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United States Department of the Interior

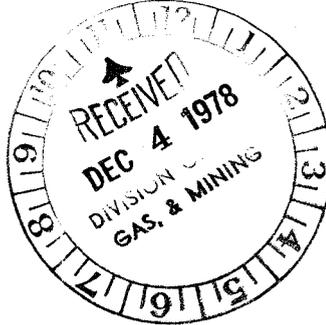
OFFICE OF SURFACE MINING
Reclamation and Enforcement
POST OFFICE BLDG. RM. 270
1823 STOUT STREET
DENVER, COLORADO 80202

~~Send file~~
Utah coal &
Energy
Blackhawk
Mine

CERTIFIED MAIL #
571,010

December 1, 1978

Mr. Harold Soderquist
Surface Foreman
Black Hawk Mine
P.O. Box 37
Coalville, Utah 84017



ACT/043/001

Dear Mr. Soderquist:

The Office of Surface Mining inspected your mine on October 31, 1978. We mailed you a copy of the inspection report which listed violations of the Surface Mining Control and Reclamation Act. We did not serve you with Notices of Violations because no company person was at the mine.

Mary Ann Wright of Utah Division of Oil gas and Mining and I inspected your mine again on November 30, 1978. We found the violations had not been corrected, and we served the enclosed Notices of Violation.

Each Notice may result in a civil penalty. Please be aware that prompt correction of violations can be a factor in lessening the amount of the penalty.

Sincerely,

Murray Smith
Federal Lands Coordinator

Encl:

Cc: Mr. Clem G. Cafarelli *cert Mail*
#571,011

NOTICE(S) OF VIOLATION NO. 78-V-4-1

To the Following Permittee or Operator:

Name UTAH COAL & ENERGY CORP.
Mine BLACK HAWK MINE 1 Surface Mine Underground Mine
County and State SUMMIT COUNTY, UTAH Telephone # _____
Mailing address P.O. BOX 37, COALVILLE, UTAH
OSM Mine # _____ State Permit # _____ MSHA I.D. # _____

Date of Inspection: November 30, 1978
Time of Inspection: from 10:30 a.m. to 12 noon a.m.
1 p.m. 1 p.m.

Name of Operator (if other than permittee) _____
Mailing Address _____

Person Served with Notice HAROLD SUDERQUIST, SURFACE FOREMAN
Print Name and Title

Signature Harold A. Suderquist

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) described 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.

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

IMPORTANT - PLEASE READ CAREFULLY

1. Review. You may apply for review of this Notice by submitting an application for review, within 30 days of receipt of this Notice by you or your agent, to:

Hearings Division
Office of Hearings and Appeals
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, Virginia 22203

Violation(s) No. 1 OF 6

Nature of the Violation(s)

OPENING AND DEVELOPING A SITE FOR SURFACE (CAL MINING OPERATIONS WITHOUT A STATE PERMIT IN VIOLATION OF 30 USC 502(a)

Provisions of the Regulations, Act, or Permit Violated

30 USC 502 (a)

Portion of the Operation to which Notice Applies

ALL

Remedial Action Required

FILE AND OBTAIN STATE OF UTAH APPROVAL OF A MINIM PERMIT APPLICATION.

Time for Abatement (including interim steps, if any)

FILE APPLICATION WITHIN 30 DAYS FROM SERVICE OF THIS NOTICE.
OBTAIN STATE OF UTAH APPROVAL WITHIN 60 DAYS FROM SERVICE OF THIS NOTICE.

Violation(s) No. 2 OF 6

Nature of the Violation(s)

ALL ACCESS ROADS AT THIS MINE ARE NOT CONSTRUCTED SO AS TO PREVENT ADDITIONAL CONTRIBUTION OF SUSPENDED SOLIDS TO STREAM FLOW.

Provisions of the Regulations, Act, or Permit Violated

30 CFR 717.17

Portion of the Operation to which Notice Applies

ALL ROADS

Remedial Action Required

ALL ACCESS AND HAULROADS SHALL BE ADEQUATELY DRAINED USING STRUCTURES SUCH AS BUT NOT LIMITED TO DITCHES, CREEP DRAINS AND CULVERTS SO AS TO PREVENT RUNOFF FROM SUCH ROADS FROM ENTERING STREAM FLOW WITHOUT FIRST PASSING THROUGH AN ADEQUATE SEDIMENT CATCHING STRUCTURE AS APPROVED BY STATE OF UTAH.

Time for Abatement (including interim steps, if any)

ROAD DRAINAGE SYSTEMS SHALL BE COMPLETED WITHIN 90 DAYS FROM THE SERVICE OF THIS ORDER.

Violation(s) No. 3016

Nature of the Violation(s)

FAILURE TO IMPLEMENT A SURFACE WATER MONITORING PROGRAM.

Provisions of the Regulations, Act, or Permit Violated

30 CFR 717.17

Portion of the Operation to which Notice Applies

ALL SURFACE AREAS.

Remedial Action Required

DESIGN AND IMPLEMENT A SURFACE WATER MONITORING PROGRAM APPROVED BY THE STATE OF UTAH.

Time for Abatement (including interim steps, if any)

SUBMIT MONITORING PLAN WITHIN 30 DAYS, OBTAIN STATE OF UTAH APPROVAL OF PLAN WITHIN 60 DAYS AND IMPLEMENT PROGRAM WITHIN 90 DAYS

Violation(s) No. 4 CF 6

Nature of the Violation(s)

FAILURE TO ~~AND~~ IMPLEMENT A GROUND WATER MONITORING PLAN.

