State of Utah

Utah Oil Gas and Mining

Coal Regulatory Program

Star Point Mine
Phase I Bond Release 93.5 Acers
C/007/0006, Task ID # 1910
Technical Analysis
May 25, 2004

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TECHNICAL ANALYSIS

The Division ensures compliance with the Surface Mining Control and Reclamation Act of 1977(SMCRA). When mines submit a Permit Application Package or an amendment to their Mining and Reclamation Plan, the Division reviews the proposal for conformance to the R645-Coal Mining Rules. This Technical Analysis is such a review. Regardless of these analyses, the permittee must comply with the minimum regulatory requirements as established by SMCRA.

Readers of this document must be aware that the regulatory requirements are included by reference. A complete and current copy of these regulations and a copy of the Technical Analysis and Findings Review Guide can be found at http://ogm.utah.gov/coal

This Technical Analysis (TA) is written as part of the permit review process. It documents the Findings that the Division has made to date regarding the application for a permit and is the basis for permitting decisions with regard to the application. The TA is broken down into logical section headings, which comprise the necessary components of an application. Each section is analyzed and specific findings are then provided which indicate whether or not the application is in compliance with the requirements.

Often the first technical review of an application finds that the application contains some deficiencies. The deficiencies are discussed in the body of the TA and are identified by a regulatory reference, which describes the minimum requirements. In this Technical Analysis we have summarized the deficiencies at the beginning of the document to aid in responding to them. Once all of the deficiencies have been adequately addressed, the TA will be considered final for the permitting action.

It may be that not every topic or regulatory requirement is discussed in this version of the TA. Generally only those sections are analyzed that pertain to a particular permitting action. TA's may have been completed previously and the revised information has not altered the original findings. Those sections that are not discussed in this document are generally considered to be in compliance.

INTRODUCTION

The Plateau Mining Company (PMC) ceased mining operations at the Star Point Mine on February 11, 2000 and began reclamation. In 2001, reclamation work included demolition of the Unit Train Loadout Facility and subsequent backfilling and grading of the immediate areas. In addition, No. 1 Mine Road area was backfilled and graded. PMC then reestablished drainages at the site.

In 2002, PMC completed demolition work at the Main Mine Site and backfilling and grading. In addition, in 2002, the Division approved a postmining land use change to facilitate the installation of two coal-bed methane wells and utility corridors by ConocoPhillips within the Star Point Mine permit area.

PMC also reclaimed remote portals at Mudwater Canyon and Corner Canyon.

INTRODUCTION

GENERAL CONTENTS

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 Division reviewed the approved mining and reclamation plan (MRP) for violation history information during Task #1768. The approved MRP had violation history information for the Star Point Mine, but did not contain any violation history for any of PMC or related companies other coal mining and reclamation operations. The last violation information for PMC was in 1997, which is current except for the violation issued in 2003. The Division since determined that this issue was not applicable to the phased bond release process.

Findings:

The information submitted and contained in the MRP are acceptable.

PERMIT APPLICATION FORMAT AND CONTENTS

Regulatory Reference: 30 CFR 777.11; R645-301-120.

PMC replaced cross section M-1 to M-1' on Map 542.200b with cross sections K-K' and L-L'.

PMC and the Division reviewed the acreage amounts in the bond release application and found that the number was incorrect. When the acreages were first summed the areas for Mudwater Canyon and Corner Canyon accidentally were added twice. Instead of 95.3 acres, the actual amount eligible for Phase I bond release is 93.77 acres, which is the disturbed area listed in the mining and reclamation plan.

PMC listed the disturbed area as 93.77 acres on Table 321.100b (incorporated December 2004). Maps 542.200 a, b, c all indicate that the Phase I bond release is for 93.77 acres.

