



3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

*Jeh*

NO. N 98-45-4-1

notice of violation

To the following Permittee or Operator:

Name Western States Minerals Corp.

Mine JB King Mine  Surface  Underground  Other

County Emery State Utah Telephone (702) 859-3339

Mailing Address 250 South Rock Blvd., Suite 130 Reno, NV 89502

State Permit No. ACT/015/002

Ownership Category  State  Federal  Fee  Mixed

Date of inspection September 23, 1998, 19    

Time of inspection 1:30  a.m.  p.m. to 5:30  a.m.  p.m.

Operator Name (other than Permittee) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Under authority of the Utah Coal Mining and Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas & Mining has conducted an inspection of above mine on above date and has found violation(s) of the act, regulations or required permit condition(s) listed in attachment(s). This notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that **cessation of mining is**  **is not**  expressly or in practical effect required by this notice. For this purpose, "mining" means extracting coal from the earth or a waste pile, and transporting it within or from the mine site.

This notice shall remain in effect until it expires as provided on reverse side of this form, or is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas & Mining. Time for abatement may be extended by authorized representative for good cause, if a request is made within a reasonable time before the end of abatement period.

Date of service/ mailing September 30, 1998 Time of service/ mailing 10:00  a.m.  p.m.

E.M. Gerrick  
Permittee/Operator representative

V.P. of Operations  
Title

Mailed from SLC DOGM Office  
Signature

Robert Davidson  
Division of Oil, Gas & Mining representative

Reclamation Soil Scientist  
Title

*[Signature]*  
Signature

45  
Identification Number

**SEE REVERSE SIDE**

WHITE-DOGM YELLOW-OPERATOR PINK-OSM GOLDENROD-NOV FILE



**NOTICE OF VIOLATION NO. N 98-45-4-1**

Violation No. 1 of 1

Nature of violation

- \* Failure to maintain north diversion ditch according to plan.
- \* Failure to control or prevent additional contribution of suspended solids to runoff outside the permit area.

Provisions of act, regulations or permit violated

R645-301-742

R645-301-752

Portion of operation to which notice applies

North diversion ditch located on the northern perimeter of the reclaimed surface facilities area. The diversion ditch runs parallel with the northern fence and just inside the northern disturbance area boundary.

Remedial action required (including any interim steps)

- \* Either repair the main breach and the two additional blow outs, on located below and the other located above the main blow out. OR,
- \* Repair and maintain the ditch to prevent additional blow outs, and ~~amend~~ amend the plan to remove ditch from the reclaimed area with alternate sediment control.

Abatement time (including interim steps)

October 30, 1998



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

## INSPECTION REPORT

*gd*

1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, Utah 84114-5801  
801-538-5340  
801-359-3940 (Fax)  
801-538-7223 (TDD)

Partial:\_\_\_ Complete: X Exploration:\_\_\_  
Inspection Date & Time: 9/23/98 1:30 to 5:30 p.m.  
Date of Last Inspection: 8/20/98

Michael O. Leavitt  
Governor

Lowell P. Braxton  
Division Director

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): Robert Davidson, Susan White and Nina Braxton

Company Official(s): None

Federal Official(s): None

Weather Conditions: Cloudy to partly cloudy, rainy periods, cool

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

- Substantiate the elements on this inspection by checking the appropriate performance standard.
  - 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.
  - For partial inspections check only the elements evaluated.
- Document any noncompliance situation by referencing the NOV issued at the appropriate performance standard listed below.
- Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
- 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. SIGNS AND MARKERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. TOPSOIL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. HYDROLOGIC BALANCE:				
a. DIVERSIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. SEDIMENT PONDS AND IMPOUNDMENTS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. OTHER SEDIMENT CONTROL MEASURES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. WATER MONITORING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. EFFLUENT LIMITATIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. EXPLOSIVES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. NONCOAL WASTE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. SLIDES AND OTHER DAMAGE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. CONTEMPORANEOUS RECLAMATION	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. BACKFILLING AND GRADING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. REVEGETATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. SUBSIDENCE CONTROL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. CESSATION OF OPERATIONS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. ROADS:				
a. CONSTRUCTION/MAINTENANCE/SURFACING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. DRAINAGE CONTROLS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. OTHER TRANSPORTATION FACILITIES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. SUPPORT FACILITIES/UTILITY INSTALLATIONS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. AVS CHECK (4th Quarter-April, May, June)_____ (date)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. AIR QUALITY PERMIT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. BONDING & INSURANCE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## INSPECTION REPORT

(Continuation sheet)

PERMIT NUMBER: ACT/015/002

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DATE OF INSPECTION: 9/23/98

(Comments are Numbered to Correspond with Topics Listed Above)

### 1. PERMITS, CHANGE, TRANSFER, RENEWAL, SALE

The reclamation only permit for ACT/015/002 was renewed August 13, 1995 and will expire August 13, 2000. The bond amount specified in the permit is \$126,078.

### 2. SIGNS AND MARKERS

The lower and upper permit entry signs were both in good condition.

### 4. HYDROLOGIC BALANCE

#### a. DIVERSIONS

The north diversion ditch has breached in three locations. Two of the breaches are minor and the third breach is major with gully formation down and into the natural east-west trending drainage located just north of the breached diversion (Figures 1 and 2).

