

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

December 2, 2003

TO: Internal File

THRU: Wayne Western, Environmental Scientist III, Engineer/Team Lead

FROM: Karl R. Houskeeper, Environmental Scientist III

RE: Phase I Bond Release Application, Plateau Mining Corporation, Star Point Mine, C/007/0006, Task ID #1768

SUMMARY:

The Division received an application for Phase I Bond Release for 95.3 acres on November 7, 2003. The request for Phase I Bond Release was preceded by:

- Demolition of Mine Facilities and Associated Structures.
- Re-grading and Re-vegetation of Disturbed Area Pads, Roads and Slopes.
- Post Mining Land Use Change to Phillips Petroleum. (11.77 Permit Area Acres, 5.46 Disturbed Area Acres) *
- Sale of the Refuse Pile to Sunnyside Cogeneration Associates. (177.47 Permit Area Acres, 114.16 Disturbed Area Acres) *
- Permit transfer request from Sunnyside Cogeneration Associates (SCA) for the Refuse Pile and associated areas. *
- Permit C/007/042 issued to SCA November 14, 2003 for the Star Point Refuse Pile. *

* Associated with Application Requesting Permit Area Reduction and Phase III Bond Release.

TECHNICAL MEMO

This memo will address the administrative sections of the application. An AVS check was done on May 27, 2003. Changes were identified and subsequently made to the MRP. Another AVS check was done in association with this permitting action on November 24, 2003. This information was compared to the previous AVS check and found that the previous changes to the MRP are still current.

The operator submitted a draft public notice of the Phase I Bond Release. This public notice will be published in the newspaper for the required amount of time upon approval from the Division. The application also included draft letters to be sent to all interested parties of the Phase I Bond Release request upon approval from the Division.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

Analysis:

An AVS check on the ownership and control information was done on November 24, 2003. This information was compared to the information contained in the approved MRP. The information contained in the approved MRP is still current and accurate when compared to the AVS check. The approval stamp on the ownership and control information contained in the MRP is May 27, 2003.

Findings:

The information contained in the approved MRP, stamped May 27, 2003, is current and accurate.

VIOLATION INFORMATION

Regulatory Reference: 30 CFR 773.15(b); 30 CFR 773.23; 30 CFR 778.14; R645-300-132; R645-301-113

Analysis:

The approved MRP was reviewed for violation history information. The approved MRP has violation history information for the Star Point Mine, but does not contain any violation history for any of the applicants other coal mining and reclamation operations. The last violation information for the Star Point Mine was in 1997, which is current except for the violation issued in 2003.

Findings:

R645-301-113 The applicant needs to provide violation history for a three year period preceding the application date. This information should be provided for any coal mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant. The required information needed is listed under R645-301-113.310 through R645-301-113.350.

PUBLIC NOTICE AND COMMENT

Regulatory References: 30 CFR 778.21; 30 CFR 773.13; R645-300-120; R645-301-117.200.

Analysis:

The operator submitted a draft public notice for Phase I Bond Release. This public notice will be published in the local newspaper for the required amount of time upon approval from the Division.

The application also includes draft letters to be sent to all interested parties for the Phase I Bond Release request. These letters will be sent upon approval from the Division.

The description contained in the draft public notice was checked. The public notice appears to meet the requirements set forth in the coal rules. Publication of the public notice should take place upon supervisor approval.

The operator has prepared draft letters to be mailed to all interested parties informing them of the Phase I Bond Release request. Upon Division approval to advertise the public notice the operator should mail the letters to the interested parties.

Findings:

The Permittee has met the minimum requirements of this section of the regulations.

TECHNICAL MEMO

RECOMMENDATIONS:

The information for the administrative section of the application has been reviewed. There is one deficiency for violation history that needs to be addressed as noted above. It is recommended that this application be denied.

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