0022

Document Information Form

Mine Number: C/015/009

File Name: Internal

To: DOGM

From:

Person N/A

Company United States Department of the Interior

Date Sent: August 08, 1990

Explanation:

Reclamation and Enforcement
TEN-DAY NOTICE

cc:

File in:
C/ 015 , 015 , Internal
Refer to:
- ☐ **Confidential**
- ☐ **Shelf**
- ☐ **Expandable**

Date _____ For additional information

file Mine

7145

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

RECEIVED
AUG 08 1990
DIVISION OF
OIL, GAS & MINING

Number: X - 90 - 02 - 107 - 1 TV

Originating Office: Albuquerque Field Office
625 Silver SW Suite 310
Albuquerque, NM 87102
Telephone Number: 505-766-1486

Ten-Day Notice to the State of Utah Division of Oil, Gas and Mining

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: Beaver Creek Coal Company
(Or Operator if No Permit)
County: Emery
Mailing Address: P.O. Box 1378, Price Utah
Permit Number: 015/009
Mine Name: Trail Mountain #9

☐ Surface
☒ Underground
☐ Other

NATURE OF VIOLATION AND LOCATION: Failure to conduct coal mining and reclamation operations as described in the approved application. Location: The concrete diversion between the sediment pond + the gate (see Typical at Fig 7-12)

Section of State Law, Regulation or Permit Condition believed to have been violated: R614-300-140, 142, 143

NATURE OF VIOLATION AND LOCATION: Failure to certify the sediment pond to be constructed as designed. Location: The Sediment Pond As-Built dated 12/1/88 does not agree with the field situation, Inlet culvert, inlet diversion + x.s. detail for spillways

Section of State Law, Regulation or Permit Condition believed to have been violated: R614-301-742, 212

NATURE OF VIOLATION AND LOCATION: Failure to meet the requirements for primary roads. The haul road b... gates. R614-301-512.250 - S...

Section of Sta...
Condition beli...

File in:
☐ Confidential
☐ Shelf
☐ Expandable
Refer to Record No 0022 Date 8-8-90
In C/ 015, 015, Internal
For additional information

Remarks or Recommendations:

Date of Notice: 8-3-90
Certified Mail #
P 965 798 969

Signature of Authorized Rep.: Rado H Orell
Print Name and ID: Rado H Orell

Distribution: Original-State's Copy, Blue-Field Office, Yellow-Inspector's Copy

IE-160 (3/81)

file Mine

7145

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Office of Surface Mining
Reclamation and Enforcement

TEN-DAY NOTICE

RECEIVED AUG 08 1990 DIVISION OF OIL, GAS & MINING

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Albuquerque, NM 87102

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Section of State Law, Regulation or Permit Condition believed to have been violated: R614-301-742, 212

NATURE OF VIOLATION AND LOCATION: Failure to meet the requirements for primary roads. The haul road between the north and south gates. → R614-301-512.250 -527.100 -534 -534.300

Section of State Law, Regulation or Permit Condition believed to have been violated: see above

Remarks or Recommendations:

Date of Notice: 8-3-90
Certified Mail # P 965 998 969

Signature of Authorized Rep.: Rado H. Orell

Print Name and ID: Rado H. Orell

Distribution: Original-State's Copy, Blue-Field Office, Yellow-Inspector's Copy

IE-160 (3/81)

United States Department of the Interior
Office of Surface Mining
Mine Site Evaluation Inspection Report

For Office Use Only

1a Y Y M M | 1b Batch | 1c Report

2. Name of Permittee: Beaver Creek Coal Co

3. Street Address: P.O. Box 1378

4. City: Price

5. State: UT

6. Zip Code: 84501

7. Area Code: 801

8. Telephone Number: 637-5050

9. MSHA Number: - -

10. Date of Inspection (Y Y M M D D): 900731

11. State Permit Number: 015/009

12. Name of Mine: Trail Mountain #9

13. County Code: 015

14. State Code: UT

15. Strata:

16. State Area Office:

17. OSM Field Office No.:

18. OSM Area Office No.:

19. OSM Sample No.: 0044

20. Type of Inspection (Code): C

21. Joint Inspection Yes: X No:

22. Inspector's ID No.: 107

23. Status

A	01	Type of Permit
B	A	Mine Status (Code)
C	20	Type of Facility (Code)
D	01415.0	Number of Permitted Acres
E	00008.8	Number of Disturbed Acres

