



State of Utah
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
 Governor
 Kathleen Clarke
 Executive Director
 Lowell P. Braxton
 Division Director

1594 West North Temple, Suite 1210
 PO Box 145801
 Salt Lake City, Utah 84114-5801
 801-538-5340
 801-359-3940 (Fax)
 801-538-7223 (TDD)

October 4, 1999

TO: File

THRU: Daron Haddock, Permit Supervisor *DDH*

FROM: Sharon Falvey, Senior Reclamation Specialist *SF*

RE: Division Order 97A, Hiawatha Coal Company, Hiawatha Complex, ACT/007/011-97A2, File #2, Carbon County, Utah

SUMMARY:

This amendment provides information pertinent to the existing facilities at the site and provides changes associated with some contemporaneous reclamation. Further permit applications are expected as the Hiawatha Coal Company proceeds in developing plans for mining.

TECHNICAL ANALYSES:

ENVIRONMENTAL RESOURCE INFORMATION

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

CLIMATOLOGICAL RESOURCE INFORMATION

Regulatory Reference: 30 CFR Sec. 783.18; R645-301-724.

Analysis:

The plan presents climatic information obtained at the town of Hiawatha as reported by the U.S. Department of Commerce in 1973. Hiawatha lies at an elevation of 7,200 feet. Hiawatha has a mean annual temperature of 45.5 °F and a mean annual precipitation of 13.71 inches, according to data from the Western Regional Climate Center station 423896 recorded from 9/11/1921 to 7/31/1992. The town receives its highest precipitation (1.8 inches on average), during the month of August. Extreme daily precipitation has exceeded 2.1 inches at the town of Hiawatha.

The plan should incorporate current climatological data and data summaries for all data collected locally. The Division finds that information presented in the plan is no longer current.

Findings:

Although the plan has been determined to meet minimum regulatory requirements in the past, current climatic information for the area should be used to updated the permit when future permit amendments are submitted.

ALLUVIAL VALLEY FLOORS

Regulatory Reference: 30 CFR Sec. 785.19; R645-302-320.

Analysis:

No Alluvial Valley Floor determination was conducted under this review. It is assumed the Alluvial Valley Floor information in the plan meets the regulatory requirements based on previous mining permit approvals.

Findings:

Findings from previous technical analyses apply.

HYDROLOGIC RESOURCE INFORMATION

Regulatory Reference: 30 CFR Sec. 701.5, 784.14; R645-100-200, -301-724.

Analysis:

Sampling and Analysis.

The plan states that all water samples will be collected and analyzed according to methods in either the current edition of "Standard Methods for the Examination of Water and Waste Water" or the 40 CFR parts 136 and 434. All laboratory analysis will be done by certified laboratories.

Baseline information.

Some information collected for baseline characteristics were obtained following mining since portions of the permit area were mined prior to SMCRA. Information from previously compiled technical analyses was excerpted to compile this TA. Additional information was compiled and updated where appropriate.

Water Rights/Water Use

Historically, a water line from the Mohrland mine portal to Hiawatha supplied water for mining use. The Mohrland pipeline extends for approximately 4 miles along the Utah Railway right-of-way. The water line can carry up to 1,000 gpm. The pipeline was upgraded over 660 ft near Mohrland in 1988, (section R645-301-526, pg. 34, Utility Installation and Support Facilities). After removing the preparation plant, the pipeline was no longer considered a support facility but continued to supply water to

the town, U.S. Fuel, and Miller Creek. Currently Mohrland pipeline flows under the town of Hiawatha, discharges to Miller Creek, and is used for irrigation downstream of the mine site. Additionally, U.S. Fuel is providing water to the BLM from its Mohrland Portal water supply for use as habitat enhancement, section 301-322 General Wildlife Mitigation.

Hiawatha Coal Mine

Water resources used for the Hiawatha mine include diversions to the mine from Miller Creek and discharges from the mine. The ANR Co Inc. holds the right to 91-174, application a4656, diverting 3.3 cfs from the Left Fork of Miller Creek for domestic and mining use. A summary of the water rights associated with the mine are presented in Table 1.

