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DIVISION OF
OIL, GAS & MINING

CASTLE GATE
COAL COMPANY

March 28, 1988

Ms. Dianne R. Nielson, PhD
Division Director
Division of Oil, Gas & Mining
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

Re: Mining Permit No. ACT/007/004

Dear Ms. Nielson:

I am writing you this letter in hopes of resolving a recent controversy that has developed between DOGM and Castle Gate Coal Company. On June 19 and July 16, 1987, Castle Gate submitted a retyped copy of the approved permit to DOGM which substituted Castle Gate Coal Company's name for Price River Coal Company. No changes to the approved mining and reclamation plan were made in this submittal. Since that date Castle Gate has cooperated with DOGM in making reasonable changes to the retyped copy of the approved permit.

On February 19, 1988, Castle Gate received a letter (see attached) from DOGM which stated that an initial completeness review in accordance with UMC 771.23 was being performed. This letter also stated that this submittal (retyped version of the current approved permit) cannot be considered complete or in compliance with current Division rules and that "Failure to supply complete and adequate responses could result in enforcement action being taken."

Castle Gate Coal Company does not question DOGM's authority to conduct a mid-term review in accordance with UMC 788.11. UMC 788.11(b) states that "after this review, the Division may, by order, require reasonable revision (emphasis added) . . ." UMC 788.11(d) states, "Any order of the Division requiring revision or modification of permits shall be based upon written findings and shall be subject to the provisions for administrative and judicial review of UMC 787."

Apparently DOGM is not just conducting a mid-term review of Castle Gate's approved permit as provided by UMC 788.11, but is reviewing and treating the retyped approved permit as a new permit application, which it is not. Part of this confusion may be the result of Castle Gate submitting a retyped copy of the approved permit (which was done in cooperation with DOGM). However, it was submitted to DOGM with the understanding that it was for name clarification only and would not affect our approved mining and reclamation plan or other portions of the approved permit.

P.O. Box 449 • Helper, Utah 84526 • 801/472-8661

In resolving this controversy it may be helpful to review the history of the approved permit. On May 13, 1986 the Office of Surface Mining Reclamation and Enforcement (OSMRE) approved the transfer of Federal permit UT-007 from Price River Coal Company to Castle Gate Coal Company. This transfer included all of those rights granted to conduct surface coal mining and reclamation operations at the Price River Complex, Carbon County, Utah. OSMRE's November 28, 1984 approval of Price River Coal Company's permit was based upon "the applicant's complete permit application" and the findings that "the proposed operations will be in compliance with all applicable laws and regulations." These laws included "conformance with applicable Federal regulations, the Utah regulatory program, and the Mineral Leasing Act, as amended." The Final Findings and Supporting Documents and Final Technical and Environmental Analysis were reviewed by the Division of Oil, Gas and Mining (DOGM) and found acceptable. See DOGM file including the February 2, 1984 letter from Susan C. Linner, Reclamation Biologist/Permit Supervisor to OSMRE.

Castle Gate Coal Company is willing to cooperate with DOGM in making reasonable revisions to the current approved permit. However, unreasonable demands and threats of enforcement action, which do not comply with UMC 788.11, are not only unacceptable, but threaten Castle Gate's economic survival. The June 19 and July 16, 1987 submittals were not a new permit application and should not be treated as such. It is hoped that Castle Gate and DOGM can come to a mutual understanding of the proper legal review of the retyped approved permit. If we cannot, Castle Gate will be forced to withdraw the retyped approved permit and strenuously defend the approved Price River Coal Company application that was transferred to Castle Gate. This would allow mid-term reviews of the permit to be completed in compliance with UMC 788.11 while also allowing Castle Gate an opportunity to seek administrative review if unreasonable revisions are demanded.

I am hopeful that this matter can be resolved in a cooperative manner without requiring a formal adversary proceeding. I would appreciate receiving a written response from you as soon as possible. Should you have any questions please don't hesitate to contact me.

