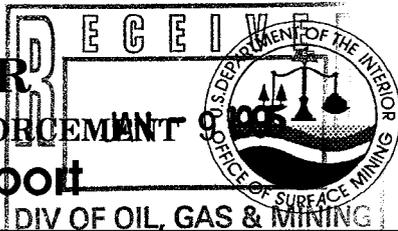




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Copy Joe ACT 10/15/015 #5 U.S. DEPT. OF THE INTERIOR



OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Mine-Site Evaluation Inspection Report

DIV OF OIL, GAS & MINING

1. Permittee/Person  
**CONSOLIDATION COAL CO.**

2. Address  
**P. O. BOX 527**

3. City **EMERY** 4. State **UT**

5. Zip Code **84522** 6. Phone Number **801-286-2301**

7. Operator if Different than Permittee

8. Mine Name  
**EMERY DEEP**

9. Permit Number **UT-015-015** 10. Type a. Permit **PP** b. RA **S**

11. Inspection Date **11/29/94** 12. Inspection Type **C** 13. Joint Inspection **Y** Y/N

14. Permit Status **A** 15. Site Status **AP** 16. Facility Type **B**

17. OSM Office # **020** 18. RSI # 19. Land Code **F**

20. M.S.H.A. ID # **42-00079** 21. State Code **49** 22. County Code **015**

23. AVS Permittee Entity ID Number **107373** 23b. State Office

24. Performance Standard Categories

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

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

**25. Inspection Frequency**

a. Date of Last State Complete Inspection **10/26/94**

Frequency for previous 4 Calendar Qtrs.

b. Number of required complete inspections **4** Number of complete inspections conducted **4**

c. Number of required partial inspections **8** Number of partial inspections conducted **8**

**26. Inspection Hours**

a. Permit Review **8.0**

b. Inspection Time **15.0**

c. Travel Time **12.0**

d. Report Writing **4.0**

**27. Bonded Acres**

a. Total bonded **207.0**

b. Phase I released **0.0**

c. Phase II released **0.0**

d. Phase III released **0.0**

**28. Acres**

a. Permitted **5420.0**

b. Disturbed (Estimated) **40.0**

Page 1 of \_\_\_\_\_  
 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-015-015

 Inspection Date 11/29/94

#### 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>R645-301-742.221.31</u> Description: <u>CLEAN OUT</u>											
1	B3	N	2	*	4	1	1	1		V#	
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#	

- |   |  |  |
|---|--|--|
| <b>D. State Action</b><br>1) Existed on LSCI, Cited<br>2) Existed on LSCI, Not Cited<br>3) Cited Prior to LSCI, Abatement Pending<br>4) Occurred Since LSCI<br>5) N/A Federal Program<br>6) N/A Permit Defect   | <b>E. State's Reason for not Citing Violation</b><br>1) Not a Violation<br>2) Precluded by State Policy<br>3) Not Included under State Program<br>4) Warning Given in Lieu of a Citation<br>5) Violation Not Recognized<br>6) Practice Allowed under Approved Permit<br>7) Too Minor to Cite<br>8) Working with Operator to Correct<br>9) Other _____    | <b>F. Cause</b><br>1) Permit Defect<br>2) Unusual Weather Conditions<br>3) Unofficial Waiver<br>4) Operator Negligence<br>5) Other _____ |
| <b>H. Impact</b><br><b>Damage Remains Within the Permit Area</b><br>1) None or Minor<br>2) Moderate<br>3) Considerable<br><b>Damage Extends Beyond the Permit Area</b><br>4) None or Minor<br>5) Moderate<br>6) Considerable<br><b>Obstruction to Enforcement</b><br>7) None or Minor<br>8) Moderate<br>9) Considerable | <b>I. OSM Action This Inspection</b><br>1) Deferred to State Action<br>2) TDN Issued<br>3) NOV Issued<br>4) FTA-CO Issued<br>5) IH-CO Issued (Imminent Environmental Harm)<br>6) ID-CO Issued (Imminent Danger to Public)<br>7) Previously Cited by RA, Abatement Pending<br>8) Abated during or before OSM Inspection<br>9) Follow-up of Federal Action |  |

**30. Signature**

Inspector's Signature

**MITCHELL ROLLINGS**

Inspector's Printed Name

31. OSM Inspector ID#

Dated: 01/05/95 370

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Reviewing Official:

Review Date: 1/5/95

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Revised July 1, 1993

Consolidation Coal Company (CCC)  
P.O. Box 527  
Emery, UT 84522  
801-286-2301

ACT/015/015  
Emery Deep

11/29/94  
Complete oversight inspection

Mitchell S. Rollings, 370, OSM  
Pete Hess, DOGM  
Steve Behling, General Mine Foreman, CCC

We conducted a records review prior to inspecting the mine site. The permit was issued 1/8/91 and expires 1/7/96. The reclamation agreement was signed 8/10/92. Performance bond #188617 with Seaboard Surety Co., has been posted for \$3,454,443. This bond covers 207 acres but only about 40 acres are disturbed. The approved permit addresses a preparation plant, but this has not been constructed. Liability insurance is with Lumberman's Mutual Casualty Co., and expires 1/1/95.

There are seven ponds on site. The last annual certification was dated 12/24/93 for all ponds. Cross referencing the surveyed volumes from the annual certifications with the required storage volume from the permit design shows that ponds 2 and 3 need to be cleaned out. The figures from the annual certification are almost a year old, so the conditions will have only worsened. Mr. Hess issued an NOV on these ponds.

Ponds 1 and 6 have daily discharges totalling about 500,000 gallons a day. The ponds discharge 5 and 11 hours respectively and are sampled twice a month. The water monitoring reports are current through the third quarter for all locations. On 9/28/94, CCC reported a noncompliance for the discharges from outfalls 1 and 3 as identified under UPDES UT 0022616. However, ACZ, the laboratory that conducts the analyses identified the problem as resulting from lab error. The groundwater monitoring is also up-to-date.

The mine has a discharge into the active works from surface runoff. A revision was approved by DOGM to allow this condition. Plate VI-10, Surface Drainage Control Map, reflects the condition of surface runoff entering the mine, but narrative language from the permit states that no discharges will be allowed into the mine. The revision required CCC to modify the Plate, but not the language. CCC should revise the language to reflect the approved practice.

We discussed reclamation of pond 5 as an option to cleaning out the pond. but there are a number of things CCC would have to do first; including addressing any disturbed areas in the watershed, designing a reclaimed channel through the pond location, etc.

Designs for pond 3 were confusing to us with respect to whether or not the pond was designed to contain the 100yr. event or the 10yr. event. The designs referenced the 10yr. event, but also contained language to the effect that if the embankment were raised one foot, the requirements for the 100 yr. event would be met. Mr. Hess' NOV requires, in part, for CCC to recertify the structure after clean-out. The certification will address this question. If the pond is constructed to the 10yr. event, there may well be a problem with the spillway configuration. Mr. Hess will monitor this situation.