The plan references Certificate of Appropriation No. 2159, associated with the North Fork of Miller Creek Diversion (section 513.600). This water right references the claim to water right 91-174.

Currently an extension, until December 27, 2001, is granted to demonstrate water rights; 91-174, 91-251, 91-316, 93-3524 and 93-3525, meet the proposed use. An additional extension to demonstrate the water rights meet the proposed use may be requested.

Ground-water information.

The spring survey, conducted November 7, 1984, found greater than 75% of the seeps and springs issue from formations above the Blackhawk Formation. More than one half of the inventoried springs issue from the North Horn Formation with flow rates varying from 2 to 8 gpm. Approximately one-fifth of the surveyed springs were located in the Blackhawk Formation and these have low flow rates and minimal associated use (technical analyses attached to the 1985 decision document).

The Hiawatha Mines Complex encountered approximately 100 gpm in 1972 when mining contacted the Bear Canyon Fault (Environmental Assessment, 1985-1990 permit term). Generally the ground water flows to the south and gravity discharge occurs at the Mohrland Portal. Water that was not consumed for culinary and industrial uses at Hiawatha flowed into Cedar Creek.

Ground water consumed by the Hiawatha Coal Processing Plant was approximately 786,000 gallons per day (gpd) while the town utilized approximately 30,000 gpd (technical analyses attached to the 1985 decision document). Ground water intercepted by mining and water diverted from the North Fork of Miller Creek was stored in the Hiawatha No. 2 mine. Four bulkheads constructed in 1951 retain the water in the old workings. Maximum storage is about 120 million gallons with 60 million gallons stored under normal operations.

Table I

Hiawatha Mine Water Rights				
Source	Right Number	Quantity	Priority & period of use	Owner/Use
Left Fork Miller Creek Diversion	91-105 A10735 a4632 cert: 2159	0.7 cfs	8/17/1929 claim referenced to 91-174	ANR Co. Inc., River Gas Corporation, Texaco Exploration and Production Inc., Dominion Reserves/ claim referenced to 91-174.
Underground Tunnel King #1	91-251 A29532 a6961 cert: a1811	0.942 cfs	10/11/57 1/1-12/31	ANR Co. Inc. /Industrial &Municipal.
Underground Tunnel King #1	91-316 a6963 UWC4147 cert:a1812	0.058 cfs	1910 1/1-12/31	ANR Co. Inc. /Industrial &Municipal.
Left Fork Miller Creek Diversion	91-174 A20261 a4656 cert:5294	3.30 cfs up to 101.92 AF	10/14/48 1/1-12/31	ANR Co. Inc. /Industrial &Municipal.
Underground Tunnel King #1	91-322 UWC7236 a8095 cert. a1129	0.152 cfs	9/14/1921 1/1-12/31	ANR Co. Inc. /Industrial &Municipal.
Cedar Creek Diversion	93-3524 A20261 cert. a1713	52.57 AF	4/10/1930 1/1-12/31	ANR Co. Inc. & Intermountain Power /Industrial &Municipal .
Cedar Creek Diversion	93-3525 a6962 cert. a1712	59.51 AF	4/10/1930 10/16-03/14	ANR Co. Inc. /Industrial &Municipal.
Mohrland Mine Seeps and Drains	93-1089	0.446 cfs	1884	United States Fuel Corporation/ Irrigation.

Table 2 summarizes the information provided for baseline information as presented in the Technical Analyses completed for the Hiawatha Mines Complex initial Permit issuance. The information is limited and only comparable for Total Dissolved Solids.

Table 2

Baseline Water Quality					
	Average TDS (mg/l)	TSS (mg/l)	Dissolved Na (mg/l)	Dissolved Cl (mg/l)	pH
In mine water	700				
Surface Water (on the Wasatch Plateau)	400	< 30	<15	<15	7.6-8.1
Miller Creek, Highway 10 junction	3,200				

Surface-water information.

The land use description, section 411.120 pg. 2, describes the flow rates in Miller Creek to vary from 0.1 to 4 cfs and describes the flow rates in Cedar Creek to vary from 0.8 to 4.5 cfs. Streamflow information in table 3 was obtained from the Technical Analyses completed for the Hiawatha Mines Complex initial permit issuance.

