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United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
SUITE 310
625 SILVER AVENUE, S.W.
ALBUQUERQUE, NEW MEXICO 87102

copy: Mine file
Pam
James
TAKE
PRIDE IN
AMERICA

In Reply Refer To:

December 12, 1990

CERTIFIED MAIL RECEIPT NO.: P 965 799 019

RECEIVED
DEC 14 1990

Permit: ACT-015-018
Mine Name: Deer Creek

Mr. Lowell P. Braxton
Associate Director, Mining
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

DIVISION OF
OIL, GAS & MINING

Dear Mr. Braxton:

The enclosed Office of Surface Mining Reclamation and Enforcement (OSM) inspection report identifies violations that are considered to have existed at the time of the last State complete inspection (LSCI) but had not been cited.

Date of Federal Inspection: 11/28/90; Date of LSCI: 8/2/90

The determination that the State did not cite the violations is based on one or more of the following reasons:

- The condition was identified in a State inspection report but no State enforcement action was taken.
- Design criteria or required certification has not been met for a structure in existence as of the last State complete inspection (sediment pond, excess spoil fill, etc.).
- Necessary controls that were required at the time of the last State complete inspection have not been established (diversion ditches, sediment ponds, top soil protection, signs and markers, etc.).
- Site conditions indicate that the violations noted had been in existence at the time of, or prior to, the last State complete inspection.
- Other (give explanation).

Mr. Lowell P. Braxton

2

Although the violations were cited by the State, OSM believes that the violations were evident during the last State complete inspection.

Indicate below the Division's reason(s) for not citing the alleged violations.

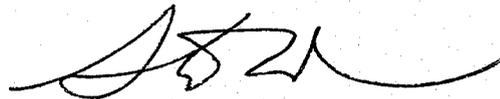
- Not a violation *Permitting action had been initiated by the state upon notification by operator*
- Precluded by State policy
- Not included under State program
- Warning given in Lieu of a Citation
- Violation not recognized (missed)
- Practice allowed under approved permit
- Too minor to cite
- Working with operator to correct
- Other: _____

Signature L.P.B. left

Date 12-17

Please return your signed and dated response to the Albuquerque Field Office at your earliest convenience.

Sincerely,



Stephen G. Rathbun, Chief
Inspection and Enforcement Branch

Enclosure

UNITED STATES DEPARTMENT OF THE INTERIOR

Office of Surface Mining
Reclamation and Enforcement

TEN-DAY NOTICE

Originating Office:

Albuquerque Field Office

625 Silver Ave. SW Suite 310

Albuquerque, New Mexico

Telephone Number: 505-766-1486

Number: X-90-02-244-06 TV 1

Ten-Day Notice to the State of Utah

You are notified that, as a result of Federal Oversight 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: Utah Power & Light
(Or Operator if No Permit)

County: Emery

Surface

Mailing Address: P.O. Box 315, Huntington, Utah

Underground

Permit Number: 015/018

Mine Name: Deer Creek

Other

NATURE OF VIOLATION AND LOCATION: Failure to obtain prior written approval in accordance with R.614-303-300 before transferring, assigning or sale of rights granted by permit. (permit)

Section of State Law, Regulation or Permit Condition believed to have been violated: UMC R614-303-310

NATURE OF VIOLATION AND LOCATION:

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

NATURE OF VIOLATION AND LOCATION:

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

Remarks or Recommendations:

Date of Notice: November 30 1990
Hand Delivered to DOG-M.
L.P. Brink 11-30-90

Signature of Authorized Rep.: Gary J Fritz
Print Name and ID: Gary Fritz #244

**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
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2. Name of Permittee Utah Power & Light Co				9. MSHA Number 42-00121-				10. Date of Inspection (Y Y M M D D) 9 0 1 1 2 2							
3. Street Address 10 Box 310				11. State Permit Number ACT 215/018											
4. City Huntington				5. State UT				12. Name of Mine Deer Creek							
6. Zip Code 81528		7. Area Code 801		8. Telephone Number 687-9821				13. County Code 015		14. State Code UT		15. Strata		16. State Area Office	

17. OSM Field Office No. 02	18. OSM Area Office No.	19. OSM Sample No. 0000	20. Type of Inspection (Code) C	21. Joint Inspection Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	22. Inspector's ID No. 244
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23. Status		24. Type of Activity (check applicable boxes).	
A <input type="checkbox"/> 22	Type of Permit	A <input type="checkbox"/> Steep Slope	E <input type="checkbox"/> Anthracite
B <input type="checkbox"/> A	Mine Status (Code)	B <input type="checkbox"/> Mountain Top Removal	F <input checked="" type="checkbox"/> Federal Lands
C <input type="checkbox"/> 20	Type of Facility (Code)	C <input type="checkbox"/> Prime Farmlands	G <input type="checkbox"/> Indian Lands
D <input type="checkbox"/> 1466 • 0	Number of Permitted Acres	D <input type="checkbox"/> Alluvial Valley Floors	H <input type="checkbox"/> Other
E <input type="checkbox"/> 2055 • 0	Number of Disturbed Acres		

