

*This was reviewed
& sent to CO 7/9/92*

INFORMAL HEARING STATE VIOLATION N92-32-6-1

PACIFICORP, COTTONWOOD MINE, ACT/015/019

EMERY COUNTY, UTAH

JUNE 17, 1992

LIST OF EXHIBITS

- EXHIBIT 1** State Violation N92-32-6-1
- EXHIBIT 2** Permit Area Map, CM-10370-WB showing disturbed area.
- EXHIBIT 3** August 15, 1991 through September 11, 1991 East Mountain Weather Chart.
- EXHIBIT 4** September 26, 1991 DOGM Inspection Report.
September 26, 1991 PacifiCorp Inspection Field Notes.
- EXHIBIT 5** September 27, 1991 PacifiCorp letter to DOGM access along 9th East access road being reestablished.
- EXHIBIT 6** October 17, 1991 DOGM Inspection Report.
November 27, 1991 DOGM Inspection Report.
- EXHIBIT 7** March 25-26, 1992 DOGM Inspection Report.
- EXHIBIT 8** March 8, 1990 DOGM Inspection Report.
March 8, 1990 PacifiCorp Inspection Field Notes.
March 9, 1990 PacifiCorp Memo.
- EXHIBIT 9** September 15, 1983 Emery Mining Weekly Inspection.
September 20, 1985 Emery Mining Weekly Inspection.

*Exhibit 10-Time Sheets for ABC Contract
Personnel.*

INFORMAL HEARING STATE VIOLATION N92-32-6-1

State violation NOV No. N92-32-6-1 was issued to PacifiCorp, Cottonwood Mine, ACT/015/019 on March 27, 1992 (see Exhibit 1).

The nature of the violation was listed as follows: **"Failure to comply with the terms and conditions of the approved permit. Conducting coal mining and reclamation operations outside of the approved disturbed area."**

Map CM-10370-WB, Packet 1-3 of the Cottonwood Permit shows the disturbed and permit area boundaries. The disturbed and permit area boundaries encompass the area in which the violation was issued (see Exhibit 2). Activities in this area are within the disturbed and permitted areas of the mine.

The area in question was affected by a storm event on September 6, 1991 where 2.32 inches of precipitation within a 24 hour period were received (see Exhibit 3). Heavy saturation and volume from the storm event caused the inlet of an undisturbed bypass culvert to become blocked diverting additional flow down the Ninth East Portal access road toward the Wilberg fan. The berm by the Wilberg fan became inundated and failed causing erosion of the 9th East road outslope. The erosion damage was repaired and the berm replaced September 11 & 12, 1991. (See Exhibit 10.)

This area was viewed by DOGM and PacifiCorp representatives on September 26, 1991 (see Exhibit 4). The DOGM inspection acknowledged the precipitation event and that the area was impacted from the recent storms. During this inspection the blocked culvert inlet was cleared and appropriate measures were taken to start repairs of the remaining areas.

In a letter dated September 27, 1991 to Pamela Grubaugh-Littig, PacifiCorp informed the Division that the sealing of the Ninth East Portals would now be done via the access road versus use of a helicopter since the access road would need to be redisturbed to facilitate the repair of the drainage and sediment control structures (see Exhibit 5). DOGM inspections conducted on October 17, 1991 and November 27, 1991 indicated that the appropriate measures were taken to repair any disturbance (see Exhibit 6).

The DOGM inspection report of March 25-26, 1992 (see Exhibit 7) under item #10, slides and other damage, states again **"NOV 92-32-6-1 was issued for failure to comply with the approved plan by operating outside of the disturbed area"**. This area has already been shown to be within the disturbed and permitted area. The inspection statement goes on to say **"The violation refers to material which was cast off the side of the Ninth East Portal access road. Some of the material was probably deposited by runoff water which destroyed the berm adjacent to the fan. The impacted area was previously undisturbed"**.

At the time of the March 25-26, 1992 inspection the repairs to the Wilberg fan area had already been done in the fall of 1991. The berm was in place and functional. The disturbed markers were historically located at the slope contact to the right fork of Grimes Wash, but during a DOGM inspection on March 8, 1990 the Division suggested moving the markers to the top of the slope to prevent the operator from unnecessarily disturbing the outslope (see exhibits under Exhibit 8). Historically disturbance from storm events has

occurred in the area (see exhibits under Exhibit 9).

PacifiCorp suggests that NOV N92-32-6-1 was improperly issued for the following reasons:

- 1. Damage to the outslope was due to erosion resulting from a major storm event;**
- 2. Immediate action was taken to repair damaged areas;**
- 3. The activities occurred within the disturbed area of the mine site as identified in the current Permit Application Package;**
- 4. The area was not "previously undisturbed" as stated in the NOV.**

PacifiCorp respectfully requests that Notice Of Violation N92-32-6-1 be vacated.

NO. N 92-32-6-1

notice of violation

To the following Permittee or Operator:

Name PACIFICORP ELECTRIC OPERATIONS

Mine COTTONWOOD/WILBERG Surface Underground Other

County EMERY State EMERY Telephone 653-2312

Mailing Address P.O. Box 1005, HUNTINGTON 84528

State Permit No. ACT/015/019

Ownership Category State Federal Fee Mixed

Date of inspection 3/25-26/92, 1992

Time of inspection 3/25 + 1:30 P.M. a.m. p.m. to 4:45 a.m. p.m.
3/26 - 8:30 3:30

Operator Name (other than Permittee) _____

Mailing Address _____

Under authority of the Utah Coal Mining and Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas & Mining has conducted an inspection of above mine on above date and has found violation(s) of the act, regulations or required permit condition(s) listed in 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 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 mine site.

This notice shall remain in effect until it expires as provided on reverse side of this form, or is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas & Mining. Time for abatement may be extended by authorized representative for good cause, if a request is made within a reasonable time before the end of abatement period.

Date of service/ mailing 3-27-92 Time of service/ mailing 3:00 a.m. p.m.