Sincerely,

Steven R. Youngbauer

Steven R. Youngbauer
Attorney For
Castle Gate Coal Company
P.O. Box 3005
Gillette, Wyoming 82716
307-687-3240

SRY/ja/3178
cc: Richard Allison - Castle Gate
Ken May - DOGM
Susan Linner - DOGM

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

February 19, 1988

Mr. Richard Allison
Castle Gate Coal Company
P.O. Box 449
Helper, UT 84526

RE: Initial Completeness Review, Mid-Permit Term Review Submittal, Price River Complex, ACT/007/004, Carbon County, Utah

Dear Mr. Allison:

The Division has completed its initial review of updated Mining and Reclamation Plan (MRP) submittals made by Castle Gate Coal Company (CGCC) on June 19 and September 11, 1987. The MRP has been reviewed for conformance with requirements of UMC 771.23, UMC 788.11, the Division's Mid-Permit Term Review Policy and UMC 788.3. The MRP, as resubmitted, cannot be considered to be updated, consolidated or complete, or to be in compliance with current Division rules and policy. The initial review is attached.

Due to the organizational problems of the MRP, outlined in a December 24, 1987 letter to you and discussed with you on January 20, 1988, and the fact that the MRP is not clear and concise, this initial review cannot be considered to be a comprehensive review of the MRP against the requirements of the rules and the performance standards. When CGCC has submitted all the information required by this review, the Division will be able to complete a comprehensive technical review and notify you of any technical deficiencies that have been determined. In particular, the hydrology review has been limited only to the MRP as it pertains to Sowbelly Canyon. It has been assumed that similar deficiencies exist in the plans for the other areas.

The Division requests that you respond completely to this review and to the organizational deficiencies identified in the December 24 letter, and ensure that the entire MRP is complete and in compliance

with the rules, by May 2, 1988. Failure to supply complete and adequate responses could result in enforcement action being taken. In particular, an adequate response to item UMC 771.23 is required by May 2, 1988, or enforcement action will be taken, as this references a permit condition which CGCC has not adequately complied with.

Division personnel will be glad to provide any assistance needed in clarifying deficiencies or reviewing information proposed for submittal. Please coordinate all such requests with me.

Sincerely,

Susan C. Linner

Susan C. Linner
Reclamation Biologist/
Permit Supervisor

jr
Attachment
cc: L. Braxton
B Team
0028R/66:67

CASTLE GATE COAL COMPANY
PRICE RIVER COMPLEX
MID-PERMIT TERM REVIEW
INITIAL COMPLETENESS REVIEW
ACT/007/004
February 19, 1988

UMC 771.23 Permit Applications - General Requirements For Format and Contents - JSL

The mid-permit term submittal did not contain a plan to sample refuse materials prior to placement of soil materials, as required by Condition No. 1 of the approved permit. When reviewing previous correspondence between Price River Coal Company (PRCC), Office of Surface Mining Reclamation and Enforcement (OSMRE) and the Division of Oil, Gas and Mining (Division), a question of sampling adequacy arises. The following briefly outlines the history of transmittals related to Condition No. 1:

The Division reviewed information submitted by PRCC on November 30, 1984; January 28 and February 25, 1985, in response to conditions to the permit approval. The Division commented in regard to the adequacy of the response. These comments were submitted to OSMRE for review March 19, 1985. OSMRE responded May 2, 1985, with a modification to the response for Condition No. 1. This modification included the addition of the USDA texture class and change in sampling methodology to non-composite samples.

The Division notified PRCC with their concerns July 22, 1985. The operator contacted the Division October 31, 1985. PRCC was concerned that the modified sampling program would entail additional sampling per acre. The Division responded December 19, 1985 with a clarification to sample one individual representative site for each acre (basis of argument outlined in Memo to File, December 17, 1985). The operator was required to make a commitment.

On the same day that the Division transmitted the clarification to PRCC (December 19, 1985), the Division received a letter from PRCC addressing the conditions to the permit approval. The operator committed to collect four to five grab samples per acre. The Division submitted PRCC's response to OSMRE January 7, 1986. The Division regarded Condition No. 1 as being met. OSMRE had no further response to Condition No. 1.