Provisions of the Regulations, Act, or Permit Violated

30 CFR 717.17

Portion of the Operation to which Notice Applies

ALL

Remedial Action Required

DESIGN AND IMPLEMENT A GROUNDWATER MONITORING PROGRAM APPROVED BY STATE OF UTAH.

Time for Abatement (including interim steps, if any)

SUBMIT MONITORING PLAN WITHIN 30 DAYS, OBTAIN STATE OF UTAH APPROVAL OF PLAN WITHIN 60 DAY AND IMPLEMENT PROGRAM WITHIN 90 DAYS.

Violation(s) No. 3 OF 6

Nature of the Violation(s)

FAILURE TO REMOVE ALL TOPSOIL FROM AREAS TO BE DISTURBED BY SURFACE OPERATIONS.

Provisions of the Regulations, Act, or Permit Violated

30 CFR 717.20

Portion of the Operation to which Notice Applies

DISTURBED AREAS.
Remedial Action Required

ALL TOPSOIL SHALL BE SALVAGED PRIOR TO ANY SURFACE DISTURBANCE. IT SHALL BE STOCKPILED, PROTECTED FROM WIND AND WATER EROSION AND MARKED WITH SIGNS.

Time for Abatement (including interim steps, if any)

IMMEDIATELY, FOR THOSE AREAS NOT DISTURBED AS OF THIS DATE.

Violation(s) No. 6 OF 6

Nature of the Violation(s)

FAILURE TO STABILIZE EARTH AND ROCK FILLS WITH VEGETATION AND OBTAIN A MINIMUM ACCEPTABLE STATIC SAFETY FACTOR

Provisions of the Regulations, Act, or Permit Violated

30 CFR 717.14(a)(1)

Portion of the Operation to which Notice Applies

FILLS AT EAST MINE PORTAL AREA.
Remedial Action Required

REDUCE SLOPE ~~BY~~ BY ADDING COMPACTED FILL TO RENEW. OBTAIN APPROVAL OF PLAN AND IMPLEMENT. SUBMIT PLAN TO STATE OF UTAH TO

Time for Abatement (including interim steps, if any)

SUBMIT PLAN WITHIN 30 DAYS, OBTAIN STATE OF UTAH APPROVAL WITHIN 60 DAYS AND IMPLEMENT PLAN WITHIN 90 DAYS

2. Minesite mining. In addition to the rev. mentioned in paragraph 1, an informal public hearing at or near the minesite may be provided if this notice requires cessation of mining. The authorized representative finds that cessation of mining is is not expressly or implicitly required by this Notice. If cessation of mining is required, this Notice will expire within 30 days of actual notice to you unless an informal public hearing is held at or near the minesite. Such a hearing is not required if the violation(s) have been abated or if the hearing has been waived. If this Notice expires, you will still be liable for any penalties assessed with regard to the 30-day period.

3. Penalties. Section 723.16 of the regulations allows you to submit information in writing pertaining to the violation(s) covered by this Notice within 10 days of the date that it is served on you or your agent. This information will be considered in determining the facts surrounding the violation and the amount of penalty. If you wish to submit this information, you should send it to U.S. Department of the Interior, Office of Surface Mining, Assessment Office, Washington, D.C. 20240.

For each violation covered by this Notice, a penalty of up to \$5000 may be assessed for each day during which that violation continues.

If you fail to abate any of the violations within the time set for abatement or to meet any interim step, you must be assessed a minimum penalty of no less than \$750 for each day during which the violation continues beyond the time set for abatement, and you must be issued a cessation order requiring you to cease surface coal mining operations on the portions relevant to the violations.

4. Effect on Permit. In addition, if it is determined that a pattern of violations of any requirement of the Act, the regulations, or permit conditions exists with respect to this mine, and that the violations were caused by unwarranted failure to comply or were willful, your permit may be suspended or revoked.

Date of Service

Warrior 30, 1978

Signed:

[Signature]

(Authorized Representative)

I.D.# _____



Region V On-Site Inspection
UTAH COAL & ENERGY - BLACKHAWK MINE

12/043/001
[Handwritten signatures and initials: JWS, etc.]

DATE:
TIME:
WEATHER:
COUNTY & STATE:
STATE OFFICIALS:
OSM OFFICIALS:
INSPECTION TYPE:

November 30, 1978
10:30 a.m.
Snowing, Cold. Snow cover on ground.
Summit County, Utah
Mary Ann Wright
Murray T. Smith
Follow-up

GENERAL COMMENTS:

This is an underground mine located about 30 miles northeast of Salt Lake City, near Coalville, Utah. There were at least five people working in the mine area at the time of this inspection.

The purpose of this inspection was to determine if the operation was active and to determine if any of the violations noted in our October 30, 1978 inspection had been corrected.

Snow cover prevented clear observation of erosion and topsoil problem areas. However, we reviewed each of the violations with Mr. Harold Soderquist and determined that none had been corrected.

I wrote and served five notices covering the violations in our October 30 inspection and one additional notice for a road fill stability problem described below.

COMPLIANCE WITH INTERIM REGULATIONS:

717.14 (Backfilling and Grading)

There was an unstable, slide area in the filled ramp just north of the east portal. The ramp outslope was at the angle of repose. The toe had been cut back slightly, contributing to instability of the ramp. There was no topsoiling or revegetation. This is a violation of 30 CFR 717.14(a)(1).

Submitted by:

[Handwritten signature of Murray T. Smith]
Murray T. Smith

cc: Ron Daniels
Harold Soderquist