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UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Region V
1823 Stout Street
Denver, Colorado 80202
Telephone: (303) 837-5511
(303) 837-5701

NOTICE OF VIOLATION NO. NSO-5-3-7 TV

To the Following Permittee or Operator:

Name Utah Power

Mine Wilberg Surface Underground Other

County and State Emery County, Utah Telephone (801) 350-3003

Mailing Address P.O. Box 819, Salt Lake City, Utah 84110

OSM Mine No. _____ State Permit No. KS/015/018 MSHA I.D. No. 42-00080

Date of Inspection April 9, 19 80

Time of Inspection from 10:00 a.m. to 6:00 a.m.
 p.m. to p.m.

Name of Operator (if other than permittee) Emery Mining Corporation

Mailing Address P.O. Box 310, Huntington, Utah 84528

Under the authority of the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87; 30 U.S.C. 1201), the undersigned authorized representative of the Secretary of the Interior has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the attachment(s). This Notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned authorized representative finds that cessation of mining is is not expressly or in practical effect required by this Notice. For this purpose "mining" means extracting coal from the earth or a waste pile and transporting it within or from the minesite.

This Notice shall remain in effect until it expires as provided on the reverse or is modified, terminated, or vacated by written notice of an authorized representative of the Secretary. The time for abatement may be extended by an authorized representative for good cause, if a request is made within a reasonable time before the end of the abatement period.

Date of Service April 9, 1980 D.L. Damrau
Signature of Authorized Representative

Time of Service 5:00 a.m. D. L. DAMRAU #13
 p.m. Name and I.D. No.

Person Served with Notice Alex Poulos Mine Manager
Print Name and Title

Signature Alex Poulos

IMPORTANT - PLEASE READ REVERSE OF THIS PAGE

Notice of Violation No. N 80-5-3-7

Violation No. 1 of 5

Nature of the Violation

Failure to have a copy of approved plans
at or near the mine site

Provision(s) of the Regulations, Act, or Permit Violated

30 CFR 717.11 (b) Authorizations to operate.

Portion of the Operation to which Notice Applies

Utah State Form M.R. 1 (Intent to Commence
Mining)
Utah State Form M.R. 2 (Mining and Reclamation
Plan)

Remedial Action Required (including interim steps, if any)

have copies available at or near the mine
site

Time for Abatement (including time for interim steps, if any)

30 days (May 9, 1980)

Notice of Violation No. N 80-5-3-7

Violation No. 2 of 5

Nature of the Violation

Failure to dispose of excess rock and waste materials within the permit area or within an area approved by the regulatory authority.

Provision(s) of the Regulations, Act, or Permit Violated

30 CFR 717.15

Portion of the Operation to which Notice Applies

The three large disposal areas south of the sedimentation pond and/or east of the access road.

Remedial Action Required (including interim steps, if any)

- 1) Submit proposed plans for disposal of excess rock and waste materials to the state regulatory authority and to O&M.
- 2) Implement approved plans immediately.
- 3) If plans are not submitted within the time required for abatement, remove deposited material within the time set below.

Time for Abatement (including time for interim steps, if any)

- 1) Submit plans within 30 days (no later than 9 May 1980)
- 2) Implement approved plans immediately
- 3) Remove material within 60 days (no later than 9 June 1980).

Notice of Violation No. N 80-5-3-7

Violation No. 3 of 5

Nature of the Violation

Failure to pass surface drainage from the
disturbed area through sedimentation ponds.

Provision(s) of the Regulations, Act, or Permit Violated

30 CFR 717.17(a) Water quality standards and effluent
limitations.

Portion of the Operation to which Notice Applies

Area south and west of tipple and the 3
excess rock and earth ~~mine~~ deposition
materials areas south of sedimentation
pond.

Remedial Action Required (including interim steps, if any)

Submit plans to OSM and to the State
within the time required. Implement plans
as soon as approved.

