



# State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

## Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

# Inspection Report

Permit Number:	C0150015
Inspection Type:	CITIZEN COMPLAINT
Inspection Date:	Tuesday, November 27, 2012
Start Date/Time:	11/27/2012 1:30:00 PM
End Date/Time:	11/27/2012 3:00:00 PM
Last Inspection:	Thursday, November 01, 2012

Representatives Present During the Inspection:	
OGM	Steve Christensen
OGM	Pete Hess

Inspector: Steve Christensen

Weather: 50 degrees F., 0-5 mph winds, Sunny

InspectionID Report Number: 3313

Accepted by:

Permitee: **CONSOLIDATION COAL CO**

Operator: **CONSOLIDATION COAL CO**

Site: **EMERY DEEP MINE**

Address: **PO BOX 566, SESSER IL 62884**

County: **EMERY**

Permit Type: **PERMANENT COAL PROGRAM**

Permit Status: **ACTIVE**

### Current Acreages

442.50	<b>Total Permitted</b>
248.50	<b>Total Disturbed</b>
	<b>Phase I</b>
	<b>Phase II</b>
	<b>Phase III</b>

### Mineral Ownership

- Federal
- State
- County
- Fee
- Other

### Types of Operations

- Underground
- Surface
- Loadout
- Processing
- Reprocessing

### Report summary and status for pending enforcement actions, permit conditions, Division Orders, and amendments:

On November 27th, 2012, Division of Oil, Gas and Mining (the Division) staff conducted a field inspection at the request of private property owner Mr. Jon H. Sundstrom. Mr. Sundstrom contends that as a result of mining activity at the Emery Deep Mine, impacts have occurred on his property. Mr. Sundstrom has indicated that sumps/holes began to develop on his property approximately 2-3 years ago. Additionally, Mr. Sundstrom has indicated that conveyance ditches and stock-watering ponds have been impacted by mining activity (i.e. that water is being lost within the drainage network and retention pond).

Pat Sundstrom (son of Jon H. Sundstrom) and Dave Mangum (Castle Valley Special Services District) accompanied Division staff to the Sundstrom property. Mr. Pat Sundstrom directed Division staff to the locations of several surface deformations on the property and discussed/identified other water replacement issues.

At the time of this report, a definitive conclusion as to what is or isn't occurring on the Sundstrom property is not possible. Further monitoring of the Sundstrom property will be performed (including observations during the spring/summer irrigation months) in order to determine if mining activity has impacted State Apprpriated Water Rights on the Sundstrom property.

Inspector's Signature:

Steve Christensen,  
Inspector ID Number: 54

Date Monday, December 13, 2012



**REVIEW OF PERMIT, PERFORMANCE STANDARDS PERMIT CONDITION REQUIREMENTS**

1. Substantiate the elements on this inspection by checking the appropriate performance standard.
  - a. For COMPLETE inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check Not Applicable.
  - b. For PARTIAL inspections check only the elements evaluated.
2. Document any noncompliance situation by reference the NOV issued at the appropriate performance standard listed below.
3. Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
4. Provide a brief status report for all pending enforcement actions, permit conditions, Divison Orders, and amendments.

	Evaluated	Not Applicable	Comment	Enforcement
1. Permits, Change, Transfer, Renewal, Sale	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Signs and Markers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Topsoil	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.a Hydrologic Balance: Diversions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.b Hydrologic Balance: Sediment Ponds and Impoundments	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.c Hydrologic Balance: Other Sediment Control Measures	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.d Hydrologic Balance: Water Monitoring	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.e Hydrologic Balance: Effluent Limitations	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Noncoal Waste	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Protection of Fish, Wildlife and Related Environmental Issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Slides and Other Damage	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Subsidence Control	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Cessation of Operations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.a Roads: Construction, Maintenance, Surfacing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.b Roads: 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	<input type="checkbox"/>	<input checked="" 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 and Insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## **22. Other**

On November 27th, 2012, Division of Oil, Gas and Mining (the Division) staff conducted a field inspection at the request of private property owner Mr. Jon H. Sundstrom. Mr. Sundstrom contends that as a result of mining activity at the Emery Deep Mine, impacts have occurred on his property. Mr. Sundstrom has indicated that sumps/holes began to develop on his property approximately 2-3 years ago. Additionally, Mr. Sundstrom has indicated that conveyance ditches and stock-watering ponds have been impacted by mining activity (i.e. that water is being lost into the ground within the drainage network and retention pond).

Pat Sundstrom (son of Jon H. Sundstrom) and Dave Mangum (Castle Valley Special Services District) accompanied Division staff to the Sundstrom property. Mr. Pat Sundstrom and Mr. Mangum directed Division staff to the locations of several surface deformations on the property and discussed other potential water replacement issues associated with irrigation canals located on or adjacent to the Sundstrom property.

Numerous holes and small depressions were observed on the Sundstrom property. The holes were relatively small (approximately 8-10" in diameter and 4-6" deep). It does not appear that the holes are the result of animal activity or natural erosion processes. Numerous depressions were observed on the Sundstrom property as well. The depressions were difficult to accurately measure due to the overlying vegetation; however, several were observed to be approximately 3-5' in diameter and approximately 4-6" deep. Mr. Sundstrom indicated that the depressions have grown larger over time.

Based upon a review of mining within the Emery Deep Mine, it appears that the Zero North and Zero Zero North panels were the closest areas where mining activity occurred before the mine entered into temporary cessation in November of 2010. However; it appears that the Sundstrom property is well outside of the angle of draw where potential surface impacts from subsidence could be produced.

At the time of this report, the cause of the sink holes and depressions forming on the Sundstrom property is unknown. Further monitoring of the Sundstrom property will be performed (including observations during the spring/summer irrigation months) in order to further examine if mining activity has impacted State Appropriated Water Rights on the Sundstrom property.