The commitment by PRCC to collect four to five grab samples was established prior to reviewing the Division's December 19, 1985

letter. At this time the Division considers one sample per acre to be adequate. However, sampling more sites per acre is acceptable. In either case, in accordance with Condition No. 1, the operator must provide a plan, to be included within the MRP, to sample refuse materials prior to placement of soil material.

UMC 782.13(e) Identification of Interests - SCL

Exhibits 4-1 and 4-2 show the following to be owners of record of surface or subsurface areas contiguous to the permit area: Zion's National Bank; Carbon County, Utah; S. Thurgood; A. Pollastro; Father Flanagan's Boys Town; M. Cleary and L. Pappas. Names and addresses of these owners should be included in the table under Section UMC 782.13(e).

UMC 782.20 Identification of Location of Public Office for Filing of Application - SCL

The applicant has not addressed the requirements of this section in the updated Mining and Reclamation Plan (MRP).

UMC 783.15-16 Ground and Surface Water Information - KW

These sections require that all hydrologic baseline data be submitted with the MRP. This data appears to be included. However, the reproductions are of such poor quality that they are illegible. Clear copies of this data must be submitted, along with summaries of the data from each station for each parameter. These summaries should include the maximum, minimum, average, standard deviation, and sample size for each parameter.

UMC 783.18 Climatological Information - LK

Data in Chapter 11 is acceptable. However, pages in this chapter are not numbered, making reference to this data difficult. Please number all pages in an orderly manner.

UMC 783.19 Vegetation Information - LK

There is no productivity data (or report from the Soil Conservation Service) for the Barn Canyon Grass-Sage, Dry Canyon Mountain Brush, and Crandall Canyon Pinyon-Juniper reference areas.

Reference areas are adequate for current permitted disturbance only. Any new disturbance may require additional vegetation sampling and establishment of new reference areas before disturbance.

The acreage listed for Barn Canyon does not add up to the reported total. Please clarify the acreage discrepancy. Table 9.4 headings are scrunched together, making this table very difficult to read. Please redo this table.

Appendix B is referenced in the MRP, yet it was not submitted. As determined with CGCC in a meeting on January 20, 1988, this appendix is the computer-generated data sheets that were appended to the Mariah Associates' report. The reference given to Appendix B should reference this report instead, and the fact that it is in Division of Oil, Gas and Mining (DOGM) files instead of in the MRP. Page 88 references a letter to be inserted. Where is this letter? Page 8 references vegetation maps with scales of 1" = 1000 ft. (permit area); 1" = 400 ft. (Hardscrabble and Sowbelly Canyons, Crandall Canyon, and Castle Gate Preparation Plant disturbed areas); and 1" = 100 ft. (Crandall Canyon Leach Field). These maps were originally prepared by Mariah Associates, and with the exception of the 1" = 100 ft. map (which is only of the leach field area in Crandall Canyon), must be inserted in the MRP. The map (9-1) in the plan (scale 1" = 2000 ft.) is not adequate. Please resubmit at 1" = 1000 ft. as referenced on Page 8.

Chapter 9 is difficult to follow, since some data and discussion contained therein relate to that portion of the old mine plan (Price River Coal Company's Price River Complex) that was retained by the parent company, now known as the Eastern Reserves. All data and discussion relating to the Eastern Reserves needs to be eliminated from the plan.

UMC 783.20 Fish and Wildlife Resources Information - LK

Fish and wildlife information is generally complete and adequate. However, several references are made in Chapter 10 to Price River Coal Company. All commitments and plans should be made in the name of Castlegate Coal Company. Also, pages in Chapter 10 are not uniquely numbered.

UMC 783.21 Soil Resource Information - JSL

The soil identified as 121- Travessilla - Rock Outcrop - Gerst Complex, does not have a corresponding ID, as shown on page 35 of Chapter 8. Could it be "MRG"? The "MRG" soil ID does not have a corresponding soil series.

The soil survey association maps on page 8Axxiii and 8Axxiv are illegible. Please submit a legible copy(ies) with the permit boundary(ies) outlined.

UMC 783.22 Land Use Information - LK

While most land use information is found in Chapter 4, information regarding type(s) of past mining, extent of mining, seams mined and approximate dates of past mining, is found in Chapter 5. This information should either be moved to Chapter 4, or a reference to the material in Chapter 5 needs to be made in Chapter 4. Also, page numbers in this section are not unique.