Time for Abatement (including time for interim steps, if any)

30 days (May 9, 1980)

Notice of Violation No. N 80-5-3-7

Violation No. 4 of 5

Nature of the Violation

Deposition of mine waste material in contact with surface water.

Provision(s) of the Regulations, Act, or Permit Violated

30 CFR 717.17 (g)

Portion of the Operation to which Notice Applies

Coal waste materials deposited in drainage ditches just south of lower parking area and just south of tipple and west of access road.

Remedial Action Required (including interim steps, if any)

Remove material from drainage courses.

Time for Abatement (including time for interim steps, if any)

30 days (no later than 9 May 1980)

Notice of Violation No. N 80-5-3-7

Violation No. 5 of 5

Nature of the Violation

Failure to maintain ditches and culverts as
required.

Provision(s) of the Regulations, Act, or Permit Violated

30 CFR 717.17 (j)(3)(ii)

Portion of the Operation to which Notice Applies

Blocked or partially blocked ditches and
culvert throughout surface disturbed area.

Remedial Action Required (including interim steps, if any)

Remove restrictions blocking or partially blocking
ditches and culverts.

Time for Abatement (including time for interim steps, if any)

30 days (no later than 9 May 1980)

UTAH DIVISION OF OIL, GAS, AND MINING
INSPECTION CHECKLIST FOR
INTERIM REGULATION PERIOD
UNDERGROUND COAL MINE

MINING COMPANY: UPL

MINE NAME: WILBERG - COMPLETE

FILE NUMBER: PCT-

COUNTY: _____

DATE: 4-9-80

TIME: 11:00 AM

WEATHER: CLDY

MILEAGE: Begin: _____ End: _____ Total: _____

MINING COMPANY REPRESENTATIVES: LARRY GUYMAN, DICK JONES
ALEX PAULOS

STATE OFFICIALS: JOE HELFICH

OFFICE OF SURFACE MINING OFFICIALS: MARILYN ADAMS, LARRY
DUNN

OTHERS PRESENT: _____

COMMENTS: _____

SIGNATURE: Joseph C. Helfich 4-9-80

UTAH DIVISION OF OIL, GAS, AND MINING
INSPECTION CHECKLIST FOR
INTERIM REGULATION PERIOD
UNDERGROUND COAL MINE

APPLICABLE VIOLATIONS ARE CIRCLED

MC-717.11	<u>General Obligations.</u>			
VIOLATION	Is there a copy of the Mining and Reclamation Plan at or near the mine site?	yes	no	(no)
MC-717.12	<u>Signs and Markers.</u>			
VIOLATION	Are signs displayed at all access points to permit area from public highways?	(yes)	no	
VIOLATION	Do signs show name, business address, telephone number of permittee and appropriate identification and permit numbers?	(yes)	no	
MC-717.13	<u>Reserved</u>			
MC-717.14	<u>Backfilling and grading of road cuts, mine entry area cuts, and other surface work areas.</u>			
	<u>Note:</u> THIS SECTION APPLIES TO RECLAIMED AREAS UPON TERMINATION OF MINING AND TO FINAL CUTS, FILLS, ETC. OF OPERATING MINES THAT ARE NOT TO BE REWORKED UPON TERMINATION OF MINING.			
VIOLATION	a. Are affected areas regraded to approximate original contour?	yes	no	(NA)
VIOLATION	Is stability and the prevention of leaching of toxic pollutants assured?	yes	no	(NA)
VIOLATION	1. Are earth, rock, and mineral nonwaste materials retained on the solid portions of benches or at the site of the faceup if additional working space is needed? (1.5 static safety factor and less than the angle of repose)	yes	no	(NA)
VIOLATION	2. Are highwalls along roads, faceups, etc, backfilled and graded to the most moderate slope possible so as to eliminate the highwalls?	yes	no	(NA)
VIOLATION	b. If cut-and-fill terraces are used, have they been approved and do they meet the requirements?	yes	no	(NA)
VIOLATION	c. If the slopes are over 20 degrees, has material been placed on the down slope below road cuts, mine workings, etc. other than in conformance of Part 717.14(a)(1) - place on the downslope at the faceup when additional working space is needed?	yes	no	(NA)