In the introduction section of the Star Point Mine Phase I bond release application received April 8, 2004, PMC listed the reclaimed acreage as:

- Year 2000 Mudwater Canyon (1.10 acres) and Corner Canyon (0.44 acres).
- Year 2001 No. 1 Mine (35.0 acres) and Unit Train Loadout Facility (10.0 acres).
- Year 2002 Lion's Deck and Pond 1 (24.5 acres) and Overland Conveyor and Main Channel Areas (22.5 acres).
-

When the Division asked PMC why the area they sought for bond release was different than the disturbed area PMC replied that the acreage figures in the bond release application are approximate and that they are seeking Phase I bond release for the entire disturbed area at the Star Point Mine, which is 93.77 acres.

The Division reviewed the bond release numbers and determined that the errors were minor and that PMC did not have to republish the public notice. PMC agreed to make the changes on the clean copies, which they will submit.

Findings:

The application meets the minimum requirements for this section of the regulations.

RECLAMATION PLAN

GENERAL REQUIREMENTS

Regulatory Reference: PL 95-87 Sec. 515 and 516; 30 CFR Sec. 784.13, 784.14, 784.15, 784.16, 784.17, 784.18, 784.19, 784.20, 784.21, 784.22, 784.23, 784.24, 784.25, 784.26; R645-301-231, -301-233, -301-322, -301-323, -301-331, -301-333, -301-341, -301-342, -301-411, -301-412, -301-422, -301-512, -301-513, -301-521, -301-522, -301-525, -301-526, -301-527, -301-528, -301-529, -301-531, -301-533, -301-534, -301-536, -301-537, -301-542, -301-623, -301-624, -301-625, -301-626, -301-631, -301-632, -301-731, -301-723, -301-724, -301-725, -301-726, -301-728, -301-729, -301-731, -301-732, -301-733, -301-746, -301-764, -301-830.

Analysis:

The public notice included as Exhibit 117.200a stated the surety amount was $7,643,000 for which PMC requested that the Division release $4,585,800.00 or 60% of the total bond when they approve Phase I bond release. The Division revised the bond amount from $7,796,000 to $7,643,000 when they approved Amendment AM0D-1. The posted bond of $7,796,000 will remain in effect until the Division receives a rider relative to the bond release.

PMC requested 95.3 acres receive Phase I bond release. The areas for Phase I bond release include:

- Lion Deck, main mine facilities, unit train loadout, associated roads, ponds and facilities and the reconstructed channel of Serviceberry Creek, together all those areas comprise 93.77 acres.
- Mudwater Canyon site consists of 1.10 acres.
- Corner Canyon consists of 0.44 acres.

The reclaimed land belongs to PMC and the State of Utah (Surface Ownership Map 112.500a).

PMC included a notarized statement that they accomplished all reclamation activities in accordance with the coal mining and reclamation regulations and with the approved reclamation plan. PMC showed the reclamation activities on Map 542.200a - Map 542.200a3 and Map542.200b, Map 542.200c and Map 542.200d1 and Map 542.200d2. On those maps PMC states the following reclamation activities occurred:

- Backfilling, grading and placing growth media/topsoil for Mine #1 and Mine #2 began in August 2001 and were completed in December 2001. PMC had growth media/topsoil paced concurrently with backfilling and grading.

- Backfilling, grading and placing growth media/topsoil for the Lion Deck, Ponds #1, Pond #2, and the Lower Facilities Area began in April 2002 and were completed in November 2002. PMC had growth media/topsoil paced concurrently with backfilling and grading.
- PMC showed the areas were they buried coal refuse with a minimum of four feet of cover material.

Findings:

The Permittee has met the minimum reclamation requirements for Phase I bond release.

APPROXIMATE ORIGINAL CONTOUR RESTORATION

Regulatory Reference: 30 CFR Sec. 784.15, 785.16, 817.102, 817.107, 817.133; R645-301-234, -301-412, -301-413, -301-512, -301-531, -301-533, -301-553, -301-536, -301-542, -301-731, -301-732, -301-733, -301-764.

Analysis:

The Division couched the requirements for restoring a site to the approximate original contours (AOC) in the hydrology, postmining land use and backfilling and grading requirements. To clarify the requirements that pertain directly to AOC the Division developed Technical Directive 002. The Division used that document when they evaluated the AOC requirements.

