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TO: Utah Coal Operators

THRU: John R. Baza, Director *John R. Baza*

THRU: Mary Ann Wright, Associate Director, Mining *M. A. Wright*

FROM: Daron R. Haddock, Coal Program Manager *DRH*
James D. Smith, Coal Permit Supervisor *JS*

RE: Initial Review (IR) Procedures for Permit Changes, Coal Regulatory Program under R645-303-221

In response to "A Performance Audit of Utah's Coal Regulatory Program", December 2007, the following procedure has been implemented. This procedure addresses recommendation #1 that states:

We recommend that division management follow Utah Administrative Rule R645-303-221, and complete a 15-day initial completeness review on all relevant permit changes. Management should track and monitor the 15-day review (ICR) to ensure that it is consistently completed.

The following procedures will be used to make an Initial Review (IR): This is an Initial Review as required under the above noted rule and applies to Permit Changes only. (amendments and significant revisions.)

- The application for a permit change is received by the Supervisor, who assigns tracking identifier for files.
- Support staff enters information into the Coal Tracking System (CTS) and the CTS automatically calculates the 15 - day IR due date.
- Support staff e-mails Mine Lead of 15 - day IR due date for permit change and copies supervisor.
- Mine Lead does IR using the attached Initial Review Guide. If Mine Lead is unavailable, the Supervisor will make the assignment to another staff member.

- Mine Lead notifies support staff and Supervisor of the decision to accept or deny the application within the 15-day IR timeframe. If the application is denied during the IR, the Mine Lead will call the permit applicant and explain why the application was denied before the e-mail is sent. The permit applicant may appeal to the Supervisor if the decision is disputed.
- If the permit change is accepted, support staff sends an e-mail notification to permit applicant / operator through ogmcoal@utah.gov (copied to the outgoing file in the PIC) that the application review will continue and it will specify the due date. The Supervisor will assign the technical review team. The support staff will also send an e-mail notification to OSM requesting, within 30 days, a determination as to whether or not the permit change constitutes a Mining Plan Modification. Another e-mail will also be sent through ogmcoal@utah.gov to the BLM and FS (as applicable) and request that they, furnish findings or requests for additional information to the Division within 30 days of the e-mail to ogmcoal@utah.gov".
- If denied, Support staff sends an e-mail notification through ogmcoal@utah.gov (copied to the outgoing file in the PIC) that the application was not accepted for further review. Support staff will copy the e-mail as the cover letter for the application and return the application (less one of the copies for the incoming file).

CRP = Coal Regulatory Program
Support Staff = Engineering Technician (s)
Mine Lead = Environmental Scientist III assigned to the mine
Supervisor = CRP Manager or Supervisor
MRP = Mining and Reclamation Plan, or Permit
Permittee = Coal Mine Operator = Permit Applicant

Attachment: Initial Review Guide, Coal Regulatory Program

Implementation Dates: March 1, 2008 through June 30, 2008
Re-evaluation in July 2008

All of these requirements are not applicable to every permit change.

General:

- Cover Letter with C1/C2 form
- Submittal in redline strike out.
- Complete Ownership and Control Information including right of entry.
- Complete hardcopy public, hardcopy confidential, e-copy public (CD), and e-copy confidential.
- Names of surveyors, dates of surveys, description of materials and methods for all surveys. Credentials of the Principal Investigator.
- Maps include revision date and explanation

Soils:

- Environmental Description R645-301-222 (Soil Survey for surface disturbance)
- Operation Plan R645-301-231 (Topsoil Removal Description)
- Reclamation Plan R645-301-241 (Plan to Redistribute Soils/Use of soil nutrients and stabilization of soils)
- Soil Stabilization R645-301-244.100 (Plan to stabilize and control erosion of exposed surface areas)

Biology, Cultural and Land Use:

Vegetation:

- Vegetation survey and productivity estimate from NRCS for a proposed disturbed site
- Vegetation map (s): for some mines the below requirements may require two maps 1) large scale map will all reference areas and the veg communities and 2) smaller scale map for specific project areas e.g. degas
- Map of all reference areas.
- Plant community map for the disturbed (facilities site) and affected (subsidence or hydrological impacts) area.

Fish and Wildlife:

- Current T & E list and information about their habitat
- Related wildlife map and narrative and information about their habitat

Reclamation:

- Seed mix
- Vegetation surveys (at least last two years of responsibility) for bond release reviews

Cultural:

- Archaeological survey within a disturbed (facilities site) and/or affected (subsidence impacts) area.
- Archaeological map showing known listed or eligible sites

Land Use:

- Premining and postmining landuse descriptions.

Hydrology:

- Baseline data (as outlined in the R-645 Coal Mining Rules) that accurately characterizes the hydrologic resources located in the proposed area of mining activity.
- PHC that provides site specific discussion and clearly identifies the potential for hydrologic resources to be impacted by mining activity.
- Maps that clearly show the relationship of hydrologic features (i.e. non-renewable resources) to proposed mine workings, projected subsidence, geology, and topography.
- Specific plans and design calculations for all hydrologic structures

Engineering:

- Engineering Maps -
 - Previously mined areas.
 - Existing surface and subsurface facilities.
 - Proposed surface and subsurface facilities.
 - Proposed underground workings.
 - Surface configuration, pre-mining, operational, and reclamation maps and cross sections.
- Coal recovery information if needed. Must have R2P2 update or equivalent if amendment deals with additional areas of mineable coal.
- Blasting plan
- Subsidence control
 - Pre-subsidence survey
 - Pre-subsidence survey map and narrative.
 - Subsidence control plan.
 - Subsidence monitoring plan.
 - Mitigation plan including water replacement.
- Operational designs, plans, and cross sections for existing and proposed structures; roads, in and within 100 feet of the disturbed area; spoil, excess spoil, coal mine waste and refuse piles; and impoundments.
- Management of Mine Openings
- Reclamation plan
 - Maps and cross sections of final contours
 - Narrative of reclamation plan
 - Reclamation timetable
 - Disposal of coal and noncoal waste
 - Highwall elimination
- Bonding information

Geology:

- Geological map and cross sections depicting geologic units, attitude (dips and strikes of geologic strata), structural features (faults, fracture patterns, ect), hydrologic features (ponds, springs and streams, and a comprehensive legend.
- Description of the geology of the proposed area, including a description of the stratigraphy, coal crop lines, structure (describe faults, fracture patterns - provide strike and dip of structure) and any aquifers.
- Description of the acid and toxic forming materials, including chemical analyses for acid or toxic forming or alkalinity producing materials and their content in the strata above the coal seam, below the coal seam and the coal seam to be mined.
- Nature, depth and thickness of the coal seams to be mined, any rider seams above the seam to be mined, each stratum of the overburden and stratum immediately below the lowest coal seam to be mined. Location, depth of gas and oil wells.
- Description of wells, a commitment to seal them, and a description how they will be sealed. Drill logs of wells or boreholes.

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