

### Document Information Form

Mine Number: C1015/019

File Name: Incoming

To: DOGM

From:

Person N/A

Company OFFICE OF SURFACE MINING

Date Sent: JULY 08, 1991

Explanation:

MINE SITE EVALUATION INSPECTION REPORT

cc:

File in: C1 005, 019, Incoming

Refer to:

- Confidential
- Shelf
- Expandable

Date \_\_\_\_\_ For additional information

RECEIVED

United States Department of the Interior  
Office of Surface Mining  
Mine Site Evaluation Inspection Report DIVISION OF  
OIL GAS & MINING

For Office Use Only

1a	1b	1c
Y Y M M	Batch	Report

2. Name of Permittee  
PacifiCorp Electric

9. MSHA Number  
42-00080-

10. Date of Inspection (Y Y M M D D)  
910626

3. Street Address  
324 South State St

11. State Permit Number  
ACT/015/019

4. City  
Salt Lake City

5. State  
UT

12. Name of Mine  
Cotton/Wilberg

6. Zip Code  
84126

7. Area Code  
801

8. Telephone Number  
363-8851

13. County Code  
015

14. State Code  
UT

15. Stra

16. State Area Office

17. OSM Field Office No.  
02

18. OSM Area Office No.

19. OSM Sample No.

20. Type of Inspection (Code)  
TDF

21. Joint Inspection  
Yes No  
X

22. Inspector's ID No.  
244

23. Status

- A  02 Type of Permit
- B  Mine Status (Code)
- C  20 Type of Facility (Code)
- D  11508.0 Number of Permitted Acres
- E  00042.0 Number of Disturbed Acres

24. Type of Activity (check applicable boxes).

- A  Steep Slope
- B  Mountain Top Removal
- C  Prime Farmlands
- D  Alluvial Valley Floors
- E  Anthracite
- F  Federal Lands
- G  Indian Lands
- H  Other

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

- A  Distance Prohibitions
- B  2 Mining Within Permit Boundaries
- C  Signs and Markers
- D  Sediment Control Measures
- E  Design and Certification Requirements—Sediment Control
- F  Effluent Limits
- G  Surface Water Monitoring
- H  Ground Water Monitorir
- I  Blasting Procedures
- J  Haul/Access Road Desi
- K  Refuse Impoundments
- L  Other: Specify

Standards That Assure Reclamation Quality and Timeliness

- M  Topsoil Handling
- N  Backfilling and Grading
- O  Following Reclamation Schedule
- P  Revegetation Requirements
- Q  Disposal of Excess Spoil
- R  Handling of Acid or Toxic Materials
- S  Highwall Elimination
- T  Spoil Disposal

File in:

- Confidential
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- Expandable

Refer to Record No. 0030 Date 7-8-91  
In C/ 015, 019, Incoming  
For additional information

and Use  
Operations: Temporary

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  - C  Type of Facility (Code)
  - D  Number of Permitted Acres  
11508.0
  - E  Number of Disturbed Acres  
20042.0

24. Type of Activity (check applicable boxes).
- |   |   |
|---|---|
| A <input type="checkbox"/> Steep Slope            | E <input type="checkbox"/> Anthracite               |
| B <input type="checkbox"/> Mountain Top Removal   | F <input checked="" type="checkbox"/> Federal Lands |
| C <input type="checkbox"/> Prime Farmlands        | G <input type="checkbox"/> Indian Lands             |
| D <input type="checkbox"/> Alluvial Valley Floors | H <input type="checkbox"/> Other                    |

