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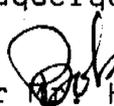
STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

INA/015/007

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

April 6, 1987

CERTIFIED RETURN RECEIPT REQUESTED
(P 402 458 623)Mr. Robert H. Hagen, Director
Albuquerque Field Office
Office of Surface Mining
219 Central Avenue, NW
Albuquerque, New Mexico 87102Dear  Hagen:Re: Response to TDN X-87-2-116-2 TV-2, California Portland Cement Company, Hidden Valley Coal Company, INA/015/007, File #5, Emery County, Utah

In response to the above-referenced Ten-Day Notice received March 27, 1987, the Division has taken the following action:

Notice of Violation N-87-11-1-1 (copy attached) has been issued for failure to maintain sediment control measures at the Hidden Valley Mine.

After careful consideration of the mulching concerns raised in the above referenced TDN, the Division does not feel it is appropriate to take enforcement action on this issue for the following reasons:

1. In the Hidden Valley MRP, Portland Cement (PC) committed to spreading two tons per acre of alfalfa hay over the entire site and dragging the surface with a chain incorporating the hay into the soil and covering the seed and fertilizer so that these materials would be in good contact with the soil. Incorporation of this material was intended as a soil amendment rather than as a soil covering. Alfalfa hay was specified (rather than straw)

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Reclamation and Enforcement
MAR 27 1987
TEN-DAY NOTICE

Originating Office: USDI/OSM
Albuquerque Field Office
219 CENTRAL AVE, NW; Suite 216
Albuci, NM 87102
Telephone Number (505) 766-3917

Number: X-87-2-116-2 TV 2

Ten-Day Notice to the State of UTAH

You are notified that, as a result of A FEDERAL INSPECTION (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: CALIFORNIA PORTLAND CEMENT
Hidden Valley Coal Company County: EMERY Surface
(Or Operator if No Permit) Mailing Address: 695 South Rancho Avenue, Colton, CA 92324-0514 Underground
Permit Number: INA/OIS/007 Mine Name: Hidden Valley Other

NATURE OF VIOLATION AND LOCATION: Failure to mulch in accordance with the provisions of UMC 817.114 and the approved reclamation plan. Mulching is inadequate throughout the entire reclaimed area,
Section of State Law, Regulation or Permit INA/OIS/007
Condition believed to have been violated: UMC 817.114

NATURE OF VIOLATION AND LOCATION: including the reclaimed haulroads, to stabilize the soil surface with respect to wind and water erosion.
Section of State Law, Regulation or Permit
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: Failure to maintain alternative sediment controls (silt fence). The majority of silt fencing on site is damaged by wind, rendering it ineffective. The operator is not in
Section of State Law, Regulation or Permit INA/OIS/007
Condition believed to have been violated: UMC 817.46-47

Remarks or Recommendations: Compliance with the approved Reclamation Plan.

Date of Notice: 3-24-87 Signature of Authorized Rep.: Henry P. Austin
Certified # P201 228 987 Print Name and ID: HENRY P. Austin, #116



NOTICE OF VIOLATION NO. N 87-11-1-1

Violation No. 1 of 1

Nature of violation

Failure to Maintain sediment control measures

Provisions of act, regulations or permit violated

Umc 817.45

Portion of operation to which notice applies

All silt fence installations

Remedial action required (including any interim steps)

Replace or repair silt fence in a competent manner to ensure adequate operational stability and function

Abatement time (including interim steps)

April 30, 1987 5:00 pm



NO. N 87-11-1-1

notice of violation

To the following Permittee or Operator:

Name California Portland Cement
 Mine Hidden Valley Surface Underground Other
 County Emery State Utah Telephone _____
 Mailing Address 695 South Rancho Av. Colton, Calif. 92324-0514
 State Permit No. INA/015/007
 Ownership Category State Federal Fee Mixed
 Date of inspection April 2, 1987 19____
 Time of inspection 10:30 a.m. p.m. to 12:30 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 April 6, 1987
 Time of service/ mailing 5:00 a.m. p.m.
 Title _____
 Identification Number _____

Signature _____
Dan Duce
 Division of Oil, Gas & Mining representative
Dan Duce
 Signature

Reclamation Soil Specialist
 Title
11
 Identification Number

SEE REVERSE SIDE
WHITE-DOG M YELLOW-OSM PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE

11-01

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to repair minor erosion as it occurs. A reevaluation will be made by DOGM and PC in early fall (after any severe summer storms are likely to have occurred) to determine if additional work is necessary to assure adequate revegetation.

Please advise me if you have any further questions on this matter.

Best regards,



Dianne R. Nielson
Director

JW/djh

Attachment

cc: K. May

L. Braxton

J. Whitehead

0800R/66

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because it would deteriorate rapidly and provide organic matter to the very sandy soil material. PC committed to using erosion control netting on steep slopes in order to hold the mulch in place. During reclamation the majority of the backfill material was obtained from excavation of a bypass culvert which ran underneath the main pad area. The volume of material generated was sufficient to produce backfill slopes that were less steep than the 2:1 slopes anticipated.

2. The soil material was extremely loose during construction. For this reason, use of the chain to bury the mulch would have resulted in unacceptably deep burial of the seed. An on-site decision was made that use of a rubber-tired vehicle on the loose material and a track vehicle on the road, were the best ways to incorporate the mulch without burying the seed too deeply (Phil Ralphs, DOGM inspector at the time).
3. The original purpose of the netting (not excelsior blanket or other mulch material) was to hold the hay in place on steep slopes where equipment could not be used to incorporate the hay. Due to the less steep slopes, equipment was able to access most slopes to incorporate the mulch. Before reclamation, verbal permission was given to PC to forego use of the netting if the original 2:1 fill slope planned for the coal seam area could be lessened and if hand-work on these slopes would sufficiently incorporate the mulch.
4. PC was permitted to leave the road alignment and to leave the road accessible to their use of four-wheel drive vehicles on the road. Upon inspection, DOGM feels that the road was adequately ripped, seeded, fertilized and mulched. Areas of compaction have resulted from the use of a vehicle on the road after mulching. Since a variance was granted for this use, an NOV is not justified for the main road area.

Both DOGM and PC erred in that the MRP was not modified to reflect verbal permission and on-site modifications that were made. DOGM believes, however, that the two ton per acre application was made and that the material was sufficiently incorporated. Since no noticeable erosion has occurred on the site, DOGM does not feel that it is necessary to require additional erosion control efforts at this time. PC has committed to monitor the site monthly and will be expected