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# TECHNICAL MEMORANDUM

## Utah Coal Regulatory Program

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May 18, 2011

TO: Internal File

THRU: James D. Smith, Team Lead *JDS 05/23/2011*

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

RE: Update to Plate 5-2, Utah American Energy Inc., Horse Canyon Mine, C/007/0013, Task #3815

### SUMMARY:

Based on my review of the soils information provided, the application is not recommended for approval.

The Topsoil and Movement Construction Record provided with the 2009 annual report records 20.29 acres disturbed and illustrates those locations on a map. The 2009 report further states that an additional 13.54 acres are to be disturbed during the next phase of construction. The 2010 annual report indicates that no further topsoil salvage occurred. The map presented with the 2009 report map and the existing Plate 5-2 both show the location of the proposed "cat trail" in an area of undisturbed ground.

**R645-301-232**, The map presented with the 2009 report map and the existing Plate 5-2 both show the location of the proposed "cat trail" in an area of undisturbed ground. This undisturbed area must be correctly identified on Plate 5-2 and have topsoil salvaged prior to disturbance by a cat trail. (Pete Hess recalls that topsoil was salvaged from the area to the north in 2010. I recall that the topsoil and subsoil was cut from the area to the east for the construction of bent structures in 2010.) If the area has already had topsoil salvaged, please review soil salvage records and provide an update to the 2009 annual report Table of Volumes for soils salvaged during 2010 and include a revision of the Topsoil Removal Map.

**R645-301-521.141**, The 2010 annual report indicates that no further topsoil salvage occurred beyond that reported in Feb 2010 ( provided with the 2009 annual report) , therefore all revisions of Plate 5-2 needs to continue to show all undisturbed areas within the permit boundary in the legend and on the plate.

**TECHNICAL ANALYSIS:**

**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 area 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 map presented with the 2009 report map and the existing Plate 5-2 both show the location of the proposed "cat trail" in an area of undisturbed ground. This undisturbed area must be correctly identified on Plate 5-2 and have topsoil salvage prior to disturbance by a cat trail. Pete Hess recalls that topsoil was salvaged from the area to the north in 2010. I recall that the topsoil and subsoil was cut from the area to the east for the construction of bent structures in 2010. However, the 2010 annual report indicates that no further topsoil salvage occurred beyond that reported in Feb 2010 ( provided with the 2009 annual report). Please review soil salvage records and provide an update to the 2009 annual report Table of Volumes for soils salvaged during 2010 and include a revision of the Topsoil Removal Map. Plate 5-2 needs to continue to show the undisturbed areas in the legend and on the plate.

**Findings:**

The information provided does not meet the requirement of the soil handling regulations. Prior to approval, please provide the following:

**R645-301-232**, The map presented with the 2009 report map and the existing Plate 5-2 both show the location of the proposed "cat trail" in an area of undisturbed ground. This undisturbed area must be correctly identified on Plate 5-2 and have topsoil salvaged prior to disturbance by a cat trail. (Pete Hess recalls that topsoil was salvaged from the area to the north in 2010. I recall that the topsoil and subsoil was cut from the area to the east for the construction of bent structures in 2010.) If the area has already had topsoil salvaged, please review soil salvage records and provide an update to the 2009 annual report Table of Volumes for soils salvaged during 2010 and include a revision of the Topsoil Removal Map.

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**RECOMMENDATIONS:**

The application is not recommended for approval.