

0004

DATE: February 9, 1994

TO: Joe Helfrich, Reclamation Specialist

FROM: Wm. J. Malencik, Reclamation Specialist

RE: Mining Equipment

ACT/OPS/019 # 2

A matter has come to light concerning mining equipment and machinery stored at a remote site that is not permitted, but directly involved in current and past coal mining operations.

Here are the facts

- 1) During a routine complete inspection of a permitted mine queried the permittees representative where the powder and cap magazines were located.

He responded that he was not certain, but speculated that such items would be provided by the vendor directly to the mine on an on call basis.

- 2) Later, during the inspection, another permittee management employee at the mine site stated they were stored at central warehouse.
- 3) Based on my inspection, no powder nor cap magazines are currently located at the permitted mine site.
- 4) The current MRP states, "There is no explosive storage and handling facility at the Cottonwood/Wilberg facilities. When explosives are used they are transported and used according to appropriate State and Federal regulations".
- 5) On February 9, was notified by Pacificorp that the powder and cap magazines are located at the central warehouse.

*Interview
Vickie*

Red Powell

*11-7-96
Cottonwood/Wilberg
file*

11-7-96

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- 6) In discussing this matter with other officials, they stated that at one time powder and caps magazines were located at the mine site.
- 7) Before completing the inspection, made a visual vehicle reconnaissance of the central warehouse facility. Did not observe powder nor cap magazines. However, noticed considerable mining equipment and machinery stacked in rows.
- 8) Received a call from MSHA after the inspection closeout and Mr. Kerr reported the explosives were stored at central warehouse. Further, they would be conducting inspections of the explosives storage facilities.
- 9) Made a brief reference to explosive matter in both the closeout and in the inspection report. However, later the broader question arose concerning mining equipment, machinery and explosives stored at the unpermitted central warehouse. Some of the items appear to be old and have been stored out in the weather for some time, others are of recent vintage. At the time was not concerned about items stored in the warehouse building because I knew it would not be explosives.
- 10) Utah Coal Mining Regulations provide:

R645-301-512.120 - (Certified Surface Facilities Map)
"Surface facilities and operations as described under R645-301-521.124, R645-301-521.164, R645-301-521-165 and R645-301-521.167;"

R645-301-521.167 - "Each explosive storage and handling facility;"

R645-301-521.180 - "Support facilities. Each permit applicant will submit a description, plans and drawings for each support facility to be constructed, used or maintained within the proposed permit area. The plans and drawings will include a map, appropriate cross sections, design drawings, and specifications to demonstrate compliance with R645-301-526.220 through R645-301-526.222 for each facility."

R645-301-526.220 - "The support facilities description must state that support facilities will be operated in accordance with a permit issued for the mine or coal preparation plant to which it is incident or from which its operation results. Plans and drawings for each support facility to be constructed, used, or maintained within the proposed permit area will include a map, appropriate cross sections, design drawings, and specifications sufficient to demonstrate how each facility will comply with applicable performance standards. In addition to the other provisions of R645-301, support facilities will be located, maintained, and used in a manner that:"....

R645-301-528.331 - "Noncoal mine wastes including, but not limited to, grease, lubricants, paints, flammable liquids, garbage, abandoned mining machinery, lumber and other combustible materials generated during mining activities will be placed and stored in a controlled manner in a designated portion of the permit area."

There are secondary questions relative to explosive storage that needs to be looked into in greater detail. Nevertheless, before pursuing this matter further, the facts are that mining machinery, equipment and explosives are stored at central warehouse. Therefore, the following policy questions need to be answered:

- I Does mining equipment, machinery and explosives stored at an unpermitted central warehouse and used to support permitted mining operations represent a compliance issue and/or
- II Does mining equipment, machinery and explosives stored at an unpermitted central warehouse and used to support permitted mining operations represent a permitting issue or
- III Mining equipment, machinery and explosives stored at an unpermitted central warehouse and used to support permitted mining operations does not represent a compliance nor a permitting problem.

Now that this matter has evolved into broader potential issues, it is in the best interest of all parties to decide on a course of action before the next inspection.

Based on the facts presented herein, I would appreciate receiving your analysis of this matter and your direction whether alternative I, II, I and II, or III or some other solution applies to this case situation.