

Document Information Form

Mine Number: C/015/002

File Name: Incoming

To: DOGM

From:

Person Thomson W Wright

Company United States Department of the Interior

Date Sent: N/A

Explanation:

Reclamation and Enforcement

TEN-DAY NOTICE

cc:

File in: C/015, 002, Incoming

Refer to:

- Confidential
- Shelf
- Expandable

Date _____ For additional information

Mine file
cc L.P. Bampton
JTB
5-26-78

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

Originating Office: Office of Surface Mining
SOS Marquette Suite 1200
Albuquerque NM 87102
Telephone Number: 505 766 1486

Number: X - 93 - 020 - 190 - 03 TV 2

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

You are notified that, as a result of Federal Inspection (RSI) (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 County: Emery Surface
(Or Operator if No Permit)
Mailing Address: Suite 130 250 South Rock Blvd Reno NV 89502 Underground
Permit Number: Act 1015/002 Mine Name: J B King Other

NATURE OF VIOLATION AND LOCATION: Failure to have an adequate cover of non-toxic non combustible material over mine development waste.
Exposed waste in erosion channel south of sediment pond approx 300 feet on east side of main feeder channel
Section of State Law, Regulation or Permit R 645-301 553.252
Condition believed to have been violated: R 645-301 553.300

NATURE OF VIOLATION AND LOCATION: Failure to protect and stabilize surface areas by effectively controlling erosion.
Slopes of reclaimed disposal area for underground mine waste.
Section of State Law, Regulation or Permit R 645-301 244.100
Condition believed to have been violated: R 645-301 244.310

NATURE OF VIOLATION AND LOCATION: _____

Section of State Law, Regulation or Permit _____
Condition believed to have been violated: _____

Remarks or Recommendations: _____

File in:
 Confidential
 Shelf
 Expandable
Refer to Record No. 0015 Date _____
In C/ 015, 002, Incoming
For additional information

Date of Notice: _____
Signature of Authorized Rep.: Thomas W Wright
CERTIFIED RETURN RECEIPT #P079 749 393
Print Name and ID: Thomas W Wright, 190

Mine file
cc L.P. Bampton
1/8 5-26-78

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

Originating Office: Office of Surface Mining
SOS Marquette Suite 1200
Albuquerque NM 87102
Telephone Number: 505 766 1486

Number: X-93-020-190-03 TV 2

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

You are notified that, as a result of Federal Inspection (RSI) (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.

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(Or Operator if No Permit)
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NATURE OF VIOLATION AND LOCATION: _____

Section of State Law, Regulation or Permit _____
Condition believed to have been violated: _____

Remarks or Recommendations: _____

Date of Notice: _____ Signature of Authorized Rep.: Thomas W Wright

CERTIFIED RETURN RECEIPT #P079 749 393
Print Name and ID: Thomas W Wright, 190

UNITED STATES DEPARTMENT OF THE INTERIOR

Office of Surface Mining
Reclamation and Enforcement

TEN-DAY NOTICE

Originating Office:

Office of Surface Mining

505 Marquette NW Suite 1200

Albuquerque NM 87102

Number: X-93 - 020 - 170 - 02 TV 2

Telephone Number: 505 766 1486

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

You are notified that, as a result of A Federal Inspection (RSI) (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 County: Emery
(Or Operator if No Permit)

Surface

Mailing Address: Suite 130 250 South Rock Blvd Reno Nevada
89502

Underground

Permit Number: Act 015/002 Mine Name: JB King

Other

NATURE OF VIOLATION AND LOCATION: Failure to establish a diverse, effective and permanent vegetative cover

North side of refuse area and area shown in area on permit topographic reclamation map disturbed during channel construction
Section of State Law, Regulation or Permit R645-301 353.110
Condition believed to have been violated: R645-301 353.140

NATURE OF VIOLATION AND LOCATION: Failure to have an adequate cover of non-toxic non-combustible material over mine development waste

exposed waste in erosion channel south of sediment pond approx 300 feet and on east side of main feeder channel
Section of State Law, Regulation or Permit
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit
Condition believed to have been violated:

Remarks or Recommendations:

Date of Notice:
Sent certified mail
P079 749 407

Signature of Authorized Rep.: Thomas W Wright
Print Name and ID: Thomas W Wright, 150



U. S. D^EPT. OF THE INTERIOR

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Mine-Site Evaluation Inspection Report



1. Permittee/Person
Western States Minerals

2. Address
Suite 130 250 South Rock

3. City Reno 4. State NV

5. Zip Code 89502 6. Phone Number 775-225-1111

7. Operator if Different than Permittee

8. Mine Name JB King

9. Permit Number ACT/015/002

10. Type a. Permit PP b. RA S

11. Inspection Date 05-11-93 12. Inspection Type C

13. Joint Inspection Y YIN

14. Permit Status A 15. Site Status PI 16. Facility Type B

17. OSM Office # 020 18. RSI #

19. Land Code S 20. M.S.H.A. ID # 21. State Code 49 22. County Code 015

23. AVS Permittee Entity ID Number 116875

24. Performance Standard Categories

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

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

25. Inspection Frequency

a. Date of Last State Complete Inspection 03-11-93

Frequency for previous 4 Calendar Qtrs.

