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Outgoing C0070011

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From: David Darby
To: mreynolds@etv.net
Date: 1/25/2007 2:21:37 PM
Subject: Water Monitoring Change, Task 2638

Mark,

As per the request I received from Marcy, I am sending you a copy of the Water Monitoring Change deficiencies sent out December 8, 2006.

Dave

CC: Wayne Hedberg

**State of Utah****Department of
Natural Resources**

MICHAEL R. STYLER
Executive Director

**Division of
Oil, Gas & Mining**

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

December 8, 2006

Mark Reynolds, Resident Agent
Hiawatha Coal Company
P.O. Box 1202
Huntington, Utah

Subject: Water Monitoring Change, Hiawatha Coal Company (HCC), Hiawatha Complex, C/007/0011, Outgoing File, Task ID #2638

Dear Mr. Reynolds:

A technical review of the application to Change Water Monitoring Parameters was conducted on September 12, 2006 and November 9, 2006. The information submitted by HCC lacks the reasoning for removing sites, and changing parameters and monitoring frequencies.

The information provided by the Permittee does not explain the status of streams and spring in relation to quality or quantity, if impacts have taken place, or if these sites have potential of being impacted in the future as a result of mining activity. The information should be presented in the MRP so the public can understand why the monitoring sites are to be removed or changed.

The Division denies the proposed changes submitted in Table 7-13. The parameters monitored from this list are usually assessed every five years during the 5-year permit renewal. The Division finds the baseline monitoring necessary to characterization and compare water quantity and quality changes over a five-year period.

The Permittee shall provide reasonable justification to remove any monitoring sites from the mining permit. No monitoring sites should be removed until approval is granted. The Permittee is reminded responsible attempts should be made to monitor the sampling sites as approved. In the event daily conditions prevent access other attempts should be made. All attempts should be documented, stating the date and reason for not gaining access.

The sooner the Division receives a response to these deficiencies, the sooner the Division can make a decision on the amendment.

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Mark Reynolds
December 8, 2006

If you have any questions, please feel free to call David Darby at (801) 538-5341, or Wayne Hedberg at (801) 538-5286.

Sincerely,

D. Wayne Hedberg
Permit Supervisor

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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

November 30, 2006

TO: Internal File

THRU: Wayne Hedberg, Permit Supervisor

FROM: David Darby, Senior Environmental Specialist/Hydrology

RE: Application to Change Water Monitoring Parameters, Hiawatha Complex, Hiawatha Coal Company, C/007/0011, Task ID #2638

SUMMARY:

The Division received a request from Hiawatha Coal Company (HCC) on September 12, 2006 to discontinue some water monitoring sites, and to modify the monitoring frequency and parameter sampling on other sites. The information was found to be insufficient to explain the reasons changing the monitoring plan, or how resources will be evaluated and protected.

HCC resubmitted an updated request on November 9, 2006. The Permittee points out that the Hiawatha underground mines have been inactive since U.S. Fuel Company stopped mining in 1993. Except for some of the UPDES sites, the operational water monitoring plan established by U.S. Fuel Company has been followed since HCC took over the mine. The data produced from monitoring has been submitted to the Division as required, and now resides in the DOGM Coal Database. The Permittee states that the data should be sufficient to depict the surface and ground water characteristics of the monitoring sites during the inactive mining phase. HCC is currently extracting refuse coal from some of the old slurry ponds for processing. The changes to the water monitoring plan will not conflict with monitoring the surface mining activities.

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TECHNICAL ANALYSIS:

OPERATION PLAN

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:

General

HCC submitted changes to their water monitoring plan. The Hiawatha underground mine has been inactive for the past 12 years. HCC feels they have sufficient water monitoring data to reflect the hydrologic conditions at the minesite. When the mines reopen, HCC states they will reevaluate the water monitoring plans.

