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Copy ACT/015/002 # 7 5?



# U. S. DEPT. OF THE INTERIOR

## OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

### Mine-Site Evaluation Inspection Report



RECEIVED  
MAR 23 1995  
DIV OF OIL, GAS & MINING

Copy sent

1. Permittee/Person <b>WESTERN STATES MINERALS CORP.</b>		9. Permit Number <b>UT-015-002</b>		10. Type a. Permit <input type="checkbox"/> b. RA <input type="checkbox"/>	
2. Address <b>250 S. ROCK BLVD, STE 130</b>		11. Inspection Date <b>05/09/95</b>		12. Inspection Type <b>OF2</b>	
3. City <b>RENO</b>		4. State <b>NV</b>		13. Joint Inspection <b>Y</b> Y/N	
5. Zip Code <b>89502</b>		6. Phone Number <b>702-856-3339</b>		14. Permit Status <b>A</b>	
7. Operator if Different than Permittee		17. OSM Office # <b>020</b>		15. Site Status <b>P1</b>	
8. Mine Name <b>J. B. KING</b>		20. M.S.H.A. ID # <b>42-00084</b>		16. Facility Type <b>B</b>	
		23. AVS Permittee Entity ID Number <b>116895</b>		19. Land Code <b>S</b>	
				21. State Code <b>49</b>	
				22. County Code <b>015</b>	
				23b. State Office	

### 24. Performance Standard Categories

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

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

a. Date of Last State Complete Inspection

Frequency for previous 4 Calendar Qtrs.

b. Number of required complete inspections	<input type="text" value="0"/>	Number of complete inspections conducted	<input type="text" value="0"/>
c. Number of required partial inspections	<input type="text" value="0"/>	Number of partial inspections conducted	<input type="text" value="0"/>

### 26. Inspection Hours

<input type="text" value="8.0"/>	a. Permit Review
<input type="text" value="7.0"/>	b. Inspection Time
<input type="text" value="7.0"/>	c. Travel Time
<input type="text" value="5.0"/>	d. Report Writing

### 27. Bonded Acres

<input type="text" value="30.0"/>	a. Total bonded
<input type="text" value="30.0"/>	b. Phase I released
<input type="text" value="0.0"/>	c. Phase II released
<input type="text" value="0.0"/>	d. Phase III released

### 28. Acres

<input type="text" value="480.0"/>	a. Permitted
<input type="text" value="30.0"/>	b. Disturbed (Estimated)

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Revised July 1, 1993

# U. S. DEPT. OF THE INTERIOR

## OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

### Mine-Site Evaluation Inspection Report

 Permit Number UT-015-002

 Inspection Date 03/09/95

#### 29. Identified Violation Data.

For inspection types C (Complete Random Sample) and SC or SP (Complete or Partial In-depth Review), list all violations present during the current Federal inspection and all violations, cited or uncited, identified in the last State complete inspection report. For any other inspection type, including Federal program inspections, list only violations observed during the current inspection or subject of current Federal follow-up actions.