Table 3

Streamflow		
Stream	Flow	Region
Miller Creek	Perennial	Below confluence with the North Fork of Miller Creek.
Left Fork of North Fork Miller Creek	Diverted	Underground Storage Reservoir in Hiawatha No. 2 Mine.
Cedar Creek	Perennial	

Baseline Cumulative Impact Area Information.

The Cumulative Impact Area Information (CHIA) was recently completed for the Gentry Mountain Area on September 16, 1998. Information from the Hiawatha Mine was not fully incorporated during that review. As plans for mining change the CHIA will need to be updated.

Modeling.

Water modeling specific to the Hiawatha Mine was not completed in lieu of water monitoring.

Alternative Water Source Information.

Section 301-332, *Anticipated Impacts of Mining*, contains a commitment to mitigate water

resource impacts where significant livestock or wildlife watering sources are diminished. When water rights are determined to need replacement, watering ponds or, troughs and pipelines from alternate water sources would be constructed. Additionally, under the section entitled "Big Game Habitat, the plan states "should any springs or streams be eliminated due to subsidence, U.S. Fuel will immediately notify DOGM for a regulatory agency assessment of the magnitude of the impact. Mitigation will be implemented if necessary." The party currently responsible for mining impacts needs to be referenced in the commitments for water replacement.

Probable Hydrologic Consequences Determination.

In the plan under section R645-301-523, Hiawatha Coal Company intends to open King V and VI portals for underground mining by November 1, 1999. Currently the mining operations consist of selling pond fines, providing maintenance, and conducting reclamation on areas no longer proposed to be used for operations. Therefore, the last technical analyses completed is considered to currently apply for applicable portions under this section.

Findings:

This section was found to be complete and accurate under earlier reviews, however, updated information pertaining to water rights, water use, and water replacement information should be made current. The party presently responsible for mining impacts should be referenced to replace water impacted by mining. Current information should be provided in conjunction with the future proposed mining operation plan.

MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION

Regulatory Reference: 30 CFR Sec. 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

Analysis:

Water Monitoring Location Maps

This map is not being reviewed at this time. It is assumed the baseline monitoring and related information are accurately represented based on previous approvals.

Subsurface Water Resource Maps

This map is not being reviewed at this time. It is assumed the baseline monitoring and related information are accurately represented based on previous approvals.

Surface Water Resource Maps

This map is not being reviewed at this time. It is assumed the baseline surface water resource maps and related information are accurately represented based on previous approvals.

Well Maps

This map is not being reviewed at this time. It is assumed the baseline well resource maps and related information are accurately represented based on previous approvals.

Contour Maps

These maps are not being reviewed at this time. It is assumed the baseline contour maps and related information are accurately represented based on previous approvals.

Findings:

Based on earlier approvals this section is determined complete and accurate.

OPERATION PLAN

SUBSIDENCE CONTROL PLAN

Regulatory Reference: 30 CFR Sec. 784.20, 817.121, 817.122; R645-301-521, -301-525, -301-724.

Analysis:

Subsidence control plan.

Stream Buffer Zones

Room and pillar mining with full or partial extraction is the only mining that has occurred at the Hiawatha mine. Within section 645-301-525, the mine plan discusses pillar extraction of second seam mining inside a perennial stream buffer zone. The plan states that 60 days prior to extracting a second seam within a 20 degree angle of draw from a perennial stream U.S. Fuel shall present a detailed evaluation of the anticipated effects of multiple seam mining on perennial streams to the regulatory authority for review and approval and will be based upon multiple seam mining in similar areas (page 25).

The following effects were noted to have the potential to occur with subsidence within the plan:

1. Surface fractures could contribute to changes in existing water patterns for springs, seeps and streams. Diminution of surface and ground water sources could have an affect on livestock and wildlife water availability.
2. Water resources for 11 springs issuing from the North Horn Formation, in the upper Miller Creek Watershed Section 7, 18, 19, 30 and 31 of Township 15 South Range 8 East combined spring flow was measured as 24 gallons per minute in October of 1983. Three springs issuing from the Castlegate formation are monitored in the forks of Miller Creek.
3. Downstream uses include municipal, industrial, and irrigation. Mining is conducted above the Star Point formation in this location and is upstream of the point of use for these sites. Any water

intercepted in mining will likely seep downward and exit at points along this member.