UMC 783.24(c) Maps: General Requirements - DD

The MRP should contain a schedule of the planned mining sequence for each seam. This information should be illustrated (in years) as blocked out areas on mining maps. The mine plan should also reflect the type of mining planned for each area (UMC 784.20(a)).

UMC 783.24-25 Maps: General Requirements: Cross-Sections, Maps, and Plans - JRH

Maps and plans provided in the MRP are, in most applications, unsuitable for technical review. Reclamation drawings should be enlarged to sufficiently show detail of different reclamation treatments, including, but not limited to, slope and contour, disturbed area acreage, delineation of soils and vegetation treatments; identification of structures, mine openings, and other surface facilities; and appropriate cross-sections in order to determine cut and fill requirements for reclamation.

UMC 783.25(e) Cross-Sections, Maps and Plans - DD

Larger scale mine maps should be submitted that show more detail of active, inactive and planned mining areas. Maps should be legible and have a scale of about 1 inch = 400 feet. The information requested under UMC 783.24(c) can be placed on this map for convenience (also see UMC 771.23(e)).

The geologic map (Exhibit 6-1) should show all coal outcrops and portray the attitude (strike and dip) of the formations on the property.

The mine plan should contain a map(s) showing abandoned or old underground mine workings adjacent to and on the minesite.

All maps should be reviewed and updated to ensure that all legends portray the symbols that appear on the maps, and that the symbols on the maps appear in the legend. Maps should be of sufficient size to make symbols legible. As an example, Exhibit 6-2 needs a legend, should identify the type of drill holes, and should be of better quality to show contour lines.

UMC 783.27 Prime Farmland Investigation - JSL

Section 8.2 of the submitted permit refers to the correspondence addendum for the Soil Conservation Service negative prime farmland determination. The correspondence addendum was not located, nor was the negative prime farm land determination. Please submit.

UMC 784.12 Operation Plan: Existing Structures - JRH

As outlined in UMC 700.11, part (e), each structure used in conjunction with, or to facilitate underground coal mining

activities, shall comply with the requirements of Subchapter K of the underground coal mining regulations. Additionally, those existing structures which do not meet the design requirements of Subchapter K must at least meet the performance standards of Subchapter K. Those facilities such as sediment ponds, embankments, cut slopes, pads, highwalls, roads and other facilities used in conjunction with mining operations, must all be proven to conform to these performance standards and be included in the disturbed area of the operations. Those areas affected by previous mining operations and used in conjunction with underground coal mining facilities since 1977 are to be included in the disturbed areas. The maps and plans should clearly delineate the disturbed areas and include the respective disturbed acreages on the drawings.

In the case of sediment pond embankments and slopes exceeding the limits provided in the regulations in Subchapter K, the operator shall be required to justify the existing structures or provide designs and a timetable for the modifications of these structures. Demonstration of stability may be accomplished in some cases by the performance of the structure in the past, with a commitment to maintain and monitor those embankments and slopes throughout the permit term. In some cases, however, it may be necessary to provide geotechnical information in order to satisfy the requirements of this section.

UMC 784.13 Reclamation Plan: General Requirements - JRH

Maps and plans regarding the backfilling and grading of the site do not clearly depict the reclamation contours, final slopes, and the extent to which cuts and highwalls are to be backfilled. Pads and roads shown on the reclamation plan appear to be essentially identical to their existing contours. Under part (3) of this section, a plan for backfilling, soil stabilization, compacting and grading (with contour maps or cross-sections showing the anticipated final surface configuration) must be provided as part of the reclamation plan.

Cross-sections of the facilities are provided by the operator for the final surface plot plan of the areas to be reclaimed. However, no calculations could be found referencing the cross-sections for earthwork calculations. These calculations are required for backfilling and grading design for reclamation and determination of the bond amount.

Maps used to show the final reclamation of the facilities are not clear. The disturbed areas on the drawings need to be outlined in a manner which will clearly show the disturbed area boundaries. Each map should also delineate and indicate the number of acres relevant to each specific area.