25. Performance Standards (Codes)
- Instructions: Indicate compliance code. For any standard marked 2 or 3 provide narrative to support this determination.
- |   |   |
|---|---|
| <p>Standards That Limit the Effects to the Permit Area</p> <ul style="list-style-type: none"> <li>A <input type="checkbox"/> Distance Prohibitions</li> <li>B <input checked="" type="checkbox"/> Mining Within Permit Boundaries</li> <li>C <input type="checkbox"/> Signs and Markers</li> <li>D <input type="checkbox"/> Sediment Control Measures</li> <li>E <input type="checkbox"/> Design and Certification Requirements—Sediment Control</li> <li>F <input type="checkbox"/> Effluent Limits</li> <li>G <input type="checkbox"/> Surface Water Monitoring</li> <li>H <input type="checkbox"/> Ground Water Monitoring</li> <li>I <input type="checkbox"/> Blasting Procedures</li> <li>J <input type="checkbox"/> Haul/Access Road Design and Maintenance</li> <li>K <input type="checkbox"/> Refuse Impoundments</li> <li>L <input type="checkbox"/> Other: Specify _____</li> </ul> | <p>Standards That Assure Reclamation Quality and Timeliness</p> <ul style="list-style-type: none"> <li>M <input type="checkbox"/> Topsoil Handling</li> <li>N <input type="checkbox"/> Backfilling and Grading</li> <li>O <input type="checkbox"/> Following Reclamation Schedule</li> <li>P <input type="checkbox"/> Revegetation Requirements</li> <li>Q <input type="checkbox"/> Disposal of Excess Spoil</li> <li>R <input type="checkbox"/> Handling of Acid or Toxic Materials</li> <li>S <input type="checkbox"/> Highwall Elimination</li> <li>T <input type="checkbox"/> Downslope Spoil Disposal</li> <li>U <input type="checkbox"/> Post Mining Land Use</li> <li>V <input type="checkbox"/> Cessation of Operations: Temporary</li> <li>W <input type="checkbox"/> Other _____</li> </ul> |
|---|---|

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

26. State Permit Number

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

ACT/015/019

910626

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.   Number of Completes

NA

29b.   Number of Partials

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

30a.   Number of Completes

NA

30b.   Number of Partials

31. Has inspection frequency been met?

Yes No

NA

Yes No

31a.   Completes

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

91-02-244-2

A

Viol. 1021

Authorizations to Operate

B

Signs and Markers

C

Backfilling and Grading

D

Highwall Elimination

E

Rills and Gullies

F

Improper Fills

G

Topsoil Handling

H

Sediment Ponds

I

Effluent Limits

J

Water Monitoring

K

Buffer Zones

L

Roads

M

Dams

N

Blasting

O

Revegetation

P

Spoil on the Downslope

Q

Mining Without Permit

R

Exceeding Permit Limits

S

Distance Prohibitions

T

Toxic Materials

U

Other Violations

33. Name of Authorized Representative (print or type)

Gary Fritz

Signature of Authorized Representative

Date

7/02/91

Signature of Reviewing Official

Date

7/3/91

00 0

01 0

01 5

01 0

## INSPECTION REPORT

June 26, 1991

Pacificorp Electric Operations  
324 South State Street  
Salt Lake City, UT 84126

Cottonwood/Wilberg Mine

### Personnel Present During the Inspection:

Guy Davis (Energy West Mining Co.) - Pacificorp  
Trent Aiken - Pacificorp  
Steve Demziak - Utah Division of Oil, Gas and Mining (DOGM)  
Gary Fritz - Office of Surface Mining, Albuquerque Field Office  
(OSM-AFO), No. 244

Weather and Ground Conditions during the Inspection: Cloudy and warm with no sign of precipitation within the last 24 hours.

### ENFORCEMENT ACTION

This was a Ten-Day Notice (TDN) follow-up inspection ordered by the Deputy Director, Operations and Technical Services (DD-OTS), from OSM's Headquarters office in Washington, D.C. That order came through, in part, as a response to the State of Utah DOGM request for an informal review of the AFO decision of inappropriate finding regarding an outstanding TDN issued for a violation noted during an earlier oversight inspection of the mine. In that letter, the DD-OTS affirmed the AFO's inappropriate finding of DOGM's response to the TDN. In the TDN, No. 91-02-116-003, the AFO inspector notified DOGM that Pacificorp did not have a mining and reclamation permit to use a 13 mile section of the access/haul road. This road begins at the existing permit boundary for the mine and goes to the preparation plant located near the Hunter Power Plant.

The finding made by the DD-OTS concluded that Pacificorp, through exclusive use of the road was responsible for including it in their current DOGM mining and reclamation permit.

This follow-up inspection was to verify the permitting status of the road in question.

The determination was made through this inspection that, in fact, the operator still has not permitted the section of road noted in the TDN. I did that by asking the company representative, Mr. Davis, if they have taken steps to permit or begin to permit the road. He said that they have not initiated anything, nor has it been permitted. I also inspected the section of road noted in the TDN. The DOGM representative that accompanied me on this inspection declined to take enforcement action. Therefore, I issued a Federal Notice of Violation, No. 91-02-244-2 (TV-1), for failure to permit the section of road in question. This one-part violation requires the operator to reclaim that portion of road or permit it. Time periods for complying with that enforcement action are incorporated into the violation.