4. Renewable surface water resources above the mined area include three or four stock watering ponds (R645-301-322). According to the plan no significant subsidence effects have been noted on these resources.

Findings:

Based on previous permit issuance and, the current inactive underground mining status, this section is determined complete and accurate.

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 773.17, 774.13, 784.14, 784.16, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-300-140, -300-141, -300-142, -300-143, -300-144, -300-145, -300-146, -300-147, -300-147, -300-148, -301-512, -301-514, -301-521, -301-531, -301-532, -301-533, -301-536, -301-542, -301-720, -301-731, -301-732, -301-733, -301-742, -301-743, -301-750, -301-761, -301-764.

Analysis:

Ground-water Monitoring.

This information was not reviewed at this time. It is assumed the ground water monitoring and related information are accurately represented based on previous approvals.

Surface-water Monitoring.

This information was not reviewed at this time. It is assumed the surface water monitoring and related information are accurately represented based on previous approvals.

Acid and Toxic-forming Materials.

Hydrocarbons

Section 742.313, states that one 500 gallon unleaded gas tank and one 10,000 gallon diesel fuel tank are located inside a concrete storage structure designed to contain the volume of the tanks. A SPCC plan is on file in the engineering office. These procedures are in-place to minimize damage to the hydrologic balance in and beyond the permit area.

Other acid and toxic waste information was not reviewed this time. It is assumed the acid and toxic waste and related information are accurately represented based on previous approvals.

Transfer of Wells.

Information regarding well transfers were not reviewed at this time. It is assumed the transfer of wells and related information are accurately represented based on previous approvals.

Discharges into an Underground Mine.

The Hiawatha No. 2 mine, abandoned in 1962, has been used as a water storage reservoir for culinary and mining purposes. A water diversion, from the North Fork of Miller Creek, Middle Fork Canyon, to the mine is approved under appropriated water right no 2159. A structural hazard assessment for the Hiawatha No. 2 mine reservoir is presented in Appendix V-2. This reservoir/impoundment is inspected monthly when used for storage. Exhibit V-15, V-16 and V-17. This activity was approved with the initial permit issuance.

Using this structure again, following the present lack of use, may require additional review by the regulatory agencies and testing methods to demonstrate structure reliability.

Gravity Discharges.

Gravity discharge occurs at the Mohrland Portal and is expected to continue to discharge through mining and following reclamation. See: **Gravity Discharges under Reclamation Plan** in this Technical Analyses document.

Water Quality Standards and Effluent Limitations.

A current copy of the UPDES permit UT0023094 is incorporated as Appendix VII-5 in the plan. This permit expires on May 31, 1999. The permit is issued to United States Fuel Company and should be transferred to the current permittee.

Diversions.

Appendix VII-19 is submitted with design calculation for drainages in the Hiawatha Mine permit area. However, the CN's used for some watersheds do not match CN used for a previously approved section in Appendix VII-20. Appendix VII-20 cross-references VII-19 as the CN source (Appendix-19 was incorporated with the previous amendment associated with this division order: the previous CN information was removed during the replacement). At any rate the methods and calculations used to arrive at the CN are not provided.

The applicant indicates the previously approved information did not contain the curve number calculations. When Appendix VII-19 is revised to provide the stream diversions designs the calculations for curve numbers will be submitted.

Roads

The primary haul road from the Middle Fork loading facility to the processing plant is presented on Exhibit VII-18C. The drainage designs are included in Appendix VII-19.

The North Fork road and drainage is shown on drawing V-13E. Appendix VII-19 was amended to include culverts and water bars along the North Fork Road. Stream fords are currently used to cross the North Fork road. Stream fords are prohibited according to 742.422 unless they are specifically approved by the Division as temporary roads used during periods of construction or, if they are not considered a

primary road. The North Fork Road is identified as a primary road. To meet regulatory requirements, the operator provided culvert designs for the road crossings on the North Fork of Miller Creek (Appendix VII-19). The map shows the stream crossings in two locations, both of which are adjacent to the stream location according to the topographic information in Exhibit VII-19. The permittee is completing the information and design associated with the stream crossings in conjunction with the acquisition of their stream alteration permit.