The hydrology requirements for restoring the sites to AOC involved restoration of the drainage systems and sediment controls. In order to avoid duplication, the Division discussed the drainage systems and sediment controls in the hydrology section of the TA. The Division found that PMC meet all of the hydrology requirements for Phase I bond release. Therefore, the Division considered that hydrology requirements for AOC were meet.

The postmining land use requirements for restoring the site to AOC involve restoring the site so that the PMC and implement the postmining land use, which is wildlife habitat and grazing. The reclaimed areas are adequate for PMC to implement the postmining land use.

The general backfilling and grading criterion for compliance with AOC are, "Does the postmining topography, excluding elevation, closely resemble its premining configuration?" When answering that question the Division looks at the following two issues:

- The final grade of postmining slopes shall not exceed approximate premining slope grades and the postmining slopes will have a static safety factor of 1.3 or greater. The Division will take into consideration soil types, climate and other pertinent characteristics of the surrounding area in evaluating the adequacy of final graded slopes.

- In arid or semi-arid areas, vegetation alone may not adequately control erosion on steep slopes. Therefore, the Division will closely evaluate the slope gradients of reclaimed areas to ensure effective erosion control.

The specific requirements AOC requirements of backfilling and grading regulations are as follows:

- All spoil piles will be eliminated.
- Final surface configuration will blend into the surrounding topography.
- All highwalls will be eliminated.
- Erosion controls will prevent offsite impacts.

PMC sought Phase I bond release for the Main Mine Site, Unit Train Loadout Facility, Mudwater Canyon and Corner Canyon. The Division addressed each area separately in this section of the TA.

Main Mine Site

The Main Mine Site was developed before the enactment of SMCRA. Neither the Division nor PMC was aware of any excess spoil at the Main Mine Site. If any operator generated excess spoil, they would have placed it in the refuse pile area that PMC subsequently transferred to Sunnyside Cogeneration Associates. Therefore, the Division considers the issue of how excess spoil pile adequately addressed.

Most of the Star Point Mine site was disturbed pre-SMCRA. Therefore, premining topographic maps are not available. The Division cannot determine how closely the postmining slopes resemble the premining slopes. What the Division can do is determine if the postmining slopes blend into the undisturbed areas. The Division made that finding as part of the July 22, 2002 technical analysis that designs for the reclaimed slopes will blend into the surrounding area.

The Division analyzed the slope stability information as part of the July 22, 2002 technical analysis. In that analysis, the Division found that the slope designs were adequate to ensure PMC would construct slopes that have a minimum safety factor of 1.3.

In the July 18, 2002 application, the PMC stated that the angle-of-repose for the backfill material is 1.5 H to 1.0 V. None of the reclaimed slopes are steeper than 1.5 H to 1.0 V, therefore, the reclaimed slopes will not exceed the angle-of-repose.

The reclaimed slopes usually do not exceed a slope angle of 2.0 H to 1.0 V. PMC had the slopes pocked during reclamation. The Division found that slopes at that steepness that have been roughened control erosion until vegetation can be established.

The Star Point Mine was constructed pre-SMCRA. Therefore specific rules apply to the reclamation of highwalls, see R645-301-553.500.

The Division approved the retention of highwall remnants at the Lion Deck area because of the need to preserve County Road 290. There was a tradeoff between eliminating the highwall remnants and preserving the County Road 290. The Division made findings about highwall retention during the permit process and when PMC submitted amendments. The Division's findings were scattered in several documents. The Division summarized the findings and provided them to PMC, who incorporated the findings into the bond release package.

On April 8, 2004, the Division received cross sections that showed the operational surface, the proposed reclamation surface and the as-built surface. The as-built drawings are similar to the reclamation designs. The as-built designs show the following:

- PMC reclaimed the pre-SMCRA highwalls to the standards in the approved reclamation plan.
- PMC covered all coal seams with a minimum of four feet of cover.
- PMC reclaimed the cutslopes according to the approved reclamation plan.

