

0001

Document Information Form

Mine Number: C/015/002

File Name: Incoming

To: DOGM

From:

Person N/A

Company United States Department of the Interior

Date Sent: October 11, 1988

Explanation:

Reclamation and Enforcement

TEN-DAY NOTICE

cc:

File in: C/015, 002, Incoming

Refer to:

- Confidential
- Shelf
- Expandable

Date _____ For additional information

RECEIVED
OCT 11 1988

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Surface Mining
Reclamation and Enforcement
TEN-DAY NOTICE

Originating Office: Albuquerque Field Office
625 Silver SW Suite 310
Albuquerque, New Mexico 87102
Telephone Number: 505-766-1486

DIVISION OF
OIL, GAS & MINING
Number: X-88-02-107-10 TV 1

Ten-Day Notice to the State of Utah, Division of Oil, Gas & Mining

You are notified that, as a result of a Federal Oversight Inspection (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: Western States Minerals Corp. County: Emery
(Or Operator if No Permit)
Mailing Address: 4925 Van Gordon Street, Wheelridge Co.
Permit Number: 015/002 Mine Name: J.B. King

- Surface
- Underground
- Other _____

NATURE OF VIOLATION AND LOCATION: Failure to cover a portion of the coal processing waste (refuse) with a minimum of 4 feet of best available non-toxic, and non-combustible
Section of State Law, Regulation or Permit Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: material and failure to revegetate the same area. Area of Revegetation Test Plot 500' x 20' on the east side of the refuse pile
Section of State Law, Regulation or Permit Condition believed to have been violated: UMC 817.85(d)

NATURE OF VIOLATION AND LOCATION: _____

File in:
 Confidential
 Shelf
 Expandable
Refer to Record No 0013 Date 10-11-88
In C/ 015, 002, Incoming
For additional information _____

Remarks or Recommendations: _____

Date of Notice: 10-4-88
Certified Receipt # P201229371
10/6/88 TDM

Signature of Authorized Rep.: Rade Orell
Print Name and ID: Rade Orell # 67

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Signature of Authorized Rep.: Rade A. Orell
Print Name and ID: Rade Orell # 67

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 <table border="1" style="display: inline-table; width: 60px; height: 30px; vertical-align: middle;"><tr><td> </td><td> </td><td> </td><td> </td></tr></table> Y Y M M								1b <table border="1" style="display: inline-table; width: 40px; height: 30px; vertical-align: middle;"><tr><td> </td><td> </td></tr></table> Batch				1c <table border="1" style="display: inline-table; width: 40px; height: 30px; vertical-align: middle;"><tr><td> </td><td> </td></tr></table> Report			
2. Name of Permittee Western States				9. MSHA Number 42-0085 -		10. Date of Inspection (Y Y M M D D) 880929													
3. Street Address 4975 Van Gordon St				11. State Permit Number 015/002															
4. City Wheatridge		5. State CO		12. Name of Mine JB King															
6. Zip Code 80033		7. Area Code 303	8. Telephone Number 425-7042		13. County Code 015	14. State Code 47	15. Strata []	16. State Area Office []											
17. OSM Field Office No. 02		18. OSM Area Office No. []	19. OSM Sample No. 23	20. Type of Inspection (Code) C	21. Joint Inspection Yes No X []	22. Inspector's ID No. 107													
23. Status A <input checked="" type="checkbox"/> 01 Type of Permit B <input checked="" type="checkbox"/> A Mine Status (Code) C <input checked="" type="checkbox"/> 20 Type of Facility (Code) D <input checked="" type="checkbox"/> 00480.00 Number of Permitted Acres E <input checked="" type="checkbox"/> 00030.00 Number of Disturbed Acres				24. Type of Activity (check applicable boxes). A <input type="checkbox"/> Steep Slope B <input type="checkbox"/> Mountain Top Removal C <input type="checkbox"/> Prime Farmlands D <input type="checkbox"/> Alluvial Valley Floors E <input type="checkbox"/> Anthracite F <input type="checkbox"/> Federal Lands G <input type="checkbox"/> Indian Lands H <input checked="" type="checkbox"/> 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				Standards That Assure Reclamation Quality and Timeliness															
A <input type="checkbox"/> Distance Prohibitions B <input type="checkbox"/> Mining Within Permit Boundaries C <input type="checkbox"/> Signs and Markers D <input type="checkbox"/> Sediment Control Measures E <input type="checkbox"/> Design and Certification Requirements-- Sediment Control F <input type="checkbox"/> Effluent Limits G <input type="checkbox"/> Surface Water Monitoring H <input type="checkbox"/> Ground Water Monitoring I <input type="checkbox"/> Blasting Procedures J <input type="checkbox"/> Haul/Access Road Design and Maintenance K <input type="checkbox"/> Refuse Impoundments L <input checked="" type="checkbox"/> Other: Specify <i>state NOV 88-30-1-2C1) Failure to minimize erosion</i>				M <input type="checkbox"/> Topsoil Handling N <input type="checkbox"/> Backfilling and Grading O <input type="checkbox"/> Following Reclamation Schedule P <input type="checkbox"/> Revegetation Requirements Q <input type="checkbox"/> Disposal of Excess Spoil R <input checked="" type="checkbox"/> Handling of Acid or Toxic Materials <i>state NOV 88-02-107-10</i> S <input type="checkbox"/> Highwall Elimination T <input type="checkbox"/> Downslope Spoil Disposal U <input type="checkbox"/> Post Mining Land Use V <input type="checkbox"/> Cessation of Operations: Temporary W <input checked="" type="checkbox"/> Other <i>Subsidence state NOV 88-30-1-2C2)</i>															