Ditches and Culverts

A Manning's n equal to 0.033 is used to determine ditch design standards or, were otherwise described and adjusted. Velocities over 5 fps were considered erosive. Inspecting for proper channel function will ultimately be determined under field conditions.

Most culverts were sized using 0.024 for the roughness coefficient or the construction material was otherwise described and the roughness coefficient was adjusted. Although the CN's provided were stated to be selected based on soils and vegetation types the methods and calculations to arrive at the CN's were not found.

The permittee has found some drainage ditches/culverts to be inadequately sized and has committed to bring those ditches into design compliance in the field when site conditions allow.

Middle Fork Area

In the South Fork area culvert (57) is abandoned in place (Exhibit VII-18B). This culvert is proposed to be removed during reclamation. The rules state temporary diversions will be removed when no longer needed to achieve the purpose for which they were authorized, R645-301-742.313. Currently the runoff is diverted to DD58 and reports to sedimentation pond. This culvert had continual maintenance problems. It is believed removal during reclamation can meet the intent of the rules as-long-as the plugged culvert does not adversely impact operational drainage flows. The site inspector will be relied upon and may determine the culvert to be a hindrance to the function of the site drainage at any time there is evidence to that effect.

Stream Buffer Zones.

The following is excerpted from the Technical Analyses completed for the initial permit issuance.

Two of the existing sedimentation ponds, the upper coal storage yard pond and the sedimentation pond associated with Slurry pond No. 1, are within 100 feet of Miller Creek, [sic] a perennial stream....data from the surface-water quantity or quality do not indicate that any adverse effects on water quantity or quality are associated with these two ponds...

The permit was determined to be in compliance with regulatory requirement for these locations according to UMC 817.57 Hydrologic Balance: Stream Buffer Zones.

Sediment Control Measures

A summary of the sediment control measures provided at each disturbed area associated with the Hiawatha mine are presented in Table 4. Six small catch basins, associated with sites approved for alternate sediment control areas, are shown on Exhibit VII-18A through VII-18D. Appendix VII-15 presents designs for sediment traps 1, 3, 4 and 6. One ASCM is provided for the truck maintenance yard near the junction of the Middle Fork and South Fork haul road has hydrologic information provided in Appendix VII-11. The associated designs were reviewed and approved previously.

Table 4

Sediment Control Measures and Impoundments				
Location	Sediment Ponds	Impoundments	ASCM	Comments
Middle Fork	Pond D008	Hiawatha No. 2 mine water storage reservoir.		
South Fork	Pond D009 Pond D011	NA	Bathhouse access road and water tank area	
Processing Plant Facilities	Pond D003 Pond D004 Pond D005 Pond D006 Pond D007	Slurry Pond #1^ Slurry Pond#2* Slurry Pond #4* Slurry Pond #5* Slurry Pond #5A	Six small catch basins.	Slurry Pond #1 and #5A are used for sediment control. Pre-SMCRA use of slurry ponds include sewage containment.
North Fork			Revegetated and uses silt fencing.	Information contained in Appendix V-15.

^ currently mining coal waste

* reclamation commenced

Sediment control measures for the proposed borrow areas include a combination of straw bale dikes, silt fencing or sediment ponds. Runoff controls and post mining topography are detailed in Appendix VIII-18. The associated design review and approval were conducted previously.

Sediment Control

Processing Plant

Surface drainage from the yard and the town of Hiawatha is conveyed to Slurry Pond #5A. According to the information under R645-301-527, Utah Railway Company owns and maintains the railroad corridors and yards that are not part of U. S. Fuels disturbed area. A portion of this area does drain to the Slurry Pond 5A. The remaining drainage is not treated. The Hiawatha Coal Processing Plant has a total of five sedimentation ponds according to Table V-7.

North Fork

Vegetation is established in the North Fork Canyon in reclaimed areas. These areas use alternate sediment control measures (ASCM).

Sedimentation Ponds.

Sedimentation pond designs were previously approved, and were not reviewed at this time.