Inspection Checklist
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- VIOLATION d. Are rills or gullies deeper than 9 inches present on regraded areas that do not have established vegetation? yes no NA
- VIOLATION e. Are acid-forming, toxic-forming, combustible materials, or other waste materials covered with a minimum of 4 feet of nontoxic and noncombustible material? yes no NA
- VIOLATION Are acid-forming or toxic-forming materials buried, or stored close to a water course so as to pose a water pollution threat, or in violation of Part 717? yes no NA
- VIOLATION f. Was final grading before the placement of topsoil and during the placement of topsoil done along the contour if it could be done safely? yes no NA
- VIOLATION Was the placement, grading, and preparation done in such a manner that minimizes erosion and minimizes soil slippage? yes no NA

MC-717.15 Disposal of excess rock and earth materials on surface areas.

Note: SPOIL AND WASTE DEPOSITED ON THE SURFACE MUST BE IN COMPLIANCE WITH PART 715.15. THESE REQUIREMENTS MAY BE MODIFIED BY STATE IF AMOUNT IS SMALL AND POSES NO THREAT.

MC-715.15 (a) Disposal of spoil in other than valley or head-of-hollow fills.

- VIOLATION Is spoil deposited in a controlled (engineered) manner designed and certified in an approved site within the permit area? yes no NA
- VIOLATION Is organic material and topsoil removed prior to deposition? yes no NA
- VIOLATION Is material concurrently compacted as necessary to ensure mass stability and prevent mass movement? yes no NA
- VIOLATION Are certified reports being submitted after engineer's inspection? yes no NA

MC-715.15 (b) Disposal of spoil in valley or head-of-hollow fills.

Note: WASTE CANNOT BE DEPOSITED IN VALLEY OR HEAD-OF-HOLLOW FILLS. IF ANY PORTION OF DISPOSAL FILL ENCROACHES UPON ANY NATURAL DRAINAGE CHANNEL, THE ENTIRE FILL IS CLASSIFIED AS A VALLEY OR HEAD-OF-HOLLOW FILL.

- VIOLATION Is spoil disposed of at an approved site in a controlled manner, concurrently compacted, within the permit area? yes no NA
- VIOLATION Is organic material and topsoil removed prior to deposition? yes no NA

