0027

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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INSPECTION REPORT

Partial:__ Complete: X Exploration:__
Inspection Date & Time: 5/11//93 10:00am - 4:00 pm
Date of Last Inspection: 4/7/93

Mine Name: J.B. King County: Emery Permit Number: **ACT/015/002**
Permittee and/or Operator's Name: Western States Minerals Corp.
Business Address: Suite 130, 250 South Rock Blvd., Reno, Nevada 89502
Type of Mining Activity: Underground X Surface__ Prep. Plant__ Other__
State Officials(s): Tom Munson
Company Official(s): None
Federal Official(s): Tom Wright
Weather Conditions: sunny
Existing Acreage: Permitted-480 Disturbed-30 Regraded-___ Seeded-30 Bonded-30
Increased/Decreased: Permitted-___ Disturbed-___ Regraded-___ Seeded-___ Bonded-___
Status: __Exploration/__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	[X]	[ ]	[X]	[ ]
2. SIGNS AND MARKERS	[X]	[ ]	[X]	[ ]
3. TOPSOIL	[X]	[ ]	[X]	[ ]
4. HYDROLOGIC BALANCE:				
a. DIVERSIONS	[X]	[ ]	[X]	[ ]
b. SEDIMENT PONDS AND IMPOUNDMENTS	[X]	[ ]	[X]	[ ]
c. OTHER SEDIMENT CONTROL MEASURES	[X]	[ ]	[X]	[ ]
d. WATER MONITORING	[X]	[ ]	[X]	[ ]
e. EFFLUENT LIMITATIONS	[X]	[X]	[ ]	[ ]
5. EXPLOSIVES	[X]	[X]	[ ]	[ ]
6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES	[X]	[X]	[ ]	[ ]
7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS	[X]	[X]	[ ]	[ ]
8. NONCOAL WASTE	[X]	[X]	[ ]	[ ]
9. PROTECTION OF FISH, WILDLIFE ANXD RELATED ENVIRONMENTAL VALUES	[X]	[X]	[ ]	[ ]
10. SLIDES AND OTHER DAMAGE	[X]	[X]	[ ]	[ ]
11. CONTEMPORANEOUS RECLAMATION	[X]	[X]	[ ]	[ ]
12. BACKFILLING AND GRADING	[X]	[X]	[ ]	[ ]
13. REVEGETATION	[X]	[ ]	[X]	[ ]
14. SUBSIDENCE CONTROL	[X]	[ ]	[X]	[ ]
15. CESSATION OF OPERATIONS	[X]	[X]	[ ]	[ ]
16. ROADS:				
a. CONSTRUCTION/MAINTENANCE/SURFACING	[X]	[X]	[ ]	[ ]
b. DRAINAGE CONTROLS	[X]	[X]	[ ]	[ ]
17. OTHER TRANSPORTATION FACILITIES	[X]	[X]	[ ]	[ ]
18. SUPPORT FACILITIES/UTILITY INSTALLATIONS	[X]	[X]	[ ]	[ ]
19. AVS CHECK (4th Quarter-April, May, June)_____(date)	[X]	[X]	[ ]	[ ]
20. AIR QUALITY PERMIT	[X]	[X]	[ ]	[ ]
21. BONDING & INSURANCE	[X]	[X]	[ ]	[ ]

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(Continuation sheet)

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(Comments are Numbered to Correspond with Topics Listed Above)

1.) Permits - A meeting was held January 21,1993 at the Division under the direction of Mr. Lowell Braxton and attended by Division Technical staff and Western States' management and technical staff to discuss the response to DOGM's December 7,1992 letter regarding the abatement of NOV N91-35-6-1 and N91-32-6-1. The operator's submittal was discussed at the meeting and Division management is reviewing it at the present time. The abatement dates for those NOV's is May 28, 1993.