The Division found that the Main Mine Site meet the AOC requirements because the site meet the general requirement of blended into the surrounding area and the specific requirements for handling excess spoil, highwall elimination and erosion control were meet.

Unit Train Loadout Facility

The Unit Train Loadout Facility was built pre-SMCRA. None of the operators generated any excess spoil at the site and there is no evidence anyone place spoil at the loadout. Therefore, no excess spoil piles exist at the loadout.

The Division analyzed the slope stability information as part of the July 22, 2002 technical analysis. In that analyst, the Division found that the slope designs were adequate to ensure PMC would construct slopes that have a minimum safety factor of 1.3 or greater.

In the July 18, 2002 application, the Permittee states that the angle-of-repose for the backfill material is 1.5 H to1.0 V. The reclaimed slopes will not exceed the angle-of-repose.

Because the loadout was built pre-SMCRA, there are no maps that show the pre-disturbed topography. Therefore, the Division cannot evaluate how well PMC restored the site to the original topography. Instead, the Division determined if the reclaimed site blended into the surrounding area then the AOC requirements would be meet.

When PMC started backfilling and grading at the Unit Train Loadout Facility, they discovered that the reclamation plan was inadequate because:

- The reclamation plan was based on maps with ten-foot contours.
- The large contour interval did not show stream channels in the correct locations.
- Cutslopes were not well defined.
- Map inaccuracy resulted in reclamation activities being scheduled for undisturbed areas and no reclamation activities being scheduled for disturbed areas.

PMC and the contractor modified the reclamation plans to fit the site conditions. The significant changes to the reclamation plan included:

- The as-built drawing for cross section H-3 to H-3' is much different that the design because the cutslopes was covered with ten feet more fill than originally scheduled. The placement of additional material required that PMC modify the surface configuration.
- The area that sloped towards channel SPRD-35 was steeper than shown in the reclamation plan. The field changes resulted in PMC placing more cover on the cutslopes.
- PMC moved the location of SPRD-36B so that the ditch would intercept more surface flow.
- PMC did not construct SPRD-37 when they discovered that the ditch would be have been built in Mancos Shale. Flows over Mancos Shale would result in high sediment loads that would clog the channel. Instead of building a channel, PMC built energy dissipaters at the base of the slopes. Therefore eliminating the need for SPRD-37.

PMC showed the topography of the loadout on Map 542.200c. The contours in the reclaimed area blend into the surrounding lands. The drainage patterns outside the disturbed area appear to complement those inside the disturbed area.

No mining occurred at the loadout, so no highwalls exist at the site.

The Division found that the Unit Train Loadout Facility meet the AOC requirements because the site meet the general requirement of blended into the surrounding area and the specific requirement for erosion control. Excess spoil and highwalls were not present at the site.

Mudwater Canyon

The portal breakouts at Mudwater Canyon are remote facilities. No roads or trails lead to the site. The facilities were developed for ventilation reasons. Neither PMC nor its predecessors generated excess spoil at the Mudwater Canyon site.

Reclamation work at Mudwater Canyon was difficult because the type and size of equipment that could be transported through the mine. PMC used the following equipment:

- D-3 dozer.
- Mine-scoops.
- Portable conveyor and hopper.

PMC's main concern was to eliminate as much of the highwalls as possible. Because PMC had to transport the equipment back through the mine, the portals had to remain open until the earthwork was completed. The conventional method was to leave the highwalls exposed and just backfill the portals for inside the mine.

PMC used an innovative technique to reclaim the highwall area, i.e. they built log fences above the portals. PMC transported backfill material above the portals with the conveyor and hopper. The log fences kept the material in place. After PMC took the equipment underground, they allowed the fences to collapse, the backfill material slid down partially covering the highwalls and completely covering the portals. The method was successful and the Division awarded PMC an Earth Day award.

The amount of fill material at the site was limited because breakouts were developed pre-SMCRA. The cut material was not salvaged or stored. PMC used as much of the on site material as possible. However, some cutslopes and highwall remnants remained after reclamation due to lack of backfill material and equipment limitations.

