

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

May 21, 2004

OK

TO: Internal File

THRU: Pam Grubaugh-Littig, Permit Supervisor *pgl*

FROM: Wayne Western, Environmental Scientist III *W H W*

RE: White Oak Mine, C/007/0001, Reclamation Plan and Status for the General Office Area.

SUMMARY:

The Division found that the General Office Area (west of loadout) at the White Oak Mine has not received any type of bond release, nor was the area removed from the permit boundaries. In May 2004, the Division reviewed the bond release status for the General Office Area at the White Oak Mine. The Division examined the MRP and the files for the years 1994 to 2004 to determine the reclamation status of the General Office Area.

One reason for the bond status review was to confirm or dispel rumors that the General Office Area had gone through Phase III bond release or that the area was no longer part of the White Oak permit. The approved reclamation plan was to retain the site as is for commercial use. To achieve Phase III bond release the permittee would only have to show that the site was not being used in connection with coal mining and that the site was suitable for commercial use. Since the site had not been used in connection with the White Oak Mine for several years, many people assumed that the site had received Phase III bond release.

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History

The history of the reclamation plan/postmining land use for the General Office Area, (west of loadout) at the White Oak Mine is as follows:

- In 1994, the Division renewed/transferred the permit for the Belina/White Oak Mine to White Oak Mining & Construction Company, Inc. In Exhibit A of the reclamation agreement, the White Oak Mining & Construction Company, Inc. referred to Plates R645-301-231.300 Sheets 1 – 4 Revised August 1993 for the disturbed area boundaries. The renewal/transfer became effective on May 27, 1994.
- Plate R645-301-231.300 Sheet 1 of 4 showed the General Office Area in a disturbed area island. The Division incorporated the map into the MRP on November 15, 1994.
- The only specific statement in the MRP for the postmining land use for the General Office Area was in Section 231.100 page 2-21 (Substitute Topsoil/Operation Plan/General Requirements) stated:

The General Office Area and the Belina Haul Road were constructed pre-law, with the General Office Area to be retained as a field office for Kanawha Hocking Coal & Coke Company after reclamation.

The Division incorporated Page 200-21 into the MRP on October 26, 2001.

- On page R-35 of 37, incorporated March 19, 2003, the reclamation plan for the General Office Area was stated as follows:

No reclamation is planned for the General Office Area consistent with the planned post mining land use.

- On Page 1-10 of the MRP under disturbed acreage heading, the General Office Area contained 2.6 acres of disturbance. The Division incorporated that page into the MRP on March 21, 2002.
- On Plate R645-301-100, White Oak Area Permit Area Base Map, the General Office Area was shown to be within the permit boundary.
- As of May 2004, the Division has not received any request for Phase III bond release for the General Office Area.

Current Conditions

As of May 2004 the site conditions are as follows:

- All buildings have been demolished but the foundations remain.
- Sixteen transformers are stored on site.
- Semi-truck trailers and other equipment are on site.
- A buried fuel tank could remain.

The Division believes that the Kiskadan brothers now own the land.

Findings:

The Division made the following findings:

- General Office Area at the White Oak Mine is still within the disturbed area boundaries as well as the permit area for the White Oak Mine.
- The Division did not give bond release for the General Office Area.
- The Division did not receive any request for bond release for the General Office Area.
- The approved reclamation plan cannot be followed because it involved retention of the buildings for commercial use.

RECOMMENDATION

The Division options are limited. The best chance to resolve the situation would be to ask the Kiskadan to remove any environmental and safety hazards. Once the site is clean, proceed with Phase III bond release.