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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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June 28, 2001

TO: [redacted]

THRU: Daron R. Haddock, Permit Supervisor

FROM: Priscilla W. Burton, Soils Reclamation Specialist

RE: Technical Field Visit of Soil Handling During Valley Fill Excavation, Energy West Mining, Des Bee Dove Mine, C[redacted]

Other Attendees:

Ken Wyatt, DOGM Inspector
Dennis Oakley, Energy West
Scott Kiscaden, Blue Ridge Services, LLC.

Date & Time:

June 26, 2001, 10:00 am to 1:00 pm.

PURPOSE:

Ken Wyatt was conducting a complete inspection. I attended to discuss sampling of spoil unearthed during the ongoing valley fill excavation. Over the last three months, Energy West has been excavating coal mine waste from the valley fill beneath the storage pad (location shown on Drawing CM-10333-DS Sheet 1 of 2). Prior to beginning the excavation the Division and Energy West conversed via a telephone conference call to discuss reclamation plans for the site. During that February 2001 conversation, the excavation of the valley fill and associated outslope was mentioned. The Division requested that Energy West follow their MRP for substitute topsoil salvage.

I became acquainted with the site on 03/08/2001. Activity was just beginning on the valley fill excavation. I observed that spoil and mine waste was being allowed to spill onto the outslope which the MRP stated held the substitute topsoil and would be salvaged. I mentioned this point to the Energy West representative (Chuck Semborski). He responded that the outslope would be salvaged.

A subsequent visit on 04/26/2001 revealed that earth was being compacted into lifts on the bathhouse pad and that a second pile of earth was being formed adjacent to the road on the north side of the tipple yard. But no where was there a designated substitute topsoil pile. Dennis Oakley, who accompanied the inspector (Ken Wyatt) and myself during that visit could not answer questions about the topsoil location and referred us to Chuck Semborski. So, the Division sent an email on 04/03/2001 with accompanying photographs of the compacted earth on the bath house pad and asked if this material was the substitute topsoil salvaged from the outslope of the storage yard during valley excavation. The email response on 04/04/2001 was that it was spoil and it would be sampled after the valley excavation was complete.

After the 05/22/2001 inspection, concern about the situation led to the Division initiating a conference call with Energy West Mining on 05/30/2001. The telephone discussion was summarized in an email from Ken Wyatt. Through this discussion, the Division learned that although the MRP describes soil creation on outslopes of pads as a source of substitute topsoil, Energy West did not consider that the outslope of the storage yard was substitute topsoil because initially, the outslope was to remain during final reclamation. Energy West Mining did not salvage material from the outslope of the storage yard pad, because activities being conducted to unearth the coal mine waste and recreate the ravine were not discussed in the MRP. And they did not apply statements from the MRP about revegetated outslopes to their activity as the Division did. The Division accommodated this misconception by requesting that an amendment be filed stating that the spoil material placed on the bath house pad and at the north end of the tipple yard would be sampled for substitute topsoil potential by 07/31/2001.

An amendment was received 06/08/2001 and reviewed 06/22/2001 just prior to this site visit.

OBSERVATIONS:

Images from the inspection are saved in the Images file for this mine and dated 06/26/2001. During the site visit on June 26, 2001, I observed the following:

- Refuse now covers the spoil material on the bath house pad which was to be tested for its substitute topsoil potential. The spoil material was the subject of the conference call on 05/30/2001 and Amendment AM01B. The refuse had been dumped by the truckload on the pile.
- The excavation of coal had extended up canyon to the Deseret pad outslope. The outslope had been completely reconfigured, but no substitute topsoil was salvaged. The substitute topsoil along with the spoils in the outslope were being used to create ramps for access to coal on the nearby slopes.
- The pile along the north side of the tipple pad was being utilized as a road and was covered with coal due to the sorting operation.
- Asphalt on the bath house pad had been moved to create room for more mine waste.

- A fan of alluvium/colluvium was exposed during valley fill excavation along the north side of the canyon.
- Excavation of the storage yard pad was approximately 100 feet deep.

When asked if Energy West was aware that the spoil pile was to be sampled as substitute topsoil, Dennis Oakley and Scott Kiscaden commented that it was all the same through out the pile. They stated that if the pile were to be leveled, then the large refuse rocks would be driven into the pile and the fines would surface to create the appearance of the spoil pile as I had last seen it. (It was later revealed that concrete from the Deseret pad outslope was placed on the spoil pile as well.)

When asked why the truck loads of spoil and refuse could not have been separated on the bath house pad, Mr. Oakley and Mr. Kiscaden responded that there was not enough room to separate good from bad material. (It was later observed that asphalt had been moved to create room for storage of something else.)

Due to the controversial nature of this subject, I have included comments made by both Mr. Oakley (Energy West) and Mr. Kiscaden (contractor) during this inspection. They are as follows:

Mr. Kiscaden commented that:
- Salvage of soil was not economical due to fuel costs and safety concerns.
- Soil salvage required moving the material too many times.
- Salvage off the slopes was an impossible task. It was not safe for the operator. (I should ride in the passenger's seat to realize this fact.)
- It's impossible to get substitute soil away from the boulders...the fines fall through the shovel.
- We'll have plenty of excess soil when we lay back the outslope of the bath house pad.
- We need the soil to build a road to access the coal waste.
- We can cover the soil with spoil during operations and uncover for final reclamation.
- We will not salvage the fan of soil material exposed in valley excavation.
- We don't need substitute topsoil. We can clean up the final slopes by scraping off the coal and revealing bare rock or parent material.

Mr Oakley further added that:
- We'll still have the soil in the undisturbed outcrop below the road between the bath house and the Deseret pad.
- The substitute topsoil from the Deseret pad outslope is not gone; it is in spoil that we're using for road construction.
- The material on the outslopes is all the same, from the top eighteen inches down to ten feet.

- We can add organic matter to the spoil and recreate the substitute topsoil medium that was destroyed. Hay is cheap.
- The Mining and Reclamation Plan is "crappy."

RECOMMENDATIONS/CONCLUSIONS:

I recommend that:

1. The alluvium between the primary access road and the ravine, which was exposed during valley excavation, should be evaluated for substitute topsoil potential and salvaged if it is found suitable.
2. A portion of the spoil being utilized for road construction is removed from that use and stockpiled. The portion to be removed would be equivalent to volume of the area of the Deseret and storage yard outslopes by eighteen inches in depth.
3. The recently submitted amendment AM01B should be retracted.
4. The Permittee submits a soil management plan that they can follow. The contents of this plan should include mass balance soil calculation for the entire site; sampling plans for substitute topsoil and refuse (potentially acid-toxic forming materials); salvage, storage and protection of substitute topsoil.

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