Guy DAVIS
Permittee/Operator representative

Title

Signature

HENRY SAUER
Division of Oil, Gas & Mining representative

SENIOR RECLAMATION SOILS SPECIALIST
Title

Henry Sauer
Signature

#321
Identification Number

SEE REVERSE SIDE

WHITE-DOGM YELLOW-OSM PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE



NOTICE OF VIOLATION NO. N 92-32-6-1

Violation No. 1 of 1

Nature of violation

Failure to comply with the terms and conditions of the approved permit. Conducting coal mining and reclamation operations outside of the approved disturbed area.

Provisions of act, regulations or permit violated

R 645-300-143.

Portion of operation to which notice applies

DOWNCAST MATERIAL ON THE OUTSLOPE OF THE 9TH EAST PORTAL ACCESS ROAD.

Remedial action required (including any interim steps)

STEP-I (INTERIM MEASURE): PROVIDE SEDIMENT CONTROLS; PROTECT MATERIAL FROM WIND AND WATER EROSION AND OTHERWISE STABILIZE MATERIAL.

STEP-II: INCLUDE AREA INTO THE DISTURBED AREA BOUNDARIES; SEED AND FERTILIZE (IF REQUIRED) DOWNCAST MATERIAL EMPLOYING THE APPROVED RECLAMATION PROCEDURES ENUMERATED IN THE PERMIT.

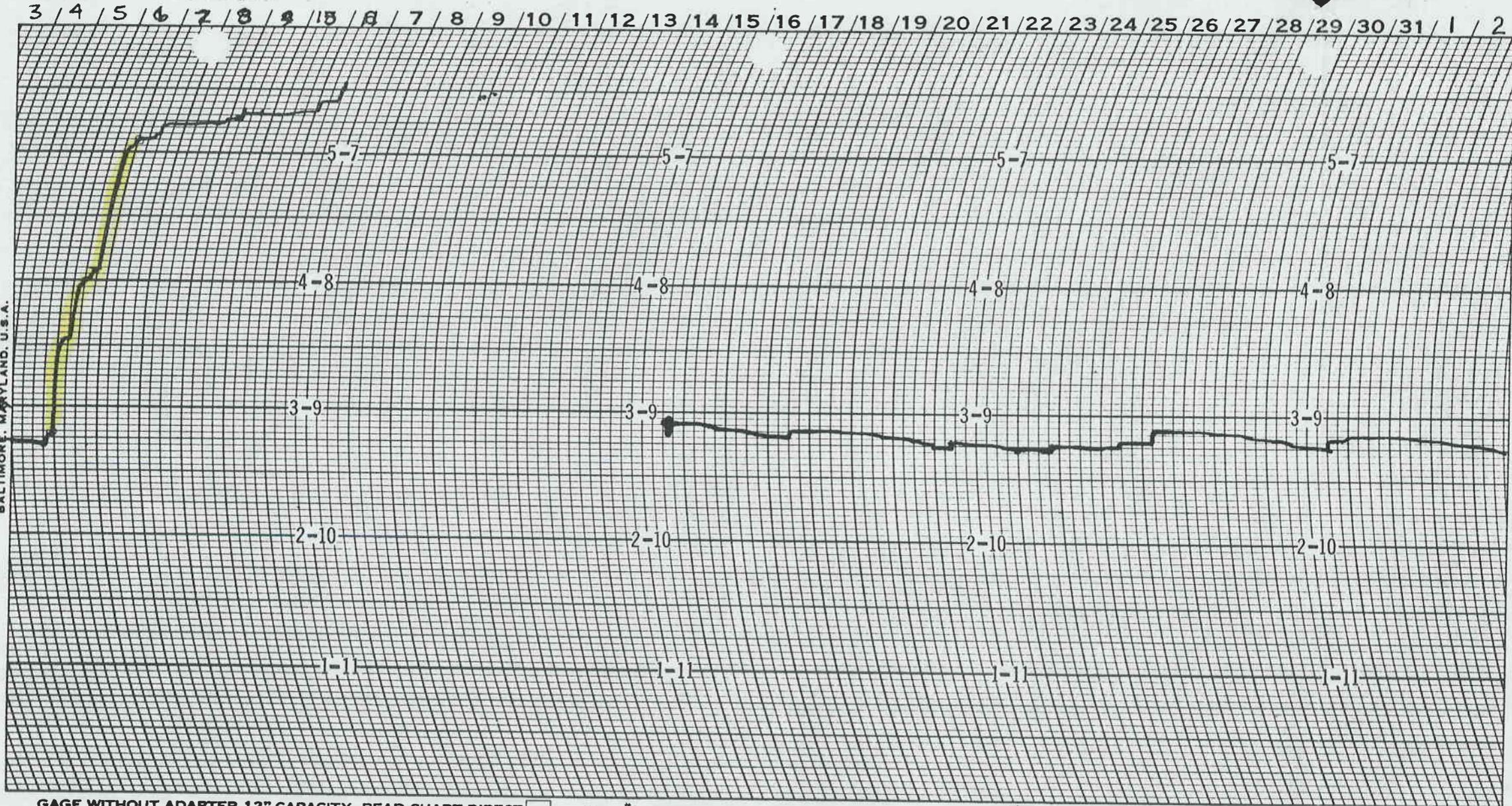
Abatement time (including interim steps)

STEP-I NO LATER THAN 5:00 P.M. APRIL 15, 1992

STEP-II NO LATER THAN THE SEEDING AND RECLAMTION DATES OUTLINE IN THE PERMIT

CHART NO. 15668
 12-INCH DUAL TRAVERSE MONTHLY-861 HRS.
 UNIVERSAL RAIN GAGE

BELFORT INSTRUMENT COMPANY
 BALTIMORE, MARYLAND, U.S.A.



ON 1505 AM 8/15/91
 OFF 1540 PM 9/11/91

OBSERVER SEMBORSKI
 STATION EAST MOUNTAIN

GAGE WITHOUT ADAPTER, 12" CAPACITY, READ CHART DIRECT WITH #1 ADAPTER, 24" CAPACITY, MULTIPLY CHART X 2 WITH #2 ADAPTER, 48" CAPACITY, MULTIPLY X 4

INCREMENTS ARE IN .05 UNITS OF 1"
 APPROXIMATELY 46 INCREMENTS WERE
 COUNTED FOR THE SEPTEMBER 6, 1991 STORM.
 46 INCREMENTS X .05 UNITS = 2.3" OF PRECIPITATION.

