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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

December 6, 2010

TO: Internal File

THRU: Jim Smith, Permit Supervisor *JS 8 Dec 2010*

FROM: Priscilla Burton, Environmental Scientist III, Soils. *PWB by SAS*

RE: Lila Ventilation Breakouts, Utah American Energy Inc., Horse Canyon Mine, C/007/0013, Task #3669

SUMMARY:

The November 9, 2010 amendment to the MRP describes placing the fan in the #0 portal and constructing five ventilation breakouts: two to the northwest, and three to the south east of the original location, all at an elevation of 6375 ft. The break out locations can be described as narrow benches on an overall slope of 75% or 1.25h : 1v. Mine waste will be disposed of inside the mine. The Division is authorized to grant this exception to topsoil removal under adverse conditions due to slope (R645-301-232.710), however the information provided does not meet the requirements of the Utah Coal Mining Rules. Prior to approval, please provide the following, in accordance with:

R645-301-122.200, Information on revised page 10 states that soil from the ventilation breakouts will be stored in small berms at the edge of the area to be disturbed and will be protected by seeding, for eventual use in reclamation (Section 232.100). However, information provided on revised pages 15 and 16 has deleted reference to use of equipment to form topsoil berms and states that no topsoil will be salvaged. Please correct this inconsistency in the MRP.

R645-301-244.100 and R645-301-532.100, Include in the operation plan the seeding of the ASCA areas disturbed by the breakout to be treated by a silt fence.

R645-301-541.100, Include a plan for final closure of the ventilation portals.

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SOILS RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.21; 30 CFR 817.22; 30 CFR 817.200(c); 30 CFR 823; R645-301-220; R645-301-411.

Analysis:

The November 9, 2010 amendment to the MRP describes placing the fan in the #0 portal and constructing five ventilation breakouts: two to the northwest, and three to the south east of the original location, all at an elevation of 6375 ft. The break out locations can be described as narrow benches on an overall slope of 75% or 1.25h : 1v.

Soil Identification and Description, and Productivity

Daniel Larsen, a Professional Soil Scientist with Environmental Industrial Services (E.I.S.) conducted an Order I soil survey of the disturbed area in August of 1998. Sample sites LC 11 and LC 12 that were taken from a bench location at the same elevation above the facilities pad. Sample sites are shown on Plate 2-3. The new locations of the ventilation portals are similarly situated, shown on Plate 5-2.

Appendix E of Appendix 2-3 includes photographs of soil sampling sites LC11 and LC12. The escarpment is mapped as RBT, Rockland-Travessilla Complex. Sample sites LC 11 and LC12 have 5- 6 inches of topsoil and an overall depth of 16 – 28 inches over a sandstone rock layer. (App. D of Appendix 2-3). The soils are suitable for salvage if they were accessible (Appendix C of Appendix 2-3).

Findings:

The information provided meets the environmental soils resource information requirements of the R645- Coal Rules.

OPERATION PLAN

TOPSOIL AND SUBSOIL

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

Analysis:

This ventilation breakouts amendment (Task 669) revises pages 3, 10, 15, & 16 of Chapter 2.

Soils will be removed from all disturbed areas including stony areas to a depth of eighteen inches or to shale (Sections 232.100 and 232.300) with the following exceptions (Section 232.700):

- The RBL and RBT soils on steep rocky slopes within the disturbed area below and between the conveyor and coal storage pile (approximate acreage requested).
- The two bents to be constructed for the conveyor.
- The area of topsoil storage (topsoil will be removed from the access road to and around the topsoil pile, but not from beneath the topsoil pile (Section 232.100).

Information on revised page 10 states that soil from the ventilation breakouts will be stored in small berms at the edge of the area to be disturbed and will be protected by seeding, for eventual use in reclamation (Section 232.100). However, information provided on revised pages 15 and 16 has deleted reference to use of equipment to form topsoil berms and states that no topsoil will be salvaged. Revised page 59 of Appendix 7-4 indicates that the ventilation breakouts will have a silt fence located along the disturbed area boundary to treat run off from the slope and revised page 75 (Section 742.200) states that "berms and silt fences will be used at the ventilation breakouts." The Division is authorized to grant this exception to topsoil removal under adverse conditions due to slope (R645-301-232.710). However, the plan of operation is not clear.

Findings:

The Division is authorized to grant this exception to topsoil removal under adverse conditions due to slope (R645-301-232.710), however the information provided does not meet the requirements of the Utah Coal Mining Rules. Prior to approval, please provide the following, in accordance with:

R645-301-122.200, Information on revised page 10 states that soil from the ventilation breakouts will be stored in small berms at the edge of the area to be disturbed and will be protected by seeding, for eventual use in reclamation (Section 232.100). However, information provided on revised pages 15 and 16 has deleted reference to use of equipment to form topsoil berms and states that no topsoil will be salvaged. Please correct this inconsistency in the MRP.

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RECLAMATION PLAN

STABILIZATION OF SURFACE AREAS

Regulatory Reference: 30 CFR Sec. 817.95; R645-301-244.

Analysis:

The area disturbed for the ventilation portals must be stabilized during operations and reclaimed in accordance with Revised page 64 (Section 553.120) has eliminated reference to reclamation of the five ventilation portals.

Findings:

Information provided does not meet the requirements of the Regulations with regard to stabilization of the soil surface. Prior to approval, please provide the following, in accordance with:

R645-301-244.100 and R645-301-532.100, Include in the operation plan the seeding of the ASCA areas disturbed by the breakout to be treated by a silt fence.

R645-301-541.100, Include a plan for final closure of the ventilation portals.

RECOMMENDATIONS:

The application is not recommended for approval at this time.