



# U. S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING Mine Site Evaluation State Program



1. Permittee/Person <b>WEST RIDGE RESOURCES, INC.</b>		9. Permit Number <b>UT-007-041</b>	10. Permit Type <b>PP</b>
2. Address <b>PO BOX 1077</b>		11. Field Visit Date <b>09/23/2009</b> mm - dd - yyyy	12. Purpose <b>O</b>
3. City <b>Price</b>	4. State <b>UT</b>	13. SRA Present <b>Y</b>	14. Permit Status <b>A</b>
5. Zip Code <b>84501</b>	6. Phone Number <b>(435) 888-4000</b>	15. Site Status <b>AP</b>	16. Facility Type <b>BFG</b>
7. Operator Name, if Different than Permittee		17. OSM Office # <b>140</b>	18. CCID #
8. Mine Name <b>WEST RIDGE MINE</b>		19. Land Code <b>SF</b>	20. M.S.H.A ID #
		21. State Abrev. <b>UT</b>	22. County Name <b>CARBON</b>
		23. AVS Permittee Entity ID Number	24. State Office

25. Hours	26. Signature Block	27. Reviewing Official:
<b>4.0</b> a. Permit Review	<i>Christine Belka</i>	<i>J. F. ...</i>
<b>5.5</b> b. Site Visit Time	Signature: <b>Christine Belka ID # 182</b>	Signature:
<b>12.0</b> c. Travel Time	Printed Name:	Review Date: <b>11/14/2009</b> mm - dd - yyyy
<b>4.0</b> d. Report Writing	Date: <b>11/05/2009</b>	Is Supplemental MSE Page Used Y/N <b>Y</b>

**Permit Type — Item 10** IP = Interim Program, PP = Permanent Program, NP = No Permit

**Purpose Type Codes Item 12**  
 Oxx... Oversight RFX... Reclamation Fees CCR... Citizen Complaint Referral (non site visit)  
 Axx... Assistance Fxx... Federal Actions CC... Citizen Complaint (initial site visit)  
 CCF... Citizen Complaint 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 yet disturbed.  
 IN... Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit) Coal mining completed and reclamation activities initiated.  
 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 defined in 30 CFR 840.11(g)  
 AB1... Bond Forfeiture: Bond forfeiture officially in process or completed, and reclamation in progress or not yet commenced.  
 AB2... Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.  
 AB3... Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.  
 NA... Not Applicable: When site is unpermitted.

**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 graded.

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.

NS... Non-Site Visit: Status of site not determined.  
 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.  
 FO... Abandoned Site: Abandoned site that is permitted but there is no bond.  
 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 D... Ancillary (Haulroad, Conveyor, and/or Rails) H... Exploration Permits L... Remining site permitted under 30 CFR 785.25  
 B... Underground E... Refuse and/or Impoundment I... Notice of Intent to Explore  
 C... Preparation Plant F... Loading Facility and/or Tipple J... Exempt 16 and 2/3  
 G... Stockpiles K... Government Financed Construction Exemption

RECEIVED

## Small Business Regulatory Enforcement Fairness Act (SBREFA) NOV 19 2009 Your Comments Are Important

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).