1ST 6 HOUR PERIOD = 0.76" PRECIPITATION.
 2ND 6 HOUR PERIOD = 0.45" PRECIPITATION.
 3RD 6 HOUR PERIOD = 0.09" PRECIPITATION.
 4TH 6 HOUR PERIOD = 1.02" PRECIPITATION.

EXHIBIT 3

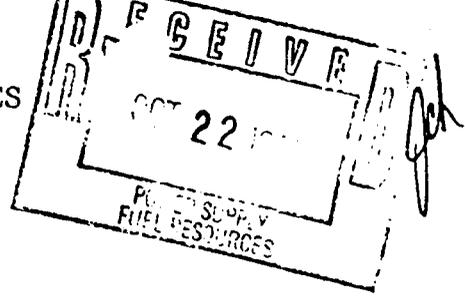


State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340



INSPECTION REPORT

INSPECTION DATE & TIME: September 26, 1991
11:35 a.m. to 2:10 p.m.

Permittee and/or Operators Name: PacifiCorp Electric Operations
Business Address: 210 S Main, Suite 2100, SLC, UT 84140-0021
Mine Name: Cottonwood/Wilberg Permit Number: ACT/015/019
Type of Mining Activity: Underground X Surface Other
County: Emery
Company Official (s): Val Payne, Bob Willey
State Official(s): Ken Wyatt
Partial: X Complete: Date of Last Inspection: 08/28-30/91
Weather Conditions: Clear and warm
Acreage: 11532 Permitted 102 Disturbed Regraded Seeded Bonded 102
Enforcement Action:

COMPLIANCE WITH PERMITS AND PERFORMANCE STANDARDS

	YES	NO	N/A	COMMENTS
1. PERMITS	()	()	()	()
2. SIGNS AND MARKERS	()	()	()	()
3. TOPSOIL	()	()	()	()
4. HYDROLOGIC BALANCE:	()	()	()	()
a. STREAM CHANNEL DIVERSIONS	(X)	()	()	(X)
b. DIVERSIONS	()	()	()	()
c. SEDIMENT PONDS AND IMPOUNDMENTS	(X)	()	()	(X)
d. OTHER SEDIMENT CONTROL MEASURES	(X)	()	()	(X)
e. SURFACE AND GROUNDWATER MONITORING	()	()	()	()
f. EFFLUENT LIMITATIONS	()	()	()	()
5. EXPLOSIVES	()	()	()	()
6. DISPOSAL OF DEVELOPMENT WASTE & SPOIL	(X)	()	()	(X)
7. COAL PROCESSING WASTE	()	()	()	()
8. NONCOAL WASTE	()	()	()	()
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	()	()	()	()
10. SLIDES AND OTHER DAMAGE	()	()	()	()
11. CONTEMPORANEOUS RECLAMATION	()	()	()	()
12. BACKFILLING AND GRADING	()	()	()	()
13. REVEGETATION	()	()	()	()
14. SUBSIDENCE CONTROL	()	()	()	()
15. CESSATION OF OPERATIONS	()	()	()	()
16. ROADS	()	()	()	()
a. CONSTRUCTION	()	()	()	()
b. DRAINAGE CONTROLS	()	()	()	()
c. SURFACING	()	()	()	()
d. MAINTENANCE	()	()	()	()
17. OTHER TRANSPORTATION FACILITIES	()	()	()	()
18. SUPPORT FACILITIES	()	()	()	()
UTILITY INSTALLATIONS	()	()	()	()

INSPECTION REPORT

(continuation sheet)

Page 2 of 2

PERMIT NUMBER: ACT/015/019

DATE OF INSPECTION: 09/26/91

(Comments are Numbered to Correspond with Topics Listed Above)

4a. STREAM CHANNEL DIVERSIONS

All undisturbed stream diversion inlets were clear and unobstructed. The Right Fork of Grimes wash had received significant flows following the recent storm activity. The operator reported that they had received about 2.2 inches of precipitation in one 24 hour period.

4b. DIVERSIONS

The diversion around the west side of the waste rock site held up well during the last storm event. A little erosion of the channel lining just above the sediment pond had previously occurred but did not increase in depth.

4c. SEDIMENT PONDS AND IMPOUNDMENTS

The sediment ponds cleanout was completed early this week. Removed sediments were transported to the waste rock disposal facility. See comments in section 6 for sediment disposal.

4d. OTHER SEDIMENT CONTROL MEASURES

The catch basin/silt fence structure at the gate to the mine had been recently repaired. Concrete had been poured in the inlet area to control erosion of the inlet structure.

6. DISPOSAL OF DEVELOPMENT WASTE & SPOIL

The sediments removed from the pond during cleaning had been placed in an excavated pit at the waste rock disposal area. A small seep was observed emerging from the refuse material and entering the sediment pond. This water is probably draining from the sediments and will probably cease flowing in the near future when the sediments are drier. Future inspections should examine this site.

Three trenches had been dug into the refuse material. The operator explained that this was being done to conduct the coal/refuse ratio tests as per the permit.

11. CONTEMPORANEOUS RECLAMATION

The operator indicated that the Deer Creek 9th East portals were going to be closed in the near future. Access to this area would be by helicopter or up the access road. This area was impacted from the recent storms. The strawbales along the road will be removed during the portal closure. Following closure, this entire area should be reclaimed and the access road removed.

