0031

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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INSPECTION REPORT

Partial: X Complete: _ Exploration: _
Inspection Date & Time: June 20, 1996, about 3:00 to 3:30 P.M.
Date of Last Inspection: No inspection reports on file yet

Mine Name: Willow Creek County: Carbon Permit Number: ACT/007/038
Permittee and/or Operator's Name: Cyprus Plateau Mining Corporation
Business Address: P. O. Drawer PMC, Price, Utah 84501
Type of Mining Activity: Underground X Surface _ Prep. Plant X Other _
State Officials(s): Paul Baker and Bob Davidson
Company Official(s): Ben Grimes
Federal Official(s): None
Weather Conditions: Cloudy, Thunderstorm, 70's
Existing Acreage: Permitted-_ Disturbed-_ Regraded-_ Seeded-_ Bonded-_
Increased/Decreased: Permitted-0 Disturbed-0 Regraded-0 Seeded-0 Bonded-0
Status: _Exploration/ X 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

1. Substantiate the elements on this inspection by checking the appropriate performance standard.
   a. 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.
   b. For partial inspections check only the elements evaluated.
2. Document any noncompliance situation by referencing the NOV issued at the appropriate performance standard listed below.
3. Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
4. 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	[ ]	[ ]	[ ]	[ ]
2. SIGNS AND MARKERS	[ ]	[ ]	[ ]	[ ]
3. TOPSOIL	[ ]	[ ]	[ ]	[ ]
4. HYDROLOGIC BALANCE:				
a. DIVERSIONS	[X]	[ ]	[X]	[X]
b. SEDIMENT PONDS AND IMPOUNDMENTS	[ ]	[ ]	[ ]	[ ]
c. OTHER SEDIMENT CONTROL MEASURES	[ ]	[ ]	[ ]	[ ]
d. WATER MONITORING	[ ]	[ ]	[ ]	[ ]
e. EFFLUENT LIMITATIONS	[ ]	[ ]	[ ]	[ ]
5. EXPLOSIVES	[ ]	[ ]	[ ]	[ ]
6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES	[ ]	[ ]	[ ]	[ ]
7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS	[ ]	[ ]	[ ]	[ ]
8. NONCOAL WASTE	[ ]	[ ]	[ ]	[ ]
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	[ ]	[ ]	[ ]	[ ]
10. SLIDES AND OTHER DAMAGE	[ ]	[ ]	[ ]	[ ]
11. CONTEMPORANEOUS RECLAMATION	[ ]	[ ]	[ ]	[ ]
12. BACKFILLING AND GRADING	[ ]	[ ]	[ ]	[ ]
13. REVEGETATION	[ ]	[ ]	[ ]	[ ]
14. SUBSIDENCE CONTROL	[ ]	[ ]	[ ]	[ ]
15. CESSATION OF OPERATIONS	[ ]	[ ]	[ ]	[ ]
16. ROADS:				
a. CONSTRUCTION/MAINTENANCE/SURFACING	[ ]	[ ]	[ ]	[ ]
b. DRAINAGE CONTROLS	[ ]	[ ]	[ ]	[ ]
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	[ ]	[ ]	[ ]	[ ]

(Comments are Numbered to Correspond with Topics Listed Above)

This visit had not been intended as an inspection. Because the problem discussed below was felt to constitute a violation, the visit is being considered an inspection.

4. Hydrologic Balance

a. Diversions

The permittee has a permit from the Army Corps of Engineers to relocate Willow Creek in two locations, and this activity is also included in the mining and reclamation plan. At the time of the visit, Cyprus had nearly completed work on the lower constructed channel. The relocation also includes taking out an existing culvert from under a road and installing a new, longer culvert in a different location.

When we arrived at the site, two trackhoes had attached their buckets to the old culvert, one to each end. They pulled the culvert out of the stream as we were watching. The stream had not yet been diverted into the new channel; it was still running through the old culvert as it was being pulled. The operators pulled the culvert up above the bank of the stream and dumped water from the culvert onto the bank.

During the operation, the creek was very muddy, a chocolate brown color. The creek above the disturbance was milky but certainly not brown. We saw dirt falling into the creek from the sides, and there appeared to be a lot of sediment washed from the pipe and from the streambank into the creek when water was dumped from the culvert. Also, the stream bottom under where the culvert could not have had protection from erosion.

Downstream from the old culvert, a relatively small (approximately 24") culvert had been installed with a road crossing above it. This culvert was not approved as part of the mining and reclamation plan or in the Army Corps of Engineers permit. I do not know how it was installed or if proper sediment controls were used, but, unless the stream was pumped around where it was installed, the stream had to have been running when it was put in.

The new culvert and stream channel were nearly complete when we were there, and Mr. Grimes said the company planned to divert the creek into the new culvert the next day. Based on the designs in the mining and reclamation plan and in the Army Corps of Engineers permit, I could see no reason why the culvert had to be pulled while the stream was still running through it. It would have been possible to complete the new crossing and channel, divert the creek, then pull the culvert and fill in where the new road would go. This observation was confirmed when Mike Suflita and I visited the site on June 24, 1996, after the new culvert was fully installed and the stream was diverted into the new channel. For this reason, violation N96-41-1-1 is being issued for failing to comply with the requirements of R645-301-750, R645-301-742.300, R645-301-731.600, and R645-301-731.120. These regulations basically require the operator to use the best technology currently available to prevent, to the extent possible, additional contributions of suspended solids to streamflow within and outside the permit area.

The company had constructed a rock check dam below the disturbance, but the rock was of coarse enough material that there was little effect on sediment in the water. This is according to observations made earlier in the day by Bob Davison and Steve Johnson. There were also two straw bales in the creek, but they were not placed properly to force the stream to go through them.

Messrs. Davidson and Johnson viewed some of the preliminary excavation activities. Mr. Davidson's observations were:

> Crews were working on removing the old main Willow Creek culvert without diverting Willow Creek resulting in large increases in sediment loading to the stream flow. Prior to the culvert removal, water clarity was excellent and the channel bottom was plainly visible. As work

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(Continuation sheet)

commenced on the culvert removal, the channel quickly became sediment laden and with resulting turbidity that completely blocked visibility of the channel bottom. A rock filter was had been placed downstream from the culvert creating a small pond approximately twice the channel width. The rock filter was constructed of coarse rock and allowed rapid flow through the filter that resulted in too short of a detention time in the pool for adequate sediment removal. Excavation commenced while Steve and I were walking the constructed channel. Excavation was being performed by a track hoe and included the use of a wrecking ball to break up the culvert concrete casing and head wall. This resulting in dislodging copious amount of earthen material into the stream flowing through the culvert. We viewed the excavation from the northwest, upstream bank. After 10 minutes of viewing, the excavation activities were ceased. Several pictures were taken of the upstream flow, downstream flow, culvert excavation area and rock filter.

Pete Hess and I both took water samples, but these samples were taken too late to show anything definitive.

Copy of this Report:
Mailed to: James Fulton (OSM), Ben Grimes (Cyprus)
Given to: Joe Helfrich (DOGM)

Inspector's Signature: Paul B. Baker #41 Date: June 25, 1996