# U. S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING

## Mine Site Evaluation

State Program

Permittee/  
Person **WEST RIDGE RESOURCES,**

Permit  
Number **UT-007-041**

Field Visit  
Date **09/23/2009**

Continuation Page

### 28. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited

- |   |   |  |
|---|---|--|
| <p><b>A. Administrative</b></p> <ol style="list-style-type: none"> <li>1. <u>5</u> Mining within Valid Permit</li> <li>2. <u>5</u> Mining within Bonded Area</li> <li>3. <u>1</u> Terms &amp; Conditions of Permit</li> <li>4. <u>1</u> Liability Insurance</li> <li>5. <u>1</u> Ownership and Control</li> <li>6. ___ Temporary Cessation</li> <li>7. ___ AML Rec. Fees -- Non-Respondent</li> <li>8. ___ AML Rec. Fees -- Failure to Pay</li> </ol> <p><b>B. Hydrologic Balance</b></p> <ol style="list-style-type: none"> <li>1. <u>1</u> Drainage Control</li> <li>2. <u>1</u> Inspections &amp; Certifications</li> <li>3. <u>5</u> Siltation Structures</li> <li>4. <u>1</u> Discharge Structures</li> <li>5. <u>1</u> Diversions</li> <li>6. <u>1</u> Effluent Limits</li> <li>7. <u>1</u> Ground Water Monitoring</li> <li>8. <u>1</u> Surface Water Monitoring</li> <li>9. <u>1</u> Drainage -- Acid-Toxic Materials</li> <li>10. <u>1</u> Impoundments</li> <li>11. <u>5</u> Stream Buffer Zones</li> </ol> <p><b>C. Topsoil &amp; Subsoil</b></p> <ol style="list-style-type: none"> <li>1. <u>1</u> Removal</li> <li>2. <u>1</u> Substitute Materials</li> <li>3. <u>1</u> Storage and Protection</li> <li>4. ___ Redistribution</li> </ol> | <p><b>D. Backfilling &amp; Grading</b></p> <ol style="list-style-type: none"> <li>1. ___ Exposed Openings</li> <li>2. ___ Contemporaneous Reclamation</li> <li>3. ___ Approximate Original Contour</li> <li>4. ___ Highwall Elimination</li> <li>5. ___ Steep Slopes (includes downslope)</li> <li>6. ___ Handling of Acid &amp; Toxic Materials</li> <li>7. ___ Stabilization (rills and gullies)</li> </ol> <p><b>E. Excess Spoil Disposal</b></p> <ol style="list-style-type: none"> <li>1. ___ Placement</li> <li>2. ___ Drainage Control</li> <li>3. ___ Surface Stabilization</li> <li>4. ___ Inspections &amp; Certifications</li> </ol> <p><b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b></p> <ol style="list-style-type: none"> <li>1. ___ Drainage Control</li> <li>2. ___ Surface Stabilization</li> <li>3. ___ Placement</li> <li>4. ___ Inspections and Certifications</li> <li>5. ___ Impounding Structures</li> </ol> <p><b>G. Use Of Explosives</b></p> <ol style="list-style-type: none"> <li>1. ___ Blaster Certification</li> <li>2. ___ Distance Prohibitions</li> <li>3. ___ Blast Survey/Schedule</li> <li>4. ___ Warnings &amp; Records</li> <li>5. ___ Control of Adverse Effects</li> </ol> | <p><b>H. ___ Subsidence Control Plan</b></p> <p><b>I. Roads</b></p> <ol style="list-style-type: none"> <li>1. <u>1</u> Road Construction</li> <li>2. ___ Certification</li> <li>3. <u>1</u> Drainage</li> <li>4. <u>1</u> Surfacing and Maintenance</li> <li>5. ___ Reclamation</li> </ol> <p><b>J. Signs &amp; Markers</b></p> <ol style="list-style-type: none"> <li>1. <u>1</u> Signs</li> <li>2. <u>1</u> Markers</li> </ol> <p><b>K. ___ Distance Prohibitions</b></p> <p><b>L. Revegetation</b></p> <ol style="list-style-type: none"> <li>1. ___ Vegetative Cover</li> <li>2. ___ Timing</li> </ol> <p><b>M. ___ Postmining Land Use</b></p> <p><b>N. Other</b></p> <p style="margin-left: 20px;">General<br/>Performance<br/>Category</p> <p style="margin-left: 20px;">___ ___ 1) _____</p> <p style="margin-left: 20px;">___ ___ 2) _____</p> <p style="margin-left: 20px;">___ ___ 3) _____</p> |
|---|---|--|