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	Standards That Assure Reclamation Quality and Timeliness
A <input checked="" type="checkbox"/> Distance Prohibitions	M <input checked="" type="checkbox"/> Topsoil Handling
B <input checked="" type="checkbox"/> Mining Within Permit Boundaries	N <input checked="" type="checkbox"/> Backfilling and Grading
C <input checked="" type="checkbox"/> Signs and Markers	O <input checked="" type="checkbox"/> Following Reclamation Schedule
D <input checked="" type="checkbox"/> Sediment Control Measures	P <input checked="" type="checkbox"/> Revegetation Requirements
E <input checked="" type="checkbox"/> Design and Certification Requirements-- Sediment Control	Q <input checked="" type="checkbox"/> Disposal of Excess Spoil
F <input checked="" type="checkbox"/> Effluent Limits	R <input checked="" type="checkbox"/> Handling of Acid or Toxic Materials
G <input checked="" type="checkbox"/> Surface Water Monitoring	S <input type="checkbox"/> Highwall Elimination
H <input checked="" type="checkbox"/> Ground Water Monitoring	T <input checked="" type="checkbox"/> Downslope Spoil Disposal
I <input type="checkbox"/> Blasting Procedures	U <input checked="" type="checkbox"/> Post Mining Land Use
J <input checked="" type="checkbox"/> Haul/Access Road Design and Maintenance	V <input type="checkbox"/> Cessation of Operations: Temporary
K <input type="checkbox"/> Refuse Impoundments	W <input checked="" type="checkbox"/> Other <i>Final Reclamation</i>
L <input type="checkbox"/> Other: Specify <i>Final Reclamation</i>	

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

26. State Permit Number

ACT 015/010

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

9 0 1 1 2 8

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. 0 1 Number of Completes *8/2/90*

29b. 0 1 Number of Partials

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

30a. 0 1 Number of Completes

30b. 0 1 Number of Partials

31. Has inspection frequency been met?

Yes No

31a. Completes

Yes No

31b. 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
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Authorizations to Operate
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signs and Markers
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Backfilling and Grading
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Highwall Elimination
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rills and Gullies
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Improper Fills
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Topsoil Handling
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sediment Ponds
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Effluent Limits
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water Monitoring
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Buffer Zones
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Roads
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dams
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Blasting
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Revegetation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Spoil on the Downslope
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mining Without Permit
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exceeding Permit Limits
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Distance Prohibitions
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Toxic Materials
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other Violations

33. Name of Authorized Representative (print or type)

Caro Feitz

Signature of Authorized Representative

Date

02 0

Sam Feitz
Signature of Reviewing Official

Date

06 5

[Signature]

Date

14 0

04 0

November 27 & 28, 1990

Utah Power & Light Co
PO Box 310
Huntington, Utah

Deer Creek mine

Personnel Present During the Inspection:

Guy Davis UPL
Chuck Semborski UPL
Debra Olibeto UPL
Henry Sauris Utah Division of Oil Gas & Mining (DOGGM)
Russ Porter Office of Surface Mining (OSM)/Albuquerque Field Office
(AFO)
Gary Fritz OSM/AFO #244

Weather and Ground Conditions during the Inspection: Clear, Cold
with Light Snow Cover on Some Areas

GENERAL COMMENTS

This was a complete oversight inspection. The Utah Division of Oil Gas & Mining was notified regarding the schedule for the inspection. They were able to send one of their inspectors to join us on the site to conduct a joint inspection.

ENFORCEMENT PROCEDURES

DOGGM issued two violations to the operator following the inspection. One of them, # N-90-32-6-1 was issued for the operator's failure to include the location of and calculations for a couple of existing culverts in the approved mine plan. The 6 foot diameter culverts were located immediately below sediment pond #001. The violation was noted after questions were raised about the capacity of the structures. Both of them had been crushed down in several places on the top causing as much as 25 to 30 % loss in capacity. Apparently some of the equipment passing over the structures during pond cleaning operations from the past summer were too heavy for the amount of cover over the pipes with the result being varying degrees in the loss of capacity. I raised the question in the field about the capacity and projected volumes through the structures. Research by DOGGM officials revealed that the structures were not listed in the mine plan so there were no available hydrologic calculations for the capacity of the pipes to evaluate the existing damage and potential for loss of the structures from storm flows due to the reduction in capacity. I spoke briefly with Mr. Sauris in Salt Lake City on the Friday following the inspection about his preliminary findings on the matter. He said that he was not able to find the data and would likely be writing a violation if the operator was not able to come up

with anything.

The second DOGM violation was for the operator's failure to certify the as built construction of the underdrain on their development rock disposal area. The drain was installed in a wet area in the bottom of the dump. I wanted to review the procedures used to install the drain so I asked the operator for cross sections and narrative from the mine plan. We couldn't find cross sections but did locate a short paragraph in the mine plan describing the installation procedures. As we left the mine, the operator was told that a search was needed for cross sections and a certification. Mr. Saur's also said that he would review DOGM mine plan files in Salt Lake City for the data. He also indicated that he would write a violation if nothing was found.