Copy of this Report:

Mailed to: Bernie Freeman (OSM), Blake Webster & Guy Davis (PEO)

Given to: Joe Helfrich (DOGM)

Inspectors Signature: Ken Wyatt #42 Date: 10/04/91

7/26/91

COTTONWOOD PARTIAL KEN WYATT - BOB WILLET

- ① LOOKED AT BYPASS INLET AT WATERFALL
- ② " " RIGHT FORK BYPASS INLET
- ③ " " SEDIMENT PONDS. DISCUSSED CLEANING AND POSSIBLE MODIFICATIONS TO THE PONDS RESULTING FROM THE DIVISION ORDER.
- ④ LOOKED AT SEDIMENT TRAP NEAR GATE. ADDITIONAL CONCRETE HAD JUST BEEN POURED IN BOTTOM OF TRAP.
- ⑤ INSPECTED NEW WASTE ROCK SITE. DISCUSSED SED. POND SLUDGE DISPOSAL, WASTE ROCK SAMPLING TRENCHES & SAMPLING PROCEDURE. LOOKED AT BERM OUTSLOPES & SEDIMENT POND. WATER IS SEEPING INTO POND AT BASE OF FIRST WASTE ROCK BERM. TOLD KEN THERE WAS A SEEP EXPOSED DURING CONSTRUCTION OF THE POND. HE STATED THAT THE SEEP DIDN'T APPEAR TO BE CAUSING PROBLEMS WITH THE STABILITY OF THE BERM BUT HE WONDERED IF IT WAS COMING FROM THE SED. POND SLUDGE.
- ⑥ INSPECTED UNAFFECTED BYPASS INLET WEST OF THE SILD.
- ⑦ INSPECTED 9TH EAST PORTAL AREA. EXPLAINED MAINTENANCE ACTIVITIES THAT ARE PLANNED FOR THE AREA. ALSO BRIEFLY DISCUSSED PORTAL SEALING ACTIVITIES. KEN SAID HE WOULD CHECK WITH OTHER DOGM PEOPLE RE: THE STORM DAMAGE BEFORE HE DECIDED WHETHER OR NOT TO WRITE AN NOU. I TOLD HIM I THOUGHT DOGM HAD BEEN CONTACTED BY GUY WHO INFORMED THEM OF THE STORM DAMAGE.

September 27, 1991

Ms. Pamela Grubaugh-Littig
Permit Supervisor
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

**RE: PORTAL SEALING, PACIFICORP ELECTRIC OPERATIONS, DEER CREEK
MINE, ACT/015/018, EMERY COUNTY, UTAH**

Dear Ms. Littig:

The following is submitted for your information:

Four (4) portals at the Deer Creek Mine are scheduled to be sealed in the immediate future. They include an intake portal at the Deer Creek surface facilities area and the 9th East intake portals in the Right Fork of Grimes Wash above the Cottonwood Mine. The locations are shown on the attached map sections.

The seals will be installed in accordance with the portal sealing plan, as shown in Figure 1, with the exception of backfilling. The concrete block seal will be constructed, as depicted; however, backfilling will not be done at this time.

Sealing of the 9th East portals will necessitate activities occurring on ASCA Area 5, identified in the Cottonwood PAP. The activities will include movement of men and materials across the area and possibly temporary storage of materials on portions of the ASCA.

A limited amount of equipment and materials (i.e. fire extinguishers, small electrical components, one Isuzu pickup) are to be removed from the Deer Creek Mine via the 9th East portals.

Materials used in sealing the portals will include approximately twenty (20) pallets of concrete block, 100 bags of mortar mix, four (4) 55 gallon drums of water and

miscellaneous hand tools. Portions of these materials may be temporarily stored adjacent to the portals during the project.

Access to the portal area will be via the 9th East Access Road, as indicated on the attached map section. Access along the road is presently being reestablished to facilitate maintenance and repair of drainage and sediment control structures at the portal area and along the road. Transportation of portal sealing materials will be coordinated with the maintenance activities to avoid unnecessary surface disturbance.

Transportation of the portal sealing materials is scheduled to begin by October 1. Sealing of the 9th East portals should be completed by mid-to-late October.

If you have questions or comments regarding this information, please call me at 220-4584 or Val Payne at 653-2312.

Sincerely,

A handwritten signature in cursive script that reads "Val Payne For".

J. Blake Webster
Permitting Administrator

VP/dw
Enclosure

cc: M. Moon
L. LaFrentz
G. Davis



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertor
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

pg 1 gch
OCT 31 1991
POWER SUPPLY
FUEL RESOURCES

INSPECTION REPORT

INSPECTION DATE & TIME: October 17, 1991
9:50 a.m. to 1:25 p.m.

Permittee and/or Operators Name: PacifiCorp Electric Operations
Business Address: 210 S Main, Suite 2100, SLC, UT 84140-0021
Mine Name: Cottonwood/Wilberg Permit Number: ACT/015/019
Type of Mining Activity: Underground X Surface Other
County: Emery
Company Official (s): Val Payne, Bob Willey, Guy Davis
State Official(s): Ken Wyatt
Partial: X Complete: Date of Last Inspection: 09/26/91
Weather Conditions: Clear and warm
Acreage: 11532 Permitted 102 Disturbed Regraded Seeded Bonded 102
Enforcement action: AVS check

COMPLIANCE WITH PERMITS AND PERFORMANCE STANDARDS

	YES	NO	N/A	COMMENTS
1. PERMITS	(X)	()	()	()
2. SIGNS AND MARKERS	(X)	()	()	(X)
3. TOPSOIL	()	()	()	()
4. HYDROLOGIC BALANCE:				
a. STREAM CHANNEL DIVERSIONS	()	()	()	()
b. DIVERSIONS	()	()	()	()
c. SEDIMENT PONDS AND IMPOUNDMENTS	()	()	()	()
d. OTHER SEDIMENT CONTROL MEASURES	(X)	()	()	(X)
e. SURFACE AND GROUNDWATER MONITORING	()	()	()	()
f. EFFLUENT LIMITATIONS	()	()	()	()
5. EXPLOSIVES	()	()	()	()
6. DISPOSAL OF DEVELOPMENT WASTE & SPOIL	(X)	()	()	(X)
7. COAL PROCESSING WASTE	()	()	()	()
8. NONCOAL WASTE	()	()	()	()
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	()	()	()	()
10. SLIDES AND OTHER DAMAGE	()	()	()	()
11. CONTEMPORANEOUS RECLAMATION	()	()	()	()
12. BACKFILLING AND GRADING	()	()	()	()
13. REVEGETATION	(X)	()	()	(X)
14. SUBSIDENCE CONTROL	()	()	()	()
15. CESSATION OF OPERATIONS	()	()	()	()
16. ROADS				
a. CONSTRUCTION	()	()	()	()
b. DRAINAGE CONTROLS	(X)	()	()	(X)
c. SURFACING	()	()	()	()
d. MAINTENANCE	()	()	()	()
17. OTHER TRANSPORTATION FACILITIES	()	()	()	()
18. SUPPORT FACILITIES				
UTILITY INSTALLATIONS	()	()	()	()