### Performance Standard Categories 30 CFR Counterpart

<p><b>A. Administrative.....(816/817.71-74)</b></p> <ol style="list-style-type: none"> <li>1. Valid Permit.....773.11</li> <li>2. Mining within Bonded Area.....773.11</li> <li>3. Terms &amp; Conditions of Permit.....773.17</li> <li>4. Liability Insurance.....800.60</li> <li>5. Ownership and Control.....778.13</li> <li>6. Temporary Cessation.....842.11(e) &amp; 816/817.131</li> <li>7. AML Rec. Fees -- Non-Respondant.....870.15(b)</li> <li>8. AML Rec. Fees -- Failure to Pay.....870.15(a)</li> </ol> <p><b>B. Hydrologic Balance.....(816/817.41-57)</b></p> <ol style="list-style-type: none"> <li>1. Drainage Control.....45</li> <li>2. Inspections &amp; Certifications.....49(a)(10)</li> <li>3. Siltation Structures.....46</li> <li>4. Discharge Structures.....47</li> <li>5. Diversions.....43</li> <li>6. Effluent Limits.....42</li> <li>7. Ground Water Monitoring.....41(c)</li> <li>8. Surface Water Monitoring.....41(e)</li> <li>9. Drainage--Acid - Toxic Materials.....41(f)</li> <li>10. Impoundments.....49</li> <li>11. Stream Buffer Zones.....57</li> </ol> <p><b>C. Topsoil &amp; Subsoil.....(816/817.22)</b></p> <ol style="list-style-type: none"> <li>1. Removal.....22(a)</li> <li>2. Substitute Materials.....22(c)</li> <li>3. Storage and Protection.....22(c)</li> <li>4. Redistribution.....22(d)</li> </ol> <p><b>D. Backfilling &amp; Grading.....(816/817.95-107)</b></p> <ol style="list-style-type: none"> <li>1. Exposed Openings.....816/817.13, 14, 15, &amp; 823.11 &amp; 21</li> <li>2. Contemporaneous Reclamation.....100</li> <li>3. Approximate Original Contour.....102(a)(1)</li> <li>4. Highwall Elimination.....102(a)(2)</li> <li>5. Steep Slopes (includes downslope).....107</li> <li>6. Handling of Acid &amp; Toxic Materials.....102(c)</li> <li>7. Stabilization (rills and gullies).....95(b)</li> </ol>	<p><b>E. Excess Spoil Disposal.....(816/817.71-74)</b></p> <ol style="list-style-type: none"> <li>1. Placement.....71(e)</li> <li>2. Drainage Control.....71(f)</li> <li>3. Surface Stabilization.....71(g)</li> <li>4. Inspections &amp; Certifications.....71(h)</li> </ol> <p><b>F. Coal Mine Waste (Refuse Piles/Impoundments) ....(816/817.81-84)</b></p> <ol style="list-style-type: none"> <li>1. Drainage Control.....83(a)</li> <li>2. Surface Stabilization.....83(b)</li> <li>3. Placement.....83(c)</li> <li>4. Inspections and Certifications.....83(d)</li> <li>5. Impounding Structures.....84</li> </ol> <p><b>G. Use of Explosives.....(816/817.61-68)</b></p> <ol style="list-style-type: none"> <li>1. Blaster Certification.....61(c)</li> <li>2. Distance Prohibitions.....61(d)</li> <li>3. Blast Survey/Schedule.....62-64</li> <li>4. Warnings &amp; Records.....66 &amp; 68</li> <li>5. Control of Adverse Effects.....67</li> </ol> <p><b>H. Subsidence Control Plan.....(817.121-122)</b></p> <p><b>I. Roads.....(816/817.150-151)</b></p> <ol style="list-style-type: none"> <li>1. Road Construction.....150(c)</li> <li>2. Certification.....151(a)</li> <li>3. Drainage.....150(b)-151(d)</li> <li>4. Surfacing and Maintenance.....150(e)-151(d)</li> <li>5. Reclamation.....150(f)</li> </ol> <p><b>J. Signs &amp; Markers .....(816/817.11)</b></p> <ol style="list-style-type: none"> <li>1. Signs.....11(a),(b),&amp;(c)</li> <li>2. Markers.....11(a),(b),(d),(e),&amp;(f)</li> </ol> <p><b>K. Distance Prohibitions.....(761.11)</b></p> <p><b>L. Revegetation.....(816/817.111-116)</b></p> <ol style="list-style-type: none"> <li>1. Vegetative Cover.....111 &amp; 116</li> <li>2. Timing.....113</li> </ol> <p><b>M. Postmining Land Use.....(816/817.133)</b></p>
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West Ridge Complete Joint Inspection

Utah Permit ID #C-007-0041

September 23, 2009 8:30 - 2:00

Weather conditions: clear, sunny, warm (low 70's)

Participants:

Steve Demczak, Division of Oil Gas and Mining (DOGM)

Dave Shaver, UtahAmerica Energy (UAE)

Christine Belka, OSMRE badge ID #182

This was a complete inspection of the West Ridge mine.

Records review: Current permit renewal was signed on April 1, 2009, expires April 1, 2014. Quarterly pond inspection reports were on file (most recent dated 06/05/09); most current annual pond certification was certified by David Hibbs, PE on 10/14/2008. Liability insurance provided by Acord (policy number 054197905) is current (06/02/09); however, does not indicate explosives coverage. Mr. Shaver was notified of the deficiency and attempted to contact several people to resolve the issue. Because no one was available at the time he will follow up with Mr. Demczak to provide the appropriate documentation.

The surety bond held for West Ridge is listed as \$2,117,000.00. No provider information or reference number was available. Mr. Shaver also attempted to track down this necessary information. He was unable to do so at this time, but will also follow up with Mr. Demczak on this issue. The bond amount listed is for the same reclamation liability amount calculated in 1999.

