0013

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

INSPECTION REPORT

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Partial:__ Complete: X Exploration:__
Inspection Date & Time: 3/9/95 10 to 2
Date of Last Inspection: 2/8/95

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): Susan White
Company Official(s): _____
Federal Official(s): Tom Wright
Weather Conditions: Cool and fair
Existing Acreage: Permitted-440 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]	[ ]	[ ]	[ ]
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]	[ ]	[ ]
5. EXPLOSIVES	[ ]	[X]	[ ]	[ ]
6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES	[ ]	[X]	[ ]	[ ]
7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS	[X]	[ ]	[ ]	[ ]
8. NONCOAL WASTE	[X]	[ ]	[ ]	[ ]
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	[X]	[ ]	[ ]	[ ]
10. SLIDES AND OTHER DAMAGE	[X]	[ ]	[ ]	[ ]
11. CONTEMPORANEOUS RECLAMATION	[ ]	[X]	[ ]	[ ]
12. BACKFILLING AND GRADING	[X]	[ ]	[ ]	[ ]
13. REVEGETATION	[X]	[ ]	[X]	[ ]
14. SUBSIDENCE CONTROL	[X]	[ ]	[X]	[ ]
15. CESSATION OF OPERATIONS	[ ]	[X]	[ ]	[ ]
16. ROADS:				
a. CONSTRUCTION/MAINTENANCE/SURFACING	[ ]	[X]	[ ]	[ ]
b. DRAINAGE CONTROLS	[ ]	[X]	[ ]	[ ]
17. OTHER TRANSPORTATION FACILITIES	[ ]	[X]	[ ]	[ ]
18. SUPPORT FACILITIES/UTILITY INSTALLATIONS	[ ]	[X]	[ ]	[ ]
19. AVS CHECK (4th Quarter-April, May, June)_____(date)	[X]	[ ]	[ ]	[ ]
20. AIR QUALITY PERMIT	[ ]	[X]	[ ]	[ ]
21. BONDING & INSURANCE	[X]	[ ]	[X]	[ ]

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PERMIT NUMBER: ACT/015/002

(Comments are Numbered to Correspond with Topics Listed Above)

1. PERMITS, CHANGE, TRANSFER,

The reclamation only permit was issued August 13, 1990 and expires August 13, 1995. The bond amount specified in the permit is $126,078.

2. SIGNS AND MARKERS

Signs and markers were in place. The permit entry sign was visible upon entry to the site.

4. HYDROLOGIC BALANCE

a. Diversions - No runoff was noted in the diversions since last fall. The one sediment sampler in the diversion on the Northwest portion of the site was dry.

b. Sediment Ponds and Impoundments - The sediment pond was dry. A pond inspection report was received by the Division from the operators representative February 24, 1995. No problems were observed with the pond. The inspection report was returned to Jim's Dozer Service for a signature and date.

c. Other Sediment Control Measures - The silt fence on top of the refuse pile at the east boundary was in good repair.

13. REVEGETATION

No germination of the December seeding was observed.

On May 11, 1993, Tom Wright conducted on oversight inspection of the J.B.King mine site. TDN X93-020-190-02 TV2 was issued following this inspection. The TDN was issued for "failure to establish a diverse, effective and permanent vegetation cover". The Division appealed the TDN to AFO and Washington, both responses are found to be arbitrary, capricious and abuse of discretion. NOV N93-25-5-1 was issued by the Division on August 12, 1993. The operator submitted vegetation data and analysis of the data, demonstrating a trend of increasing vegetation cover for the entire site. The violation was terminated November 15, 1994 based on the demonstration provided by the operator that vegetation indeed was increasing on the site. The areas cited in the TDN were the sparsely vegetated area on the northwest portion of the

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refuse pile and on a portion of the 1989 bond clock set back area or the south central portion of the site. Work in December 1994 was done on a portion of the area cited as the 1989 bond clock set back area.

Tom Wright stated that he was on site during this inspection as a follow up to the above referenced TDN. He expressed concern that no work had been done on the areas cited and that they still appeared to be bare. A lengthy discussion ensued concerning the requirements of the act, the legitimacy of separating out "bare areas" from the rest of the disturbed area and requiring bond release standards prior to bond release application.

I encouraged Tom to continue discussions with the Denver Technical Center, the operator and DOGM prior to written enforcement action. The requirements of this portion of the Act needs to be discussed in a technical arena rather than an enforcement arena.

14. SUBSIDENCE CONTROL

No subsidence crack were noted in the area of previous subsidence.

21. BONDING & INSURANCE

Liability insurance carried by Reliance Insurance Company expires 4/1/95.
The bond in the amount of $126,078 is held by Seaboard Surety Company.

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

Inspector's Signature: Susan M. White #35 Date: 3/20/95