2.) Signs and Markers - The sign in place at J.B. King lists Western States Minerals as the permittee and the address as 4975 VanGordon St., Wheatridge, Colorado, 80033 and the telephone number as 303-425-7042. This address is considered the corporate address.

3.) Topsoil- Topsoil, and its stability, and potential contamination by Coal Refuse is a topic which is being addressed by Division Management in various TDN responses.

4a.) Diversions - Division management is reviewing the permittee's response of January 21, 1993. A head cut is noticeable in the lower reach of the main feeder channel.

NOV 93-25-2-1 was issued on the undisturbed diversion above the refuse pile behind the revegetation test plot because is not preventing to the extent possible using the best technology currently available, additional contributions of suspended solids to the streamflow outside the permit area. A separation of the disturbed and undisturbed drainage needs to occur in this area.

4b.) Sediment ponds and impoundments- The sediment pond was dry at the time of inspection.The last pond inspection was submitted to the Division on February 5, 1993 and indicated no problems. A certified annual report was received by the Division on January 11, 1993 based on an inspection carried out on December 24,1992.

4c.) Other Sediment control measures- The silt fences are in place and deteriorating. The permittee removed them from Drawing No. JBK-1 to abate NOV N91-35-6-1, but had not taken them off the property at the time of inspection. Abatement of this NOV has been extended to July 6, 1993. The presence of an extensive annual weed cover appears to have an impact on the site by increasing the total vegetative cover and reducing erosion potential in some areas although this vegetative cover is not considered permenant and diverse. Exposed coal waste is apparent.

TDN X-93-020-190-03 TV 2 was issued for failure to protect and stabilize surface areas by effectively controlling erosion. The Division response was sent 5/28/93 to OSM.

4d.) Water Monitoring- No water quality or quantity data has been submitted to the Division. The applicant has committed to collecting water samples during major rainfall events whenever possible from spring snowmelt or major rainfall events whenever possible during the bonding

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period (UMC 817.52). No data has been collected todate. The operator is encouraged to attempt to collect data this summer with single stage samplers or an equivalent remote sampler to meet the terms and conditions of their permit. If the operator wants specific designs for remote samplers, then they are welcome to contact the Division.

13. Revegetation- The permittee submitted data to the Division regarding plant surveys provided to Western States Minerals by Sam Bamberg in August 1992. Susan White, Division Biologist, analyzed that data and determined that the area of the refuse pile had only 9% Perennial Cover and 37.5% Annual Weeds based on Sam Bamberg's Data. The reference area has not been sampled since 1983 according to Susan White. The permittee has committed to sampling vegetative cover (total and by species) on all revegetated areas during the 4th and 6th years after planting. Woody plant densities will be monitoried during the 2nd, 4th, and 6th years following the initiation of reclamation. This commitment has been carried out according to Susan White.

TDN X-93-020-190--02 TV 1 was issued by the OSM inspector based on the "Failure to establish a diverse, effective and permenant cover ", referencing the North side of the refuse area and the area shown in green on the permit topograhic reclamation map disturbed during channel construction. No data was collected at the time of inspection and the state inspector informed the OSM inspector that until actual data is collected and confirmed, no enforcement action would be taken. A response to TDN X-93-020-190-02 TV 1 was sent to OSM on May 21, 1993 by Mr. Lowell Braxton stating that the operator is following their approved permit and that the TDN should be withdrawn. A response was received back from OSM and the Division's response was considered arbitary and capricious. This issue is being appealed by Division management to OSM Washington, dated 6/4/93.

14. Subsidence control- The permittee has carried out repairs to the subsidence areas in the fall of 1988 and again in the spring of 1990. No visible cracks were noted at the time of the 4/17/93 inspection, but a small crack was noted at the time of this inspection and must be repaired by the next inspection.

Copy of this Report:
Mailed to: Bernie Freeman (OSM), E. M. Gerick (WSMC)
Given to: Joe Helfrich (DOGM)

Inspector's Signature: #25 Date: 6/4/93