Other Treatment Facilities.

No other treatment facilities were identified in association with this permit.

Exemptions from Siltation Structures.

No exemptions from siltation structures were approved under this permit amendment.

Discharge Structures.

Sedimentation pond discharge structure designs were previously approved and were not reviewed at this time. Sedimentation Pond 005 was determined to have the capacity for a full containment (non-discharging) structure under earlier reviews.

Impoundments.

Three slurry impoundments currently exist in the permit area and are presented on Exhibit V-9. Slurry impoundment #1, Slurry impoundment #4, Slurry impoundment #5, have MSHA #'s 1211-UT-09-0098;-01;-02;-03 respectively. Slurry Pond #3 no longer exists and an embankment from Slurry pond #2 remains which is the base of refuse pile No.2.

Hiawatha Coal Company is actively removing pond fines from slurry impoundment #1. Impoundment #5 is being regraded, topsoiled and reseeded and impoundment # 4 was regraded topsoiled and seeded in fall of 1996. Impoundment 5A, a portion of slurry impoundment #5, is presently used for sediment control.

An underground reservoir in the Hiawatha No. 2 mine in Middle Fork Canyon is considered an MSHA structure. Approvals are presented in Appendix V-2.

Casing and sealing of wells.

All post SMCRA openings were permanently closed by cementing beds from the bottom of the hole to 50 feet above the highest coal bed which is 4 feet or greater in thickness. The collar is plugged with 5 feet of concrete. The same method is proposed to be used for future boreholes unless they are approved for water monitoring (Chapter 5, Section 529).

Findings:

The plan does not meet the requirements of this section. The permittee must provide the following in accordance with:

R645-301-742.422. Additional information demonstrating the requirements for stream crossings are met needs to be provided. Presently the applicant is processing the information and is coordinating the stream crossing design with the stream alteration permit acquisition.

R645-301-711.300. Provide the design elements, methods and calculations used to arrive at the CN used in the runoff calculations. The applicant indicated the previously approved information did not contain the curve number calculations. When Appendix VII-19 is revised to design the stream diversions calculations for curve numbers will be submitted.

MAPS, PLANS, AND CROSS SECTIONS OF MINING OPERATIONS

Regulatory Reference: 30 CFR Sec. 784.23; R645-301-512, -301-521, -301-542, -301-632, -301-731, -302-323.

Analysis:

Monitoring Sampling Location Maps

This map is not being reviewed at this time. It is assumed the baseline monitoring and related information are accurately represented based on previous approvals.

Subsurface Water Resource Maps

This map is not being reviewed at this time. It is assumed the operational monitoring and related information are accurately represented based on previous approvals.

Surface Water Resource Maps

Certifications and north arrows were added to maps and corrections were made. This information is approved. Field verification can be conducted.

Well Maps

This map is not being reviewed at this time. It is assumed the operational well maps and related information are accurately represented based on previous approvals.

Contour Maps

Contour information and corrections were updated. Field verification can be conducted.

Findings:

The plan meets the minimum requirements of this section.

RECLAMATION PLAN

HYDROLOGIC INFORMATION FOR RECLAMATION

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:

Ground-water Monitoring.

This information was not reviewed at this time. It is assumed the ground water monitoring and related information are accurately represented based on previous approvals.

Surface-water Monitoring.

This information was not reviewed at this time. It is assumed the surface water monitoring and related information are accurately represented based on previous approvals.

Acid and Toxic-forming Materials.

The slurry ponds and embankments were sampled and results indicate that Slurry Ponds 1, 3, 4 and 5 have selenium levels which vary from 0.91 to 1.93 ppm. Sample analysis from Slurry Pond 4 show it has a high iron level at 15.8 ppm. and it is slightly acidic. The coal refuse sampled in pond #4 has a 6.8 pH value. Other sample(s) have pH levels from 7.35 to 7.5.

Complete data analyses was not conducted at this time. It is assumed related information is accurately represented based on previous approvals.

Transfer of Wells.

Information pertaining to well transfers related to reclamation was not reviewed at this time. It is assumed the related information is accurately represented based on previous approvals.

Discharges into an Underground Mine.