INSPECTION REPORT

(continuation sheet)

Page 2 of 2

PERMIT NUMBER: ACT/015/019

DATE OF INSPECTION: 10/17/91

(Comments are Numbered to Correspond with Topics Listed Above)

2. SIGNS AND MARKERS

The mine identification signs at the mine entrance, the waste rock disposal area, and the leachfield were examined for completeness and accuracy. Pacificorp recently changed it's mailing address as denoted in the mine permit at the field office. The signs were displaying the old address. The operator was informed to correct these signs with the updated address within 60 days.

4d OTHER SEDIMENT CONTROL MEASURES

The Deer Creek 9th East portals were accessed up the old road near the Wilberg fan. Materials for the portal closure were hauled up this road and stockpiled on the pad outside of the portals. The portal closure work was scheduled to begin soon.

The drainage controls along the road were temporarily removed to allow access to the portal pad with a small dozer. The drainage from this area flows down the access road into a catch basin south of the fan.

A discussion was held regarding the re-installment of the alternative sediment control along the access road following portal closure. The operator said that they would be re-establishing the ditch and check dams as soon as the closure work was completed. As a precaution, I had the operator install additional silt fence and straw bales at the upper portal pad and along the berm adjacent to the fan. This work was completed during the inspection.

6. DISPOSAL OF DEVELOPMENT WASTE & SPOIL

The sediments disposed of at the waste rock facility were drying. Large drying cracks were observed in the surface. When this material dries sufficiently the operator intends to spread these sediments out and incorporate it into the waste rock. The seep into the sediment pond at the base of the refuse embankment was flowing less than 1 GPM.

13. REVEGETATION

The access to the Deer Creek 9th East portals disturbed in the closure process will need to be reseeded and mulched following completion of the work. The interim seed mix should be used on of the areas recently disturbed followed by application of a suitable mulch. Pacificorp should strongly consider reclamation of this area next year since the portals will be sealed and the area no longer used for mining purposes.

16b. ROAD: DRAINAGE CONTROLS

As described above the access road to the Deer Creek 9th East portals was re-disturbed in order to access the portal pad with materials and equipment. Drainage and sediment controls were upgraded during the inspection as described above.

Copy of this Report:

Mailed to: Bernie Freeman (OSM), Blake Webster & Guy Davis (PEO)

Given to: Joe Helfrich (DOGM)

Inspectors Signature: Ken Wyatt #42 Date: 10/28/91

INSPECTION REPORT COMMENTS

Permit No. Act/015/019

Inspection Date 11/27/91

Please number comments to correspond with topics on previous page.

General Comments The previous three day complete inspection conducted the last of August which was also an OSM oversight inspection covered in exhaustive detail the records and site field requirements. Therefore this inspection covered the records for the 3rd quarter, not available at the last inspection (ie not required until end of the quarter. Also the field and concentrating saw the followup and maintenance items.

Pending Issues

- Division Order on the sediment pond. The permit defect related to spillways ie, only one spillway. The permittee responded by proposing another spillway. The matter is under review by the Division
- ✓ • Refuse pile is involved in a Division Order. The issues concern not fully meeting performance standards on six items. The operator response is not due at this time.
- Haul road is the subject of a federal violation. The issue concerns the permitting of the haul road. The road in question is controlled by the

Copy of report mailed to _____

Copy of report given to _____

Inspector's signature _____ No. _____

WHITE - DOGM YELLOW - OSM PINK - PERMITTEE/OPERATOR GOLDENROD - NOV FILE

INSPECTION REPORT COMMENTS

Permit No. Act/015/019

Inspection Date 11/27/91

Please number comments to correspond with topics on previous page.

Utah Department of Transportation. The permittee has appealed the federal NOV under procedures outlined in the Administrative Procedures Act. The hearing before a USOI administrative law judge was scheduled for Dec 09, however, the permittee stated he was advised that OSM had requested a continuance and the judge approved it with a hearing date for March 1992. Disturbances. The permittee had to make some minor repairs to the undisturbed dimension adjacent to the Deer Creek Portals. Such work was the result of "block" sealing the three Deer Creek Portals.

Sediment Pond. The permittee had completed work on providing additional inlet protection on the S. pond as mentioned in the previous complete inspection.

Refuse Pile. About 7/8 of the refuse pile is covered with sediment from the Deer Bee Dome pond clean out project. Checked the Deer Bee Dome pond and estimate that 3/4 of the pond has been cleaned. The remaining cleanout area is adjacent to the embankment/oil skimmer. Six permit deficiencies were identified wherein the design/plan does not fully and/or clearly meet the regulatory performance standards.

Copy of report mailed to _____

Copy of report given to _____

Inspector's signature _____ No. _____

WHITE - DOGM YELLOW - OSM PINK - PERMITTEE/OPERATOR GOLDENROD - NOV FILE

INSPECTION REPORT COMMENTS

Permit No. Act/015/019

Inspection Date 11/27/91

Please number comments to correspond with topics on previous page.

The permit deficiencies were identified prior to the official start of the formal inspection.

Revegetation. The reclaimed road to the Deer Creek portals, with formal division approval, was used to haul small items from the portals and to "block seal" the three portals. The permittee has reclaimed the road as specified by the Division including seeding and matting the redisturbed areas. Also straw bale water bars are to be placed on the road before this project is completed.

