



*File*

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

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INSPECTION REPORT

INSPECTION DATE & TIME: Nov. 5&10, 1987  
11 a.m. to 5 p.m. and 11 a.m. to 5 p.m.

Permittee and/or Operators Name: Utah Power & Light, Mining Division  
 Business Address: P.O. Box 310 Huntington, Utah 84528  
 Mine Name: Des-Bee-Dove Permit Number: ACT/015/017  
 Type of Mining Activity: Underground  Surface  Other   
 County: Emery  
 Company Official (s): Val Payne  
 State Official(s): Harold G. Sandbeck and Bill Malencik  
 Partial:  Complete:  Date of Last Inspection: 9-3-87  
 Weather Conditions: Clear and cool  
 Acreage: Permitted 2847 Disturbed 74.5 Regraded  Seeded  Bonded 74.5  
 Enforcement Action: None

COMPLIANCE WITH PERMITS AND PERFORMANCE STANDARDS

	YES	NO	N/A	COMMENTS
1. PERMITS	( X )	( )	( )	( X )
2. SIGNS AND MARKERS	( X )	( )	( )	( )
3. TOPSOIL	( X )	( )	( )	( )
4. HYDROLOGIC BALANCE:				
a. STREAM CHANNEL DIVERSIONS	( X )	( )	( )	( )
b. DIVERSIONS	( X )	( )	( )	( X )
c. SEDIMENT PONDS AND IMPOUNDMENTS	( X )	( )	( )	( )
d. OTHER SEDIMENT CONTROL MEASURES	( X )	( )	( )	( X )
e. SURFACE AND GROUNDWATER MONITORING	( X )	( )	( )	( )
f. EFFLUENT LIMITATIONS	( X )	( )	( )	( )
5. EXPLOSIVES	( )	( )	( X )	( )
6. DISPOSAL OF DEVELOPMENT WASTE AND SPOIL	( X )	( )	( )	( )
7. COAL PROCESSING WASTE	( X )	( )	( )	( )
8. NONCOAL WASTE	( X )	( )	( )	( )
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	( X )	( )	( )	( )
10. SLIDES AND OTHER DAMAGE	( )	( )	( X )	( )
11. CONTEMPORANEOUS RECLAMATION	( )	( )	( X )	( )
12. BACKFILLING AND GRADING	( )	( )	( X )	( )
13. REVEGETATION	( X )	( )	( )	( )
14. SUBSIDENCE CONTROL	( X )	( )	( )	( )
15. CESSATION OF OPERATIONS	( X )	( )	( )	( )
16. ROADS				
a. CONSTRUCTION	( )	( )	( X )	( )
b. DRAINAGE CONTROLS	( X )	( )	( )	( X )
c. SURFACING	( X )	( )	( )	( )
d. MAINTENANCE	( X )	( )	( )	( )
17. OTHER TRANSPORTATION FACILITIES	( )	( )	( X )	( )
18. SUPPORT FACILITIES UTILITY INSTALLATIONS	( X )	( )	( )	( )

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GENERAL COMMENTS:

On this complete inspection, state inspectors were accompanied by Val Payne (UP&L). The inspection occurred on the 5th and 10th of November, 1987. Ground conditions were wet on the 5th of November and damp on the 10th of November.

1. PERMITS:

Permits were checked and appeared in order.

4b. DIVERSIONS:

All ditches and culverts were stable and functional with a few requiring minor preventive maintenance.

4d. OTHER SEDIMENT CONTROL MEASURES:

The undersigned inspector informed the operator that some of the silt fences on the minesite would require cleaning in the near future. However, the silt fence controls were currently effective.