24. Type of Activity (check applicable boxes).

A	☐	Steep Slope	E	☐	Anthracite
B	☐	Mountain Top Removal	F	☑	Federal Lands
C	☐	Prime Farmlands	G	☐	Indian Lands
D	☐	Alluvial Valley Floors	H	☐	Other

25. Performance Standards (Codes)

Instructions: Indicate compliance code. For any standard marked 2 or 3 provide narrative to support this determination.

Standards That Limit the Effects to the Permit Area

A	1	Distance Prohibitions
B	1	Mining Within Permit Boundaries
C	1	Signs and Markers
D	2	Sediment Control Measures
E	2	Design and Certification Requirements—Sediment Control — TDN 90-02-107-11 (2)
F	1	Effluent Limits
G	1	Surface Water Monitoring
H	1	Ground Water Monitoring
I	1	Blasting Procedures
J	2	Haul/Access Road Design and Maintenance — 90-02-107-11 (3)
K	3	Refuse Impoundments
L	2	Other: Specify Compliance w/approved permit 90-02-107-11 (1)

Standards That Assure Reclamation Quality and Timeliness

M	1	Topsoil Handling
N	1	Backfilling and Grading
O	1	Following Reclamation Schedule
P	1	Revegetation Requirements
Q	1	Disposal of Excess Spoil
R	1	Handling of Acid or Toxic Materials
S	1	Highwall Elimination
T	1	Downslope Spoil Disposal
U	1	Post Mining Land Use
V	1	Cessation of Operations: Temporary
W	☐	Other _____

Distribution: Original - Field Office, Green - Headquarters, Blue - State's Copy, Yellow - Inspector's Copy, Pink - File Copy

IE - 163 (1/83)

LSCI 4-10-90

United States Department of the Interior
Office of Surface Mining
Mine Site Evaluation Inspection Report

26. State Permit Number 0151/009

27. Date of Inspection (Y Y M M D D) 900731

28. Yes ☐ No ☐ Do mining and reclamation activities on the site comply with the plans in the permit? If no, provide narrative to support this determination.

29. Indicate number of complete and partial inspections conducted by the State to date for this annual review period:

29a. 00 Number of Completes 29b. 01 Number of Partials

30. Indicate number of complete and partial inspections required by the State during this annual review period:

30a. 00 Number of Completes 30b. 01 Number of Partials

31. Has inspection frequency been met?

31a. Yes ☑ No ☐ Completes 31b. Yes ☑ No ☐ Partials

32. FEDERAL ENFORCEMENT INFORMATION. [Enter violation number. Check appropriate box(es)]

	Ten-Day Notice No.	Notice of Violation No.	Cessation Order No.	Violation Codes
	90-07-107-11			
A				Authorizations to Operate
B				Signs and Markers
C				Backfilling and Grading
D				Highwall Elimination
E				Rills and Gullies
F				Improper Fills
G				Topsoil Handling
H	☒ 2 of 3			Sediment Ponds
I				Effluent Limits
J				Water Monitoring
K				Buffer Zones
L	☒ 3 of 3			Roads
M				Dams
N				Blasting
O				Revegetation
P				Spoil on the Downslope
Q				Mining Without Permit
R				Exceeding Permit Limits
S				Distance Prohibitions
T				Toxic Materials
U	☒ 1 of 3			Other Violations

33. Name of Authorized Representative *(print or type)* Rada H. Orell

Signature of Authorized Representative: Rada H. Orell — Date: 8-3-90

Signature of Reviewing Official: John C. Rathmann — Date: 8/3/90

34. Administrative Information

a	04.0	Permit Review (Hours)
b	06.0	Travel Time (Hours)
c	09.0	Inspection Time (Hours)
d	~~00.~~ 04.0	Report Writing Time (Hours)

Beaver Creek Coal Company
P.O. Box 1378
Price, Utah 84501

Trail Mountain #9 Mine
Utah Permit No. 015/009

Random Sample Inspection
July 30, 1990

Participants:

Rade H. Orell, Office of Surface Mining Albuquerque Field Office (AFO); Bill Malencik, John Pappas, Utah Division of Oil, Gas and, Mining (DOGM); and Dan Guy, Beaver Creek Coal Company (operator's representative).