Copy of report mailed to PEO / Guy Davis; OSM / Bruce Smith; DOGM / Joe Helbrech

Copy of report given to PEO

Inspector's signature Tom J. Grubbe No. 26

WHITE - DOGM YELLOW - OSM PINK - PERMITTEE / OPERATOR GOLDENROD - NOV FILE

12/5/91



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

W. J. Payne

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Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

INSPECTION REPORT

INSPECTION DATE & TIME: March 25, 1992 - 1:30 pm to 4:30 pm
March 26, 1992 - 8:30 am to 3:00 pm

Permittee and/or Operators Name: PacifiCorp Electric Operations
Business Address: 210 S Main, Suite 2100, SLC, UT 84140-0021
Mine Name: Cottonwood/Wilberg Permit Number: ACT/015/019
Type of Mining Activity: Underground X Surface Other
County: Emery Federal Official(s): None
Company Official(s): Guy Davis, Karl Houskeeper
State Official(s): Henry Sauer
Partial: Complete: X Date of Last Inspection: 2/19/92
Weather Conditions: Clear and cool
Acreage: Permitted 11,532 Disturbed 102 Regraded Seeded
Bonded 102 Enforcement Action: NOV N92-32-6-1

COMPLIANCE WITH PERMITS AND PERFORMANCE STANDARDS

	YES	NO	N/A	COMMENTS
1. PERMITS	(X)	()	()	(X)
2. SIGNS AND MARKERS	(X)	()	()	()
3. TOPSOIL	(X)	()	()	()
4. HYDROLOGIC BALANCE:				
a. STREAM CHANNEL DIVERSIONS	(X)	()	()	()
b. DIVERSIONS	(X)	()	()	(X)
c. SEDIMENT PONDS AND IMPOUNDMENTS	(X)	()	()	()
d. OTHER SEDIMENT CONTROL MEASURES	(X)	()	()	(X)
e. SURFACE AND GROUNDWATER MONITORING	(X)	()	()	()
f. EFFLUENT LIMITATIONS	(X)	()	()	()
5. EXPLOSIVES	()	()	(X)	()
6. DISPOSAL OF DEVELOPMENT WASTE & SPOIL	(X)	()	()	(X)
7. COAL PROCESSING WASTE	()	()	(X)	()
8. NONCOAL WASTE	(X)	()	()	()
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	(X)	()	()	()
10. SLIDES AND OTHER DAMAGE	(X)	()	()	(X)
11. CONTEMPORANEOUS RECLAMATION	(X)	()	()	(X)
12. BACKFILLING AND GRADING	(X)	()	()	()
13. REVEGETATION	(X)	()	()	(X)
14. SUBSIDENCE CONTROL	()	(X)	()	()
15. CESSATION OF OPERATIONS	()	()	(X)	()
16. ROADS				
a. CONSTRUCTION	(X)	()	()	(X)
b. DRAINAGE CONTROLS	(X)	()	()	(X)
c. SURFACING	(X)	()	()	()
d. MAINTENANCE	(X)	()	()	()
17. OTHER TRANSPORTATION FACILITIES	(X)	()	()	()
18. SUPPORT FACILITIES				
UTILITY INSTALLATIONS	(X)	()	()	()

an equal opportunity employer

INSPECTION REPORT

(continuation sheet)

Page 2 of 4

PERMIT NUMBER: ACT/015/019

DATE OF INSPECTION: 3/25-26/92

(Comments are Numbered to Correspond with Topics Listed Above)

1. PERMITS

The permittee received the air quality permit approval for the Cottonwood/Wilberg Waste Rock Storage Facility on December 12, 1991. The Division of Air Quality set the "rolling" twelve month tonnage limit at 50,000 Tons. This total will be based on daily operation records. In addition the permittee must maintain a daily record of the access road watering. Mr. Davis informed me that PEO elected to apply chemical dust suppressants on the access road instead of daily watering.

The insurance policy (Policy # X0 296A1A92) for the mine was renewed recently and is effective for one year beginning on February 24, 1992. The reclamation bond is set at \$2,071,098.

The following records were reviewed and found in good order: Fourth Quarter of 1991 - sediment pond inspections, waste rock engineering reports, UPDES monitoring reports, and the water monitoring reports. It should be noted that the North Sediment Pond was cleaned of sediment during the first and third quarter of 1991 and the South Sediment Pond was cleaned during the third quarter of 1991.

4b. HYDROLOGIC BALANCE: DIVERSIONS

✓ The culvert underneath the entrance to the main parking lot is slight crushed at the outlet. The culvert is fully functional but must be repaired.

4d. HYDROLOGIC BALANCE: OTHER SEDIMENT CONTROL MEASURES

✓ The silt fence adjacent to the mine entrance gate has been slightly undercut by piping action. This is probably due to poor soil compaction and/or incorrect silt fence installation. The permittee was instructed to repair the structure.

The positioning of silt fence immediately down dip of the former location of the Guard Shack must be reevaluated. The silt fence is part of the sediment control features for the ASCA below

INSPECTION REPORT

(continuation sheet)

Page 3 of 4

PERMIT NUMBER: ACT/015/019

DATE OF INSPECTION: 3/25-26/92

the shack. However, the silt fence was placed at the bottom of an undisturbed channel. The concern is that ephemeral flow within the channel may destroy the silt fence. The operator was instructed to evaluate the possibility of repositioning the fence.

The slope below the Secondary Crusher has been grouted.

6. DISPOSAL OF DEVELOPMENT WASTE

✓ Some of the curlex matting on the first berm of the waste rock site has blown off. The operator was instructed to reapply the matting.

10. SLIDES AND OTHER DAMAGE

NOV 92-32-6-1 was issued for failure to comply with the approved plan by operating outside of the disturbed area. The violation refers to material which was cast off the side of the Ninth East Portal access road. Some of the material was probably deposited by runoff water which destroyed the berm adjacent to the fan. The impacted area was previously undisturbed.

11. CONTEMPORANEOUS RECLAMATION

✓ The Ninth East portals have been sealed and air monitoring piping installed. All indication from the operator are that this area will not be required for mining operations in the future. Therefore, in accordance with the contemporaneous reclamation regulations, this area should be fully reclaimed.

13. REVEGETATION

✓ The excelsior matting on the Ninth East portal access road was not properly stapled and portions of the matting has blown off the surface. The operator was instructed to reapply the matting.