The site does blend into the surrounding topography because:

- The drainages in the disturbed area complement those outside the disturbed areas.
- PMC feathered the reclaimed slopes into the undisturbed areas so that the transition appeared natural.
- The highwall remnants that remain are similar in size and shape to natural cliffs in the area.

PMC did not eliminate all the highwalls. Because the highwalls were pre-SMCRA specific rules apply to the reclamation of highwalls, see R645-301-553.500. The reasons the Division allowed highwall retention are:

- The amount of available material was insufficient to completely backfill the highwalls.
- The size and type of equipment that could be transported throw the mine was limited.
- Because of the need to keep the portals open until all earthwork was completed, PMC was limited to the amount of backfill they could place against the highwalls.

Due to restraints of the size and type of equipment that could reach the site, PMC was unable to use pocking or other surface roughening techniques to stabilize the soil. They did apply mulch and seed the site, which minimize erosion.

Corner Canyon

Corner Canyon is similar to Mudwater Canyon. Both sites were developed as portal breakouts before the enactment of SMCRA and are only accessible through the mine or by foot. PMC blended the site into the surrounding areas by restoring the natural drainages and feathering the edges into the natural ground.

PMC constructed log fences above the portals. Behind the fences, PMC place backfill material. After PMC finished using the equipment, they took it underground. PMC collapsed the fences and the backfill side down covering the portals and part of the highwalls. PMC then seeded the site so that vegetation would be established and stabilize the soil.

Again PMC was unable to eliminate all the highwalls. Because the highwalls were pre-SMCRA, the R645-301-553.500 rules applied. The Division allowed the allowed highwall retention because:

- The amount of available material was insufficient to completely backfill the highwalls.
- The size and type of equipment that could be transported throw the mine was limited.
- Because of the need to keep the portals open until all earthwork was completed, PMC was limited to the amount of backfill they could place against the highwalls.

Findings:

The information provided in the amendment is considered adequate to meet the requirements of the AOC section of the regulations.

BACKFILLING AND GRADING

Regulatory Reference: 30 CFR Sec. 785.15, 817.102, 817.107; R645-301-234, -301-537, -301-552, -301-553, -302-230, -302-231, -302-232, -302-233.

Analysis:

General

The general backfilling and grading requirements include the following:

- Achieve AOC.
- Eliminate highwalls, spoil piles and depressions.
- Achieve a postmining slope that does not exceed either the angle-of-repose of such lesser slope a necessary to achieve a minimum long term static safety factor of 1.3 and prevent slides.
- Minimize erosion and water pollution both on and off site.
- Support the postmining land use.
- Disposal of coal processing waste and underground development waste.
- Cover exposed coal seams, acid- and toxic forming materials.
- Prepare final graded surfaces in a manner that minimizes erosion and provides a surface for replacement of topsoil that will minimize slippage.

Many of the backfilling and grading requirements are address in other sections of the TA. To avoid duplication the Division will not repeat the analysis in this section. The general AOC requirements, highwall elimination and slope stability requirements are addressed in the AOC section of the TA. The Division addressed erosion control and water pollution requirements in the hydrology section of the TA. See the postmining land use section of the TA for those issues

PMC covered all coal seams with a minimum of 4 feet of clean material. PMC either used coal mine waste as backfill against the highwalls or buried the material in place with a minimum of 4 feet of cover. Since the Star Point Mine was an underground operation, no excess spoil was generated. PMC reclaimed all depressions including ponds as part of the backfilling and grading process. Therefore, PMC meet the backfilling and grading requirements.

Findings:

The information provided in the amendment is considered adequate to meet the requirements of the backfilling and grading section of the regulations.

MINE OPENINGS

Regulatory Reference: 30 CFR Sec. 817.13, 817.14, 817.15; R645-301-513, -301-529, -301-551, -301-631, -301-748, -301-765, -301-748.

Analysis:

All portals were sealed with concrete block and backfilled a minimum of 25 feet. Both MSHA and the Division approved the portal closures.