VIOLATION	Does the fill have an underdrain system?	<input checked="" type="radio"/> yes	<input type="radio"/> no	<input type="radio"/> NA
VIOLATION	Is the spoil disposed of by approved methods?	<input type="radio"/> yes	<input type="radio"/> no	<input checked="" type="radio"/> NA
VIOLATION	Does the spoil fill meet the approved design?	<input type="radio"/> yes	<input type="radio"/> no	<input checked="" type="radio"/> NA
VIOLATION	Are certified inspection reports submitted by a certified engineer during critical construction periods or at least quarterly?	<input type="radio"/> yes	<input type="radio"/> no	<input checked="" type="radio"/> NA
MC-717.16	<u>Reserved</u>			
MC-717.17	<u>Protection of the hydrologic system.</u>			
<input checked="" type="radio"/> VIOLATION	a. Does the runoff from the disturbed area pass through a sedimentation pond?	<input type="radio"/> yes	<input checked="" type="radio"/> no	<input type="radio"/> NA
VIOLATION	If a sedimentation pond exists, is it approved by the regulatory authority?	<input checked="" type="radio"/> yes	<input type="radio"/> no	<input type="radio"/> NA
VIOLATION	Does discharge from the disturbed area appear to meet applicable O.S.M., State, and EPA regulations?	<input checked="" type="radio"/> yes	<input type="radio"/> no	<input type="radio"/> NA
	<u>Note: TAKE A SAMPLE FOR ANALYSIS.</u>			
VIOLATION	b. Is there a surface water monitoring program?	<input type="radio"/> yes	<input checked="" type="radio"/> no	<input type="radio"/> NA
VIOLATION	If there is a monitoring program is it approved by the regulatory authority?	<input checked="" type="radio"/> yes	<input checked="" type="radio"/> no	<input type="radio"/> NA
VIOLATION	c. Are diversion structures used at the site?	<input checked="" type="radio"/> yes	<input type="radio"/> no	<input type="radio"/> NA
VIOLATION	Are the diversions approved by the regulatory authority?	<input checked="" type="radio"/> yes	<input type="radio"/> no	<input type="radio"/> NA
<input checked="" type="radio"/> VIOLATION	Are the diversions designed, constructed, and maintained so as to prevent additional contributions of suspended solids to streamflow or runoff outside the permit area?	<input type="radio"/> yes	<input checked="" type="radio"/> no	<input type="radio"/> NA
VIOLATION	d. Are stream channels diverted?	<input type="radio"/> yes	<input type="radio"/> no	<input type="radio"/> NA
VIOLATION	Is the diversion approved and does it meet the requirements of Part 715.17(d)?	<input type="radio"/> yes	<input type="radio"/> no	<input type="radio"/> NA
	e. <u>Note: THE PUBLISHED SEDIMENT POND DESIGN CONSTRUCTION STANDARDS ARE NOT IN EFFECT.</u>			
VIOLATION	Do(es) the pond(s) pose an imminent danger to health or safety of the public or a significant imminent environmental harm to land, air or water resources?	<input type="radio"/> yes	<input type="radio"/> no	<input type="radio"/> NA
VIOLATION	f. Are discharges from the pond(s) controlled where necessary to reduce erosion and prevent deepening or enlargement of stream channels and to minimize disturbances to the hydrologic balance?	<input type="radio"/> yes	<input type="radio"/> no	<input type="radio"/> NA

VIOLATION	Is there an NPDES discharge permit for the sediment pond discharge?	yes	no	NA
VIOLATION	g. Is there drainage to ground or surface waters from acid-forming or toxic-forming materials?	yes	no	NA
VIOLATION	If there is such drainage is it properly controlled?	yes	no	NA
VIOLATION	h. Is there a groundwater monitoring program?	yes	no	NA
VIOLATION	If there is a monitoring program is it approved by the regulatory authority?	yes	no	NA
	i. N/A			
VIOLATION	j. Are roads and associated facilities constructed, maintained, and reclaimed so as to prevent additional contributions of suspended solids to streamflow or runoff outside the permit area?	yes	no	NA
VIOLATION	Do roads meet construction, grade, drainage, and maintenance requirements? If not, specify.	yes	no	NA
VIOLATION	k. Are transport facilities other than roads constructed, maintained, and reclaimed so as to prevent additional contributions of suspended solids to streamflow or runoff outside the permit area?	yes	no	NA
VIOLATION	l. Is surface or groundwater discharged or diverted into mine workings?	yes	no	NA

MC-717.18: Dams constructed of waste material.

Note: JUDGE FLANNERY'S FEBRUARY 3, 1978 DECISION STATES THAT THESE REGULATIONS APPLY ONLY TO DAMS CONSTRUCTED PARTIALLY OR WHOLLY OF WASTE. "WASTE" IS DEFINED IN PART 710.15.

VIOLATION	a. Are all dams that contain waste approved by the regulatory authority?	yes	no	NA
VIOLATION	b. Do the dams meet the approved design requirements?	yes	no	NA
VIOLATION	Have the dams been periodically inspected during construction and certified by a registered professional engineer?	yes	no	NA
VIOLATION	Have the dams been annually certified?	yes	no	NA

MC-717.19: Reserved

MC-717.20: Topsoil handling and revegetation.

VIOLATION	a. Has topsoil and/or surficial unconsolidated material been separated, stockpiled, and properly protected?	yes	no	NA
VIOLATION	Have disturbed areas, which are no longer required for the conduct of mining, been reclaimed?	yes	no	NA
VIOLATION	b. Are all reclaimed areas properly revegetated?	yes	no	NA