b. Number of required complete inspections 04 Number of complete inspections conducted 04

c. Number of required partial inspections 08 Number of partial inspections conducted 08

26. Inspection Hours

a. Permit Review 010.0

b. Inspection Time 006.0

c. Travel Time 012.0

d. Report Writing 005.0

27. Bonded Acres

a. Total bonded 00030.0

b. Phase I released 00030.0

c. Phase II released

d. Phase III released

28. Acres

a. Permitted 00480.0

b. Disturbed (Estimated) 00030.0

U. S. DEPT. OF THE INTERIOR

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Mine-Site Evaluation Inspection Report

Inspection Date 05-11-73

Site No. AKT/015/002

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.

- ND / 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		I OSM Action	J OSM Action Number				K Optional		
					Seriousness PEO	H Impact								
Specific State Law/Regulations Violated:								Description: Contamination in Diversion						
B5	N	2	<input type="checkbox"/>	4	1	1	1	 	 	 	 	 	 	
Specific State Law/Regulations Violated:								Description: toxic material disposed						
D6	N	2	<input type="checkbox"/>	4	1	1	2	X93	020	190	003	V#	01	
Specific State Law/Regulations Violated:								Description: erosion						
D7	N	2	<input type="checkbox"/>	4	2	1	2	X93	020	190	003	V#	02	
Specific State Law/Regulations Violated:								Description: vegetation						
L2	N	2	<input type="checkbox"/>	4	2	1	2	X93	020	190	002	V#	01	
Specific State Law/Regulations Violated:								Description: erosion in diversion						
B2	N	3	<input type="checkbox"/>	4	2	1	1	 	 	 	 	V#	 	
Specific State Law/Regulations Violated:								Description:						
 	 	 	<input type="checkbox"/>	 	 	 	 	 	 	 	 	V#	 	
Specific State Law/Regulations Violated:								Description:						
 	 	 	<input type="checkbox"/>	 	 	 	 	 	 	 	 	V#	 	

- | | | | |
|---|---|--|--|
| <p>D. State Action</p> <ol style="list-style-type: none"> 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 | <p>E. State's Reason for not Citing Violation</p> <ol style="list-style-type: none"> 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 | <p>F. Cause</p> <ol style="list-style-type: none"> 1) Permit Defect 2) Unusual Weather Conditions 3) Unofficial Waiver 4) Operator Negligence 5) Other | <p>G. Probability of Event Occurrence</p> <ol style="list-style-type: none"> 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 RA, Abatement Pending
 - 8) Abated during or before OSM Inspection
 - 9) Follow-up of Federal Action

30. Signature

Thomas W. Wright

Inspector's Signature

Thomas W. Wright

Inspector's Printed Name

31. OSM Inspector ID #

Dated: 05-18-73 170

Reviewing Official: *[Signature]*

Review Date: 05-18-73 92

Page ___ of ___

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

- Complete Random Sample
- CI Complete Other Inspection
- 2 Federal Complete Inspection
- 3 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

- Active: Coal mining and reclamation activities occurring or permitted but not disturbed.
- 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 tippie 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 Tippie
- 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

<p>A. Administrative (816/817.22)</p> <ul style="list-style-type: none"> 1. Valid Permit 773.11 2. Mining within Bonded Area 773.11 3. Terms & Conditions of Permit 773.17 4. Liability Insurance 800.60 5. Ownership and Control 778.13 6. Temporary Cessation 842.11(e) & 816/817.131 <p>B. Hydrologic Balance (816/817.41-57)</p> <ul style="list-style-type: none"> 1. Drainage Control 45 2. Inspections & Certifications 49(a)(10) 3. Siltation Structures 46 4. Discharge Structures 47 5. Diversions 43 6. Effluent Limits 42 7. Ground Water Monitoring 41(c) 8. Surface Water Monitoring 41(e) 9. Drainage-Acid - Toxic Materials 41(f) 10. Impoundments 49 11. Stream Buffer Zones 57 <p>C. Topsoil & Subsoil (816/817.22)</p> <ul style="list-style-type: none"> 1. Removal 22(a) 2. Substitute Materials 22(c) 3. Storage and Protection 22(c) 4. Redistribution 22(d) <p>D. Backfilling & Grading (816/817.95-107)</p> <ul style="list-style-type: none"> 1. Exposed Openings 816/817.13, 14, 15, & 823.11 & 21 2. Contemporaneous Reclamation 100 3. Approximate Original Contour 102(a)(1) 4. Highwall Elimination 102(a)(2) 5. Steep Slopes (includes downslope) 107 6. Handling of Acid & Toxic Materials 102(c) 7. Stabilization (rills and gullies) 95(b) 	<p>E. Excess Spoil Disposal (816/817.71-74)</p> <ul style="list-style-type: none"> 1. Placement 71(e) 2. Drainage Control 71(f) 3. Surface Stabilization 71(g) 4. Inspections & Certifications 71(h) <p>F. Coal Mine Waste (Refuse Piles/Impoundments) .. (816/817.81-84)</p> <ul style="list-style-type: none"> 1. Drainage Control 83(a) 2. Surface Stabilization 83(b) 3. Placement 83(c) 4. Inspections and Certifications 83(d) 5. Impounding Structures 84 <p>G. Use Of Explosives (816/817.61-68)</p> <ul style="list-style-type: none"> 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 <p>H. Subsidence Control Plan (817.121-122)</p> <p>I. Roads (816/817.150-151)</p> <ul style="list-style-type: none"> 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) <p>J. Signs & Markers (816/817.11)</p> <ul style="list-style-type: none"> 1. Signs 11(a),(b),(d),(e),(f) 2. Markers 11(a),(b),&(c) <p>K. Distance Prohibitions (76L11)</p> <p>L. Revegetation (816/817.111-116)</p> <ul style="list-style-type: none"> 1. Vegetative Cover 111 & 116 2. Timing 113 <p>M. Postmining Land Use (816/817.133)</p>
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Minesite Inspection Narrative