While not technically a mine opening the stope hole was backfilled with noncombustible materials from the bottom to the top and PMC monitored the settling of the fill material at the stope hole. When needed, PMC placed additional material in the stope hole. PMC monitored the stope hole and found area to be stable for past eighteen months. PMC will monitor the site until Phase III bond release. If additional settling should occur the Division will require PMC to fix the problem.

Findings:

The information provided in the bond release application is considered adequate to meet the requirements of this section of the regulations.

ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES

Regulatory Reference: 30 CFR Sec. 701.5, 784.24, 817.150, 817.151; R645-100-200, -301-513, -301-521, -301-527, -301-534, -301-537, -301-732.

Analysis:

Reclamation

PMC reclaimed all roads within the disturbed area boundary with the exception of:

- County Road 290.
- The road used to access Utah Railway's tracks.

PMC reclaimed the roads as part of the general backfilling and grading plan. The specific requirements for road closure are:

- Close the road to traffic.
- Remove all bridges and culverts unless approved as part of a postmining land use.
- Scarify or rip the roadbed and replace topsoil.
- Remove or dispose of road-surfacing material.

PMC closed all roads to traffic before reclamation. None of the reclaimed roads had bridges. PMC removed all culverts associated with the reclaimed roads. PMC used pocking and other techniques breakup the roadbeds to allow water infiltration and root penetration. No topsoil was available because the site was pre-SMCRA so PMC placed growth media on the roads. PMC removed and disposed of all road surfacing materials according to the requirements of the MRP.

Retention

The general requirements for road retention after reclamation are:

- The road was part of the postmining land use.
- The Division classified the road as a primary road.
- The road was located on a stable surface.
- The road was surfaced with materials sufficiently durable for the anticipated volume of traffic and weight and speed of vehicles using the road.
- The road was properly maintained.
- The culverts were designed and installed to sustain the vertical soil pressure and weight of the vehicles using the road.

PMC retained two roads in the disturbed area for the postmining land uses. The first road was County Road 290. Carbon County wanted the road to remain open because it provides access to radio relay towers that are used by the County's emergency response agencies. In addition, the road provides to public and private property on Gentry Mountain. In a letter dated April 7, 2004, the County agreed to take over road maintenance. While the mine was in operation, PMC had an agreement with the County to maintain those section of the road that were in the disturbed area.

PMC left the road that provides access to Utah Railway's tracks. Utah Railway not only uses the road for access to their equipment but ConocoPhillips uses the road for access to natural gas wells in the area. The road is in good condition and on Utah Railway's property.

Findings:

The information provided in the bond release application is considered adequate to meet the requirements of this section of the regulations.

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 784.14, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-301-512, -301-513, -301-514, -301-515, -301-532, -301-533, -301-542, -301-723, -301-724, -301-725, -301-726, -301-728, -301-729, -301-731, -301-733, -301-742, -301-743, -301-750, -301-751, -301-760, -301-761.

Analysis:

Hydrologic Reclamation Plan

PMC provided an introduction in the Phase I bond release application that described the sequence of reclamation. Reclamation began in the spring of 2000, following permanent cessation. In 2000, PMC demolished the conveyor system and preparation plant in the main canyon and removed equipment and machinery from the mine. Demolition, backfilling, re-grading and reseeding took place at the fan portals in Corner Canyon and Mudwater Canyon. In 2001, PMC began reclamation of the No. 1 Mine, the Unit Train Loadout Facility. PMC backfilled, regarded, placed topsoil, prepared topsoil, seeded continued in 2002, and they completed those tasks in 2003. PMC ceased water monitoring at wells and boreholes. PMC transferred the Star Point Refuse Pile and substitute topsoil stockpile areas to Sunnyside Cogeneration Associates.