INSPECTION REPORT

(continuation sheet)

Page 4 of 4

PERMIT NUMBER: ACT/015/019

DATE OF INSPECTION: 3/25-26/92

16a. ROADS: CONSTRUCTION

The permittee has submitted a response (March 20, 1992) to the mid-term permit review. One of the review issues was the classification of roads as either primary or ancillary. The operator submittal is presently under review. However, by the completion of this permitting action each road on site should be classified as primary or ancillary.

16b. ROADS: DRAINAGE CONTROLS

✓ The Typical Road Cross-Section, Plate 7704-C-50 must be revised or footnoted to accurately represent the road drainage control features.

Copy of this Report:

Mailed to: Bernie Freeman (OSM), Blake Webster & Guy Davis (PEO)
Given to: Joe Helfrich (DOGM)

Inspectors Signature: Henry Lauer

#32 Date: 3/31/92

INSPECTION REPORT COMMENTS

Permit No. AC1/015/019

Inspection Date 3/8/90

Please number comments to correspond with topics on previous page.

GENERAL COMMENTS Blake Webster, UP&W mgt trainee accompanied Guy Davis and the undersigned on this inspection.

I was advised that the name of the mine is now Cottonwood and the name Welberg has been dropped from the title.

Signs & Markers

I.D. signs on the waste rock site were again discussed. Signs have not yet been placed at each access from a public road to the waste rock sites. However the operator has moved the sign as previously instructed by the Division, which is not considered inappropriate. Rather than moving the existing sign, the operator plans to add additional signs at each access point of a public highway.

Some mine adjustments were suggested on the disturbed marker in the vicinity of the right fork of Primer Wash.

Other Sediment Control The operator was working on the sediment control measures on (1) the three Deer Creek Portals and (2) The sediment basin below the reclaimed road to the Deer Creek Portals

Copy of report mailed to UP&W / Guy Davis / SLK For OSU/Bruce Smith/Dorm. In H. K. H. H.

Copy of report given to RFO

Inspector's signature [Signature]

No. 26

WHITE - DOGM YELLOW - OSM BK - PERMITEE / OPERATOR GOLDENROD - NOV FILE

5/12/90

3-8-90

COTTONWOOD / PARTIAL

BILL MALONCIC + BLAKE WEBSTER

- ✓*1. Complete silt fence project at DC portals
- ✓*2. Complete strawbale treatment along the access road to DC breakouts.
- 3. Is the old road issue to L. fork of Grimes Wash a pre-SMA/RA item?
- ✓*4. Complete SFE pond at Wilberg fan area.
- ✓*5. ORDER SIGN FOR LEACH-FIELD ... HAVE INSTALLED
- ✓6. order another sign for WRS ... Have installed.
- ✓*7. Remove Perimeter signs (2) along R. Fork of Grimes wash

CLOSEOUT

- * Items to be addressed (1, 2, 4, 5, 7)
- #6 place the sign at the active gate (cell #7) and lock the gate to the rock storage. No new sign is required per Bill Maloncic.

DATE: March 9, 1990
 TO: Morgan Moon
 FROM: Guy Davis *Guy*
 SUBJECT: DOGM Inspections/Deer Creek (Complete) and
 Cottonwood (Partial)

During an inspection at the mine sites, the following items of concern were observed. Please see that all items are addressed by March 23, 1990. Any item with an asterisk should be addressed as soon as possible.

DEER CREEK MINE

<u>CONCERN</u>	<u>ACTION REQUIRED</u>	<u>PERSON</u>	<u>OCCURRENCE</u>
WASTE ROCK SITE AREA			
Rills have developed on the inslope of the berm just west of the spillway.	Fill in rills by hand. Place small berm along edge to prevent the runoff from going over.	M. Moon	1
Erosion on cutslopes above access road.	Will meet with you to devise a corrective plan.	M. Moon	3
C2 CONVEYOR AREA			
*Silt fence material between IU 122-132 has fallen in areas.	Wire up the material.	M. Moon	2
C1 CONVEYOR & SED. POND AREA			
Sediment pond access road is not drawn on the facilities map. Revisions in plan may be necessary.	Revise map. Drainage along road is required also.	G. Davis	1

<u>CONCERN</u>	<u>ACTION REQUIRED</u>	<u>PERSON</u>	<u>OCCURRENCE</u>
Culvert under sed. pond road at temp. sed. basin area is allowing flow under the culvert.	Correct the problem.	M. Moon	2
*Silt fence at sed. pond turnoff is full.	Clean out sediment.	M. Moon	2
*North silt fence where belt crossed the mine road is full.	Clean out sediment.	M. Moon	2
*South sed. trap where belt crosses the mine road has a hole in bottom allowing flow under the material.	Repair the hole.	M. Moon	2
<u>TIPPLE/ELK CANYON AREA</u>			
*Both sed. traps are full.	Clean out traps and develop a regular cleaning schedule.	D. Norton	2
Bottom of silt fence material is not buried at Elk Canyon bypass.	Bury bottom when soil permits.	M. Moon	2
Culvert outlets across from guard station need to be cleaned. (2)	Clean out outlets.	D. Norton	1

COTTONWOOD MINE SITE

COTTONWOOD #2 FAN AREA

Silt fence is needed at DC breakouts.	Complete the fencing project.	M. Moon	2
Revegetated access road to DC breakouts need strawbale dikes installed.	Complete the started project.	M. Moon	2

<u>CONCERN</u>	<u>ACTION REQUIRED</u>	<u>PERSON</u>	<u>OCCURRENCE</u>
SAE pond project is not completed.	Complete the project.	M. Moon	2
Remove (2) perimeter signs along East side of the Right Fork of Grimes Wash.	Remove signs.	M. Moon	1
LEACH FIELD/WRS AREA			
ID sign is required at leach field.	Order and install sign.	G. Davis M. Moon	1
ID sign at WRS needs moved, hopefully for the last time!	Place at Cell #7 (active gate) and lock the rock pile gate.	M. Moon R. Justesen	1

If you have any questions, please call me at ext. 263.