No discharges into underground mines are approved for the reclamation period.

Gravity Discharges.

Information contained in the Technical Analyses associated with the first permitting action at the Hiawatha mine states:

Generally, mine water flows southerly, away from active mining, and is discharged by gravity flow at the inactive Mohrland portal [sic.] into Cedar Creek.

The Mohrland portal entry was used prior to January 21, 1981 and therefore, the regulatory requirement (R645-303-731.522), preventing any gravity discharge from the mine, does not apply at this entry. Specifics on the controlled discharge were not reviewed associated with the Division Order and a review was not found in the initial TA. This discharge point is regulated under the National Pollutant Discharge Elimination System (NPDES) permit UT-0023094. Future reviews will compare water quality standards and long-term discharge compliance according to the performance standards in the R645 regulations.

Surface openings to the Hiawatha No. 1 mine and King 4 and 5 mines are in a down dip direction to preclude gravity discharges. Although these portals are currently inactive, future operations propose using the King 5 portals for access.

Water Quality Standards and Effluent Limitations.

No specific problems are identified to date, however, TDS and salts have increased in Miller Creek. More extensive data review will be conducted. The Division will compare data to state and federal regulations to determine whether standards are being met under future reviews.

Diversions.

Within the Processing Plant area, railroad and road surfaces not needed for post-mining land use need to be regraded to promote drainage from upstream drainages through down gradient locations. The area north and west of the 24" CMP culvert (34) including the area down gradient of the 36" culvert (6), sedimentation pond 003, and ASCA catch basin 1 are shown to be retained features. Page 5-48 provides a discussion indicating the post mining land use for this area is a historic district and the area will be retained to preserve the railway corridor.

The North Fork stream diversion and pipeline to the King 2 mine portal will be reclaimed using in situ soils (Chapter 2, pg 36). Information contained in Section R645-301-732 and Section R645-301-540, indicate the stream diversion is proposed to be permanent. Some records suggest initial permitting action approved the diversion on the basis that it's retention meets post-mining land use requirements. Currently the North Fork stream diversion is not demonstrated to be needed for post mining land use. Plans for removal must be provided in accordance with R645-301-541.300. Since, this structure has not been shown to be needed for the authorized purpose, it is considered a temporary diversion and needs to be removed in accordance with R645-301-742.313. Approval for the diversion as a permanent structure was stated to be based on the approval included in Appendix V-14, however, no statement approving this as a permanent structure was found in the letter.

The cover letter "3rd Response to Outstanding Deficiencies- Division Order 97A", page 2, references Table V-7. Table V-7 indicates the North Fork Diversion will be retained until it is no longer needed. The applicant stated in the memo that it is possible the Diversion will be needed throughout the life of the mine. At this point the Division can accept the retention of the structure for future use; however, additional pipeline and structure reconfiguration may be necessary to make the diversion functional.

Roads

Appendix VII-19 is amended to include post-mining drainage controls using culverts and water bars along the North Fork Road. Map VII-19 provides the locations for water drainage including waterbars and culverts along the North Fork road. These locations were provided in response to DO 97A. The road existed prior to enactment of SMCRA up to a location near the stream crossing (shown on exhibit VII-18-D). The road currently crosses the stream with gravel fords. The water bars and culverts given for the existing road drainage controls are also proposed for reclamation configuration. Water bar design information is found within Appendix VII-19.

The plan proposes the North Fork road fords will be replaced with culverts at the stream crossings. The map shows the stream crossings in two locations, both of which are adjacent to the stream location according to the topographic information in Exhibit VII-19. Map information is insufficient at this time to reflect actual site conditions. On the existing map it appears as though a section of the stream became diverted along the road rather than being retained in the pre-existing stream channel.

The North Fork, Middle Fork, South Fork and the heavy equipment shop roads to Highway 122 are proposed to remain for post mining land use. Chapter 5, page 5-48 clarifies that any other roads to be reclaimed will be regraded as necessary to promote upstream drainage through down-gradient locations. Assuming these roads meet the needs for post-mining land use the requirements of R645-301-762 will be met specific to regrading reclaimed roads including reshaping to complement the drainage pattern.

