

January 16, 1985

TO: Coal File, Inspection and Enforcement Folder
FROM: Dave Lof, Mining Field Specialist *DL*
RE: Diamond Shamrock Coal Unit, Trail Mountain Mine,
ACT/015/009, Folder #7, Emery County, Utah

On January 10, 1985, I conducted a partial inspection at the above mentioned mine site. The purpose of the inspection was to follow up on Notice of Violation #N84-2-25-1, which was issued on December 20, 1984 by Mining Field Specialist Sandy Pruitt. At the time of my inspection it was clear and cool and there was approximately 6 inches of snow on the ground.

The violation had been issued the operator for failure to mine in accordance with an approved permit. The mine operator had been discharging mine water directly into Cottonwood Creek without approval. The remedial action required the operator to cease discharge immediately and to dismantle the pipe which was conveying the water to the stream and store the pipe in their materials storage yard. The time for abatement was December 27, 1984.

I arrived at the mine site at approximately 10:45 A.M. at which time I noted that the pipe which had been used to discharge into Cottonwood Creek was still in place, however, it was disconnected from the pipe which was directing the mine water to the sediment pond.

Upon arriving at the mine, I met with Allen Childs, Mine Engineer, and asked him for a copy of the Notice of Violation. He gave me a copy of the violation and I called Field Supervisor, Joe Helfrich to inform him of my findings. At the time I called Mr. Helfrich, Ms. Pruitt was not in the office to discuss the matter with her. Mr. Helfrich told me to go ahead and discuss the NOV with the operator to see if the operator had any explanation as to why the pipe had not been removed, and if I felt the Cessation Order (CO) was warranted to write the CO and call him back.

I asked Mr. Childs if he was familiar with the violation since he had just returned to the mine site after a 3 week absence. He said that Joe Fielder, the Mine Manager, had informed him of the violation. He did not know why the pipe had not been dismantled and stored in the materials storage yard. He did say that the pipe was frozen solid with water. I told him that since they had failed to abate the violation and had not contacted the Division to request an

Page 2
ACT015/009
January 16, 1985

extension for the time of abatement, that they were going to be issued a CO for failure to abate. I also told him that it would be a minimum of \$750 day fine until they met the requirements of the remedial actions required. At that time I went to my truck and wrote the Cessation Order.

Upon returning to the mine office, I asked Mr. Childs for his signature on the cover letter of the Cessation Order. He said that he was not going to sign it. I asked him why. He said that he was not going to sign something that he disagreed with. He said they could not pump water through the pipe if they wanted to since it was frozen. I told him that because the way the violation was written that they had to remove the pipe and that when Sandy issued the violation, that that must have been understood between her and Joe Fielder. If he had had any problems at that time, he should have voiced them. Mr. Childs then said that the only reason they had received the violation is because the Division was so slow in processing their modification.

I told him that that was wrong, that the reason they received the violation was because they did something they were not supposed to do. In addition, I said I did not understand why they had installed the pipe and discharged from it to begin with, since I had personally told them they could not discharge directly from the mine to the stream until they received approval from the Division. I told him I was very disappointed, and that the only people they were hurting were themselves.

At that point I gave Mr. Childs the Cessation Order and the copy of the NOV which he had lent me. I told him that if they wanted to have the violation modified so they didn't have to remove the pipe, they should contact Sandy Pruitt that afternoon. I then left the mine operator's office.

wj
CC: Donna Griffin, OSM
Sandy Pruitt, DOGM
Joe Helfrich, DOGM

Statistics:

See Diamond Shamrock Coal Unit, Trail Mountain Mine memo dated 1/17/85.
0072Q-15