There were other maintenance items identified during the inspection discussed during the closeout which Mr. Saur's and I agreed needed attention. Those will be addressed in another portion of the report.

I issued Ten Day Notice #90-02-244-6 (TV-1) to the Division of Oil Gas & Mining for the operator's failure to obtain prior written approval of the transfer, assignment or sale of rights granted in the mining permit. Utah Power & Light Company and PacifiCorp, a Maine Corporation were merged with and into PacifiCorp, an Oregon Corporation on January 9, 1989. As of October 1, 1990, Energy West Mining Company, a Utah corporation has replaced, Utah Power & Light Company as the operator of the mines owned by PacificCorp of Oregon. The surety bond held by the US Government and the State of Utah for reclamation on the Deer Creek mine lists the Utah Power Light Company as owner /operator. There are two certificates of insurance issued for public liability and property damage on the mine, one for PacifiCorp and the other Utah Power & Light as the operator/owner of record. Their NPDES discharge permit, UT-0023604, lists UP&L as the permittee. The federal coal leases have been subleased or assigned to PacifiCorp.

Some of the permitting transfer rights were conducted by PacifiCorp on November 13, 1990 with DOGM for the Deer Creek mine but the bond has not been changed.

MAINTENANCE COMMENTS

The berm along the run of mine conveyor should be reinforced, one area was not bermed but runoff is directed via grading through the drainage control system.

The berm around the above ground 1,000 gallon diesel tank owned by one of the mine subcontractors should be reinforced to insure total containment. No spillage was noted but EPA regs require containment.

The pipe behind the mine exhaust fan for spring seepage drainoff

should be cleared. It was partially closed but seeps were frozen and no accumulation was noted.

Road diversion for the concrete ditch at the emergency coal bypass pad should be modified to prevent erosion of fill slopes. Erosion noted below the design structure needs to be filled in and the mouth of the structure should be modified to insure no future problems.

Portions of the silt fences for the waste rock area need to be replaced due to ultraviolet light damage. Some of the fabric has been changed but other portions are showing current damage. No runoff problems noted below the fenced areas.

CLOSING COMMENTS

There were a couple of other items that need discussion for the record. One being an AML site within mine boundaries affected by the operator with prior approval by the DOGM. Correspondence drawn up September 28, 1990 regarding cleanup operations on the abandoned Byron Howard Mine site was presented to me when I questioned DOGM on work being done in the area. The work being done in the area during the inspection is noted in the letter as remedial cleanup activity. It is my understanding that the operator approached DOGM for help in clearing the channel below their active workings. There was some concern on the behalf of the operator that a new emergency bypass for mine water, should it ever be activated, would flow through the area picking up coal fines and debris. The AML branch of DOGM indicated that the area was not included in priority slated cleanup in the near future. With that in mind, the operator indicated that they would clean up the area. About 2 to 3 acres of area was redisturbed in and along the epemeral drainage to remove coal fines out of the stream bed and culverts in the crossing to the abandoned workings. Approval for this work is questionable. The operator is liable for surface mining and reclamation operations in the area. I know approval has been granted but to do so leaves a lot of question about future liability. I have chosen not to issue a TDN for the problem because of the approval and probable outcome of the enforcement action. I know there are other ways to handle this type of problem and would recommend other approaches in the future on behalf of the operator and DOGM. *(Site was being seed & mulched)*

The second comment for the record is trash in the disposal area. Timbers, brattice cloth and general mine run underground trash has been hauled to the disposal area with development rock. It is to be removed during the compaction process. From the amount of trash noted in the material, I feel that it will require a large expenditure of time and manpower to remove all of the material. It would seem that the operator would redesign and implement segregation at the mine rather than waiting to remove it at the dump. Disposal of trash in the fill is not permitted, I doubt that it would be too hard to find trash in the lift below the loose material because of the size and difficulty involved in the sorting as the lift is compacted. I did

not dig into the compacted lift during this inspection but would comment that it will be done in the future

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
RANDOM SAMPLE MEIR SUPPLEMENT

118 days
8/2/90

1. Permittee Utah Power & Light
 2. Permit Number ACT/015/018
 3. Joint Inspection Y Y/N 4. Date 11-28-90

5. Days since Last State Complete Inspection (LSCI) 118 days
 6. Block 25 Categories in NON-COMPLIANCE this RSI 2
 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.

LAW	A 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 IMPACT	I OSMRE ACTION	J OPTIONAL	K
R 1.	614 / 303 / 310 /	L	N	4		4	3	8	2		
	Description: <u>Permit transfer</u>										
R 2.	614 / 300 / 100 /	2	N	2		1	3	8	1		
	Description: <u>Permit defect</u>										
R 3.	614 / 514 / 1102 /	2	N	2		4	2	8	1		
	Description: <u>certification</u>										
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:

- CAUSE**
- 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) TDW issued
 - 3) IH-CD issued
 - 4) Previously Cited, Abatement Pending
 - 5) Abated during or before OSMRE inspection