B Per. Std. Category	C Abated (Y/N)	D State Action	E Reason if Uncited	F Cause	G Seriousness		H Impact	I OSM Action	J OSM Action Number		K Optional				
					PEO	Impact									
A. Specific State Law/Regulations Violated: <u>R645-300-143, 353.110</u> Description: <u>DIVERSE EFFECTIVE PERMANENT VEG COVER</u>															
1	L1	N		5	3	2		9	X93-020-190-002	V# 01					
A. Specific State Law/Regulations Violated: _____ Description: _____															
2										V#					
A. Specific State Law/Regulations Violated: _____ Description: _____															
3										V#					
A. Specific State Law/Regulations Violated: _____ Description: _____															
4										V#					
A. Specific State Law/Regulations Violated: _____ Description: _____															
5										V#					
A. Specific State Law/Regulations Violated: _____ Description: _____															
6										V#					
A. Specific State Law/Regulations Violated: _____ Description: _____															
7										V#					
<table style="width: 100%; border: none;"> <tr> <td style="width: 25%; vertical-align: top;"> <b>D. State Action</b>                      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                      6) N/A Permit Defect                 </td> <td style="width: 25%; vertical-align: top;"> <b>E. State's Reason for not Citing Violation</b>                      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 _____                 </td> <td style="width: 25%; vertical-align: top;"> <b>F. Cause</b>                      1) Permit Defect                      2) Unusual Weather Conditions                      3) Unofficial Waiver                      4) Operator Negligence                      5) Other _____                 </td> <td style="width: 25%; vertical-align: top;"> <b>G. Probability of Event Occurrence</b>                      1) None or Unlikely                      2) Likely                      3) Occurred                 </td> </tr> </table>												<b>D. State Action</b> 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 6) N/A Permit Defect	<b>E. State's Reason for not Citing Violation</b> 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 _____	<b>F. Cause</b> 1) Permit Defect 2) Unusual Weather Conditions 3) Unofficial Waiver 4) Operator Negligence 5) Other _____	<b>G. Probability of Event Occurrence</b> 1) None or Unlikely 2) Likely 3) Occurred
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<b>H. Impact</b> <b>Damage Remains Within the Permit Area</b> 1) None or Minor 2) Moderate 3) Considerable <b>Damage Extends Beyond the Permit Area</b> 4) None or Minor 5) Moderate 6) Considerable <b>Obstruction to Enforcement</b> 7) None or Minor 8) Moderate 9) Considerable									<b>I. OSM Action This Inspection</b> 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						
<b>30. Signature</b>  Inspector's Signature <b>THOMAS WRIGHT</b> Inspector's Printed Name										31. OSM Inspector ID# _____ 190					
Dated: <span style="border: 1px solid black; padding: 2px;">03/20/95</span>										<span style="border: 1px solid black; padding: 2px;">190</span>					
Reviewing Official:										Review Date: <span style="border: 1px solid black; padding: 2px;">3/21/95</span>					
Page <u>2</u> of <u>2</u> <small>Revised July 1, 1993</small>															

## Minesite Inspection Narrative

Inspection Dates March 9, 1995

Mine: J.B. King

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

Individuals present during inspection:

Susan White, Utah Division of Oil Gas and Mining, (DOGM)  
Thomas W. Wright, OSM

Weather: sunny and warm

### Comments

This was a followup inspection of the J.B. King mine done after review of records which showed that DOGM had terminated Notice of Violation (NOV) 93-25-5-1, which was written by the state in response to Ten Day Notice (TDN) 93-020-190-02 1 of 2.

This TDN was written for failure to establish a diverse effective and permanent vegetative cover on the north side of the refuse area and the area shown in green on permit topographical reclamation map that was disturbed during channel reclamation. DOGM had appealed the TDN to Washington and the Albuquerque Field Office's action was upheld after review. DOGM issued the NOV during the followup inspection done in August of 1993 in lieu of a Federal NOV.

According to Susan White of DOGM the company had provided statistical data which showed that vegetation on the site provided adequate cover. No other measures were implemented by the company to specifically abate the NOV. This NOV was terminated 11/15/94.

Some additional work had been done on the reclamation of this site since the August 1993 inspection. The refuse pile and a section of the southwest side of the reclamation had been ripped and according to Ms. White sludge had been brought in as a treatment and the areas seeded. Ms. White stated that this work had been done during last December.

Minesite Inspection Narrative  
Page 2 of 2

Some of the area where this work had been done on the southwest side of the reclaimed area included a small portion of the area covered by the TDN. However, most of the area on the southwest side covered by the TDN and none of the northeast slopes covered by the TDN were included in this work.

Because of concerns about the data used to terminate the NOV and the status of the areas covered by the TDN, I have submitted a technical request to the Western Support Center requesting assistance from Bob Postle, an agency ecologist, in evaluating the vegetation on this site before I take any further action.