Surface-Water Monitoring

HCC's proposed water monitoring plan is shown in Table 7-17. The amendment proposes to terminate, surface water sites ST-1, ST-2, ST-2B in the Right Fork of Miller Creek, spring SP-5, on the ridge of the Right Fork of Cedar Creek, and spring SP-11 on the ridge above the Left Fork of the Right Fork of Miller Creek. The Permittee proposes to delete the monitoring sites because "enough data has been collected to determine water quality". The information provided by the Permittee does not explain the status of streams and spring in relation to quality or quantity, if impacts have taken place, or if these sites have potential of being impacted in the future as a result of mining activity. The information should be presented in the MRP so the public can understand why the monitoring sites are to be removed.

The Permittee plans to change the monitoring frequency at several stream sites, as shown in Table 7-7. The reduced operational monitoring schedule will take place on a quarterly basis, in March, May, August and October. The Permittee is reminded responsible attempts should be made to monitor the sampling sites during the quarter. In the event daily conditions prevent access other attempts should be made. All attempts should be documented, stating the date and reason for not gaining access.

The proposed operational groundwater monitoring parameters are listed in Table 7-12.

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The list identifies flow, pH, specific conductance, temperature, total iron and total manganese will be monitored. A new operational surface water parameter list is shown in Table 7-16. It shows that flow, pH, specific conductance, temperature, total iron and total manganese will be monitored. These changes are acceptable, because of the amount of background data.

The Permittee proposes changes in Table 7-15, the Baseline Spring and Stream Monitoring list. The parameters monitored from this list are usually assessed every five years during the 5-year permit renewal. HCC has submitted substantial baseline monitoring information to the Division, which includes the sites listed in Table 7-17, as well as other sites that have been retired. The monitoring information is available in the DOGM Water Quality Database (<http://linux1.ogm.utah.gov/cgi-bin/appx-ogm.cgi>). The Division finds the baseline monitoring list necessary to characterization and compare water quantity and quality changes over a five-year period. The Division denies the proposed changes submitted in Table 7-13.

The proposed monitoring frequencies for UPDES sites are shown in Table 7-17. The parameter list for all UPDES sites are listed in Table 13. Sites D001 (Mohrland Portal) and D002 (Hiawatha Pipeline) have an extensive history of flow and quality. HCC has established a good history of water quantity and quality data. UPDES sites D003 through D0013 were reactivated after a 5-year permit renewal review found they were not being monitored. The sites are the discharge points for the sedimentation ponds, collecting runoff from the portal areas in the canyons. The ponds are built for total containment and have never discharged.

Findings:

Information provided in the amendment does not meet the minimum Hydrologic Information Plan for the Operational Section of the Regulations.

R645-321-121.200, The information provided by the Permittee does not explain the status of streams and spring in relation to quality or quantity, if impacts have taken place, or if these sites have potential of being impacted in the future as a result of mining activity. The information should be presented in the MRP so the public can understand why the monitoring sites are to be removed.

R645-301-724-500, The Division finds the baseline monitoring plan necessary to characterization and compare water quantity and quality changes over a five-year period. The Division denies the proposed changes submitted in Table 7-13 unless the Permittee can provide reasonable justification to stop monitoring any of the parameters, and how future water quality trends will be assessed.

MAPS, PLANS, AND CROSS SECTIONS OF RECLAMATION OPERATIONS

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

Analysis:

Monitoring and Sampling Location Maps

HCC submitted an updated map, Plate 7-1, of the water monitoring sites. The map depicts the topography, mine permit area, mines, roads, springs streams, grids, faults, fee property, lease property, drill holes, spring monitoring sites, stream monitoring sites and UPDES sites. All monitoring sites identified in Table 7-17 are shown on Plate 7-1.

Findings:

Information provided in the amendment meets the minimum regulatory requirements of the Maps, Plans, and Cross Sections of Reclamation Operations section of the regulations.

RECOMMENDATIONS:

This amendment is not recommended for approval. The Permittee shall provide reasonable justification to remove any monitoring sites from the mining permit. No monitoring sites should be removed, frequencies altered or parameters changed until approval is granted.

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