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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

June 3, 2010

TO: Internal File

THRU: James D. Smith, Team Lead *1007 for*

FROM: Priscilla Burton, CPSSc, Environmental Scientist III. *PWB by sas*

RE: Lila Canyon Design Changes, UtahAmerican Energy Inc., Horse Canyon Mine, C/007/0013, Task #3541

SUMMARY:

Based on my review of the soils information provided, the application is recommended for approval.

The Topsoil and Movement Construction Record provided with the 2009 annual report records 20.29 acres disturbed to date and 13.54 acres to be disturbed during the next phase of construction.

The topsoil stockpile was hydroseeded and cryptogams were applied with hydromulch on March 31, 2010 (see Inspection Report #2317).

The waste rock analysis included in Appendix 6-2 is reported in the correct units.

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OPERATION PLAN

TOPSOIL AND SUBSOIL

Regulatory Reference: 30 CFR Sec. 817.22; R645-301-230.

Analysis:

Plate 5-2 presents the final site development plan, but does not reflect the present interim site conditions. There will be two phases of topsoil removal (Section R645-301-232.600). The first phase was completed in 2009. The "Topsoil and Movement and Construction Record" for December 2008 – February 2009 was included in the 2009 Annual Report. The report indicates that as of Feb 2009, 40,000 cu yds had been placed in the topsoil stockpile. The report also provides a figure dated February 2010 showing the projected and current disturbed area boundary. Areas of Phase 2 topsoil and subsoil salvage will occur within the are between the projected and current disturbed area boundaries and includes areas around the truck loop, the bathhouse and office, the warehouse storage yard and coal stockpiles. A calculation of the number of acres remaining to be salvaged in Phase 2 construction was tallied on the plate included in the report. The Topsoil and Movement Construction Record provided with the 2009 annual report records 20.29 acres disturbed to date and 13.54 acres to be disturbed during the next phase of construction.

The north side of the topsoil pile was roughened in the spring of 2009. In accordance with the extension to the abatement plan (2010 Outgoing document 0011.pdf), fresh cryptogams were collected and added to slurry of mulch and seed applied to the topsoil stockpile (north, east and west sides only) on March 31, 2009 (see Inspection Report #2317). The pile was seeded with the mix in Table 3-4 (Section 231.400). Table 3-4 is a mix of native grasses, forbs and shrubs. Further additions to the pile will occur to the south end of the pile.

Findings:

The information provided meets the requirements of the soil handling regulations.

SPOIL AND WASTE MATERIALS

Regulatory Reference: 30 CFR Sec. 701.5, 784.19, 784.25, 817.71, 817.72, 817.73, 817.74, 817.81, 817.83, 817.84, 817.87, 817.89; R645-100-200, -301-210, -301-211, -301-212, -301-412, -301-512, -301-513, -301-514, -301-521, -301-526, -301-528, -301-535, -301-536, -301-542, -301-553, -301-745, -301-746, -301-747.

Analysis:

Refuse Piles

The chemical analysis of the rock slope material is provided in Appendix 6-2 for the following sampling dates: 4/24/2009, 7/20/2009, 10/28/2009, 1/15/2010. (Information received from the 10/28/2009 analysis includes the % sulfur and the calculated acid potential in Tons CaCO₃.)

Findings:

The information provided meets the requirements of the acid/toxic identification requirements.

RECOMMENDATIONS:

The application is recommended for approval.