These maps or the cross-sections should also indicate final reclamation slopes, particularly noting the maximum slopes to be left upon final reclamation. In those areas where final slopes exceed 2h:1v, the operator needs to justify the final configuration for the earthwork and provide sufficient design calculations to ensure long-term stability of the slopes.

UMC 784.13 Reclamation Plan: General Requirements - JSL

The reclamation plan presented in Chapter IX does not include a soil compaction mitigation plan. It is advisable to rip or disc the soil material after fertilization and prior to seeding.

UMC 784.13(b) Reclamation Plan: General Requirements - KW

The MRP needs to specifically discuss the reclamation timetable. This includes regrading, revegetation, removal of the sediment ponds, and monitoring of discharge entering the sediment ponds. Plans for sediment pond reclamation (including a commitment to maintain the ponds until the requirements of UMC 817.46(u) have been met) were not located in the permit. The reclamation timetable should reflect this commitment, and the monitoring discussed under UMC 817.46.

UMC 784.13(b)(5) Revegetation Plan - LK

The revegetation plan presented in the MRP does not constitute a plan as required by the Division. Please review and revise to assure the MRP has a specific revegetation plan that, at a minimum, contains:

(i) A schedule for revegetation, including approximate dates (month and year), for each major step in revegetation.

Areas scheduled for revegetation during various years should be identified on a map. For example, reclamation of an old refuse disposal area in Hardscrabble canyon is to commence in 1989. Where is this located? Is this the Goose Island area reclaimed in 1985? When will the #4 beltline and the shop/maintenance area be reclaimed? A permit condition requires reclamation of Sowbelly Canyon in 1988. Reclamation of this area must be specifically addressed in the MRP.

(ii) Specific species and amounts per acre of seeds and/or seedlings to be used in reclamation of various areas. The proposed plan is nothing more than a laundry list of species that are believed to be adapted to the general habitat conditions of the permit area. Many of the species listed are not available commercially, nor does

it appear likely that they would be available in the foreseeable future in commercial quantities. Many of the species are introduced species for which the plan lacks sufficient documentation that they meet the criteria of UMC 817.112.

(iii) A description of planting and seeding methods. If different methods will be used at different locations, this needs to be identified on a map or other suitable format.

(iv) Mulching techniques, including type of mulch(es), rate(s) of application and how the mulch will be anchored. All areas to be seeded will require mulching or other acceptable soil stabilizing practices (page 57 indicates that there will be areas where mulch will not be used). Again, areas where different mulch treatments or other soil stabilizing practices are to be employed need to be identified on a map.

(v) The proposed plan does not discuss irrigation or pest and disease control. If none are planned, it should be stated so in the revegetation plan.

(vi) Please correlate the seed mix(es) and/or revegetated areas (disturbed areas) with the appropriate vegetation reference area that will be used to determine revegetation success.

Please refer to the Division's Draft Revegetation Guidelines to aid you in developing a suitable revegetation plan.

UMC 784.14 Reclamation Plan: Protection of Hydrologic Balance - KW

This section has not been fully addressed in the mine plan. The section should include discussion, maps and plans of:

1. All Best Management Practices that will be used for specific areas during the reclamation period, especially if the applicant proposes using alternative sediment control practices instead of sediment ponds.

2. The water monitoring program. This program needs to be corrected and updated. This will require updating the text to describe the current monitoring locations. The applicant should incorporate the operational parameters from the Division's water monitoring guidelines into the sampling plan. The applicant may propose to delete some of these parameters, if justification is presented based upon baseline data and conditions at the site.

UMC 784.14 Reclamation Plan: Protection of Hydrologic Balance
UMC 784.16 Reclamation Plan: Ponds, Impoundments, Banks, Dams, and Embankments
UMC 817.46 Hydrologic Balance: Sedimentation Ponds - RS

1. A map of Sediment Pond #004 was not submitted in the application. It also appears that maps for ponds in other canyons were not submitted.

2. A map of the drainage area to each pond was not included in the submittal.

3. The application used a value of 0.035 AF sediment for each acre of disturbance. The application includes a research paper that was used to justify this value, but the paper was not cited, and the copy in the application contained information that was "blacked out". The Division cannot accept this value without further justification.