I presented my credentials to Mr. Davis and discussed with him the procedures for appealing the fact of violation and the penalty thereof.

**U.S. DEPARTMENT OF THE INTERIOR**  
**Office of Surface Mining Reclamation and Enforcement**  
**NOTICE OF VIOLATION**

1. Notice of Violation Number

91 — 02 — 244 — 2

TV 1

Operator and Permanent Regulatory Procedures

2. Name of Permittee  Permittee  No Permit

3. Originating Office Address

USDI-OSH  
 Albuquerque Field Office  
 625 Silver Ave., SW, #310  
 Albuquerque, NM 87102  
 Telephone Number

4. Mailing Address

224 South State Street, Salt Lake City, UT 84126

5. Name of Mine  Surface  Underground

Coburnwood/Hilberg

5. Telephone Number

6. County

State

7. Operator's Name (if other than permittee)

Energy West Mining Company

8. Mailing Address

Box 310, Huntington, UT 84528

9. Date of Inspection

June 26, 1991

10. Time of Inspection

From 9:00 am To 1:30 pm

11. State Permit Number

12. NPDES Number

13. MSHA ID Number

14. GSM Mine Number

ACT/015/015

42-00080

NA

NA

UNDER THE AUTHORITY OF THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977 (P.L. 95-87, 30 U.S.C. 2201) 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 violation(s) within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

THE UNDERSIGNED AUTHORIZED REPRESENTATIVE HEREBY FINDS THAT THIS NOTICE DOES NOT REQUIRE CESSATION OF MINING EXPRESSLY OR IN PRACTICAL EFFECT. Therefore, you are not entitled to an informal public hearing on request, within 30 days after service of this notice. (30 CFR 843.15)

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 correction may be extended by an authorized representative for good cause. If you need additional time to correct the violation(s), please contact the field office named above.

Office of Surface Mining Reclamation and Enforcement  
 Field Office

**IMPORTANT - Please Read Information on the Back of this Page**

15. Print Name of Person Served

Guy Davis

16. Print Title of Person Served

Environmental Engineer

17. Signature of Person Served

Guy Davis

18. Date of Service

June 26, 1991

19. Print Name of Authorized Representative

Gary L. Fritz

20. Signature of Authorized Representative

Gary L. Fritz

ID Number

244

**NOTICE OF VIOLATION (CONTINUATION)**

**NATURE OF PERMIT CONDITION VIOLATED, PRACTICE OR VIOLATION**

Failure to first obtain a permit from the Division (DOGM) prior to engaging in and carrying out any coal mining and reclamation operations.

**PROVISION(S) OF THE REGULATIONS, ACT OR PERMIT VIOLATED**

UCA 40-10-1 et seq.

R614-300-112.400

PL 95-87 Sec. 506(a)

30 CFR 773.11(a)

**PORTION OF THE OPERATION TO WHICH NOTICE APPLIES**

This Notice applies to the Cottonwood/Wilberg Mine haul road from the present permit boundary (former guard shack location) approximately 13 miles south to the receiving scale of the Hunter Preparation Plant.

**CORRECTIVE ACTION REQUIRED (Including Interim Steps, if Any)**

- (1) Reclaim within 80 days or submit a complete and adequate plan, in accordance with R614-300 and the State program, to permit and bond the haul road identified above to the Utah Division of Oil, Gas and Mining (DOGM) within 30 days of receipt of this Notice.
- (2) Diligently pursue abatement of this Notice (plan approval) not to exceed 80 days from Notice issuance.
- (3) Implement permitting and bonding plan as per plan approval.
- (4) Cease the further construction or improvement of the access/haul road until permitted in accordance with the approved State program.
- (5) Cease any practice or correct any condition resulting in adverse environmental impacts.

**TIME FOR ABATEMENT (Including Time for Interim Steps, if Any)**

- (1) Reclaim within 80 days or submit plan to DOGM within 30 days from receipt of this Notice at 4:30 p.m., by the thirtieth day (7/26/91).
- (2) 80 days from receipt of this Notice at 4:30 p.m., by the eightieth day (9/14/91).
- (3) Upon plan approval.

act. receipt P 965 799 064