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United States Department of the Interior
OFFICE OF SURFACE MINING
Reclamation and Enforcement

[REDACTED]
DENVER, COLORADO 80202

Brooks Towers
1020-15th Street

*Joe
MKS*

May 13, 1980

RECEIVED
MAY 19 1980

Mr. Ron Daniels
Coordinator of Mined Land Development
Department of Natural Resources
1588 West North Temple
Salt Lake City, Utah 84116

DIVISION OF
OIL, GAS & MINING

Dear Mr. Daniels:

Enclosed please find copies of on-site inspection reports. The inspections were conducted within the Wilberg Mine during the period of April 9, 1980.

If you have any questions or problems, please contact this office.

Sincerely,

Murray T. Smith
Chief, Division of Inspection & Enforcement

REGION V ON-SITE INSPECTION REPORT

WILBERG MINE
P.O. Box 899
Salt Lake City, Utah 84110
(801) 350-3003

DATE: April 9, 1980
TIME: 9:30 a.m.
WEATHER: Sunny and warm
COUNTY & STATE: Emery County, Utah
COMPANY OFFICIALS: Alex Poulos, Larry Guymon, and Dick Jones
of Emery Mining Corporation
STATE OFFICIAL: Joe Helfrich
OSM OFFICIALS: Larry Damrau and Marianne Adams
STATE PERMIT NO: ACT/015/018
MSHA I.D. NUMBER: 42-00080
STATE ENFORCEMENT
ACTIONS: None
FEDERAL ENFORCEMENT
ACTIONS: NOV #80-5-3-7 (five violations)

Compliance With Interim Regulations

717.11 General Obligations

A copy of the 30 CFR 211 Mining and Reclamation Plan and approval dated January 18, 1978 from USGS was available at the minesite. A copy of NPDES Permit number UT-0022896 was available at the minesite. The NPDES Permit available had an expiration date of March 31, 1980. Approximately two months ago, the company had submitted a request to the Environmental Protection Agency (EPA) of Denver, for renewal of the permit. I contacted the EPA office in Denver and was informed that a confirmation of extension of time for the expired permit will be mailed to the company in the near future. EPA considers them to be in compliance as long as they meet the requirements of the expired permit.

An approval letter dated May 11, 1978, gave authorization to the company to mine, but a State MR-1 Form (Intent to Commence Mining) and MR-2 Form (Mining and Reclamation Plan) was not available for inspection. Violation Number 1 of 5 of Notice of Violation #80-5-3-7, was issued for failure to have a copy of approved plans at or near the minesite.

Following conversations with Utah Power and Light personnel on Friday, April 11, 1980, and conversations with Utah State, Division of Oil, Gas, and Mining personnel on Monday, April 14, 1980, the violation was vacated. The State Regulatory Authority had granted authorization for mining to the company without the MR-1 and MR-2 Forms because information required in the two forms had been submitted by the company in other required documents and plans such as the 30 CFR 211 Mining and Reclamation Plan approved by USGS January 18, 1978. Violation Number 1 of 5 was vacated April 15, 1980.

UTAH POWER AND LIGHT COMPANY/WILBERG MINE

717.12 Signs and Markers

A mine and permit identification sign, with required information, was adequately posted at the entrance to the mine area.

717.14 Backfilling and Grading

Backfilling and grading operations have not been initiated at this minesite since mining activities are not complete.

If no further mining activity is planned on the area, the affected area north of the lower parking lot and east of the fan portal down-slope, and the terminated access to the area, is a portion of the operation which should be backfilled and regraded by the company in the near future. The area was affected during the construction activities associated with the lower parking lot and also to gain access to the upper portal area. The access has been totally cut off and there is no apparent requirement for the area in the present mining operation.

717.15 Disposal of Excess Rock and Earth Materials on Surface Areas

Violation Number 2 of 5 of Notice of Violation #80-5-3-7 was issued to the company for failure to dispose of excess rock and earth materials within the permit area or within an area approved by the Regulatory Authority.

Approximately ten thousand cubic yards of rock and large boulders, excavated from the sedimentation pond area and surface facilities areas, were deposited directly south of and adjacent to the sedimentation pond on the west side of the main access road. Two other large piles, approximately thirty to forty thousand cubic yards of rock and earth materials excavated from the upper parking lot and rock tunnels, were deposited east of the main access road and off of the permit area. The material is adjacent to the canyon drainage and has sluffed, or been pushed down the canyon wall and into the natural drainage. Failure to control surface drainage from the area is addressed below.

717.17 Protection of the Hydrologic System

Violation 3 of 5 of Notice of Violation Number 80-5-3-7 was issued for failure to pass surface drainage from the disturbed area through sedimentation ponds. The violation applied to the area immediately adjacent to the west and south portion of the tibble and to the excess rock and earth materials deposited south of the sedimentation pond. (See violation 2 of 5)

The most critical areas associated with this violation, are the two areas east of the main access road where waste rock and earth materials were deposited on the surface. The material exists from the elevation of the road down the banks of the canyon drainage and into the drainage itself. No sedimentation control exists in the area.

UTAH POWER AND LIGHT CO/WILBERG MINE

Violation Number 4 of 5 of Notice of Violation #80-5-3-7 was issued for deposition of mine waste material in contact with surface water. The violation was addressed to the small piles (approximately two cubic yards) of coal fines deposited within the drainage ditches south of the lower parking lot and south and west of the tipple. The material was apparently deposited during snow removal operations conducted this past winter.

Violation Number 5 of 5 was issued for failure to maintain ditches and culverts throughout the minesite. Ditches and culverts throughout the minesite area were blocked or partially blocked by sedimentation, wire, spools, timbers, shuttlecars, paper, and other mine associated waste and or supplies. It should be noted that much of this material had been placed at the perimeters of the affected areas in order to facilitate mining operations and snow removal operations during the winter months. It would be logical to assume that spring maintenance operations would have removed the restrictions as part of the scheduled maintenance. It was apparent, during this inspection that weather conditions had not yet become optimum for such activities. According to Alex Poulos, such activities were previously planned as soon as conditions became favorable. The extremely limited work area available and the restriction of that area due to snow during the winter months is a fact of life most underground mines located in mountainous terrains must cope with on an annual basis. This fact does not exempt the mining company from maintaining the integrity of the surface drainage control systems established at the minesite throughout the year. Awareness of this reoccurring problem and increased priority to maintain the integrity of the surface drainage system during the winter months should be initiated by the company.

717.20 Topsoil Handling and Revegetation

No topsoil stockpiles were observed during the inspection. No revegetation operations have been conducted.

General Comments

It should be brought to the attention of all parties concerned, that 30 CFR Section 722.16 Pattern of Violations, deals with procedures governing the suspension or revocation of State permits and rights to mine under P.L. 95-87. Increased vigilance on the part of all concerned, to insure that patterns of violations are not established is recommended.


LARRY DAMRAU
RECLAMATION SPECIALIST