4. Information required by the Department of State Health (letter of January 27, 1987) concerning oil skimmers; sediment storage volume and freeboard; and specific concerns with ponds 3, 7, 8, 9, 11, and 15 should be included in the MRP.

5. The curve numbers, used for design calculations, conflict throughout the application. The peak flow designs are extremely sensitive to the selection of this value. The permit should use consistent values and provide the information and assumptions used to select those values.

6. A monitoring plan to demonstrate compliance with UMC 817.46(u) should be incorporated in the MRP.

UMC 784.15 Postmining Land Use - LK

Undeveloped land is a condition, not a land use as identified in Chapter 4 (page 2). References in chapters 5 and 9 identify grazing as the primary land use. Chapters 4, 9 and 10 identify wildlife habitat as an important land use. Chapter 9 (pages 78 & 79) identifies the goal of reclamation as range and wildlife habitat. Please correctly identify the land use throughout the MRP. All roads to be left as permanent facilities must meet the requirements of UMC 817.133.

UMC 784.19 Underground Development Waste - JRH

The only information found in this section of the Mining and Reclamation Plan is the consultant's reports for the refuse

embankment. Since the original design of the facilities, analysis for stability and design were accomplished in 1982.

It is noted in the consultant's report that four to five feet of non-toxic material will be required to cover the waste materials in the refuse pile. However, in the bonding calculations, soil cover is only indicated to be six inches of material. There is no justification in the previously approved MRP for the reduction of cover material.

The plan does not include or cover the requirements for monitoring the embankment for stability and pieziometric surface. Although these plans have been implemented and are ongoing, the operator still needs to provide details of the methodology, location and frequency of monitoring the refuse pile for stability.

Quarterly reports are required by the Division for the inspection and condition of the refuse embankment. This reporting information is also required by MSHA for the facility. UMC regulations require that the reports be sent to the Division and a copy of the reports be maintained on file at the mine office. The Division does not have these reports in the Salt Lake office. However, the operator may propose that the copies maintained onsite are sufficient to meet the requirements of the Division if a commitment is made to notify the Division of any adverse or hazardous conditions found during inspection or operation of the facility. This proposal would have to be made by the operator and approved by the Division in order to attempt to waive the reporting requirements of the regulations.

UMC 784.20 Subsidence Control Plan - DD

Figure 3.1-1 is illegible. The subsidence control plan is based on the data that is supposed to be provided in this table. Without this information, the subsidence control plan cannot be verified.

UMC 784.21 Fish and Wildlife Plan - LK

The operator needs to provide a commitment to promptly report to the Division any threatened or endangered species (plant or animal) of which he becomes aware that have not been previously reported to the Division (see UMC 817.97(b)).

The operator needs to provide a commitment to the Division not to use persistent pesticides unless approved by the Division in advance (see UMC 817.97(d)(7)).

The operator needs to provide a commitment to the Division to prevent, control and suppress range, forest and coal fires not approved by the Division (see UMC 817.97(d)(8)).

The operator has not addressed plans to design, construct, utilize and maintain all transportation systems (i.e., roads, railroads, conveyors, etc.) and support facilities required for operation of the mine to minimize impacts to fish and wildlife.

The letter from the U.S. Fish and Wildlife Service regarding the adequacy of raptor protection on existing power lines should be included in the MRP.

UMC 784.22 Diversions
UMC 817.43 Hydrologic Balance: Diversions and Conveyance of Overland Flow, Shallow Ground Water Flow, and Ephemeral Streams - RS

The following comments refer to Sowbelly Canyon. However, the application must contain this information for all disturbed areas.

1. The application does not present an Exhibit with labels of the diversions and culverts located in Sowbelly Canyon.

2. The watersheds presented on Exhibit 7-3 are not of adequate scale to verify the hydrologic assumptions used in the calculation of design peak flows.

3. Riprap sizes are not given for all diversions. The riprap sizes presented in the MRP are not specified as D_{50} or D_{max}.

4. An Exhibit could not be located verifying the diversion slopes. A topographic map of adequate scale or a longitudinal profile of each diversion should be submitted.

