

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

July 27, 2009

TO: Internal File

THRU: Dave Darby, Lead 

FROM: Ingrid Wieser, Environmental Scientist II *IWW*

RE: Midterm Permit Review, Plateau Mining Corporation, Star Point Mine, C/007/0006, Task ID# 3304

SUMMARY:

On June 4, 2009, the Division notified Plateau Mining Corporation of the commencement of the Midterm Permit Review. The following items were chosen for review:

1. A review of the mine plan to ensure that the requirements of all permit conditions, division orders, notice of violation abatement plans, and permittee initiated plan changes are appropriately incorporated into the mine plan document.
2. A review to ensure that the mine plan has been updated to reflect changes in the Utah Coal Regulatory Program that have occurred subsequent to permit approval (example: compliance with U.S. Fish and Wildlife Department - Colorado River Endangered Fish Recovery Program).
3. A review of the applicable portions of the permit to ensure that the mine plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.
4. An AVS check to insure that Ownership and Control information is current and correct, verify compliance status of unabated enforcement actions, determine status of any outstanding finalized penalties, and verify that there are no demonstrated patterns of violation.

5. A review of the bond to ensure that it is in order and that the cost estimate is accurate and is escalated to the appropriate current-year dollars.
6. A review of the mining and reclamation plan for compliance with operator commitments related to variances or special permit conditions (including but not limited to subsidence control/monitoring plans and reporting requirements, variances to AOC, experimental practices, electronic database water monitoring reporting, raptor surveys, revegetation test plots, etc.).
7. The Division may conduct a technical site visit, in conjunction with the assigned compliance inspector, to document the status and effectiveness of operational, reclamation, and contemporaneous reclamation practices.

A site visit was conducted on July 28, 2009. The Star Point Mine closed and began reclamation operations in 2000. The Division approved Phase I bond release for the Star Point Mine on October 12, 2004 and phase II bond release on July 21, 2008.

No deficiencies were found during the midterm review. The midterm review should be approved.

TECHNICAL ANALYSIS:

PERMIT TERM

Regulatory References: 30 CFR 778.17; R645-301-116.

Analysis:

The Division renewed the permit on January 28, 2007, which will expire on January 28, 2012. There were no special permit conditions related to biology, cultural resources or land use.

Findings:

The information provided is adequate to meet the minimum regulatory requirements for this section.

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

GENERAL

Regulatory Reference: 30 CFR 783.12; R645-301-411, -301-521, -301-721.

Analysis:

The Star Point Mine permit area is 8820.86 acres with 93.7 acres within the disturbed boundary. The mine ceased operations and closed the mine in February of 2000. Reclamation immediately commenced in the mud water and corner Canyon sites, No. 1 mine area, unit train loadout and silo area and the Lion deck area. By 2003, all reclamation activities were complete and subsidence monitoring and infrared photography was discontinued with Division approval. The Division on October 12, 2004 approved phase I bond release for the star point mine. Year 4 vegetation monitoring was completed by MT. Nebo scientific in 2007, and the Division in July of 2008 approved Phase II bond release for the mine. The Division conducted a site visit on July 28, 2009. All reclaimed areas were well vegetated and stable. All areas had well developed shrub species and had little weedy species. No noxious weeds were identified. Year four vegetation monitoring revealed that the sites have exceeded most parameters when compared to the reference area standards.

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Findings:

The information provided is adequate to meet the minimum regulatory requirements for this section.

OPERATION PLAN

VEGETATION

Regulatory Reference: R645-301-330, -301-331, -301-332.

Analysis:

Reclamation studies were conducted beginning in 1980 and are described on page 300-65 of the MRP.

- Native Plants test plots. These test plots were established on the refuse pile, the borrow area, and on the steep fill slope. The plots were monitored until 1986. Results can be found in the corresponding Annual reports.
- Roadside Mulch study plots. The plots were monitored in 1982 and 1983.
- Wildlife Mitigation area: these were monitored between 1982 and 1985.
- Refuse Test plots: this plot was established to study the type, depth and fertility requirements of the refuse material. The study did not yield meaningful data and was discontinued with Division approval in 1986.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

FISH AND WILDLIFE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

Analysis:

Endangered and Threatened Species

The Star Point Mine is closed as of 2000 and does not consume any water. Therefore, there is no depletion affecting the endangered fish of the Colorado River basin.

Findings:

The information provided is adequate to meet the minimum regulatory requirements for this section.

RECLAMATION PLAN

REVEGETATION

Regulatory Reference: 30 CFR Sec. 785.18, 817.111, 817.113, 817.114, 817.116; R645-301-244, -301-353, -301-354, -301-355, -301-356, -302-280, -302-281, -302-282, -302-283, -302-284.

Analysis:

Revegetation: Standards For Success

DWR suggests an alternate density standard in the approved M&RP of 4000 stems per acre for the soil borrow area. The following standards based on the land use are listed on page 3-14 of the approved M&RP:

Grazing and pasture land: the ground cover and production of living plants on the revegetated area will be at least equal to the specified success standards.

Fish and wildlife habitat: the success of revegetation will be determined by tree and shrub stocking and ground cover. The Division, on the basis of local and regional conditions, will approve minimum stocking arrangements. Cover shall not be less than that required to meet the land use.

In January of 2009, the Division conducted a site visit of the reclaimed sagebrush plant communities in the star point mine. The reference area woody species density was over 8000-individuals/ acre, which was a very high standard to meet. The Division, along with Leroy Mead (DWR) and Dr. Pat Collins (Mt. Nebo Scientific) agreed that the standard was too high and probably unachievable. On January 20, 2009, the Division received a letter from DWR stating that a more appropriate density standard would be between 1500 and 2000 individuals per acre. This letter has not been referenced or incorporated into the M&RP. However, the MRP, on page 300-72 already lists a DWR approved density of 2000 individuals per acre.

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Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

RECOMMENDATIONS:

The midterm review is approved.

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