16b. ROAD DRAINAGE CONTROLS:

An inspection was made of the rill and gully erosion on the Class I haul road in the vicinity of the sediment pond and sediment storage area. Last summer of 1986, NOV 86-10-2-1 (see inspection reports dated August 15, 1986, and September 17, 1986) was issued for failure to minimize erosion on the outslope of the haul road and to prevent, to the extent possible, contributions of suspended solids to runoff from the permit area. Since August 15, 1986, the date NOV 86-10-2-1 was terminated, sediment and drainage controls have been in place on this haul road. The conveyor belt curb appears to have prevented any more erosion from occurring on the haul road outslope. At this time, erosion of the haul road embankments appears minimal. Old erosion rill and gully scars are still visible along the haul road embankments. The undersigned inspector informed the operator

Copy of this Report:

Mailed to: Val Payne, UP&L; Brian Smith, OSM

Given to: Joe Helfrich, DOGM

Inspectors Signature and Number: Harold G. Sandbeck #27 Date: Nov. 13, 1987

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that three diversions require minor repair. These diversions are indirectly related to the haul road embankment problem. Following is the past violation history of this Class I haul road:

1. On May 22, 1986, Henry P. Austin (OSM oversight inspector) issued TDN X-86-2-116-4-TV-1 for "Failure to maintain Class I haul road in order to control or minimize erosion and siltation."
2. On June 3, 1986, Philip Ralphs issued NOV #N86-10-2-1 before the TDN deadline. The violation was issued for "Failure to construct and maintain Class I haul road in order to minimize erosion and siltation, and prevent, to the extent possible, contributions of suspended solids to runoff from permit area."
3. UP&L abated NOV #N86-10-2-1 by:
  - A. Installing a conveyor belt curb along a portion of the haul road to divert runoff.
  - B. Erosion repair and soil scarifying of the upper bench surface between the road shoulder and the top of the cut-slope.
  - C. Seeding of B above.
  - D. Installing silt fence/straw bale filters to prevent sediment from leaving the permit area.
4. NOV #N86-10-2-1 was terminated by Philip M. Ralphs (DOGM) on August 15, 1986.

On July 3, 1986, UP&L contested both the fact of the violation and the amount of penalty. UP&L requested an assessment conference.

The assessment conference was held on September 10, 1986, and the assessment officer was Barbara W. Roberts. In summary, Barbara Roberts vacated part of the NOV #N86-10-2-1 and reduced proposed assessment points of 41 to a final assessment of 2 points. The total assessed fine came to zero (0) dollars. Following is a narrative of Barbara Roberts' reasoning:

"The area which is the subject of this violation has been the focus of ongoing discussions between the operator and several members of the Division of Oil, Gas and Mining over the course of the past 2-3 years. This apparently is a very difficult area to maintain despite

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the operator's efforts to do so. The character of the site, steep slope, mancos shale, is such that attempts to revegetate the site repeatedly result in failure. The presence of rills and gullies is a naturally occurring reality of mancos shale and artificial stabilization of this soil type is a contradiction in terms.

"To this end and with the knowledge that this area posed a problem, the operator and the Division staff entered into an agreement whereby the operator would monitor the area for erosion on a May, July and September schedule for 1985 and 1986. The operator had complied with this approved schedule. The Division had, by its approval of the monitoring schedule acknowledged the operator's efforts in addressing the haul road erosion issue. In addition, the Division was apparently satisfied that monitoring was the only appropriate plan of action for this site.

"Therefore, as a result of the existence of and compliance with an approved plan to address the erosion issue, the Division's action in taking enforcement action was untimely. Violation N86-10-2-1 is therefore vacated in so far as it cites the operator for failure to construct and maintain the Class I haul road in order to minimize erosion.

"The remaining portion of N86-10-2-1 cites the operator for failure to prevent, to the extent possible, contributions of suspended solids to runoff outside the permit area. In this case, the event that the rules were designed to prevent is water pollution. The probability of occurrence is therefore reduced to "none" or zero points. This is based upon the proximity to a receiving channel.

"In addition, the rapidity with which the operator placed the temporary sediment control measures was immediate. Under the circumstance of the monitoring and ongoing discussions with the Division, the full 20 points of good faith is subtracted from the accumulated points. No penalty will be assessed in conjunction with the remaining 2 points."

The undersigned inspector acknowledges that the operator is still monitoring the erosion of the haul road on a May, July, and September schedule and recommends that monitoring continue for another two (2) years. This data should be of use to the operator and DOGM to arrive at an appropriate plan of action for this site. The operator must send this data to DOGM for review by technical staff.

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