cc: Guy Davis
Ralph Justesen
Dale Norton
Dave Smaldone
File

WEEKLY SURFACE INSPECTION

MINE WILBERG

DATE SEPT. 15, 83

LOCATION	CODE	DESCRIPTION OF PROBLEM	REQUIRED ACTION	DATE COMPL.	COMP.
MATERIAL YARD	2	CULVERT OUTLET CLOGGED WITH SEDIMENT.	CLEAN OUTLET		
			CONSIDER REDESIGN OF OUTLET AS INDICATED IN INSPECTION OF 7/27/83.		
" "	1	DRAINAGE AT MATERIAL YARD OFFICE NOT DEFINED	CHECK DRAINAGE PLAN.		
FIRST S. PORTAL	1	EROSION AROUND INLET STRUCTURE	REPAIR EROSION		
FAN FUEL TANK	1	EROSION DOWN SLOPE FROM PAD.	REPAIR EROSION. ** SUGGEST BUILDING BERM BETWEEN FUEL TANK AND ROCK LEDGE TO DIRECT WATER AWAY FROM PAD AND INTO ESTABLISHED CHANNEL.		
FAN Access Road	1	WATER BARS HAVE BEEN CONSTRUCTED TO CONTROL FLOODING. MAJOR EROSION HAS OCCURRED DOWN SLOPE AT OLD FAN.	REMOVE WATER BARS, REPAIR EROSION DAMAGE AND REESTABLISH APPROVED DRAINAGE.		***
9th E. Portal Road	1	DRAINAGE CHANNEL HAS BEEN ERODED BY FLOOD WATERS.	REMOVE COAL & OTHER SEDIMENT FROM CHANNEL. REPLACE STRAW BALES IN CHANNEL. ** SUGGEST PLACING ROCKS ALONG DOWNSTREAM SIDE OF STRAW BALES.		
MINE Road	1	STRAW BALES IN UNAFFECTED DRAINAGE NEED TO BE REPLACED	CLEAN SEDIMENT & MATERIAL OUT OF DRAINAGE & REPLACE STRAW BALES.		

COMMENTS: *** THIS ITEM IS MUST BE CORRECTED IMMEDIATELY.

PERMANENT SOLUTION TO DRAINAGE PROBLEMS TO BE DEVELOPED BY CENTRAL ENGINEERING.

Code
 1. New Problem
 2. 2nd Occurrence
 3. 3rd Occurrence

Bill Zeehl
 Jim Hamlin
 Morgan Brown

Val Payne 116
 Construction Manager

Richard Mathew
 Surface Yard Foreman

WEEKLY SURFACE INSPECTION

MINE: COTTONWOOD

DATE: SEPT. 20, 1985

Location	Code	Description of Problem	Required Action
WILBERG FAN (ABC)	1	PONDED WATER - BREACHED BERM EROSION OF SLOPE	DRAIN WATER - USING PUMP HOSE & INTO DRAIN BY TRANSFER TRIPPLE.
9 th EAST ROAD (ABC)	2	EROSION - SILT BUILD UP - BALES OF STRAW DAMAGED.	- CLEANUP - REMOVE SILT - REPAIR EROSION WITH DRAIN ROLL - LEAK DICES & STRAW BALES.
3 rd EAST DIP CHUTE (ABC)	1	SCRAPER CAUSES RIDE BALL OF SILT MATERIAL ALONG UNDERSIDE OF BELT & DROPS MAT. ONTO EIU WALL SIDING & BASE OF CHUTE	PROVIDE A MEANS TO ELIMINATE PROBLEM.
12" DRAIN AT BASE OF SLOPE IN MATERIAL YARD	1	DRAINAGE IS BEING DIRECTED TO SLOPE CAUSING EROSION.	ELIMINATE THE EROSION PROBLEM - REDIRECT WATER ONTO PAD

COMMENTS: _____

Code

1. New Problem
2. 2nd Occurrence
3. 3rd Occurrence

G. T. Jones

Construction Manager

EMPLOYEE: DAVE RICH

DATE: 9/11/91

CONTRACTOR: J.W.R.

DAY: Wed

PROJECT TITLE:	PROJECT #:	RATE	TIME IN	TIME OUT	S.T.	O.T.	D.T.	COST
<u>Cotton Wood</u>								
<u>Silo</u>	<u>45-8050</u>	<u>B</u>	<u>8:00</u>	<u>2:00</u>	<u>6</u>			
<u>OSM</u>	<u>45-8089</u>	<u>B</u>	<u>2:00</u>	<u>4:00</u>	<u>2</u>			

*Employee must separate his time for each separate project.

SUBTOTAL:

EQUIPMENT: MODEL & NO.	PROJECT #	HOURS	RATE	COST
<u>416 CAT Backhoe</u>	<u>45-8089</u>	<u>2</u>		

*Employee must separate equipment time for each separate project.

SUBTOTAL:

DAILY TOTAL:

DESCRIPTION OF WORK PERFORMED:

Silo - Rig up & Pump Shoot concrete, Work on Rain Pipes
OSM Work

Kenneth Rasmussen 9-12-91
CONTRACTORS REPRESENTATIVE DATE

[Signature] 9/22/91
ENERGY WEST CONSTRUCTION SUPERVISOR DATE

EMPLOYEE: Larry P Roberts DATE: 9-12-91
 CONTRACTOR: JWIP DAY: Wed Thurs

PROJECT TITLE:	PROJECT #:	RATE	TIME IN	TIME OUT	S.T.	O.T.	D.T.	COST
CW Pond (2)	45-8096	B	8:00	4:00	8			
(6)	45-8099							
*Employee must separate his time for each separate project.							SUBTOTAL:	

EQUIPMENT: MODEL & NO.	PROJECT #	HOURS	RATE	COST
724	45-8096	2 2		
*Employee must separate equipment time for each separate project.			SUBTOTAL:	
			DAILY TOTAL:	

DESCRIPTION OF WORK PERFORMED:
haul job 7 loads 2 hrs o/s m work 6 hrs

Kenneth R. Rasmussen 9-16-91 [Signature] 9/12/91
 CONTRACTORS REPRESENTATIVE DATE ENERGY WEST CONSTRUCTION SUPERVISOR DATE
 ENERGY WEST MINING COMPANY APPROVAL: DATE