5. Energy dissipators as required by Subsection (f)(3) and UMC 817.47 have not been addressed.

UMC 784.23 Operation Plan: Maps and Plans - JRH

Maps and plans presented in the MRP showing the operations and the facilities must include the disturbed area boundaries for reference. The boundaries should also include those areas in which proposed facilities are scheduled for construction, as well as borrow areas which may be required for reclamation. Primarily, this information needs to be provided with the operation plans to ensure that the operator is conducting mining activities within the approved permit areas of the plan. These boundaries should coincide with the perimeter markers and other boundary requirements, as provided in the approved mining and reclamation plans.

UMC 784.24(a) Transportation Facilities - KW

The applicant proposes leaving some roads in for the post-mining land use. This regulation requires cross-sections of all proposed permanent roads, showing that the drainage systems meet the performance standards in Subchapter K.

UMC 800 Bond and Insurance Requirements - JRH

The operator has provided breakdowns of the reclamation activities for the plan. However, until such time as the plan can be determined complete and technically adequate, a detailed review of the reclamation cost estimate will not be accomplished by the Division. Due to changes in the reclamation plan of the site from transfer and splitting of the approved operation with American Electric Power (AEP), the operator is considered to have sufficient bond at this time. Depending on the resolution of reclamation plans and procedures contained in the MRP, the operator's bond will most likely be reduced.

The Division has received from the operator, a request to reduce the bond in accordance with those cost estimates, provided in a submittal to the Division on September 29, 1987. This determination will be made in conjunction with the Mid-Permit Term Review.

UMC 817.22(e) Topsoil: Removal - JSL

As described in Section 8.3, page 19, areas previously disturbed with no topsoil will have tested "...suitable alternative re-soil materials..." to "...commence as soon as practicable." Page 36 states that samples will be taken by late summer of 1984. This data has not been located within the text of the submitted mid-term permit. Please submit.

In Chapter 9, pages 79 and 81, the submittal implies that a site will be naturally invaded by surrounding vegetation when direct haulback and upper lift salvage of soil has taken place. This may be the case in instances of well-developed O, A and E horizontal development. However, natural revegetation is questionable when corresponding to the slightly developed, calcareous and arid soils proposed for revegetation. Unless the operator can justify this case for the Castle Gate soils, the argument presented provides no verification of reclamation success with the "re-soiling materials". Otherwise, this discussion should be removed from the plan.

The following parameters should be analyzed for all re-soiling materials: pH, USDA textural class, electrical conductivity, sodium adsorption ratio, boron, selenium, percent rock fragments, percent calcium carbonate and saturation percentage. The operator may need

to demonstrate the feasibility of the proposed "re-soiling materials" by approved field site trials. This determination will be based on the submitted analysis of the "re-soiling material" as described above and vegetation data from revegetated areas using the "re-soiling material."

UMC 817.24 Topsoil: Redistribution - JSL

Several redistribution depth discrepancies have been found within the submitted plan. Chapter 3, page 49, Table 3.1-2, includes plans for a four-foot cover over refuse in Sowbelly Canyon, Hardscrabble Canyon, Castle Gate, and Crandall Canyon. Chapter 8, page 31, states that 12 inches of material will be distributed over the refuse waste at Castle Gate. Section 3.4-4(1) includes a redistribution depth of 1.5 feet of non-toxic material to be placed in Schoolhouse Canyon prior to six-inch distribution of re-soiling materials. Review of historic correspondence between PRCC and the Division implies that the 1.5 feet of non-toxic material covered by six inches of re-soiling material to be the appropriate plan. Please amend these inconsistencies, with appropriate reference.

UMC 817.42 Hydrologic Balance: Water Quality Standards and Effluent Limitations - RS

The application does not contain adequate detail to determine the drainage area to each pond. The operator should submit an Exhibit depicting which disturbed areas report to each sedimentation pond. For all disturbed areas not reporting to a pond, the application must address Subsection (a)(3) of this regulation (Small Area Exemptions). The chlorination plant and the lower substation in Sowbelly Canyon are examples of these areas.

jr
1452R/1:12