Introduction:

The inspection commenced the morning of July 30 and terminated in the late afternoon. I provided the operator's representative the oppurtunity to review my auhtorization. I used a Ricoh 35mm camera to pghotograph areas of interest. The weather was clear and warm. Ground conditions were dry.

Mine Site Evaluation Inspection Report:

The Mine Site Evaluation Inspection Report from has been completed to reflect the random sample inspection (RSI). The number 2 appears at perfromance standard codes E, Design and Certification Requirements-Sediment Control; J, Haul/Access Road Design and Maintenance; and L, Other (compliance with approved permit to indicate the issuance of a three part Ten-Day Notice (TDN). Each part of TDN 90-02-107-11 is explained in greater detail later in this report.

Inspection:

The inspection included field observations as well as a records review.

Field Inspection - The mine site is oriented north-south. The field inspection commenced at the north end of the mine site. We inspected the area in a southerly direction. Issues identified as a result of the field inspection are described below:

Records Review: The records review included observations of the NPDES permit, discharge monitoring reports, certain parts of the mining and reclamation plan, sediment pond inspection reports, water monitoring, subsidence monitoring, and the sediment pond "As-Built" certification. Issues identified as a result of the records review are described below.

Issues:

1) Concrete Diversion - A concrete diversion on the east edge of the disturbed area conveys runoff to the sediment pond. Approximately 50 feet of the southern end of the diversion just above the point where it enters the pond differs in configuration from that of the remainer of the structure. It appears that a small part of the structure had been overtopped by runoff. The cross-section depicted on figure 7-12, and on the Trail Mountain #9 Mine Surface Facilities Map indicates the typical for the concrete ditch is a lop-sided flat "V" four feet across and 12 inches deep at the vertical part of the "V". The cross-section should apply to any point along the length of the structure. The concrete ditch immediately above the pond is a rounded channel 57 inches across and 5.5 inches deep. The underlying issue corresponds to adequate capacity of the lower part of the diversion. Therefore, because the Typical Cross-Section for the ditch does not correspond to the part of the structure immediately above the pond TDN 90-02-107-11(1) has been issued to DOGM via certified mail. The TDN cites R614-300-140, 142, and 143 as the Rules believed to have been violated. This violation existed at the time of the last state complete inspection (LSCI). The LSCI was conducted on April 10, 1990.

2) Sediment Pond - The inspection of the sediment pond when compared to the "As-Built" certification indicated a number of problems. The certification is dated December 1, 1988. The certification depicts an 18 inch culvert (cmp) inlet on the east side of the pond. Current maps as well as the field situation indicate the inlet is a 24 inch cmp. The cross-section detail depicted on the certification with respect to the placement of the spillways does not agree with the field situation. A diversion, referred to as the "Switchback Diversion" enters the pond on the south west corner. The structure where it enters the pond does not appear on the certification. Therefore, part 2 of the TDN has been issued for the operator's alleged failure to certify the sediment pond to be constructed as designed. The TDN cites R614-301-742.212. This violation existed at the time of the LSCI.

The inspection of the sediment pond embankment indicated that the revegetation efforts have not been successful. The embankment was apparently hydroseeded/mulched last fall. The tacified mulch was evident however germination of grasses was not. Some parts of the embankment are covered with noxious weeds. The normal time for seeding in this area is fall. The operator will seed the area this fall in a futher attempt to establish vegetation.

3) Haul Road - The inspection of the mine site indicated that the

operator recently improved the pad to accommodate coal loading and haulage. Over-the-road trucks enter the mine at the north gate, are loaded with coal and exit the site via the south gate. The operator placed 380 yards of -4 inch subgrade gravel and 500 yards of -.75 inch road base gravel over a length of approximately 735 feet. The material was compacted to approxiamtely 95 percent. We reviewed information provided by the operator's representative that included a plot plan and cross-section dated 6-11-90 and a scope of work dated 6-18-90. The documents refer to the structure as the Trail Mountain #9 Haul Road. We determined that the haul road was constructed without DOGM approval. Therefore, part 3 of the TDN addresses the operator's alleged failure to meet the requirements for haul roads. The TDN cites R614-301-512.250, -527.100, -534, and 534.300. This violation did not exist at the time of the LSCI.