The SPCC plan was certified by John Lewis, PE, on 09/20/2004. UPDES Permit #UT0025640 to discharge from the facility into the "C" Canyon - Grassy Trail Creek - Price River was approved on August 15, 2007 and expires April 30, 2011. Discharge monitoring reports indicate a pattern of iron (Fe) being out of compliance. The regulatory limit is 1.3 mg/L. In June Fe was 1.934, May was 2.07, April was 1.629. Mr. Shaver informed us that a violation was issued from the Division of Water Quality for both Fe and total suspended solids (TSS). A fine of over \$25,077 was assessed and paid. The mine is now back in compliance for both Fe and TSS.

The Division of Air Quality issued the order for a new mine in C Canyon approval #DAQE-055-99 on 01/14/1999.

We discussed the recent emergency compliance measures taken at the mine to abate NOV #10033 (dated 1/29/2009). Four catchment structures were constructed in an undisturbed drainage channel to collect and contain coal fine sediment that had been transported off of the permit area. The Bureau of Land Management (BLM) administers the surface land in this area. The catchment ponds were constructed quickly, with the consent of DOGM, BLM, and DWQ. Once constructed DOGM notified UAE that the disturbed areas must be permitted. On 06/08/09 UAE submitted a proposed amendment to the mining and reclamation plan (MRP) to include all four sites. On 07/27/09 DOGM returned the proposal to UAE citing two deficiencies and denying the application. DOGM did not provide UAE with a timeline for resubmittal. The BLM has come to an agreement with UAE to reclaim the lower three ponds. Mr. Shaver would like to reclaim the lower three very soon (this fall) and retain the upper "A" pond to ensure protection against possible future reoccurrence of such an event. Mr. Shaver intends to revise and resubmit to DOGM a proposed revision to the MRP that would include only the A pond. I expressed to Mr. Shaver my belief

that because these structures are mining related disturbance of surface lands they should all be permitted through DOGM.

**Field Inspection:** The approved two-cell pond system contained water but was not discharging at the time of inspection (see Figure 1). All drainage diversions were clear of excessive sedimentation and appear stable with no signs of instability or erosion. The down-drain grate which allows surface runoff to flow from the diversion system down to the main mine bypass culvert was clear of obstructions. Many diversion channels running alongside roads have straw wattles in place to help slow water flows. These appear to be functional; however no water was flowing at the time of inspection.

Explosive devices are contained in a marked shed. Oil containers are stored in a building with a cement SPCC containment structure. Mine ID sign and disturbed area markers are in place.

The GVS de-gas boreholes (three vents at one site) were venting a mixture of 34 to 35% methane at the time of inspection. A portion of this gas is captured and used to power the pumps, the rest is vented. All three pipes enter the gob at varying angles for maximum gas extraction (see Figure 2). Topsoil stockpiled for the reclamation of this site is protected by straw wattles, revegetated, and marked.

The upper emergency catchment ("A") has reportedly been cleaned twice, producing roughly 300 tons of coal fines material. UAE employed a chemical flocculent upstream of the pond to maximize sedimentation in this structure. The flocculent tank has been removed and placed in storage, but could be returned and set up within a few hours if need be. A diversion pipe was used to direct flow out of the pond during clean-out. A series of steel check-dams utilizing straw wattles is in place and functioning to slow water flows and provide some mechanical filtration of the water. These straw wattles have been and will continue to be replaced / maintained as needed. Surrounding ground disturbed during construction of this pond is to be seeded within a week - already roughened and prepared for seeding. This pond is to be retained and permitted (see Figures 3 & 4).

The "C" catchment is already filling in with sediment and eroding out around the steel check dams (see Figure 5). This pond is further downstream of "A" and receives runoff from a larger portion of undisturbed land. The BLM is scheduled to visit the site in a couple of weeks to assess the situation and evaluate potential reclamation strategies. The BLM has apparently expressed interest in retaining these structures and revegetating surrounding areas as riparian habitat. We discussed the fact that it would be very difficult to maintain these structures as the BLM is apparently interested in doing. Nature will tend to take its course and the channel has already begun reestablishing itself.

The "E" catchment is filled in fairly well with sediment (see Figure 6). Steel check dams have been removed from the channel but are still on-site. The surrounding area is flat and silty / sandy with sparse vegetation typical to this region. Mr. Shaver informed us that the sediment filling these ponds is the result of one large storm event.

"F" pond has also filled in with sediment and the steel check dams have been removed from the channel but not the site. Large boulder rip rap around the former pond inlet is in place and stable. The stream channel is reestablishing itself here as well (see Figure 7).