#### b. SEDIMENT PONDS AND IMPOUNDMENTS

The third quarter sediment pond inspection was done by Jim Blackburn on July 24, 1998.

The sediment pond is mostly full of water. The water is presently several feet below the outlet with recently deposited debris located very close to the outlet. It does not appear that water discharged from the outlet, not that any water flowed from the undisturbed area through the outlet into the sediment pond, although signs of high water on the undisturbed side ponded at the outlet discharge point.

#### c. OTHER SEDIMENT CONTROL MEASURES

The Primary silt fence located between the undisturbed eastern diversion ditch and the top of the refuse pile has completely deteriorated and disintegrated on the northern edge of the site for approximately 50 feet (Figure 3).

### 7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS

The rock mulch and surface roughening (pocking) overall persists to help prevent erosion on the Refuse pile outslope. However, rill and gully formation is becoming more pervasive as breaching and piping occurs between the pocks. Vegetation appears to follow the rill and gully formation. It must be noted, that the upper pocks are ponding water which appears to help prevent more extensive outslope erosion on the pile.

### 8. NONCOAL WASTE

**INSPECTION REPORT**

(Continuation sheet)

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PERMIT NUMBER: ACT/015/002

DATE OF INSPECTION: 9/23/98

With recent rains and surface erosion within the site, noncoal waste and garbage debris has surfaced. This noncoal waste needs to be removed from the site and properly disposed of at an approved disposal facility.

**9. PROTECTION OF FISH, WILDLIFE AND OTHER RELATED VALUES**

The operator still needs to prevent vehicle access to the road path created last summer when redoing the outlet to the sediment pond.

**10. SLIDES AND OTHER DAMAGE**

Rills and gullies continue to progress through the site, in particular at three separate locations. These include (1) east-west trending rills and gullies located immediately south and adjacent to the southern toe of the refuse pile; (2) east-west trending rills and gullies located between the weather monitoring station and the constructed deep channel ditch; and (3) south-north trending rills and gullies located along the northern edge\slope of the site.

**13. REVEGETATION**

Fresh grass growth was noted in several locations. Rabbit brush is currently flowering.

**14. SUBSIDENCE CONTROL**

The subsidence cracks have worsened considerably since the last inspection, especially the north-south trending cracks along the eastern edge of the subsidence area. Sand and soil continues to erode down into the cracks furthering the exposure. Some cracks are now several tens of feet long (Figure 4). Personal injury to an unwary person or animal is certainly a possibility. The cracks need to be repaired and filled in accordingly. The possibility of injecting foam down into the crack was discussed with Buzz Gerick on August 8, 1998.

**21. BONDING AND INSURANCE**

Liability insurance is carried by Federal Insurance Company through A and H Insurance, Inc., and expires 4/1/99. The bond is held by Seaboard Surety Company for \$126,078.00 and was last revised on August 13, 1985.

Note: This inspection report does not constitute an affidavit of compliance with the regularoty program of the Division of Oil, Gas and Mining.

Copy of this Report:

Mailed to: OSM, E.M. Gerick (WSMC)

Given to: Joe Helfrich (DOGM)

Inspector's Signature:  # 45  
Robert A. Davidson

Date: 9/29/98

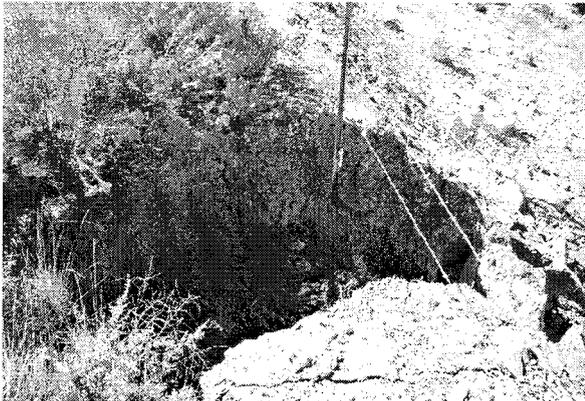
INSPECTION REPORT

(Continuation sheet)

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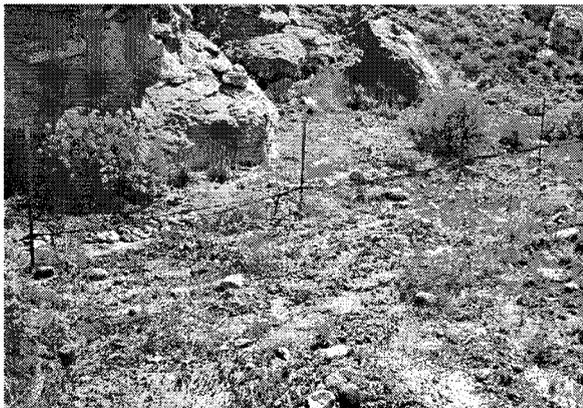
DATE OF INSPECTION: 9/23/98



**Figure 1.** North diversion ditch failure. Looking towards the northwest from inside the disturbance area.



**Figure 2.** North diversion ditch failure. Standing in the natural drainage below and outside the disturbance area. Looking south.



**Figure 3.** Upper primary silt fence separating the top of the reclaimed refuse pile from the undisturbed drainage area to the east. Northeast portion of the refuse pile looking southeast.



**Figure 4.** Subsidence cracks, mid-eastern edge of the upper subsidence area. Cracks have elongated substantially since last inspection.