road is visibly impacted by coal haulage - the pavement is sunken and rolled up in places from the weight of the haulage vehicles. It appears that this road should be included within the permit area because it appears to fall within the definition of surface coal mining operations. However, such a determination concerning this particular road is being deferred until a later date due to pending litigation in Utah involving roads and the legal and programmatic interpretations yet to be established relating to the definitions of "road," "affected area," and "surface coal mining operations."

B. Hydrologic Balance, 1. Drainage Control

As a result of a random sample oversight inspection conducted on June 13, 1989, and subsequent Ten-Day Notice No. 89-02-107-4 (1/2), an area approximately 30 feet wide by 875 feet long was added to the northwestern edge of the permit due to the deposition of coal outside the permit area. During today's inspection, it was noted that drainage control had not been established for this area. Coal accumulation of up to four inches deep was noted in places along this perimeter area. The main accumulation is in a ditch-like feature running parallel (East-west) to the fence line. Two areas of potential discharge were noted - one into a natural drainage at the northern corner of the permit and one midway between the access road and the northern corner of the permit. Subsequent permit review by the DOGM inspector after the inspection revealed that DOGM had approved this area for no drainage control with only a commitment from the permittee to "clean up any large accumulations of coal within this area." Such an approval is not in conformance with the Utah program.

Section R645-301-742.200 requires the use of the best technology currently available (BTCA) to prevent to the extent possible additional contributions of suspended solids to streamflow or runoff outside the permit area. Section R645-301-742.240 provides that DOGM may grant an exemption to the requirements of R645-301-742.200 "if the disturbed drainage area within the total disturbed area is small and the operator demonstrates that siltation structures and alternate sediment control measures are not necessary for drainage from the disturbed areas to meet the effluent limitations under R645-301-751 or the applicable Utah and federal water quality standards for the receiving waters." (emphasis added) Because such a demonstration has not been made, the disturbed area in question should not have been granted an exemption from drainage control. This constitutes a permit defect. As discussed with the State inspector by telephone on August 31, 1992, DOGM agrees that drainage controls are needed for this area. The State inspector notified me of his intent to issue a Permit Revision Order requiring the permittee to revise the permit to provide drainage controls for this area. He further stated that the Order would also require that the permit include more specificity in stating when coal material would be cleaned from this area of accumulation. The State inspector stated that he would allow 30 days for submittal of the revision, that DOGM review and approval should be completed within another 30 days, and that the permittee would then be required to implement immediately, probably within a week. These actions are appropriate for addressing a permit defect, therefore, I am deferring to the State's actions in this matter and find that issuance of a Ten-Day Notice is not necessary at this time.

C. Topsoil and Subsoil

The operator did not salvage any topsoil during the initial construction of this facility and at present there are no additional proposed disturbances; therefore, topsoil removal, storage, and protection are not applicable at this time. The permittee is currently utilizing test plots to determine what seed mixture will perform best on the Mancos shale soils that are the only available soil medium in this area.

I. Roads

The permitted section of the haul and access road is paved, ditched, ditches and shoulders were vegetated, and culverts (3) were established where the road crosses drainageways. The road appeared to be well-constructed and maintained; however, the mining and reclamation plan (MRP) did not contain any design specifications for the road. The MRP states that the road was constructed in accordance with BLM standards and also includes a construction certification to that effect.

However, the State program at Section R645-301-534 requires the MRP to include the specific design criteria contained in that section, and Section R645-301-512.250 requires that the road design be certified as being in accordance with R645-301-534.200 and 742.420. During a telephone conversation with the State inspector on August 31, 1992, he stated that the approval of the MRP without the appropriate designs constitutes a permit defect which DOGM intends to address through issuance of a Permit Revision Order requiring the permittee to submit a revision that will incorporate road designs into the MRP. He further stated that the Revision Order would allow 30 days for submittal, that DOGM would review and approve the revision within 30 days, and that implementation, if any modifications to the road are needed, would be required within a week of revision approval. These actions are appropriate to address this permit deficiency; therefore, I am deferring to the State's action in this matter and issuance of a Ten-Day Notice is not necessary at this time.

J. Signs and Markers, 2. Markers

The aforementioned northwest segment of the permit where coal fines accumulate was not encompassed by the perimeter markers even though this area was amended to the permit in 1989. This violated Section R645-301-521.251 of the Utah program. The permittee erected markers prior to our leaving the permit area; therefore, enforcement action was not necessary.

CONCLUSION

No OSM enforcement actions were necessary as a result of this inspection. DOGM indicated that it will issue two Permit Revision Orders as described under "B. Hydrologic Balance, Drainage Control, and I. Roads." The only other violation noted related to disturbed area markers and was abated prior to completion of the inspection.