Inspection Dates May 10 - 12

Mine: J.B. King

Company:
Western States Minerals
Suite 130
250 South Rock Blvd.
Reno, Nevada 89502

Individuals present during inspection:

Tom Munson, Utah Division of Oil Gas and Mining (DOGGM)
Thomas W. Wright, OSM

Weather: sunny and warm

Comments

This was a complete random sample inspection done to evaluate the State of Utah's performance in administering their program and to determine if the J.B. King Mine is in compliance with the program regulations.

Paperwork and records was reviewed at the DOGM during the afternoon of May 10. Inspection of this thirty acre site which has been in reclamation since 1985 was done during the late morning and afternoon of May 11.

At the time of this inspection two violations previously issued by DOGM were still in effect:

N91-32-6-1

Issued on 12/19/91 for failure to construct a main feeder and feederditch. This originally had an abatement deadline of 2/20/92 but has been extended several times. The present deadline is 5/28/93.

N91-35-6-1

Issued on 11/18/91 for failure to comply with terms and conditions of the permit, specifically stipulation R614-301-742.113 which required submittal of a plan to eliminate silt fences and include other erosion control structures. This originally had an abatement deadline of 12/18/91 and has been modified several times. The present deadline is 5/28/93.

Minesite Inspection Narrative
J.B. King
Page 2 of 2

Notice of violation N-91-35-7 issued for failure to minimize erosion to the extent possible had recently been terminated. This violation covered the south and east slopes of the refuse pile.

The Utah Division of Oil Gas and Mining has accepted company proposals covering abatement of N91-35-6-1 and N91-35-7-1 and rejected the proposal for N91-32-6-1. In accepting the first proposal the operator was required to modify the approved reclamation plan to eliminate silt fences.

In accepting the proposals of Western States Minerals DOGM is not meeting requirements of Utah regulations covering erosion and disposal of coal mine waste that DOGM has determined to be toxic. As a result Ten Day Notice X93-020-190-03 is being issued. This action has 2 parts, 1 of 2 covers failure to cover coal waste with 4 feet of suitable material, 2 of 2 covers failure to protect and stabilize surface areas by effectively controlling erosion.

Part 1 of 2 was issued because only 1 foot of nontoxic and noncombustible material was present above coal waste in an erosion channel on the northern slope of the waste disposal area. Samples of the waste material were collected for testing by the state representative.

Part 2 of 2 was issued because of erosion that is occurring on all slopes of the reclaimed waste disposal area. In a report by DOGM dated 11/10/92 over 50 active gullies in excess of 6" were identified. During this inspection active gullies were noted on all slopes. Silt fences are still in place on west facing slopes but have not been maintained as the operator has proposed removing them.

During inspection of the site it was determined that coal waste from the approved reclamation test areas on the backside of the waste disposal area had been washed in the permanent undisturbed diversion. A portion of this area approximately 1 acre in size is coal waste that was not covered as part of the test area.

As a result of drainage from the disturbed area bypassing controls Notice of Violation 93-25-2-1 was written ~~during the~~ at the end of the inspection by the state representative. Since no representative of the company was present this action was sent via certified mail and a copy sent to the Albuquerque Field Office.

Minesite Inspection Narrative

J.B. King

Page 3 of 3

Vegetation was spotty over much of the site. The northern end of the waste disposal area and area on the western side of the site disturbed during channel construction had little permanent vegetation, which consisted mainly of a few shrubs. No attempt has been made to revegetate these areas in the last year and as a result Ten Day Notice X93-020-190-002 was issued in the field and sent by certified mail to DOGM.

A mine identification and perimeter markers were present on the site. The site is fenced to prevent livestock grazing and no evidence of any livestock grazing was noted on the site.

The berm routing disturbed drainage to the sediment pond on the northeastern end of the site was functional. At the time of this inspection the sediment pond was dry.

The area where subsidence had occurred above the mine was checked and no evidence of cracks or openings were found.