4) Topsoil Stockpile - The topsoil stockpile is surrounded by a silt fence. We did not observe any erosion from the stockpile. However, the DOGM representative requested that the noxious weeds on the south edge of the stockpile be removed and the small area (30 feet by 6 feet) be seeded.

5) Disturbed Area Markers - The inspection of the disturbed area markers on the west edge of the mine site indicated that visibility is difficult. Roof bolts are used to mark the area. The bolts are rusted and hence difficult to locate. The operator's representative indicated the markers would be painted.

6) By-pass Culvert - The side canyon drainage by-pass culvert as depicted on the various mine maps is confusing. For example, the Surface Facilities Map denotes the inlet in the proper location, however the end of the culvert as depicted on the map is approximately 200 feet upstream. The operator's representative indicated the map would be revised accordingly.

Close-Out Meeting:

The close-out meeting was a reiteration of the inspection. The information described above reflects the items discussed during the meeting.

LSCI 4-10-90

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
RANDOM SAMPLE MEIR SUPPLEMENT

1. Permittee Beaver Creek Coal Co
2. Permit Number 015/009
3. Joint Inspection | Y | Y/N
4. Date 7-30-90
5. Days since Last State Complete Inspection (LSCI) 110
6. Block 25 Categories in NON-COMPLIANCE this RSI 3
7. Total Violations this RSI 3

****

8. List (only once) all violations:
   1) where State enforcement was required and taken during the LSCI;
   2) recorded in the LSCI report but the State failed to take enforcement;
   3) observed during this RSI which clearly existed during the LSCI but the State failed to take enforcement; and;
   4) existing during this RSI which are not already listed under one of the categories above.

	A LAW / SPECIFIC STATE REGULATION VIOLATED	B BLOCK 25 CATEGORY	C ABATED (y/n)	D STATE ACTION	E REASON IF UNCITED	F CAUSE	G SERIOUSNESS PEO	H SERIOUSNESS IMPACT	I OSMRE ACTION	J OPTIONAL	K OPTIONAL
TDN part 1	1. / 614 / 300 / 140 / 142, 143	E	N	2		4	2	2	2	2	
	Description: Compliance w/ permit - diversion design vs field situation										
TDN part 3	2. / 614 / 301 / 534 / et al (see TDN)	H	N	4		4	1	7	2		
	Description: Failure to meet the requirements for primary roads										
TDN part 2	3. / 614 / 301 / 742 / 212	E	N	2		4	1	1	2		
	Description: Sed pond field does not agree w/ certification.										
	4. / / / /										
	Description:										
	5. / / / /										
	Description:										
	6. / / / /										
	Description:										
	7. / / / /										
	Description:										
	8. / / / /										
	Description:										
	9. / / / /										
	Description:										
	10. / / / /										
	Description:										

STATE ACTION
1) Existed on LSCI, cited
2) Existed on LSCI, not cited
3) Cited Prior to LSCI, Abatement Pending
4) Occurred since LSCI

STATE'S REASON FOR NOT CITING VIOLATION (AFTER DISCUSSION WITH THE STATE)
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 (missed)
6) Practice allowed under approved Permit
7) Too minor to cite
8) Working with Operator to Correct
9) Other: :

CAUSES
1) Permit Defect
2) Unusual Weather Conditions
3) Unofficial Waiver
4) Operator Negligence
5) Other: :

PROBABILITY OF EVENT OCCURRENCE
1) None or Unlikely
2) Likely
3) Occurred

IMPACT
Damage Remains Within the Permit Area
1) None or Minor
2) Moderate
3) Considerable
Damage Extends Beyond the Permit Area
4) None or Minor
5) Moderate
6) Considerable
Obstruction to Enforcement
7) None or Minor
8) Moderate
9) Considerable

OSMRE ACTION
1) Deferred to State Action
2) TDN issued
3) IN-CO issued
4) Previously Cited, Abatement Pending
5) Abated during or before OSMRE Inspection