Stream Buffer Zones.

According to Chapter 2, **Reclamation Plan-Substitute Topsoil Requirements**, HCC commits to consult with the regulatory authority prior to commencing with soil salvage and access road development through the riparian area if the proposed substitute topsoil area is utilized.

The plan indicates Borrow area B and C will be disturbed within 50 feet of the Miller creek channel. **Approval to disturb the soil in Borrow area B and C, within 100 ft of Miller Creek, will be required under R645-301-731.600 prior to disturbance.**

Sediment Control Measures.

Sediment Control for Topsoil Piles

Topsoil piles will be constructed during site regrading. Topsoil piles are stated to be protected by diverting channelized flows away from the stockpile. However, the locations where topsoil may be temporarily stockpiled during the reclamation period are not known presently. In Chapter 2, page 2-25 and page 2-30 the permit commits to submit designs for diversions around the topsoil stockpiles in the Middle

Fork and South Fork areas prior to stockpiling the materials. Meanwhile, existing topsoil piles are revegetated and have berms and ditches for sediment control measures and are assumed to meet requirements based on earlier approvals.

Siltation Structures.

Sedimentation Ponds and Diversion Structures

After vegetation is established the permit commits to re-grade sediment ponds and diversion structures. The existing sedimentation pond and collector cutoff ditches will remain until successful revegetation is obtained and approved by DOGM for that drainage area. After approval they will be removed, regraded and revegetated (chapter 2, section 234.200). The Middle Fork Pond (RA-24) will utilize the material in the pond embankment for pond reclamation (Chapter 2, pg 36). Sedimentation ponds 011 and 009 (RA-21, Exhibit II-4B) will be also reclaimed using the soil material in the pond embankments (Chapter 2, pg 36).

Information in Chapter 2 no longer conflicts with information presented in Appendix VII-6 for the Middle Fork area: impoundments are proposed to be removed after vegetation establishment. Areas with increased regraded slopes exceeding 2H:1V will be protected by providing erosion control matting. The ASC measures to be employed following pond removal, for locations where the pond is to be retained until vegetation is established, and in the savage truck yard, gravel storage and general ASCA's will be provided by installation of silt fences around the perimeter of the downstream sides and along the restored stream channels in Middle and South Forks during reclamation. In general silt fences alone do not adequately control onsite erosion; however, it is the combination of surface roughening, mulching and vegetation establishment that can result in successful ASC measures. Success of the proposed sediment control measures will be determined under field inspection.

Slurry Impoundments

Slurry ponds #1 and #5A will be regraded. The refuse embankment out slopes will be used to fill and re-grade slurry pond #5. The projected regrading is presented on Exhibit V-13 (A, B, and C) in Chapter V. If coal fines are not available to meet the proposed design, an amendment will be submitted to the division prior to making substantial changes to the regrading plan (Chapter 2, section 234.200 **Regrading refuse materials 1/26/99**).

Other Treatment Facilities During Reclamation.

Currently there are no other treatment facilities at the site. No reclamation requirements are applicable.

Exemptions from Siltation Structures During Reclamation.

No exemptions from siltation structures during reclamation have been requested or granted in this amendment.

Reclamation Discharge Structures.

No discharge structures are proposed to vary from the existing designs from the sedimentation ponds. It is assumed these are complete and accurate based on previous approvals.

Impoundments at Reclamation.

No permanent impoundments are proposed for the post mining land use.

Casing and Sealing of Wells.

Casing and sealing of wells was not reviewed at this time. It is assumed this information is complete and accurate based on previous approvals.

Findings:

The plan does not meet the requirements of this section. The permittee must provide the information as identified in the findings section under Operation Plan.

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.

Analysis:

Final Surface Configuration Maps.

The final surface configuration maps now present the proposed post-mining configuration more clearly.

Findings:

The plan contains the proposed final surface configuration map.

RECOMMENDATION

Some stipulations which remain are presently being processed in coordination with a stream alteration permit acquisition. The changes made to date are recommended for incorporation since, it updates maps reflecting existing field conditions and increases accuracy for site inspections. Specific findings can not be made on portions of the reclamation plan unless a finding is made on postmining land use issues.