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

26. State Permit Number

0151002

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

880929

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. Number of Completes

29b. Number of Partials

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

30a. Number of Completes

30b. Number of Partials

31. Has inspection frequency been met?

31a. Yes No Completes

31b. Yes No Partials

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

Ten-Day Notice No.	Notice of Violation No.	Cessation Order No.	Violation Codes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Authorizations to Operate
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signs and Markers
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Backfilling and Grading
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Highwall Elimination
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rills and Gullies
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Improper Fills
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Topsoil Handling
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sediment Ponds
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Effluent Limits
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water Monitoring
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Buffer Zones
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Roads
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dams
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Blasting
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Revegetation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Spoil on the Downslope
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mining Without Permit
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exceeding Permit Limits
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Distance Prohibitions
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Toxic Materials
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other Violations

33. Name of Authorized Representative (print or type)

Rade H. Orell

Signature of Authorized Representative

Rade H. Orell

Signature of Reviewing Official

Date

10-4-88

Date

34. Administrative Information

- a 04.0 Permit Review (Hours)
- b 03.0 Travel Time (Hours)
- c 04.0 Inspection Time (Hours)
- d 02.5 Report Writing Time (Hours)

Western States Minerals Corporation
4875 Van Gordon Street
Wheatridge, Colorado 80033

J.B. King Mine
Utah Permit No. 015/002

Oversight Inspection
September 29, 1988

Participants:

Rade H. Orell, Office of Surface Mining Reclamation and Enforcement,
Albuquerque Field Office (AFO), Bill Warmack, Utah Division of Oil,
Gas, and Mining (DOGGM).

Mine Site Evaluation Inspection Report Form:

The Mine Site Evaluation Inspection Report form has been completed to reflect the oversight inspection. The number 2 is at performance standard codes L, Other (failure to minimize erosion); R, Handling of Acid or Toxic Materials and W, Other, to indicate the issuance of a two part Notice of Violation by DOGM and a Ten-Day Notice (TDN) issued to the state by the AFO. TDN 88-02-107-10 was issued from the office rather than the field. Additional explanation concerning the issuance of the TDN is presented later in this report.

Introduction:

The inspection included field observations as well as a brief records review. The weather was clear and mild. Ground conditions were dry. A Pentax IQ Zoom camera was used to photograph areas of interest. While we observed the mine in total this report documents only those parts of the mine where problems were evident.

Records Review:

The J.B. King Mine is in reclamation with the company offices in Colorado. Therefore, a mine site records review could not be completed rather the review was conducted at the offices of DOGM in Salt Lake City. The records review included observations of the Mining and Reclamation Plan (MRP) and the administrative files related to inspections, correspondence, notices of violation, etc.. I also reviewed documents relative to the previous oversight inspection.

Field Inspection:

The field inspection commenced at the entrance to the mine area at the northwest corner of the property. We walked the site commencing at the approximate location of the feeder ditch, along the reclaimed portal area, across the top of the refuse pile, eventually terminating at the point of beginning.

Refuse File: The inspection of the reclaimed refuse pile indicated the existence of an area along the east side of the pile that is need of reclamation. The area is approximately 20 feet wide and 500 feet long.

The inspection of the revegetated area in general indicated the need for additional erosion control practices. We observed contour furrows and silt fences installed to control erosion. We also observed that the measures have not been effective on a mine wide basis. The major problems, however are located on the south facing slope of the refuse. Slope aspect, exposure, and the physical nature of the soils are rendering attempts at stabilization ineffective. We also observed a number of small bare areas where the chemical content of the soils may be limiting. DOGM issued Notice of Violation 88-30-1-2(1) to the operator for the lack of erosion control as a result of the last state partial inspection on September 7, 1988. Apparently DOGM conducted a complete inspection on August 9 at which time the erosion problems were originally identified.

Subsidence: The inspection also included observations of an area of subsidence. The area is located to the east of the portal area where overburden thickness is relatively thin. We observed a large depression on the surface with numerous surface cracks evident. The cracks are several hundreds of feet long. One of the areas we measured was approximately 4 inches wide and 7 feet deep. DOGM issued NOV 88-30-1-2(2) for failure on the part of the operator to repair the surface effects of subsidence in accordance with the approved permit. Although the NOV was issued as a result of the September 7, 1988 partial it was identified during the August 9, 1988 complete.

Additional Records Review:

The DOGM representative elected not to issue an NOV for the revegetation test plot problem at the refuse pile. The representative also requested that I discuss the situation further with individuals in the DOGM Salt Lake City office before issuing a TDN. Upon my return to Salt Lake City on September 30 I reviewed the problem with John Whitehead. We discussed the requirements of the approved permit. He referenced me to the Technical Analysis (TA) wherein I read a brief discussion about the test plot. The TA was completed in August 1985 with reclamation commencing shortly thereafter. Part 817.103 of the TA describes the test plot. It indicates the Division relieves the operator from the revegetation success liability at the test plot because the plot is being installed at the request of the Division.

The TA does not mention the requirement to cover the refuse at the site of the plot with 4 feet of cover. I advised the Division representative that I would conduct additional research upon my return to the AFO and that a TDN may follow.

Upon my return to the office I researched our files. I did not find information which would support not issuing a TDN. It also is not readily apparent that the Division can relieve an operator from revegetation success liability.

In any event, the inspection indicated the need to reclaim the test plot area in accordance with the approved permit and the requirements of the regulations. I discussed the situation with my supervisor and issued TDN 88-02-107-10 from the office on October 4, 1988. I also contacted John Whitehead with DOGM for the purpose of advising him that the TDN will be mailed to the Division.