We discussed the administrative difficulties faced by permitting disturbances such as these. Mr. Shaver believes he has reclamation responsibilities through the BLM equal to those DOGM would impose. He could accomplish this reclamation within weeks. If he had to go through the permitting process with DOGM it could be a year-long process. He prefers to quickly reclaim the sites that are already attempting to reclaim themselves. He stated that he is not trying to cut corners or avoid any reclamation responsibilities; he is simply trying to get the job done. While I sympathize with his situation I still feel that these sites should be incorporated into the DOGM permit. I have not seen enough evidence of changes made underground to have confidence in the mine's ability to prevent a recurrence of this off-site sedimentation. While one pond is being retained for this purpose, all four surface disturbances were made as a result of mining activities and should therefore be subject to permitting and reclamation responsibilities under SMCRA through DOGM.

Photographs taken:



Figure 1: lower sed. pond holding water, not discharging



Figure 3: "A" emergency catchment

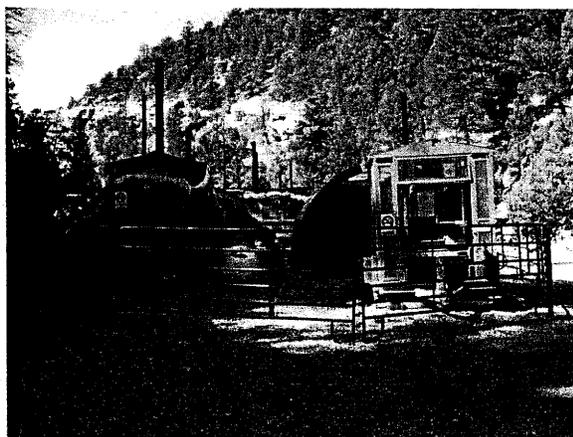


Figure 2: GVS de-gas boreholes

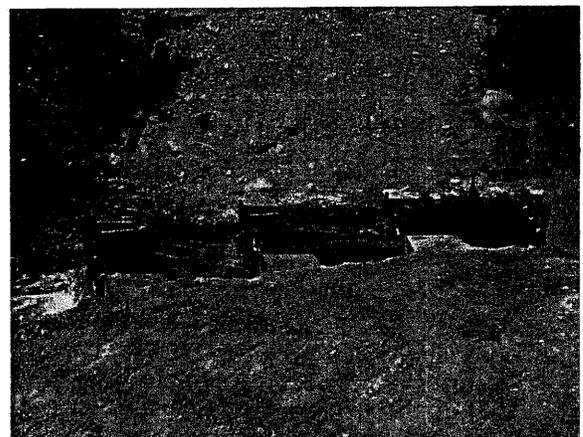


Figure 4: steel check dams with straw wattles discharging from "A"

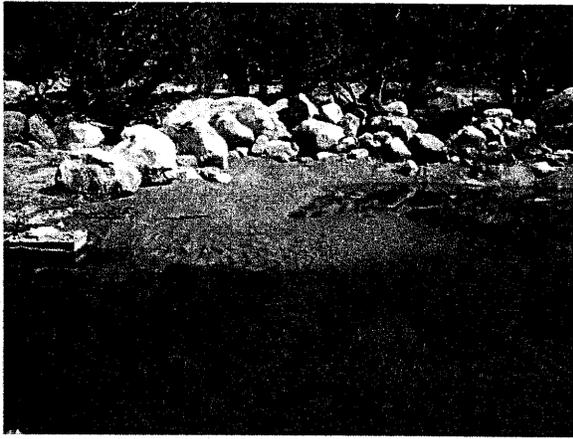


Figure 5: "C" catchment filled in with sediment

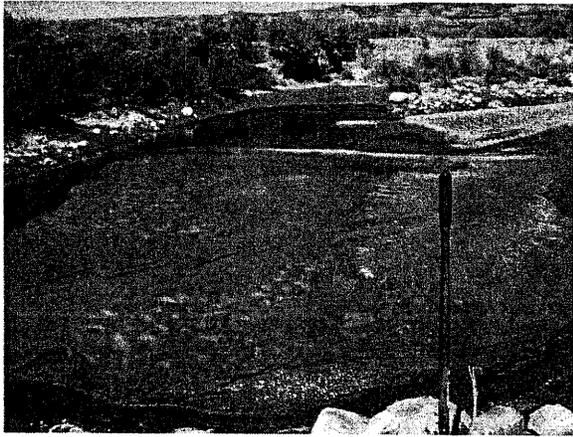


Figure 6: "E" catchment filled in with sediment



Figure 7: "F" catchment filled in with sediment