In the process of dismantling and regrading the disturbed areas, PMC removed all hydrologic structures, which include ditches, berms, culverts and sedimentation ponds. Carbon County required that PMC retain the culverts under the County road. PMC graded the disturbed areas and drainage channels to the approximate original contour (AOC). The site had several steep drainage channels, which PMC stabilized during regrading. PMC used a reinforcement mat to provide a protective barrier in the channels to prevent erosion. During the site visit on May 14, 2004 parts of the matting could be seen, however it was keyed-in so runoff could not get underneath it. The mat appeared to be functioning properly. PMC removed all sedimentation ponds and other impoundments during reclamation. With the exception of Corner Canyon and Mudwater Canyon, PMC pocked all of the disturbed areas to capture overland flow and prevent excessive runoff.

Three water monitoring sites remain active, two surface sites (ST-1 on the North Fork of the Right Fork of Miller Creek and 10-1 in Sage Brush Canyon, and spring 971 until the citizen's complaint is resolved.

PMC transferred Ponds 5, 6 and 9 to SCA in November 2003.

Findings:

The information provided in the bond release application is considered adequate to meet the requirements of this section of the regulations.

MAPS, PLANS, AND CROSS SECTIONS OF RECLAMATION OPERATIONS

Regulatory Reference: 30 CFR Sec. 784.23; R645-301-323, -301-512, -301-521, -301-542, -301-632, -301-731.

Bonded Area Map

The bonded area for the Star Point Mine is the same as the disturbed area. The bonded area changed during reclamation activities because:

- The Division granted Phase III bond release for 11.77 acres that ConocoPhillips used for access to a natural gas well and for a utility corridor. The reason the Division granted Phase III bond release was due to a change in the post-mining land use from grazing/wildlife to industrial. The Division approved Phase III bond release in December 2003. See Map 542.200c. The Division addressed all issues related to the site during Phase III bond release.
- PMC and Sunnyside Cogeneration Associates (SCA) entered into an agreement to transfer the refuse pile area from PMC's permit C/007/0006 to SCA's permit C/007/0042. The Division approved the limited permit transfer in November 2003. SCA operates a power plant that burns low-grade fuels such as coal refuse. SCA needed an additional source of fuel so they purchased the refuse pile from PMC. See Map 542.200c. The Division resolved all issues related to the refuse pile before the transfer.

The bonded area is shown on several maps. Due to the size of the project PMC was not able to show the entire bonded area on one map. The bonded area is shown on Map 542.200a-542.200c.

Reclamation Backfilling And Grading Maps

PMC gave the Division as-built maps and cross sections for the reclaimed areas. Maps 542.200a-542.200c showed the reclaimed areas at a scale of 1" = 200'. PMC also gave the Division Maps 542.200a1-542.200a3 which show most of the reclaimed area at a scale of 1" = 40'. Layne Jensen, a registered professional engineer, certified all the maps.

The maps and cross sections were sufficient for the Division to make findings about the backfilling and grading, and approximate original contour requirements.

Reclamation Facilities Maps

The only facilities that will remain after Phase I bond release are County Road 290, and Utah Railway's Access Road. Those roads are shown on Maps 542.200a-542.200c.

Final Surface Configuration Maps

The final surface configuration maps were discussed in the AOC and backfilling and grading section of the TA. They were also discussed in the reclamation backfilling and grading maps subsection. The maps were adequate for the Division to make findings about backfilling and grading as well as AOC.

Certification Requirements.

All required maps have been certified by a registered professional engineer.

Findings:

The information provided in the bond release application is considered adequate to meet the requirements of this section of the regulations.

BONDING AND INSURANCE REQUIREMENTS

Regulatory Reference: 30 CFR Sec. 800; R645-301-800, et seq.

Analysis:

Determination of Bond Amount

PMC wanted to reduce the bond amount from $7,643,000 to $4,585,800, a 60% reduction which is the maximum amount allowed under R645-301-880.130.

The disturbed area at the Star Point Mine contains 95.3 acres. The Division must retain enough money after Phase I bond release to ensure that they can complete reclamation if PMC fails to do the revegetation or if the revegetation fails and they were unable/unwilling to complete the revegetation program. The per acre amount that the Division would have after Phase I bond release is at least $48,120 per acre. That amount is sufficient to ensure that the revegetation is completed.

Findings:

The information provided in the bond release application is considered adequate to meet the requirements of this section of the regulations.